School governance & academisation in England

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School governance in England

- Since 1980 and 1986 (No. 2) Education Acts all schools in England had a governing body;
- "The conduct of the school to be under the direction of the governing body" (1986: 16.1);
- School governors provide strategic leadership and accountability in schools.

Governing body core functions

- Ensuring clarity of vision, ethos and strategic direction;

- Holding senior leaders to account for the educational performance of the school and its pupils;

- Overseeing the financial performance of the school and making sure its money is well spent.

Wilkinson, 2017: 4

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School governing bodies

- Between 9 and 19 members according to size of school roll;

- Balance between local authority, parents and teachers; headteacher is a member, but ex-officio;

- Since 1986 should also include a member of business community (or co-opted).

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Academy trusts

The route to academisation

- Education Action Zones
- Specialist Secondary Schools
- Fresh Start Schools
- City Technology Colleges
- City Academies (2000)
- Academies (2002)
- Sponsor academies (2004 – 2002)
- Converter academies and primary schools (2010)
- Academies Act (2010)
- Special schools (2011)

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Male (2017)

Academy Trusts

- Both single academy trusts and multi-academy trusts (MAT) are charitable companies;

- They have both Members and Trustees;

- Trustees manage the business of the academy trust and should focus on the same three core functions of the governing board;

- Trustees must ensure compliance with charity law, and are accountable to Parliament and the Secretary of State for Education.

Members of academy trusts

- Members of academy trusts have a similar role as shareholders in a company limited by shares;

- They are signatories to the articles of association, which includes the trust's governance structure and the definition of the trust's charitable object;

- They also have powers to amend this article of association in particular circumstances, as well as appointing Trustees. For academies that have a sponsor, the sponsor has a right to appoint Members.

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Board of trustees

Department for Education sets out limited requirements for the constitution of a board of Trustees:

- Must have two elected parents;
- No more than one third can be employees of the Trust;
- No more than 19.9 per cent can be LA employed (including teachers and headteachers of LA maintained schools);
- For University Technical Colleges, there must be a representative from the employer and university sponsors.

Academies in England

Only 207 academies in place before 2010

Phase	Open	Applied	Total
Primary	5167	708	5875
Secondary	2561	142	2703
Special	323	66	389
Alternative	126	29	155
Totals	8177	946	9122

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A total of 9122 by September, 2018

Maintained Schools

Type of establishment	Primary	Secondary	Total
Academies	30%	66%	36%
Free/studio schools & UTCs	1%	8%	2.2%
LA Maintained	69%	26%	62%

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47% of children in academies – January 2018 (NAO)

Opaque systems

- Overall, the school-based education system in England has changed radically, from a transparent national system of schools with their own legal identity and management[…] into a highly fragmented and opaque system. (9)

- Decisions in maintained schools taken by governors appointed by an open process are – in academies – now often taken by 'trustees', whose appointment remains opaque, and through processes that are not subject to rules on openness which apply across other areas of public life. (5)

- At least one MAT explicitly scrapped the notion of governing bodies for the 25 academies in 2016 apparently claiming at the time that other MATs had already done the same 'without being "honest" about it' (24)

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West & Wolfe (2018)

Multi-academy trusts (MATs)

- A multi-academy trust (MAT) is established to undertake a strategic collaboration across a number of schools;

- The MAT is accountable for the performance of each school in the group, although each can still have their own governing body which operates subject to delegation of power from the MAT;

- All staff will be employed by one employer and the trust can share the additional reporting responsibilities required of an academy.

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Trust Size	Academies	% Academies	Trusts	% Trusts
1	1686	20.6%	1,686	59.6%
2	624	7.6%	312	11%
3--5	1848	22.6%	491	17.3%
6--10	1652	20.2%	219	7.7%
11--20	1149	14.1%	84	3%
21--30	55	6.8%	22	0.8%
31--40	307	3.8%	9	0.3%
41+	356	4.4%	7	0.2%
Total	8117	100%	2830	100%

Addendum: Church of England MATs

- Memorandum of understanding with the DfE which stipulates that the diocese owns Church of England schools and has the first opportunity to show it is capable of providing a solution if a school is struggling;

- Diocesan board(s) of education (and DDE) central to establishing and running MAT;

- DBEs actively exploring hubs and umbrella trusts (with DfE support).

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MATs and school governance

- In MATs trustees are able to decide whether to appoint governing bodies (LGBs) for individual schools and, if any, governance functions;

- Some MATs may appoint LGBs in an advisory capacity as a link to parents and the local community, whereas others may delegate more substantial responsibilities over standards or finance;

- Responsibilities of local governing bodies may diminish and some school governors may no longer be required;

- Possible benefits of a smaller governance structure to ensure clear and effective accountability to the executive board of trustees?

Reduced democracy?

Male (2006: 99)

> Governing bodies, particularly in the state system, are part of the complex system of checks and balances inherent in the administration of public services that reflect the ability of English society to prevent fraud and misuse of resources.

Greany & Higham (2018):

- MATs encouraged to grow or merge by the DfE in search of efficiencies and 'economies of scale';

- As MATs get larger managerial levels increases, meaning that the 'bureaucracy' of the LA is replaced by another hierarchical authority, but without a local democratic mandate.

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Research

Research Design

- Opportunity sample from MAT leadership development programmes;
- Started January 2017; data set consists of 42 semi-structured interviews with CEOs and minutes of regional learning sets;
  - In academic year 2016-17 interviews with CEOs of 17 Church of England and 8 secular MATs (January to July);
  - In 2017-18 interviews with 10 Church of England and 7 secular MATs (March to July) .
- Interviews explored 4 themes:
  - Purpose, driving force and rate of growth
  - Infrastructure; finance, data and school improvement
  - Governance and delegation
  - Internal and external relationships

Atypical sample?

- There are 1686 single academy trusts (although some may have permission to be MATs, but are yet to recruit);

- Meanwhile there are 1106 MATs of between 2 and 20 schools;

- This sample of 42 is composed of MATs which have chosen to engage with our development programme;

- Sample takes no account of larger MATs, those with a national footprint or 'mates MATs'.

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The sample

- The 42 MATs involves in this study range from a single academy with the ambition to grow to those with 15-20 schools and demonstrated the following range of features:
  - Local primary led MATs of 3-5 schools;
  - A geographically dislocated small MAT created through an alliance between former independent and state maintained schools;
  - Primary led MATs with secondary school(s);
  - Secondary led MATs;
  - University sponsored MAT;
  - Church of England MATs.

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Analysis to date

- All interviews were audio recorded and subsequently transcribed;
- Full data analysis has so far taken place on 23 (of 32) interviews undertaken by me in 2017 & 18;
  - 2017 = 6 Trust-Ed; 10 Church of England
  - 2018 = 3 Trust-Ed; 4 Church of England
- There are an additional 10 interviews conducted by my LCLL colleagues.

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Findings

Governance in MATs

There are two parts to this exploration:

- What is structure of the trust? i.e. members and trustees;

- What is happening to governing bodies at individual school level?

Governance in MATs

Governance at Trust level

- Variation of between three and five members:
  - in some instances members evolved from lead academy;
  - For C of E trusts there was strong evidence of diocesan involvement;
- Trustees between 5 and 15:
  - Evidence of desire to upskill

Changing members

"we have some members that have grown with us from being an individual school, … and they are a bit time-expired";

"We started off with three members that were trustees and now we've separated membership in functions";

"we have members who are the guardians of the ethos of the trust"

Developing Board of Trustees

"We started off with about five very lovely numpties and we've now got a really good skillset"

"We went away from a representative model - now everybody on the board is there because they've got a skills base or because they're a church MAT there are 2 people from a diocese perspective";

"There is only one trustee from when I started and I'm on my third Chair"

"If you're a trustee, you've got to have the big picture. If you can't think trust, you're probably in the wrong place";

"We did a gap analysis and sourced people for the skills that we needed";

Governance at school level

A range of views

"Those schools that were in at the very beginning had just carried on with their governing bodies and didn't see themselves as part of the wider organisation";

"Governing bodies are disingenuous – governance is with trust board as the MAT is a formalised business";

"If I had it my way again, I would have disbanded all local governing bodies";

"I really feel committed to keeping local governing bodies. I think the principle of the local school community having a voice and a role in governance is key so I don't want to be a trust that gets rid of them because they're a nuisance, but they are a nuisance";

"we think between six and nine governors can probably do the job".

Schemes of Delegation

"We changed the name to local governing committees (n.b. councils)";

"Schools that find it the hardest to cope with that are the more successful ones";

"Local governing bodies with a very clear remit of what governance means at that level and why that's different to when they were maintained school governing bodies";

"We don't want them attacking heads, but we do want them to hold heads to account";

"So, it's giving the local community a voice, but limiting the powers"

"They will do the stuff that we can't do from the centre, all the stuff governors used to do. So, they'll do the community stuff, links with the church, church school ethos, links with the parents, they'll be at the school fete, and have working parties and do all of that stuff. They may well help with some appointments. We'll see".

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Final thoughts

- Half the school population in academies, most of which have become MATs;
- Governance at trust level becoming more skills based – especially in MATS (n.b. church MATs);
- Fundamental change to governance at school level - reduction of local governing body size and scope – often renamed committees;
- Perceived purpose of local governance is to hold headteachers/heads of school to account for pupil outcomes;
- Whither democracy?

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Thank you!

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