

## **Structural Reform Research Programme Final Reports December 2013**

### **GOVERNANCE ARRANGEMENTS: NEW TYPES OF SCHOOLING**

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#### **1. Background and theoretical framework**

The project built on some earlier research funded by BELMAS focusing on two cities in the East Midlands and their responses to the Academies Act 2010. Although publicly funded, academies are schools that are privately run but with additional freedoms in comparison to schools maintained by the LA. Academies for example have flexibility in aspects of curriculum delivery and the setting of staff pay and conditions. The first academies were launched by the New Labour government (1997-2010) in 2000 when the focus was upon poor performing schools in urban areas. At this time partnerships with private sponsors were encouraged as the means of injecting funding into schools in economically deprived areas.

The Academies Act 2010 (DfE, 2010a) introduced by the incumbent Coalition government extended the programme, subsequently allowing any school maintained by the LA to apply to the Secretary of State for Education for permission to operate as an academy. Under the terms of the Act schools were allowed to convert to academy status with or without sponsorship, although the issue of enforced academy conversion with sponsors selected by the Secretary of State has been the cause of recent controversy (see for example <http://www.theguardian.com/education/2013/mar/25/ofsted-conerns-academies-undermine-improvement>).

Whilst the first project contrasted the rapid academisation of secondary schools in one city with the lack of take-up of conversion amongst secondaries in another, this project focused on the particular experience of school governors at a number of case study schools in both cities. The governance models for academies vary. For schools converting following the 2010 Academies Act, the Department for Education (DfE) have taken a broad definition recognizing a 'range of ways in which schools can work together as a formal partnership, from loose collaborations with no shared governance to being part of the same multi-academy trust' (DfE, 2011a:11). As Governor's Services (NCOGS) puts it, in a post-academy environment, academy governance is complex, differing according to the model chosen by the school: '...each model of school carries with it its own evolving book of rules and those governors and leaders ...are finding their own way often on a case-by-case basis. Each academy type requires a unique model of governance, and each academy is bound by potentially

unique articles of association and funding agreements.’: NGA magazine Sept 2013.

## **2. Objectives and Research Questions**

This study has explored the ways in which issues of context, culture and situation affect the ways in which school governance responds at local level to national policy agendas. We have explored the nature and purpose of governance through the perspectives and experiences of school governors, chairs, headteachers, and academy sponsors. These have provided illuminative vignettes of governance practice. The move to a more fragmented and self-directed model of school provision is a major part of government policy. The nature and purpose of governance in supporting or facilitating this process remains unclear and is the subject of this study.

Our key research question was:

- How are governing bodies changing in response to the restructuring of schools?

With an exploration of the following themes:

- size, structure and skills of governing bodies;
- focus of meetings (agendas)
- role of the sponsor
- accountability

## **3. Methods**

In addition to national and local analysis of policy documents, the research drew upon in depth semi-structured interviews with governors in seven academies (see fig 1 and 2): three in local authority one (LA1) and four in local authority two (LA2). The interviews were semi-structured; although there were a number of questions to be asked, there was room for elaboration on the part of both interviewer and interviewee and scope for probing into topics and areas not specified on the interview schedule, depending on the particular conversation and its progress. We believed that the use of qualitative case study research was necessary to explore the dynamics of power in governing bodies, focusing upon the relationships between social actors and their social situations, learning about the meanings behind these. Cohen, Manion and Morris (2000) detail how for anti-positivists the individual is autonomous, their meanings and values are regarded as important. This implies an active rather than a passive view of social actors, research situations are therefore 'fluid' containing individuals who actively construct their world (ibid, p19).

Where possible interviewees included headteachers and chairs of governing bodies. The schools selected were at different stages of their 'academy journey', for example the sample included 2 schools becoming academies under the last Labour government. Interviews were also carried out with the chairs of the local Governors' Associations along with council officials in both local authorities.

Fig 1. LA1 Schools

School	Date of conversion/if sponsored	Governors interviewed
A	Autumn 2007/sponsored	3: headteacher; 2 'sponsor' governors (including chair)
B	April 2012	4: Executive headteacher; LA governor (chair); staff governor and parent.
C	June 2012	2: teacher; parent

Fig 2. LA2 Schools

School	Date of conversion/if sponsored	Governors interviewed
A	Autumn 2011	5: headteacher; 4 'academy governors' (including chair and vice chair)
B	Spring 2013	3: headteacher, 'community' (chair) and parent governor (vice chair)
C	2010 (pre Academies Act)/sponsored	5: headteacher; 3 x sponsor; nominated governor
D	Summer 2011/sponsored	2: 'nominated' governors (including chair)

#### 4. Key Findings

In this section an overview of the two case study cities will be presented – drawing mainly upon interviews with leaders of local governor networks (local governor associations and council officials/councillors). Secondly a series of vignettes will describe the experiences of school governors in the schools.

##### *Local overviews*

##### LA1

No mainstream secondaries have converted, although there is one pre-2010 academy. There is a special school academy converter, a Multi Academy Trust (MAT) of faith primaries and a sponsored primary converter. Collaboration guides the LGA whose remit is 'the children of the city' the academies agenda at odds with the notion of 'the community educating a child'. The notion of accountability is a broad and encompasses all schools and all children within them. Separation from the LA therefore would be counterintuitive: 'the theory is that academies will give me freedom... I don't need to be cut adrift from an experienced HR programme, an experienced finance and budget system' (LGA chair). Academy conversion had not dominated agendas on city school governing bodies, although schools were keeping a 'watching brief' on the issue.

##### LA2

Eleven out of nineteen secondaries are academies, many converting soon after the Act. Four out of eighty primaries had converted. The local council initially opposed

academisation, now opposing forced academisation. LA/school relationships are positive: 'they've (the LA) had to accept that this is the way it's going to be' (LGA chair). School collaboration is promoted to avoid imposed conversion, especially in primaries in the city, a recent national focus. The LGA leader refers to 'culture change' amongst governors, with their accountability for the standards and progress of their schools being brought into sharp focus and agendas dominated by this: 'the pressure is on to get all schools to "good" or "better". In a post Academies Act era expertise in education, finance and personnel are vital: 'you need to have a professional attitude as a governor'.

### *LAI Schools*

#### School A

Part of New Labour's City Academies initiative, this school caters for 3-16 year olds in a deprived area and was recently rated as 'requiring improvement'. There are around 1,000 pupils and 17 governors. The school's opening was controversial; interviewees report a lack of involvement in local network as a result. There are two sponsors: faith and local business sponsors. The faith sponsor is described as engendering the school's ethos, although pupils are not selected on faith grounds. The business sponsor promotes the school's specialism. According to the headteacher, high profile sponsors encourage a 'higher calibre of governors', although sponsor leaders have given 'very little guidance' (chair).

Joint sponsorship has led to potential dissonance between values, motivations and notions of accountability. The chair is wary of the business sponsor's 'great and good' approach, especially as parental engagement is problematic. He prefers to match governor skills, e.g. local, business and educational expertise. The faith sponsor governor describes how governors have had to 'get used to the catchment', some surprised by the deprivation issues. Furthermore, the faith sponsor governor describes how normal practices of faith schools are not applied: e.g. there are no faith ex-officio governors. Also with few religious staff this governor struggled to reinforce a religious ethos. In the early days of the school it was notable that agendas were dominated by funding issues as the school had greater financial freedom as an academy.

#### School B

This is a special school with 114 students aged 4 to 19 years. There are 8 governors and 5 vacancies. Whilst the SLT are networked, governors do not attend LGA meetings. According to the Executive Headteacher who works alongside the school's principal, the school was 'courted' by the DfE to convert. As the school has received a number of accolades and statuses (e.g. specialist school status, Beacon school), agendas have often focused on 'where the school goes next', e.g. supporting other schools, developing CPD for other professionals etc. The conversion process felt like a natural progression therefore. Consultation for this was comprehensive yet for reasons discussed below, there was limited parental engagement.

The chair and SLT carry out the bulk of governance and this is where the key structures of accountability are focused. The Executive Head refers to the

‘uncomfortable place’ of governors as responsibilities increase, noting tension between this and governors’ volunteer status. A parent governor notes confusion around governors described as ‘directors’, ‘members’ and ‘trustees’. Ambiguity has been heightened by conversion: ‘it is ... less obvious to me what governors do...it is not obvious that anything has really changed...less clear what is meant to be different.’

Reasons for low engagement (particularly parental) are three-fold: difficulties engaging a small widespread community of parents coping with complex needs of their children; trust placed in the Executive Head of an ‘outstanding’ school and difficulty recruiting governors with skills appropriate to the school. Whilst there may be limited governor engagement, interviewees describe a school characterized by openness. This means that in this school whilst governance may not be the focus of accountability, there are other less formal processes for stakeholders to bring the institution to account. These are bolstered by high levels of trust in the leadership of the school.

### School C

This faith primary teaches 300 children aged 4-11 years. There are 12 governors. In an affluent area, the governors are mainly professional people. The diocese recommended conversion to protect faith education in the city: ‘it became really clear...that if we couldn’t support primary schools...someone else (outside sponsor) would step in and the whole (faith) ethos would be lost’. The model proposed was a multiple academy trust (MAT). This would ensure the fulfillment of a ‘duty of care to other schools’ (teacher governor) allowing for resource sharing (parent governor). The notion of accountability within this structure broadened to encompass a collective of faith schools and their communities. Interviewees describe a thorough consultation process. This had strengthened governance: ‘(the consultation) made us stronger as a governing body as we shared the pain’ (teacher governor). There were moral concerns: for example the possible demise of the LA. There were also concerns around potential exploitation of staff or redundancies in the case of bankruptcy.

The governing body has not changed its local constitution, although there is now an executive body with representatives from all schools. This is constituted of MAT directors, headteachers, governor chairs, diocesan representatives and parents. A parent governor suggests that whilst they are aware of avoiding a hierarchy with their ‘outstanding’ school taking a lead, this structure makes up shortfalls in governance across the schools and allows for detailed negotiations over resources. Agendas had been dominated by academy conversion and this was an ongoing item as the MAT evolved and schools, leaders and governors negotiated their roles and relationships.

### *LA2 Schools*

#### School A

This boys’ secondary (ages 11 to 18), rated as ‘requiring improvement’, converted in July 2011. There are 800 pupils and 14 governors. For the headteacher conversion was ‘purely for financial reasons’ referring to the ‘immense freedoms’ to ‘beat prices

down' for services previously provided by the LA. The consultancy was challenging with teacher opposition and parental apathy. However the head was particularly influential in determining academy conversion. There have been governance changes: one interviewee notes a 'more formalized link' between the school and governors. This suggests a more structured process of accountability between governors and the progress of the school. A further refers to increased flexibility over governance structure. The chair believed overall that conversion has 'made very little difference', although conversion meant governors were 'more engaged than before'. The headteacher is mindful that the school should not be regarded as a business, despite increased financial responsibilities: those thinking in these terms are 'dangerous'. The role of the governing body continues to be 'free consultancy' although he believes that 'most people don't have that degree of acumen to offer' (headteacher), intimating weak structures of accountability between the school and the wider community of stakeholders.

### School B

This secondary (11-18 age range), rated 'outstanding' and with Teaching Status, has around 1600 students and 16 governors. It converted in early 2013. Consultation had completed although wrangling over funding (the school had been financed through the Private Finance Initiative) had caused delays. For the head however conversion was inevitable:

'you either stick your head in the sand and ignore it or you embrace the new regime'.

The formalisation of school-to-school collaboration was a key motivator and governors envisaged their role changing to reflect this:

'at the moment I feel I am a (school B) governor but I believe that is going to change...if we end up supporting other schools. That view as seeing yourself as just a (school B) governor, that's going to change' (vice chair).

The headteacher describes the 'nurturing (of) the governing body to accept that you have certain responsibilities...because effectively you're running a business'. To this end governors now have formal faculty links and systems of self-evaluation: 'every single person on there has got to make a contribution to the school' (chair). The vice chair refers to a 'mind shift' if governors are 'to be more professional in their approach (and) to a standard to fulfill accountability'. In future she envisages less governors and sidelining of 'passive' individuals.

### School C

This 'outstanding' secondary teaches 1300 children aged 11 to 18 years, converting in 2010, under New Labour. There are 4 sponsors: a local business, FE provider, HE provider and LA. The relationship with the LA is positive. This contrasts with difficult school/LA relationships in this city. The chair describes the governors as a 'collective', despite differing sponsor interests: this is contradicted by the business sponsor who is clear about his role:

‘I’m not there as an individual, I’m there representing (the business)’.

The headteacher reports little change since conversion but notes renewed commitment and sense of accountability amongst governors:

‘governance is a lot better now... they’re...more committed, there’s a sense of ownership...loyalty, you tell someone they’re a company director, they’re here’.

According to the chair, ‘there is a need for a greater business expertise’ (chair). Agendas are more focused upon the need to maintain the school as a ‘viable’ institution but also require an understanding of the broader context of the school. This is highlighted by the vice chair: some governors fail ‘to understand the place of school in the community and in society’. Similarly, the chair suggests ‘professional’ attributes will be increasingly important as the ‘commercial dimension’ in schools heightens:

‘Michael Gove...wants a professional approach to governors’.

#### School D

This school of 800 students aged 11 to 18 years converted in July 2011. It was last rated ‘outstanding’ and is sponsored by an educational charity as part of a loose federation although there is no joint governance. Governors expressed scepticism about the sponsor with uncertainty around the proper relationship between them and the school and how accountability should operate. Although there are two sponsor governors on the body, the sponsor is perceived as being ‘absent’. This is highlighted by one governor in terms of a lack of clarity around the sponsor’s ethos and motivation. The chair refers to prestige afforded by the sponsor – the relationship with which was strongly supported by the SLT- as a means to improving rolls.

The chair is focused on ‘progressively strengthening the governing body’ with conversion an ‘opportunity to re-mix’ this. Other governors express frustration that change amongst governors is slow, questioning the advantages of converting to academy status if structures were not to be reviewed. For this governor therefore, agendas and overall practices of governance have not evolved sufficiently. Whilst affording the school and governors greater freedom, the chair acknowledges that so far change overall has been minimal: he asserts that academy conversion is a considerable enough change without altering too much too soon – for example a change to the length of day and term for example. He believes that this would be an unnecessary ‘battle’. Ambiguities around notions of sponsor accountability since academy conversion are complicated by difficulties engaging parents in this socio-economically disadvantaged area where the governing body may be deemed an ‘intimidating organization’ (chair).

### **5. Implications for Theory and Policy**

This research flags up a number of issues and considerations for policy in the future. Whilst school governance has suffered from a lack of clear role definition (see Sallis 1988:165, Golby 1992:168, and James et al, 2010), this has been further confused by



the Academies Act. It is clear that in the years following the Act schools are negotiating and navigating new configurations of governance and rethinking notions and structures of accountability. The input of sponsors in school management and leadership has complicated these issues and the situation is evolving: in 2010 the National Audit Office identified 8 different types of sponsor: faith-based charitable organisations; successful schools; corporate; LA co-sponsors, philanthropic, HE and FE, with the case study schools in this research including most of these, sometimes a number collaborating in sponsorship.

Multiple sponsor involvement in school management whilst potentially enriching schools complicates governorship. The role of sponsors was a bone of contention in a number of case study schools: differing values, motivations and notions of accountability cause tension. In one governing body one sponsor was clear that he was there to represent the business he worked for, this is where his accountability lay: there was a 'business case' for his governorship. Whilst this was an unambiguous motivation, there was conversely a lack of understanding of the sponsors' motivation and agenda similarly caused unrest in one of the case study schools. In this case there was no clear line of accountability between the school and the sponsor and vice-versa.

In MATs – a further configuration of the management of academy conversion - governance may have more than one layer, with accountabilities, responsibilities and statuses to be negotiated. This was exemplified in one of the case study schools experiencing the transition to from a stand-alone faith primary to a MAT with a number of neighboring primary schools. The experience of a special school academy illustrated a further model of governance - one where the combination of the particular needs of the pupils and their parents and a charismatic leader led to a small focused governing body where parental involvement was minimal. This did not necessarily mean that structures of accountability were not present, just that these tended to be less formal, reflecting the nature of the institution.

It was clear that the schools involved in this research were at varying stages of a 'settling in' process following conversion and even some years after being established as an academy under the last government. Consultation prior to the decision to convert has been an opportunity for some to audit governor skills, to assert or reassert the need to 'bring something to the table'. In some cases governors have been sidelined (e.g. governors disagreeing with conversion). Furthermore following conversion governors have been forced to reconsider their relationships with the Local Authority and other schools.

Interviewees referred to the need for a 'mindshift' or 'cultural change' amongst governors, alluding to the need for governing bodies to be focused upon school improvement and to be able to be accountable for this by demonstrating personal experience and activities as governors. Particular skills such as accountancy, educational skills/knowledge and experience in business are valued, reflecting more focused agendas requiring these. The emphasis upon the need for such skills resonates with Carmichael and Wild's 2011 (updated 2012) reports to government on school governance reform recommending the creation of 'an environment of professionals handling other professionals, able to make appropriate/suitable judgments' (2011, p17).

This was echoed in February by Michael Wilshaw<sup>1</sup> who proposed a ‘more professional approach’ to governing, sharpening governors’ accountability for the progress of their schools. This prospect has significant implications for the principle of ‘stakeholder’ governance of schools, a principle valued by Ranson and Crouch’s 2009 research. This principle is regarded as the firm basis for children’s learning. This concern is echoed by Chris James in his recent evidence to the House of Commons Education Committee. He regards the stakeholder model as vital to the school remaining embedded in their communities: ‘Governors often have a strong commitment to their school. It is important too that those who have a stake in schools take a measure of responsibility for their governance. Without that connection, schools may become detached from the communities they serve’.

## **6. Future Plans**

The intention is to develop the data from this research into papers exploring further the differing configurations of governance and accountability in the post Academies Act era, particularly in terms of the position of sponsors. It would be particularly interesting to explore governance in schools where there are multiple sponsors and the effect this has on the nature and practice of governing bodies. It would also be useful to consider the effect of academy conversion of non-mainstream schools in special education and in PRUs. There would also be the possibility of developing the research into a larger project to broaden the research beyond the two Midlands cities focused upon here, considering the nature of governance in academies across the country.

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<sup>1</sup> Speech made to Policy Exchange: 27<sup>th</sup> February 2011, see <http://www.policyexchange.org.uk/modevents/item/sir-michael-wilshaw-creating-a-step-change-in-school-accountability-equipping-parents-and-governors-with-the-information-needed-to-assess-school-performance> for full transcript.

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