

BUILDING BETTER BOARDS

An Opportunity for Education

NEIL CARMICHAEL MP | GERARD KELLY | LIBBY NICHOLAS | EDWARD WILD

PREFACE BY THE LORD NASH



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Preface

The Lord Nash, Parliamentary Under-Secretary for Education

Education Governance has been a long-standing personal interest and one which Neil Carmichael has championed since his election in 2010. His first report with co-author, Edward Wild, sought to bring wider attention to some of the challenges in governance which changes to education policy would raise and provided a series of proposals for debate and discussion.

The subsequent formation of the APPG for Education Governance and Leadership and the work of the National Governors' Association have both ensured that education governance has remained high on the education policy agenda.

This new report reflects not only on what has been achieved but offers ideas on how governance will need to evolve in the decade ahead. As the title makes clear, strong governance is essential to improving standards and key to achieving strong governance is having people with the right skills for the role. People who can understand the performance data and ask the right questions when holding the head to account. As we move towards an increasingly school-led system, effective governance has never been more important.

I look forward to working with the authors and all who have supported this project and welcome this contribution to the debate.

Introduction

The publication of the first Wild Search report: ‘Who Governs the Governors?’ (2011) highlighted the crucial importance of governing bodies and the widespread interest across the educational and political spectrums in ensuring that boards work better. That report sought to assess how the roles and responsibilities of governors need to adapt to a changing educational and political landscape. It concluded that schools should offer ways, collectively or individually, to develop and enhance the quality of governance. This should include a focus on improving the experience for governors, as they make a substantial and largely unacknowledged contribution to the UK’s education system. The report raised questions that remain pertinent today, all the more so with the growth of multi-academy trusts and the growth of free schools. It also led to the formation of the All Party Parliamentary Group for Education Governance and Leadership.

As we reflect on the last Government’s education policies over the past five years, we will consider the impact of the Education Act 2011 and what the future of education policy is for the first Conservative majority government in Britain in 18 years. The Conservative-Liberal Democrat Coalition committed to widening choice, expanding the academies programme, the creation of free schools and reducing the role of local authorities in administration and influence over schools. (This commitment, and the implementation of the 2011 Act, presents many opportunities to improve prospects for all concerned with the UK education system: teachers, pupils and parents).

At the same time, the removal of Local Education Authorities (LEAs) coupled with changes to the inspection role of Ofsted created potential risks and challenges. These changes placed new powers in the hands of school governors and made their role more important than at any time since the 1944 Education Act.

How boards should be structured and how they address the needs of parents, staff and pupils was a critical aspect of the 2011 Act. Section 38, which refers to the constitution of the governing body, has seen a number of changes since the original draft of the Bill.

Our report, ‘Who Governs the Governors?’ was underpinned and informed by a series of meetings and interviews with heads, chairs and chief executives of education providers and institutions. The importance of having a broad, skills-based board was highlighted and it was suggested that number limitations and remuneration be considered.

It is our contention that the importance of governing bodies in addressing the challenges facing schools will be greater than ever before as the new Conservative administration gathers momentum and power is devolved.

This report's aims are two-fold – both to assess how schools should be governed and how they can secure the highest possible standard of governors to ensure that they provide the oversight and strategic direction to see schools through the rapidly changing environment.

The issues addressed in the first report also sparked a debate in *The Times*, 'Should school governors be paid?',¹ in which Edward Wild championed the remuneration for school boards.

In line with our previous recommendations, Sir Michael Wilshaw, Her Majesty's Chief Inspector of Education, Children's Services and Skills since January 2012, has proposed that paying at least one member of a school board could improve performance and has discussed the introduction of more levels of accountability of schools.

In this report, the third in our education series, we seek to address how improvements to governance can be a critical element in ensuring rising standards and improving the quality of education. We hope that it will stimulate discussion, demonstrate the importance and appeal of serving on governing bodies and encourage schools to consider the fundamental challenges of structure, purpose and effectiveness of governing bodies.

We are pleased to welcome contributions from Gerard Kelly and Libby Nicholas to this report. Gerard's article argues the importance of communications in governance and Libby Nicholas's article focuses on governance in multi-academy trusts. We regard both of these as key areas to consider in order to strengthen governance in the years ahead and, in so doing, to improve the overall quality of education.

Neil Carmichael MP and Edward Wild
Westminster, October 2015

Historical Context

Forster's Elementary Education Act – 1870

“The school board may from time to time remove all or any of such managers and within the limits allowed by section add to or diminish the number of or otherwise alter the constitution or powers of any body of managers appointed by them, consisting of not less than three persons.”²

The first piece of legislation specifically to address education in Britain was championed by the Liberal MP, William Forster. The Act set out the provisions for a truly national education policy. In 1869, the National Education League began to campaign for free, mandatory education for all children. Importantly, the League called for schools to be secular. Schools maintained by religious societies had been a central part of the British education system, but there was serious debate as to what extent the public purse should fund a school with vested religious interests.

As such, the provisions of the Act established a system of ‘school boards’ for secular schools, helping to mitigate overt religious influences. Voluntary schools were allowed to continue unchanged. In this way, the establishment of school boards for state-funded schools would pave the way for the beginnings of the modern board of governors.

The Bill drafted by Forster met many, if not all, of the League’s demands. The argument that an educated workforce was key to maintaining Britain’s industrial and manufacturing edge resonated with parliamentarians. The 1870 Act provided inclusive education for all 5-13 year olds in England and Wales. The birth of ‘school boards’ was an important outcome. For schools funded by the state, locally elected boards oversaw the building and management of schools in areas in which they were needed. The bodies drew their funding from local taxation.

“The school board may, if they think fit, from time to time delegate any of their powers under this Act except the power of raising money, and in particular may delegate the control and management of any school provided by them, with or without any conditions or restrictions, to a body of managers appointed by them, consisting of not less than three persons”.³

Education Act 1944

As the Second World War entered its penultimate year, the House of Commons began to consider plans for post-war secondary education. Led by Education Minister R.A. Butler, the Act provided free secondary education for all pupils. Furthermore, Local Education Authorities were required to submit proposals to the new Department for Education for reorganising secondary schooling in their area.

Most LEAs aimed to establish the three main ‘streams’, or categories, of school – grammar, secondary modern and technical. The school leaving age was raised to fifteen, although the Act’s intention that it should in fact be sixteen would not be implemented for more than 25 years.

At the second reading of the Bill, on 19th January 1944, Captain Cobb, the Member for Preston, recognised the evolving role of governing bodies. He stated that he “should infinitely prefer that... boarding schools should not be administered by local authorities” but “rather by independent governing bodies and be financed direct by a Ministry of Education”.⁴

1988 Education Reform Act

The Act of 1988 was both radical and iconic. It introduced some of what we now regard as the most instantly recognisable features of our education system, including the National Curriculum and ‘Key Stages’.

Led by the Secretary of State for Education and Science, Kenneth Baker, the provisions of the 1988 Act were in sharp contrast with Butler’s 1944 Act. Baker’s Act allowed primary and secondary schools to remove themselves from Local Education Authority control and instead receive funding from central government.

Furthermore, schools were granted the right to transfer control of their financial affairs from LEAs to headteachers and governors. During the second reading of the Bill, the Secretary of State declared its purpose was to “secure delegation and to widen choice”.

“We want to see more decision making in the hands of individual schools and colleges. When governing bodies and heads control their own budgets, decisions will be taken at a local level. Schools and colleges will be free to make their own decisions on spending priorities and to develop in their own way”.⁵

“Grant-maintained schools will give parents and governors a new opportunity, should they wish to take it, to run their schools themselves. Grant-maintained schools and local authority-maintained schools will be subject to less control, not more. They will have more freedom, not less”.⁶

To find out more about the 1988 Education Reform Act, please see the Wild ReSearch publication ‘Standards, Freedom, Choice: Essays to Commemorate the 25th Anniversary of the 1988 Education Reform Act’ (2013). Please contact: info@wildsearch.org

Education Act 2011

The Education Act 2011 was the first major piece of education legislation passed by the Conservative-Liberal Democrat Coalition Government, with Michael Gove as Education Secretary.

The Act revolved around four main themes: “good behaviour and discipline, sharper accountability, freeing up professionals and using resources fairly”.⁷

The legislation was wide-ranging. Changes it implemented included: investing teachers with greater authority to enforce discipline, including extended powers to search pupils; re-focusing Ofsted around four key areas – pupil achievement, quality of teaching, leadership and management and behaviour and safety; new powers to tackle failing schools, including further powers for the Secretary of State to close them; and “providing the power to create an entitlement to free early years provision for disadvantaged two year olds”.⁸

It also built upon the Academies Act of 2010 by permitting more schools, including special schools and sixth forms, to become academies and enabling new free schools to be established “in communities where there is demand from local parents for a good, new school”.⁹

Relating specifically to governance, Section 38 of the Education Act gave instruction for the constitution of a school governing body:

“(1A) Regulations must provide for a governing body of a maintained school in England to consist of

- (a) persons elected or appointed as parent governors,**
- (b) the head teacher of the school,**
- (c) a person elected as a staff governor,**
- (d) a person appointed as a local authority governor,**
- (e) in the case of a foundation school, a foundation special school or a voluntary school, persons appointed as foundation governors or partnership governors, and**
- (f) such other persons as may be prescribed.”¹⁰**

Current Models of Governance

The success of pioneering multi-academy trusts, such as AET, Ark, the Harris Federation, Oasis and Ormiston, demonstrates that the independence to introduce strategies suited to individual school circumstances can allow for rapid and often dramatic improvement in failing schools.

Away from local authority control, the benefits of economies of scale can be achieved by schools working in federation, as outlined in the Policy Exchange report, ‘Blocking the Best – Obstacles to new independent schools’.¹¹

The academy movement has seen an increasing number of “multi-academy sponsors” – central institutions that take on administrative functions and leave their individual schools to educate. Like local authorities, these have the advantages of scale, but without being a geographical monopoly. Other school providers can compete and costs are lowered.

Just as federation and partnership models are being developed for teaching, we see a powerful case for applying this model to school governance as a way in which accountability can be increased and the calibre of governors improved at the same time. Giving boards a wider responsibility will also appeal to potential candidates who might serve on such boards.

It will be crucial with the emergence of greater numbers of academies and free schools, where governors will have even greater responsibilities, that skills are maximised. Governor training is an example of best practice that should be provided where feasible and costs allow.

Board Models and Composition

Growing autonomy for schools will force governors to take on more responsibility and an increasingly strategic role. Adjusting to this could initially place them under even greater strain.

Purpose

Arranging a board of governors with a diversity of skills will only work if they also have a clear sense of purpose.

We suggest that the corporate model of executive and non-executive members sitting together on boards would be a good one for school governing bodies to consider emulating, not least in larger academies and federations. The governors seem best placed to formulate a strategy for arriving at a given objective. However, it is our belief that often they do not have enough educational experience to know best how to achieve this vision, so the strategic plan must be effectively drawn up through consultation with the headteacher and leadership team.

This model will enable the best relationship possible between a headteacher and the board and encourage shared responsibility for shared decisions.

Sir Michael Wilshaw was appointed Her Majesty's Chief Inspector of Education, Children's Services and Skills in 2012. On 28th November 2011 he delivered a lecture at ARK Schools titled 'Great schools for all: an impossible dream?' in which he claimed:

“Headteachers must be what the title implies – leaders of teaching. They are not head managers or head administrators. Good management supports good teaching, not the other way round. Ofsted will expect to see good monitoring and professional development programmes in place which support good teaching and learning. It should also see formal reports from the headteacher to the governing board which summarise collective and individual teacher performance.”¹²

In September 2012, changes were brought in to make teachers more accountable to their headteachers.¹³ Alongside this, it must be ensured that headteachers are accountable to the governing board, so that underperforming ones are not left in place.

Board Numbers

The ‘2011 Eversheds Board Report’ revealed that the vast majority of corporate board directors agreed that size was a major factor in the overall efficiency of the board in making strategic and effective decisions. We believe that this serves as a useful comparison when analysing the structure and relative efficiency of school governing bodies.

School governing bodies number anything from 6 to 30. However, it was the widespread view of those we interviewed that **15 should be the upper limit and that boards should have 12 as a target number**. This would focus the chair and nominations committee, ensuring healthy competition and seeking to appoint candidates with broad and varied skills.

We would suggest that large numbers of governors are not necessary even at ‘cluster’ schools, or for those who act on behalf of a group of schools. Greater size does not necessarily entail greater strategic success or efficiency; indeed the trend would suggest the opposite. **A reduction in board numbers could increase competition and interest and thus improve the overall quality of those serving as governors.**

The Role of Chair

There can be no doubt that in the changing political and educational landscape, with the devolution of responsibility to individual schools or federations, the role of chair has become more important than ever before.

The role of the chair on any board is fundamental to the board’s success. An effective chair will enable constructive, strategic thinking.

We regard having a strong chair and appropriate succession planning as vital to ensure that schools manage risk and secure further and necessary improvements during the years ahead.

The relationship between chairs and parents will also be an increasingly important one. Parents may be less represented on boards in the future and may therefore seek reassurance that schools are effectively managed.

Duration of Service

Many governing bodies will have fixed terms for members, with the potential for renewing for a further term or two. Schools may consider that this enables them to refresh the boards, whilst retaining continuity of knowledge.

Whilst there are benefits of continuity and institutional knowledge, we would **recommend a maximum term of nine years, with three year terms having the potential to be extended twice.** This would ensure that succession planning for both chair and board members is fresh and vibrant and that a sense of immediacy and focus is enhanced in meetings.

Comparisons with membership and trade bodies may be made. Many such organisations have an annual or bi-annual elections of president or chairman with office holders spending one or two years in the most senior position.

Time commitment

The time commitment given by governors will vary significantly. With fewer governors there may well be a greater demand on individual commitment.

It should be considered whether more flexibility for the timing of meetings would be appropriate. Although there are no immediate plans to review the school year, many schools are increasingly seeking to remain active and strategically focussed throughout the calendar year.

The practice of confining governors' meetings to term time should be reviewed and opportunities for board away days – already part of the programme for some schools – could become more widespread as smaller, more focussed boards develop their full operational potential.

Breadth of Skills

“[In the state sector] many of the most successful schools have smaller governing bodies with individuals drawn from a wide range of people rooted in the community, such as parents, businesses, local government and the voluntary sector[...] We will legislate in the forthcoming Education Bill so that all schools can establish smaller governing bodies with appointments primarily focused on skills.”¹⁴

If structured more like a corporate board, the ideal composition for a school board could include those with accountancy, academic, property and marketing experience. Boards should aim not only to have a breadth of experience represented but also diversity of backgrounds. Women and the BME communities are frequently under-represented on boards.

We believe this will create an environment of professionals handling other professionals, able to make appropriate judgements and who would understand the difference between executive and non-executive roles.

Examples of NHS trust boards and the newly reformed housing association boards demonstrate this to be a successful model for composition. At the same time, **we want to make schools boards increasingly diverse, without sacrificing expertise.**

Parent Governors

Too often schools have sacrificed quality in order to ensure representation from parents, local politicians and particular professions, to the detriment of other groups or individuals who may not easily fall into a specific category. Whilst we would not advocate any policy that would prescribe and exclude, we believe that **governors should be appointed on the breadth of skills and experience they would bring and in relation to each school's background, future ambitions and any specialisms it pursues.**

The majority of those we interviewed agreed that current parents may be attracted to school boards for personal reasons such as a direct association with the institution. It is likely that this will remain the case to a greater or lesser extent. We would regard the number of parents as being a matter for individual schools and federations.

We did not find any evidence to demonstrate the benefits of a fixed number of governors who are parents of pupils within a school, nor did we see a board without current parents as being in any way less effective than one with a number of them.

We would encourage boards to consider the benefits of all governors – including current parents – on merit, through **a more arm's length appointments process. This would serve both to avoid potential conflicts and to encourage those from outside the institution/s to be considered. Advertising and other forms of recruitment should be seen as important ways to widen the appeal and ensure transparency of process whilst, at the same time, attracting a broader range of candidates to consider.**

Former parents were considered by several of those we interviewed to be more constructive and beneficial than parent governors as a category, since parents may sometimes wish to steer the agenda towards matters of immediate concern and away from the more strategic parts of an agenda.

Alumni who are appointed to governing bodies are more widespread in independent than state schools. We saw this as a category that may be able to contribute more governors – again on the assumption of prior skills and experience requirements being met – than may be widely the case in state schools (not least in underperforming ones). There are many ways in which schools may promote wider applications and interest from their alumni and we would strongly encourage this as another way to widen the talent pool in the future.

Accountability and Sanctions

We need a more structured, systematic approach to internal auditing. The headteacher and governing body must work together to deliver this.

The Schools White Paper, which became the Education Act 2011, highlights: **“[there is a] need to make it easier for parents and the public to hold schools to account. In the past, too much information has been unavailable to parents, too difficult to find or not presented comprehensibly.”**¹⁵

We want parents to be able to make a more informed choice about the schools they choose and the opportunity to ensure that it meets their expectations. This can be achieved by giving them greater power to monitor the governing board.

Furthermore, the board needs to become adept at self-evaluation and review, particularly if members are elected by virtue of their skills set rather than through a representative structure. **Boards should become self-regulatory with an external eye.**

Failing boards may have an even more detrimental impact on schools than failing teachers by their inability or unwillingness to take decisive action. This situation should be changed and the opportunities which the 2011 Education Act presents should be seized by forward looking schools.

Ofsted has gone further. He has encouraged Government to introduce school commissioners who would report to the Secretary of State to ensure that schools are held to account and in order to bridge the gap between the Department for Education and individual schools.

Governance in Multi-Academy Trusts

Libby Nicholas

There has been a rapid transformation in the educational landscape since ‘Who Governs the Governors’ was published in 2011. Successive governments have focused on the decentralisation of school governance and moving control away from local authorities to independent academies and chains. This has been based on the premise that these freedoms will enable innovative approaches to school improvement and enhance the inter-dependence of schools rather than what some would regard as the historic insularity of many schools.

The overarching aim of the Department for Education is a ‘self-managing, self-improving system’ and this goal has demanded a radical shift in the ways in which these schools (named academies under the new nomenclature) are governed. In 2010, there were 203 academies open in the UK – there are now 5383 academies open and this trend has continued under the recently elected Conservative government.¹⁶

The 2015-16 Education and Adoption Bill would force maintained schools judged ‘inadequate’ to become sponsored academies. The Bill proposes extending the powers of the newly appointed Regional Schools Commissioners to intervene with schools that are designated ‘coasting schools’ – schools that have shown a prolonged period of under-performance and are consequently not supporting pupils to make the progress that both parents and politicians expect. This is potentially a huge extension of the academies programme and gives some indication of the potential rate of conversion to academies. Initial estimates put the potential number of ‘coasting schools’ at 2000 over the next five years. This goal of a ‘self-managing, self-improving system’ clearly remains one of the Government’s highest priorities, although there are many implications of this strategy that have not yet been addressed.

The autonomy given to Multi-Academy Trusts ensures that headteachers are given the freedoms needed to ensure rapid school improvement supported by central support from the appropriate trust in management areas such as HR, legal, and estates and with specifically educational areas such as Maths, English, Science, special needs and the pupil premium. This tight, educationally focused structure – with educational experts at every level – has resulted in significant improvements in the performance of some academies and trusts and shows the potential to have a significant impact across the whole education system. As the Sutton Trust Report ‘Chain Effects 2015’ indicates:

“...the best academy chains are succeeding in transforming the educational outcomes of their disadvantaged students. Indeed several have built further on already exceptional results.”¹⁷

Alongside the huge changes in the structure of the education system, the nature of the curriculum and the national assessment framework, there are areas, such as governance, that are still developing in terms of consistency and general understanding. It is clear there is a need to ensure clear communication to all stakeholders on the consequences of such changes.

How many parents understand the difference between a locally maintained school and an academy? Possibly relatively few.

How many governors within Multi-Academies Trusts (MATs) understand the vitally different role they play to their counterparts in schools? Not as many as there should be.

The English education system is going through a period of fundamental realignment and this applies to governance as much as any other aspect.

One of the most significant challenges MATs face is in securing clarity and understanding of the vital, but markedly different, governance structures. With increased autonomy comes the need for increased accountability and scrutiny.

As Lord Nash said recently, “We confuse representation and governance at our peril”.¹⁸

Governance is not just about representing different interest groups but holding leaders very tightly to account at the most granular level – especially when it comes to pupil progress and the new ‘8’ measures, which form the basis of the new school key performance indicators. This implies that governance moves from the essentially historic model of answerability to stakeholders to an approach that focuses on three elements:

- **Securing the appropriate expertise to ensure the optimum effectiveness of the Trust;**
- **Holding the executive to account in terms of educational performance;**
- **Ensuring compliance and efficiency in the management of Trust finances**

It is clear that the educational landscape will continue to alter over the term of this Government and that, in the near future, the majority of schools will become academies within the MAT structure. This raises a number of issues for the successful extension of the academy model:

- An education programme that helps governors understand their role as company directors and charity trustees;
- Recognition of the very different accountability of trustees and the legal context in which they operate;
- Increased awareness of the issues in securing educational improvement – notably the pupil premium and closing the gap;
- The recruitment and development of high quality trustees and governors.

It is vital that there is clear communication to all involved on the ramifications of these changes and clear guidance to those who choose to give up their precious time to serve these academies as to the scope of their power and relationship with the board.

Fewer but Better: Putting Governors in the Spotlight

Neil Carmichael MP

“One of the greatest problems of our time is that many are schooled but few are educated.”

Thomas More

Putting governors in the spotlight

Back in 2010, the policy making landscape for governors and governance was close to being desolate; being largely bypassed by reformers, policy makers and commentators. In contrast, the actual education system, and schools in particular, were subject to ongoing changes, often involving primary legislation. This reform agenda was given added impetus with the formation of the Coalition Government.

Today, governance is attracting considerable interest – not least because the pace and scale of reform has opened up a robust debate about the accountability and leadership of schools. To ginger up debate from 2010, a House of Commons All Parliamentary Party Group (APPG) on school leadership and governance was established with valuable administrative support from the National Governors Association. The APPG has held regular meetings, virtually all with ‘standing room only’, thus confounding any assumption of a general unwillingness to engage about governance issues.

Two much vaunted outputs came from the APPG during the last Parliament. Firstly, the “Twenty Questions” for governors to ask of their school leadership. These have been widely used, being recognised as a useful contribution to strengthening accountability. In the same vein, twenty-one questions have been formulated for Multi-Academy Trusts reflecting the emergence of the need to define the role and responsibilities for the boards of such structures. These question formats have been promoted by many organisations including the Wellcome Trust.

In the last Parliament, the Education Select Committee carried out a distinct inquiry into school governance¹⁹ and touched on accountability through governance of schools in connection with the inquiry into extremism in schools in Birmingham. During the hearings and in discussions about the conclusions of both reports, questions about the value of having the right skills as opposed to stakeholder representation, the role of the chair and possible remuneration, optimum number of governors and levels of clerking were all considered.

In parallel with these activities, a range of bodies, including The Key and Inspiring Governors, have contributed to the debate through raising awareness in order to attract new governors and by the provision of expertise. The floor of the House of Commons and Westminster Hall – another useful forum for political debate – have been used to put governance firmly on the policy agenda and to promote several specific ideas for reform.

A changing landscape

A robust debate is underway about the optimum size of a governing body. In response to the now widespread preference for smaller bodies – as suggested in ‘Stronger Boards, Better Education’²⁰ – the Department for Education has relaxed the appropriate guidelines but many bodies are still too big and need to be encouraged to restructure. Likewise, the move to a focus on required skills is increasingly reflected by the abandonment of stakeholder representation with, chiefly, the continued tendency to appoint parent governors persisting.

Linked to the size of governing bodies is the extent of their remit. In short, the approach of bringing several schools together under one governing body and, by extension, mirroring this arrangement by having one executive body will, by necessity, encourage a more strategic approach to governance. Within MATs, this is relatively straightforward but the maintained sector should also be enticed down this route.

Another debate is the question of the competence of individual governors. The relatively drastic power to remove an entire governing body and, usually, then replace it with an Interim Executive Board in circumstances where governance was failing is a rarely used ‘nuclear deterrent’ but the ability to strengthen governance through removing inadequate governors might bring more timely and effective decision making.

The role of the chair of governing bodies deserves attention. While additional training is often helpful for individuals and is regularly cited as a solution to weak management of a board, it is the appointment process and status of the chair that are often determining factors of performance. In other public sector structures of a similar type, such as NHS Trusts, remuneration helps recruitment and rewards merit.

Considerable progress has been made in modernising and equipping governance for the new models of schools but there is more to do in order to ensure the education system is fit for purpose for the challenges ahead.

The Importance of Communications

Gerard Kelly

For institutions dedicated to imparting knowledge, most schools are pretty abysmal at communications. Up to a point this is understandable. Schools exist for teaching and learning. A communications strategy is hardly going to be high on the list of priorities for governors or headteachers. It can seem so superfluous, if not distastefully corporate.

Another problem is that schools generally distrust and dislike the media. This should not be a surprise. Even those in the media tend to dislike the media. We are not a likeable bunch. But that does not mean the media has nothing to offer schools.

Governors, because they are not involved in a school's day-to-day running, are ideally placed to help advise and formulate a communications strategy. Some, of course, will have marketing or journalistic expertise. But even if they do not, their role as non executives makes them ideally suited to ask questions about the long term, to encourage preparation for the unforeseen. Implementation, of course, is rightfully the preserve of the school's leadership.

Views on media engagement can change remarkably quickly if a school attracts unwelcome publicity. How many schools in the past year have not had to deal with an instance of bullying or sexting, say, or disgruntled parents, disappointing exam results, a small outbreak of something unpleasant and contagious, a theft, criminal damage, a serious accident or fire, gangs, knives, drugs, financial embarrassment, extremism, a poor Ofsted rating, the misdemeanours of former and current pupils, the foibles, or worse, of staff – all of which can make it into the local press and provide ammunition for vexatious types on social media?

Schools are cauldrons of humanity. Stuff generally happens. And most schools are woefully ill-prepared to talk about it when it does. Indeed, most schools would prefer not to say anything when it does.

This is invariably a mistake. Just because a school opts out of a conversation about it does not mean anyone else will. The first rule of communications is that if you do not tell your own story someone else will tell it for you.

That does not mean schools should feel obliged to be totally open when it would be inappropriate or illegal to be so. But there are elegant ways of saying ‘no comment’. There are good ways of expressing sympathy or concern even when the context is particularly delicate. There are intelligent ways of conveying warnings without provoking panic. It is almost always better to say something than nothing.

Where schools choose to express themselves is another matter. Facebook and other social media sites have age restrictions. Twitter can be a minefield. It is excellent for promoting initiatives and events and for gleaning information about what others are up to. But the unwary can be sucked into endless arguments with the annoying, the bored and the downright stupid. It is best avoided for contentious issues.

One of the easiest and most effective avenues for schools still remains the local newspaper. They regularly publish material that is usually an anathema to the nationals, i.e. good news, and if a school has a relationship with local journalists it can pay dividends when controversy or disaster strike.

It is impossible to plan for every eventuality, but at a minimum schools should line up a nominated spokesperson, draft a few holding statements and have a basic understanding of what not to do if they become the story: no impromptu interviews, no barking at reporters, no hands in front of cameras, no jargon, no unauthorised briefings and definitely no assertions that cannot be substantiated.

Yet perhaps the biggest mistake schools make with communications and the media is to associate them solely with crises. Constantly informing people what they are and what they do is not only useful for schools, it is imperative at a time when parents and staff can make alternative choices.

Some schools are very active – publishing regular newsletters, posting relevant information and pictures through their social media channels, alerting the local press to news and photos of galas, open days, exam and sporting successes, trips and all the other activities that make a school a school. All of it helps to convey the impression of a vibrant community that takes its purpose to educate seriously and enthusiastically.

Unfortunately, many schools seem unable to converse. According to a survey of 1,000 parents conducted by my agency, two fifths say that communications at their children’s school is poor or non-existent.

Communication with staff is probably worse. How many governors, for instance, make themselves known to the wider school community outside the senior leadership team? Some local authorities and academy chains go to the trouble to keep their colleagues abreast of the latest developments, best practice and appropriate opportunities: many do not.

Is it altogether surprising then if parents and teachers conclude that schools that do not talk, do not care?

Promoting the Role of Governors

One of the best ways to give back to the community is by serving as a governor and thereby supporting local schools to become more successful and to enable their pupils to achieve their best. Many companies encourage their employees to become more involved in their local communities. Developing a stronger pool of talent, particularly to populate the boards of failing schools, is already being achieved through effective partnerships.

We see this as one clear area where the Government should encourage further links to improve the contribution businesses can make to the quality of boards and, in so doing, drive up standards in schools.

Ultimately, we also need to raise the profile, opportunities afforded and overall appeal of becoming a school governor. It should be essential to ensure that there is a greater and more widespread awareness of the role, responsibilities and rewards of such a position to potential candidates.

The strong competition for places on the Teach First scheme ensures the very best are recruited to improve levels of teaching in failing schools. The contribution that Teach First graduates will be able to make to boards, even when they have changed careers, should be developed as a key source of candidates who would bring first-hand experience of education to school boards.

The ‘Governance for Change’ initiative emphasises the worthwhile nature of volunteering as a school governor and encourages graduates from Teach First to continue to make valuable contributions to schools after completing the scheme.²¹ It will give Teach First ambassadors “the opportunity to contribute their unique perspective and develop their leadership skills whilst maximising their long-term impact on addressing educational disadvantage by serving on a school governing body.”²² We hope that this programme will help to raise the social prestige of volunteering as a governor, demonstrating that this is a meaningful way to influence long-term, positive change in schools.

Recruitment

“In order to ensure that governing bodies have the necessary skills and the independence to perform their function effectively, the routes by which governors are recruited need to be reviewed and improved. This will increase the number of skilled volunteers and help avoid the position where the head teacher has to “twist arms” to recruit sufficient governors who then find themselves having to scrutinise the head teacher’s performance, potentially compromising their independence.” *Governing our Schools – A report by Bob Wigley and Business in the Community*

We suggest **the recruitment process should be set more fully in the public domain, to allow for increased transparency and diversity.** The current model for candidates wishing to become governors is through the Public Appointments vacancies database through word of mouth, or local councils. We regard this course as too reactive and unresponsive.

We would argue the need for **a national database.** In the wake of the Trojan Horse affair, it was announced that a national database of school governors in England would be created in order to increase transparency.²³ However, we believe that a database must be created to which both candidates and schools have access and that can match the two appropriately. This would enable candidates to update their profiles at any time and for schools to search by skills, location and experience. Chairs and nominations committees could then draw up their own shortlists of candidates for vacancies quickly and efficiently through an annual subscription. At the same time, vacancies could be emailed to candidates directly as well as being advertised. It could play a significant part in reducing the number of vacancies on school boards.

Alongside this, we suggest **campaigns to increase awareness** of this new form of recruitment and raise the profile and opportunities of becoming a school governor as a valuable non executive opportunity alongside a full-time role or within a non executive and trustee portfolio.

Headhunting for specific skills needed may also be an option, which individual schools may wish to consider when advertising fails to generate the quality of candidates needed.

Remuneration

In a challenging economic environment, the creation of payment for positions currently unpaid may appear to be unwise. However, we believe that schools should consider whether, in common with registered housing providers, NHS Trusts and other public bodies, some form of payment may be appropriate to reflect the contribution made by governors and their commitment in terms of time.

With smaller boards, the costs could be lower. Introducing remuneration may also serve to increase the diversity in terms of background, age and gender. It would provide compensation for board members who may otherwise have to forgo work or fund child care in order to enable them to attend board meetings and associated events.

At the very least, we believe that individual secondary schools or groups of schools should be allowed to consider what is best for them. Chairs, in particular, will often spend the equivalent of 10 - 15 working days or more annually for no remuneration and boards may consider whether payment may be appropriate for chairs if not for other board members. Parents may be engaged in the process of making this decision and voting on such changes.

Recommendations

Greater balance on boards

All schools will want to ensure that they have the strongest possible boards to safeguard their future and to see through the challenges that we have identified. At the same time, evolving towards more balanced boards may provide different perspectives and complement and enhance existing teams.

More proactive recruitment

Given the challenges identified and the issues to be addressed, schools may choose to consider whether to follow the example of many national and regionally-based charities in advertising vacancies within the media and whether to engage external advisers where appropriate. This approach could ensure a demonstrably fair, open and transparent process that would serve both to reassure the institution itself, those interested in serving on its board and external authorities who may take a statutory interest in governance, such as the Charity Commission and other regulators. At the same time, it would be a means to focus on specific skills needed rather than leading to the appointment of generalist board members.

Examine more rigorously good practice on corporate boards and how evaluation can be used to improve the chair and board performance

Remuneration considered for chairs and governors of larger institutions/MATs

Another area that schools may also wish to consider is whether the chair or the governors themselves should be remunerated. The time commitment demanded of chairs has increased in recent years and remuneration may be a means to ensure that the role retains its appeal within the context of increasing demands and the risk associated with the position. At the very least, there may be benefit in providing reasonable expenses for chairs and other key board members to ensure that their time is not taken for granted.

Develop and widen the work of the APPG on School Governance and Leadership

Ensure that the All Party Parliamentary Group on School Governance stays active so that the issue of governance remains a key educational priority for all parties irrespective of current and future changes to types of schools.

More training for new or existing governors and continuing professional development

We acknowledge that some good programmes are already in place. This could raise the perception of schools governors as well as ensuring they perform at their best. However, we also see real merit in the development of online training tools with software which is affordable and accessible to schools of all sizes and types. We would also argue for explicit training that helps governors to understand their role as company directors and trustees.

Annual reviews

Appraisals of board members should be carried out by chairs of governors or in the case of larger institutions and MATs by independent board reviewers, who would bring an external and independent perspective and could also be given the chance to review the effectiveness of the chair.

Communications

The development of a communications strategy for governors would allow them to be more engaged with the school's procedures when a problem arises. Once familiar with this strategy, governors would be better placed to assist the school in its response.

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Annex A

The Times, Friday Dec 2nd, 2011

Should school governors be paid?

Opinion is divided whether remuneration would change school boards for the better

Yes

Edward Wild

Founder of Wild Search and co-author of Who Governs the Governors? A Fresh Approach to School Governance

It is time to consider paying those who sit on school boards. I am not advocating it always, everywhere and for all boards. But we need to break the taboo and see whether there are missed opportunities in the status quo.

Austerity and public sector strikes might not be considered the ideal backdrop against which to consider greater recognition for those thousands of school and college governors who dedicate many hours each year to serving educational institutions, but it is time to consider whether payment could improve the effectiveness and efficiency of school boards.

At a time when the composition of FTSE boards is in the news, the composition of school boards – particularly secondary schools, some with significant budgets of more than £10 million – should also be considered.

Recent research into charity boards from the Institute of Philanthropy has highlighted the need for casting the net more widely when recruiting trustees. The extent of the need for this was made clear in a recent pay survey by the Association of Chief Executives of Voluntary Organisations, which found that most trustees are over 55 and 96 per cent are white.

Responses from those who serve on boards may not reflect a demand for remuneration, but that may be part of the challenge. Boards are often self-selecting and developed through recommendations rather than open competition. Those who work in freelance or interim roles are not able to give their time so easily. If time is money, then not paying governors means that some are in effect paying to serve under an unremunerated system.

Lack of diversity is not all that is at stake here. Take some obvious comparisons – local councillors, board members of NHS Trusts and those who sit on social housing provider boards – there is remuneration. Although it may not reflect the time commitment made, it does reinforce the importance of the relationship and expectations.

Perhaps remunerating governors should also be considered alongside another proposal that is gathering momentum: smaller boards. The House of Commons is set to contract after the next election and many local authorities will have to reduce the number of councillors, so schools with more than 20 governors will find the case for payment much harder to make. If boards were reduced to a dozen then competition for places would increase and a focus on the skills mix could become a priority.

Today, with many schools gaining far greater independence, the importance of governors is greater than ever. So it follows that some form of financial compensation should be considered by schools, both as a means of ensuring breadth of participation and of formalising the commitment.

This may seem revolutionary now and it could be that considering remuneration for chairmen is the first step – not unreasonable given the substantial commitment that most make to the institutions they serve.

Annex B

School Governors (Appointment)

Motion for leave to bring in a Bill (Standing Order No. 23)

12.38 pm

Neil Carmichael (Stroud) (Con): I beg to move, that leave be given to bring in a Bill to require that school governors be appointed on the basis of experience relevant to the role; and for connected purposes.

I would first like to thank all the school governors across the land, because the role they play in ensuring that our schools are well managed, well led and well planned is enormous. The tribute I pay to them is heartfelt. They also contribute massively to local communities, and that, too, needs to be recognised.

Our schools are going through a changing landscape. There are more schools with increasing autonomy than ever before, and that direction of travel is continuing. That is quite right, because there is support across this House for academy status, and other schools are beginning to benefit from more autonomy. The structures behind those schools are changing as well, with the introduction of the regional commissioners, the changing role of local authorities and, indeed, the emerging debate on academy chains, and that means that governors and governance are becoming increasingly important. Another driver has been the role of Ofsted in focusing on the importance of leadership and governance as part of the inspection process by making the latter category one of the four that will determine whether a school is graded in the way it wants to be.

Already in Westminster we have seen a large number of actions under the auspices of those who want improved governance across the piece. The Education Committee – I see that its Chair, the hon. Member for Beverley and Holderness (Mr Stuart), is in his place – has conducted an inquiry into school governance and made a number of recommendations to which the Government have, quite properly, responded. I established the All-Party Parliamentary Group on Education Governance and Leadership almost as soon as I arrived here, with the purpose of talking about school governors and ensuring that their role is properly understood and develops in line with education policy, and that we recruit good governors.

Another thing that has happened is the Inspiring Governors initiative whereby various organisations have formed an alliance, including the Department for Education, the CBI, employment and education bodies, and a whole range of others. They have come together to make sure that we can promote governance to people who may not necessarily have thought of being a governor before. I am running through this activity to demonstrate that there is a lot of thought behind what I am proposing in this Bill - thought that is underpinned by substantial work. Other bodies that are key for our governors include the National Governors Association, the Wellcome Trust, the School Governors' One-Stop Shop, and Wild Search. They have all contributed to the wider debate about the role of governors.

So where do we need to be? First, we want school governing bodies to be flexible. We want them to be able to decide how they are constructed, how they develop their plans, and how they interface effectively with their schools. The need for more autonomy for school governing bodies is recognised and required. Strong accountability of head teachers matters. A governing body needs to be able and willing to take on a head teacher who is not delivering – that is absolutely critical. We do not want weak governing bodies; we want strong and supportive governing bodies that are nevertheless capable of making a harsh decision if it ever becomes necessary. Nobody wants to do that without forethought, but the governing body needs to be capable of backing up the decision if necessary.

We need to make sure that strategic thinking takes place in schools. Governing bodies have to set the scene, the ethos and the direction of travel in making sure that the headteacher and everybody else is aware of the process. It is also important to engage with the wider community. No school can survive successfully without proper engagement in the community, and the governing body is part of that process. An effective governing body is the type of structure with good communication skills that can make the difference in this whole field.

We also want better links with employers. We must cultivate circumstances in which schools are talking to businesses much more readily and frequently about the requirements that businesses have. If we are going to start measuring the performance of schools by the destinations of their pupils, we need to be clear that schools bear some responsibility in making sure that their pupils know where they can go and where they should go, and are equipped to get there.

Getting the right people is an important mission. We need to enable employees of businesses to perform on governing bodies if they agree to do so. As the Department for Education has acknowledged, that may require an amendment to the Employment Rights Act 1996, and I would certainly want this Bill to incorporate that. We need to raise the profile of governors so that they can be recognised properly. I include national honours in that, but also civic responsibilities, civic duties and civic recognition.

Strong chairs of governors are absolutely essential and it is worth considering selecting as chair somebody who was not previously on the governing body. We need to choose the best people, not wait for them to come through the pipeline. We need an accelerated process to enable them to get where they need to be. That needs to be debated.

We also need to have a rapid response to failing schools. The Government are taking action, but some local authorities are not necessarily doing so as fast as they should be. The introduction of an interim executive board has often yielded good results and turned schools around, but there is no use in waiting for things to get so bad that turning them around is such a big job. We should be acting swiftly. Governing bodies have role to play by recognising when they have themselves lost control and need some outside help.

I want to suggest some further steps to pave the way. We need pools of tested and proven governors who are able to address certain situations. The regional commissioners may well want to consider that suggestion as their role develops during the course of the current reforms. It is important that we have governors to choose from, rather than have to search for somebody who will do the job reluctantly. That is essential for good governance in all areas, certainly in schools.

We need to think about the transparency of decision making. The more people understand what governors do and the more they see the responsibility they have and how it can make a difference, the better. Transparency of school governing bodies is important.

A further next step for school governing bodies to take is on the need to be more corporate in how they conduct their affairs. We have already seen that pattern emerge and develop in the further education sector, so I think we should see more of it in the school sector, because it will encourage the sorts of skills, characteristics and processes I have already discussed.

In short, this Bill would make it easier, more attractive and rewarding to be a school governor, because we want the right people with the right skills, enthusiasm and motives to make sure not only that learning is a school's top priority, but that its other characteristics can be encouraged and developed.

Finally, we are enormously thankful to those governors who currently serve, but we need to move to the next stage, which is a new shape for education, with more autonomy and responsibility. That will, of course, be a greater challenge for governing bodies, and that is why we need governors of the calibre I have described.

Question put and agreed to.

Ordered, that Neil Carmichael, Alistair Burt, Mr Graham Stuart, Richard Graham, Mr Robert Syms, Sir Alan Beith, Fiona Bruce, Matthew Hancock, Chris Skidmore, Jeremy Lefroy and Robert Jenrick present the Bill.

Neil Carmichael accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 23 January 2015 (Bill 109).

Mr Speaker: We will have to delete the name of Mr Hancock, because he now occupies the illustrious post of Minister of State.

Annex C

Produced by The Key in association with the National Governors' Association

This first edition of 20 questions for governing bodies was developed by the National Governors' Association (NGA) and the Key for School Governors but we consulted widely at the May 2012 meeting of the APPG and published at the APPG's summer 2012 reception.

These questions are being incorporated into a new guide to strategic planning for school governors and trustees called: Framework for School Governance published by NGA and the Wellcome Trust.

20 Questions ~ Second Edition 2015

Key questions every governing board should ask itself

Governing board effectiveness

Right skills: Do we have the right skills on the governing board?

1. Have we completed a skills audit which informs the governor specification we use as the basis of governor appointment and interview?

Effectiveness: Are we as effective as we could be?

2. How well do we understand our roles and responsibilities, including what it means to be strategic?

3. Do we have a professional clerk who provides legal advice and oversees the governing board's induction and development needs?

4. Is the size, composition and committee structure of our governing board conducive to effective working?

5. How do we make use of good practice from across the country?

Role of the chair: Does our chair show strong and effective leadership?

6. Do we carry out a regular 360° review of the chair's performance and elect the chair each year?
7. Do we engage in good succession planning so that no governor serves for longer than two terms of office and the chair is replaced at least every six years?
8. Does the chair carry out an annual review of each governor's contribution to the board's performance?

Vision, ethos and strategy

Strategy: Does the school have a clear vision and strategic priorities?

9. Does our vision look forward three to five years, and does it include what the children who have left the school will have achieved?
10. Have we agreed a strategy with priorities for achieving our vision with key performance indicators against which we can regularly monitor and review the strategy?
11. How effectively does our strategic planning cycle drive the governing board's activities and agenda setting?

Engagement: Are we properly engaged with our school community, the wider school sector and the outside world?

12. How well do we listen to, understand and respond to our pupils, parents and staff?
13. How do we make regular reports on the work of the governing board to our parents and local community?
14. What benefit does the school draw from collaboration with other schools and other sectors, locally and nationally?

Effective accountability

Accountability of the executive: Do we hold the school leaders to account?

15. How well do we understand the school's performance data (including in-year progress tracking data) so we can properly hold school leaders to account?
16. Do governors regularly visit the school to get to know it and monitor the implementation of the school strategy?
17. How well does our policy review schedule work and how do we ensure compliance?
18. Do we know how effective performance management of all staff is within the school?
19. Are our financial management systems robust so we can ensure best value for money?

Impact: Are we having an impact on outcomes for pupils?

20. How much has the school improved over the last three years, and what has the governing board's contribution been to this?

2nd edition 2015

<https://schoolgovernors.thekeysupport.com/>

<http://www.nga.org.uk/>

About the Authors



Neil Carmichael was elected Member of Parliament for Stroud in 2010. Since entering Parliament, he has been a member of the Education Select Committee, to which he was elected Chair in June 2015. The Committee monitors the policy, administration and spending of the Department for Education. In 2011, he co-authored with Edward Wild the report *Who Governs the Governors?*, which led to the formation of the All-Party Parliamentary Group on Education Governance and Leadership.

Neil has also served on the Environmental Audit Committee, which considers the extent to which policies of government departments contribute to environmental protection and sustainable development. Furthermore, he is the Secretary for the All-Party Associate Parliamentary Health Group. His parliamentary interests include vocational education and skills training, and environmental issues.



Gerard Kelly is the former editor of the Times Educational Supplement. He worked for more than twenty years at TES' parent company, TSL Education and was also editor of Times Higher Education.

In 2014 Gerard launched his own PR consultancy, called Gerard Kelly & Partners. The company focuses on helping organisations in the education sector and businesses that want to use education to leverage their brand. Gerard Kelly & Partners offers a wide-ranging service, from corporate and consumer communications, to speech writing and media training. Its founding clients included Ofsted, the National Association of Head Teachers and Sky.



Libby Nicholas is the Regional Director of Education for the South & West at the Academies Enterprise Trust. She began her career as an English teacher, quickly progressing to take on increasingly senior roles including Head of Year, Head of Teaching & Learning, Assistant Head, Deputy Head and finally Headmistress. She also worked as the Deputy Director of Education at the Girls' Day School Trust.

Libby's areas of professional expertise include the delivery of school improvement, strategic organisational change, curriculum design and innovation and all aspects of teaching and learning-thinking, theory and pedagogy. She has conducted leadership development for middle and senior leaders in education and led staff development in the Netherlands, Slovenia and the United Kingdom. Libby is committed to securing high quality education for all pupils.

Edward Wild is the Director of Wild Search, an executive search and advisory business, formed in 2010 and based in Westminster. Wild Search specialises in Board and Leadership appointments across educational, housing, charitable and professional bodies.



A former teacher, he was Development Director at Hampton School prior to becoming a headhunter in 2004. He is the author of *School by the Thames: A History of Hampton School 1556-2006*. He is a former inner city primary school governor. He has been a columnist on politics and education for regional newspapers and magazines.

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