

Written Response to the Enterprise and Learning Committee's Report on 'The Role of School Governors' by Jane Hutt AM, Minister for Children, Education, Lifelong Learning and Skills

September 2009

I welcome the Enterprise and Learning Committee's report on the role of school governors. The 23,000 plus school governors in Wales are at the heart of the nation's schools. An inquiry about their role is timely and useful. I am pleased to accept all of the recommendations entirely or in principle or in part.

The Committee's interest in this topic came about from its earlier inquiry into the 'Implementation of the Teacher Workload Agreement'. I am pleased that the inquiry had a broader remit however, and considered the role of school governors in a wide sense. I am glad that attention was given to the range of issues that impact on governors' effectiveness, the support that they receive, and the relationship between them and the head teacher. These are critical factors.

The First Minister announced to the National Assembly on 14 July 2009 that the Welsh Assembly Government intends to seek legislative competence for school governance in its next legislative programme. The National Assembly has acquired extensive competence for education but school governance is one of the remaining exceptions. School governance underpins, supports, and is intrinsically linked to how schools operate. The Welsh Assembly Government may wish to consider how the opportunities that competence for school governance would provide could be used to address issues in the Committee's report.

The Assembly Government is determined to improve learner attainment and to develop the provider network on the principles of collaboration and the sharing of good practice. To that end, the School Effectiveness Framework is the Assembly Government's key policy for school reform that seeks to transform educational standards and provision in schools and local authorities. As it develops the Schools Effectiveness Framework will take increasing account of school governing bodies because governance provides the accountability mechanism by which schools operate, the means by which outcomes are monitored and evaluated, resource allocation decided, and responsibility lies for taking action to improve outcomes.

The Deputy Minister for Skills is undertaking a review of the governance of further education institutions, which will also consider post-16 governance in the sense of FEI-school collaboration. This review will report in the autumn. It may also have implications for the future of school governance and bearing on the Committee's report.

With these developments in mind, I have set out below my response to the Report's individual recommendations. Many of the recommendations have relevance to local government. The Assembly Government intends to engage with the Welsh Local Government Association and ADEW to work out and agree how best to address these.

Detailed Responses to the Report's Recommendations

- 1. We welcome the Minister's undertaking to provide further guidance to school governors in response to Recommendation 6 of our report on the Teacher Workload Agreement. We agree with the teaching unions, however, that it is also appropriate to produce guidance on how governing bodies can provide an effective governance role rather than the 'leadership role' currently envisaged.**

Response: accept in principle

I accepted recommendation 6 of the Committee's report 'Implementation of the Teacher Workload Agreement'. In my response I referred to the Assembly Government having supported Governors Wales to publish a comprehensive handbook for governors which gives them guidance about all aspects of their work. I also referred to the Assembly Government funding Governors Wales to publish additional guidance about governors providing an effective leadership role and being a critical friend to the head teacher, which has now been accomplished. The Assembly Government will continue to work with Governors Wales to provide further guidance as policy and practice develops or guidance documents require revision.

Effective governance does mean that the governing body should have a leadership role. The School Government (Terms of Reference) (Wales) Regulations 2000 establish the respective roles of the governing body and the head teacher. They require the governing body to set aims and objectives for the school, and to set policies targets to achieve them. Thereafter the governing body must monitor and evaluate progress and review its aims and objectives. The setting of aims and objectives for the school, and the evaluation of progress towards them, are in themselves acts of leadership. This is not to be confused with the role of the head teacher which is to be responsible for the management, internal organisation and control of the school, in order to implement the governing body's policies and to reach its objectives. There is no question that the governing body does need to have a leadership role as well as a strictly governance role that is about accountability for the use of resources and decision making. The roles are complementary and both are qualities of high performing governing bodies. It is not a question of one role having supremacy or usurping the other which appears to be the thinking underlying the recommendation.

Financial Implications – none.

- 2. We agree with Estyn that if school governors are to make a positive contribution to discussions about the national curriculum, they need to have a sound understanding of national initiatives and the wider educational picture, for example, issues such as child poverty. We recommend that best practice be copied so that governors participate in shared training sessions with school staff, and that named governors develop strong links with subject departments to specialise in specific areas of the curriculum.**

Response: accept

I strongly agree that governors need to be well informed and to understand the wider policy context of their role. In pursuit of this the Assembly Government funds Governors Wales to hold conferences for governors and we also pay for the publication of the termly governor newsletter 'Cadwyn'. The conferences are held across Wales and there are workshops about different and topical policy matters, delivered by persons with expertise. These are means by which the governors can learn about the wider education picture and policy developments. They add to the communications, guidance and consultations that my Department issues on policy matters. My Department already sends curriculum material to schools for the chairs of governors, so governors should be well informed about developments. I comment further on communications in response to recommendation 4.

I agree that governors should take an interest in education delivery and that it is very worthwhile governors having links with subjects so that they get good understanding of specific parts of the curriculum. This already happens and I look to local authorities, in particular the advisers who work with head teachers and governing bodies about the curriculum and performance, to encourage all governing bodies to do it. With the roll-out of the School Effectiveness Framework, I expect local authorities and head teachers to be more conscious of the need to spread and share good practice widely in pursuit of higher standards. The School Effectiveness Framework will need to involve governing bodies more as it is widened and deepened and becomes established practice. There is already some joint governing body-practitioner training. As the School Effectiveness Framework matures, and the Assembly Government considers governor training with local government (recommendations 5, 8, 9 and 10 refer), whether and if so, how, joint training can become more established can be considered.

Financial Implications – None at present. Any costs will be drawn from the Governors Activities and School Effectiveness BELs.

- 3. We recommend that best practice guidance should be given to school governing bodies on how they can engage more effectively with their local communities – such as through linking statutory reporting with events, concerts or displays that will be more attractive to their audiences.**

Response: accept in principle

I agree with the Committee's observation that relations between the governors and parents are crucial to school performance. The support of parents is very beneficial because it helps the school staff and it can make the pupils more responsive.

The report comments that the Committee *'has a sense that schools need to be better connected to the wider community and to offer information that is more accessible'*. The Committee has not offered any explanation about why it thinks that there are weaknesses, how governing bodies could do better, or in what ways guidance needs improvement. I am not aware of any evidence that there are any particular or serious weaknesses in the connection between governing bodies and the wider community. The law requires that governors are drawn from categories of people to create a governing body representative of parents, staff, and the wider community. The pluralistic model of school governance appears to work well. The Committee report listed the many statutory channels which make up much of the communication between governors and parents. There is already published guidance about these. Revised versions are published when required and these will draw attention to opportunities to link statutory reporting with other events if appropriate and practical. At the present time, my Department is preparing revised guidance for the governing body's annual report to parents. The guidance will go beyond statutory points by including examples of good practice and suggestions about how governors might make their report more engaging.

Financial Implications – No extra costs. Revision of guidance for the governing body's annual report to parents is being funded by School Performance Improvement BEL.

- 4. We recommend that communication with governors be improved to ensure that all 23,000 of them in Wales know what they should be doing.**

Response: accept

I am conscious that there are many different communication channels with governors. The Assembly Government funds the termly newsletter 'Cadwyn' and it has supported Governors Wales to expand its website and conference programme. However, there are many additional communications such as consultations and guidance from the Assembly Government, local authority newsletters and events, and Governors Wales' local associations. I propose to review how effective all these communications are, to establish whether they add up to a coherent and comprehensible message to governors, and to identify whether changes are needed to improve communications with governors. In the first instance my Department will discuss this issue with local government, Governors Wales and the All Wales Centre for Governor Training and Research. Thereafter, my Department will consider

commissioning a study to research communication issues and to inform any changes.

Financial Implications – A communication study will be an additional cost which will have to be met from existing programme budgets. Costs will be estimated if and when it is decided to commission a study. The cost will be met by the Governors Activities BEL.

- 5. We recommend that consideration be given to the introduction of an element of compulsory training for chairs - and possibly vice chairs who also play a key role - with bodies such as Governors Wales, Local Governor Associations and local education authorities working closely together on recruitment and training.**
- 8. We recommend that serious consideration be given to compulsory training for all school governors at the induction stage, particularly within whole governing body groups, which was recommended to us as an effective way of doing things, or through the regional consortia.**
- 9. We agree that a quality mark could provide a good opportunity for governors to look at their own strengths and weaknesses and to identify areas where further development and training may be needed. We encourage the Welsh Government to proceed with piloting the idea in a few schools.**
- 10. We believe that it would be worth exploring the idea of finding a training partner that could deliver flexible, gold standard training to governors. We recommend that the Welsh Government explore options with potential partners for delivering a Welsh governor training programme.**

Response: accept all

Recommendations 5, 8, 9 and 10 are related because they are all about governor training.

No governor can be effective without knowledge and skills. Few people are likely to possess these attributes without training. Governor training is essential to governors being effective and that, in turn, is crucial to governing bodies performing well and school standards rising.

The Assembly Government's policy is that no governor should be required to train because that would be at odds with governors being volunteers. The Committee received a lot of evidence about governor training and there was not a unanimous view. Under the current law local authorities are under a duty to offer governors free training so that they have the knowledge and skills to be effective. The training offered varies from authority to authority and it is clear that the offer, and the take up by governors, is better in some localities.

The Assembly Government has funded the production of training materials that any authority or trainer can use free of charge. We have also funded workshops at conferences which are, in essence, training events.

I am of the opinion that induction training is very important because it gives a governor the foundation for their role. Induction training is widely available but there may be issues about its scope, quality, and take-up. Chairs of governing bodies undertake the most important role in a governing body and it is onerous. They must have a good knowledge of school operations, education policy and they must be skilled, especially in terms of managing the governing body and relations with the head teacher and parents. Chair training is thus very important.

I accept that the status quo is a mixed picture and I wish to consider how it can be improved. This is not for the Assembly Government to do unilaterally however. Local government has an important role. There could be potential for local authorities to collaborate more, perhaps using the regional consortia as training networks, and by authority governor support officers making full use of the potential of their ADEW network. Some collaboration already takes place through the ADEW governor support officers' network and that is to be encouraged. However the Assembly Government would like to explore the issue of training further with local government and Governors Wales. I therefore accept the recommendations which are to consider compulsory induction and chair training and to explore whether there could be a gold standard training partner and/or a quality mark. I stress, however, that this is a commitment to consider these matters and not necessarily to introduce or pilot them.

Financial Implications – None at present. Any additional costs will be drawn from the Governors Activities BEL.

6. We recommend that levels of support for school governors across Wales should be monitored closely and aligned where necessary.

Response: accept in principle

My Department will continue to liaise with ADEW's governor support officer network. It is for local authorities to decide what an appropriate level of support is, especially with regards to decisions on the employment and roles of their own staff. However, where there is evidence or concern that support is insufficient, my Department may bring it to an authority's attention. As the regional consortium model of working becomes more established I am hopeful that there will be opportunity for authorities to work together more on this matter so that the level of support is more equitable.

Financial Implications – none.

- 7. We recommend that appropriate training be focused on those governing bodies where statutory obligations are not being met. We also recommend that the regulations that the Welsh Government has developed to enable the governing bodies of schools and further education to collaborate and work together in delivering the 14 to 19 learning pathways settings be used to deliver a more strategic programme for governor training.**

Response: accept in part

I accept the first part of this recommendation about focussing training on failure to meet obligations. Where inspection or other evidence shows that a governing body is weak or fails to meet statutory obligations, I expect local authorities to provide prompt and sufficient support. This is a fundamental function of local authorities in maintaining schools and I say more about it in response to recommendation 21. What training and support comprises will depend on the situation. In severe cases, or failure of the governing body to respond, to accept support, or to improve, then local authorities should consider using their powers of intervention.

The Committee considered this issue when Estyn gave evidence. Action should not be around the time of inspection or in response to it however. I look also to local authorities to regularly monitor governing body performance and to raise any matters of concern with the governing body quickly. Early intervention and support will usually improve matters before they get worse.

I do not accept the second part of this recommendation which links the regulations for school further education institution governing bodies. The regulations in question are about the establishment of joint committees of governing bodies. It would not be appropriate for those regulations to stipulate training requirements or to be the vehicle or mandate for a governor training programme. I have, however, undertaken to consider governor training in response to recommendations 5, 8, 9 and 10 and whether there are any specific training requirements related to governing body collaboration could be considered as part of that exercise.

Financial Implications- None.

- 11. We recommend that training and support for head teachers be considered within the National Professional Headship Qualification (NPHQ).**

Response: accept

It is very important that head teachers have a good working relationship with governors. This is a two way thing. I agree with the sentiments expressed during the Committee sessions that a new head teacher needs to start the relationship well and that, if not, it is likely to have longer term repercussions.

The NPQH is a crucial qualification for becoming a head teacher. The training includes the head teacher's relationship with the governing body. I am satisfied that this recommendation is already being delivered therefore. However, I am aware that the ADEW network of local authority governor support officers has some concerns about the content of the NPQH and whether it equips new heads adequately, and that Estyn commented to the Committee that there is not enough emphasis on work with governors. In view of these concerns, my officials have arranged for the manager of the NPQH Centre to meet the ADEW network this autumn.

Financial Implications – none.

- 12. We recommend that specialist expert advice, including Human Resources expertise, be made available to all school governing bodies, in both the Welsh and English languages. We envisage the local education authority playing a key role in offering or brokering expert support to governors, especially on behalf of smaller schools.**

Response: accept

Witnesses to the Committee offered different opinions on this matter. I have noted the unions' comments which understandably raised concerns about the consequences of poor advice. I agree that governors need to have good advice and offering it requires expertise.

The recommendation envisages local authorities having a key role in offering or brokering support for governors. I agree with that because this matter is primarily for local government to respond to in that some of the points made to the Committee were about how local authorities are structured. That is an internal matter for authorities. There are different ways in which local authorities may decide to go about structuring such support and advice – the key point is that it is available and that it is good quality, not the location in an authority's staffing structure of the person who offers or organises it.

In so far as the Assembly Government has a role with regards this recommendation, we fund Governors Wales to operate a telephone help line. This service offers detailed advice, including legal advice, about any aspect of school governance.

Financial Implications – none.

- 13. We recommend that the Welsh Government publish its revised guidance on the law for governing bodies as soon as possible.**

Response: accept

My Department is finalising the guide to the law and it will be published this year.

Financial Implications – The publication cost of the guide is already factored into the Governors Activities BEL for this financial year.

14. We recommend that all governing bodies take steps to minimise the workload of head teachers by scheduling meeting dates and times to suit the head, by reducing the number of written reports required wherever possible, and by exploring other ways of increasing administrative support for members of the school leadership team in line with their needs. Governors Wales, in partnership with the teacher associations, should consider writing again to chairs of governing bodies to reiterate good practice in this area.

Response: accept in principle

Governing bodies have statutory obligations with regards the work-life balance of the head teacher. I agree that they should take steps to minimise head teachers' workloads. Commissions for reports should be reasonable and the governing body should use its budget to appoint sufficient support staff to deal with school administrative work. With regards to meetings, it is important to remember that the head teacher is only one member of the governing body. Meeting dates and times will understandably be scheduled to suit the majority of governors, many of whom will have work and other commitments. There therefore needs to be scope for compromise to make arrangements that suit the governing body as a whole and not just one member.

Financial Implications – none.

15. Given the crucial role that clerks have to play, we recommend that their performance in fulfilling their functions appropriately and to a sufficiently high standard should be reviewed, and innovative ways of providing training and support explored.

Response: accept

In law it is the governing body's decision who to appoint as clerk and, stemming from that, it is for the governing body to decide whether that person is suitable and performs well.

Be this as it may, I agree that the clerk has a vital role and that a poor clerk can weaken a governing body which, in turn, can impact on a school's performance. The Assembly Government has already funded the All Wales Centre for Governor Research and Training to produce a training pack for clerk training. This is freely available to anyone and I would encourage local authorities to use it for their training programmes.

Because of the potential impact of a clerk on governing body performance, I agree that clerk performance needs to be high, and I agree that there is a case to review whether standards are sufficiently high and whether clerks could be trained and supported more or in different ways. I will consider asking Estyn to undertake a review in a future remit letter.

Financial implications – There are no additional costs. If any work was undertaken by Estyn it would be funded as part of Estyn’s routine programme of reviews which are funded by existing budgets for Estyn.

16. We recommend that the Welsh Government continue to fund an annual outstanding clerk award.

Response: accept in principle

The award which Governors Wales told the Committee about is linked to an England and Wales award for outstanding clerks which is offered every two years and is managed by the National Governor Association. I believe that the Committee perhaps thought that it was an annual award. Funding an award annually would be at odds with how the award operates. I fully support the clerk award and will continue to support it. I therefore agree with the recommendation in principle but, for the reasons explained, I do not agree to fund the award annually.

Financial Implications – The cost of the award initiative is already programmed into Governor Wales’ grant which is funded by the Governors Activities BEL.

17. We feel that there are all sorts of governance issues associated with consortia working that have yet to be teased out and the specific role of governors in the process of federating both governing bodies and schools is not clear. We recommend that the Welsh Government clarify the role of school governing bodies in the federation process and ensure that governors are supported in using their powers positively within the new regulatory framework.

Response: accept in principle

The role of governing bodies is set out in the regulations that have been, or will be in the case of federation, made for this matter. The regulations are clear about the mechanics of the collaboration and federation processes.

Collaboration and federation are complex and novel. It is likely that issues and questions will emerge when the regulations are put into action and these modes of working become more common place. The First Minister referred to collaboration when he announced the Assembly Government’s intention to

seek competence for school governance in the next legislative programme. Given that the regulations are just, or just about to be put, in place it would be premature to consider clarification at this stage. Some time need to elapse before it becomes clear whether there are issues that are unclear or that there are points that do not work well. The Deputy Minister for Skills' review of further education institution governance will also be relevant. The Assembly Government will consider clarification or revision of the regulations if the evidence, at that time, points towards the need for it.

Financial Implications – none.

- 18. We recommend that governor vacancy rates should continue to be monitored closely and that local education authorities ensure that places are filled to better reflect the full diversity of interested parties, particularly parents who provide the link between school, home and the local community. This may usefully be achieved through local council members actively recruiting in their localities.**

Response: accept in part

The Welsh Assembly Government will continue to monitor vacancy rates through the annual collection of education statistics which are published. The remainder of this recommendation is for local government to consider.

Financial Implications – none.

19. We heard from the Minister that in England, the Department for Children, Schools and Families has set up a working party to look at making governing bodies more effective. We recommend that the Welsh Government examine the work of that group, especially with regard to considerations about the size of governing bodies and good practice in recruitment.

Response: accept

My Department will consider the English work.

Financial Implications – none.

20. A nation-wide and long-term improvement in the performance of pupils will be the real test of the effectiveness of school governors, and we recommend that the Welsh Government scrutinise that relationship to ensure a strong correlation between good governance and educational attainment.

Response: accept

I agree that the performance of pupils is a test of governors' effectiveness. It is usually the case that a high performing school has a very good governing body. Conversely, poor performing schools often have weak and ineffective governing bodies.

Raising attainment is the Assembly Government's primary goal for schools. I have launched the School Effectiveness Framework to provide the basis and the architecture for how schools and authorities work with each other. The intention is to promote more effective collaboration and to spread good practice; all in pursuit of raising attainment. Governing bodies will be drawn into the school effectiveness framework as it becomes the standard way of working.

For governors to be really effective they need to have knowledge about school performance, to be able to set, monitor and evaluate performance data, and to have the confidence to ask the head teacher the right questions. Although the Assembly Government has funded a range of publications, and local authorities run governor training on performance data matters, I accept that in general governors are perhaps weaker when dealing with data and evaluating school performance than they are with other topics. For this reason my Department has commissioned the All Wales Centre for Governor Training and Research to produce training materials for local authority trainers to use for governor training courses on performance and data evaluation. These materials are being produced in conjunction with other materials for governors being prepared by my Department about the use and interpretation of statistics and school performance, the role of data in school management, and the self evaluation process.

Estyn's evidence to the Committee about the quality of governing bodies was positive. I will take a lot of interest in the Chief Inspector's future annual reports. As the School Effectiveness Framework advances I will consider asking the Chief Inspector to look further at the question of the correlation between school performance and good school governance.

Financial Implications – There are no additional implications. Materials already commissioned from the All Wales Centre will be funded by the Governors Activities BEL. Materials about the use and interpretation of data will be funded by School Performance Improvement BEL.

21. We are concerned that significant changes can happen during the six years between school inspections, and recommend that the local education authority have an enhanced responsibility for monitoring and evaluating the work that goes on in its schools, perhaps through the role of governing body clerks, and that sufficient funding be made available for this.

Response: accept in principle

It is very important that weaknesses are identified and addressed quickly before a school's performance deteriorates markedly. The six years between inspections would be much too long to let matters go unaddressed.

Local authorities already have considerable powers of intervention in law if they have concerns about school performance, governance or management. The statutory tools are powerful and extend to challenging schools which may not have serious weaknesses but are just coasting and underperforming in that sense. Authorities, by virtue of maintaining schools, already have responsibility for monitoring them, evaluating school performance and intervening. I do not think that authorities lack the statutory tools to challenge schools and effect performance improvements, nor do they need enhanced responsibility to do so – the responsibility is already theirs.

The Committee heard from Estyn during the 18 June session of the changes to come about with the 2010 inspection arrangements. The introduction of new inspection categories of school, the way in which Estyn proposes to concentrate on weak and coasting schools, and the way in which it will build on the already established liaison it has with local authorities about schools that cause concern, will address the Committee's concern about tackling underperformance quickly.

I agree that there may be a role for governing body clerks. Certainly they are an important factor in governing body, and thus sometimes school, performance. Any role would have to be carefully thought out and made clear so that it was effective and also to avoid putting clerks in the position of being, or appearing to be, the eyes and ears of local authorities when they are in fact the appointees and servants of the governing body. I reserve judgement

about what role, if any, the clerk might have until further work is done in response to recommendation 15.

To sum up, I agree with the principle that motivates recommendation 21 but I am not persuaded that local authorities have insufficient responsibility to play the role that they need to.

Financial Implications – none.