

Governors: a major responsibility

A strong, well-led governing body, supportive of the school, its teachers and its mission makes an important contribution to the school's well-being and effectiveness. The foundation governors will have an especial care for the school's Christian character.

The Way Ahead – paragraph 8.6

In the last 20 years there has been a huge growth in the role and importance of school governors. Being a governor no longer involves turning up to one meeting a term and occasionally for worship at harvest or Christmas. It is now a major piece of Christian and community service. No one should undertake the role lightly. It involves time, energy and a willingness to become involved in the life of the school on a regular basis over a significant period of time. Churches should recognize and support all those who undertake the responsibility of being a governor in a Church school.

New regulations following the Education Act 2002 will seek to refocus the respective duties of the governing body and of the headteacher, emphasizing the strategic role of the governing body and removing from it some detailed responsibilities. However, some of the detailed work governors have undertaken in the past has strategic impact, as over staff appointments. So the governing body's policy-making role will become even more important. If, for example, they are less practically involved in staff appointments than hitherto, they will need to make prior policy decisions about such matters as the level of Christian commitment to be expected of teachers who will be appointed in future years, where

it is a voluntary aided school. The governing body's role in staff discipline will largely be reduced to one of hearing appeals, so this will require greater strategic clarity over matters of discipline and performance. The new regulations will also require changes to be implemented over the next few years to the constitution of the governing body in order to create greater flexibility.

In summary, the task of the governing body is to develop policy in consultation with the staff of the school, to approve the policies thus developed and to monitor the implementation of these policies as necessary. The headteacher, aided by the senior leadership and management team of the school, where this exists, is responsible for the implementation of these policies and the day-to-day management of the school.

The constitution of the governing body is laid down in the Instrument of Government. When the school has a religious character, this document also contains an 'ethos statement'. This statement is derived from the school's trust deed but lays out in modern language the main purposes of the school. All the policies that the governing body develops and approves for the school should take this statement as their starting point.

Membership of governing bodies

There are several ways of being appointed or elected to the governing body of a Church school. The exact constitution of the governing body, indicating how many governors are to be elected or appointed by the various routes and who in each case is the electing or appointing body, is laid down in the Instrument of Government and must comply with the legal requirements for the type and size of school. These will largely in future be expressed in proportions. There are detailed regulations about people who may not be governors of schools of any kind, for example, by virtue of their age or by having demonstrated that they cannot be

trusted to run a business. The governing body is a body corporate made up of individuals together entrusted with the responsibility for making decisions about the expenditure of large amounts of money and making a significant impact on the lives of their employees, the pupils and the wider community. They must together and individually behave in a trustworthy manner.

Foundation governors

In Church schools this is the description of the governors appointed by the Church authorities. In an Anglican school it is usual for the incumbent of the parish, by virtue of office, to be a member of the governing body. This is called being an *ex officio* governor. In rare cases the incumbent may not be able to be a governor, for example, if there are more than two schools in the parish or benefice of which he or she is expected to be the *ex officio* governor. If this is the case he or she should contact the diocesan director of education, who will arrange for the archdeacon to nominate someone else from the Church to take on the duties. This is usually what happens if there is an interregnum (the period of time between vicars). Other foundation governors will mostly be active laypeople. The Instrument of Government will indicate which church organization has the responsibility for nominating the foundation governors. In Anglican schools it is common for there to be a mixture of nominating bodies, including the local Parochial Church Council and the Diocesan Board of Education. Some of the foundation governors must also be parents of pupils at the school at the time when they are nominated. The Instrument should make it clear who is responsible for ensuring that their nominees are parents. Most Diocesan Boards of Education have clear policies about the qualifications and characteristics of the people they are prepared to nominate as governors of the Church schools in the diocese. Where this is the case it is usually helpful if the other bodies who nominate foundation governors also have regard to this policy.

Teacher and staff governors

In every school there are arrangements for the teachers and staff employed at the school to elect one or more of their number to the governing body. Should a teacher or staff governor move to a post in another school they would cease to be a governor and a new election would be necessary.

The headteacher as a governor

The headteacher of the school may choose to be a member of the governing body. Most do so. Headteachers can change their minds about the decision at any time. If the headteacher decides not to be a member of the governing body he or she is still entitled to attend meetings of the governing body. Headteachers who are not members of the governing body can speak but cannot vote at governing body meetings.

Parent governors

The parents of the school are entitled to vote for one or more of their number to serve as governors of the school. Any parent who is elected must have a child attending the school when they take up office. If the child subsequently leaves, the parent may complete their full term of office, but may not stand for re-election. The governing body is well advised to delegate to the headteacher the conduct of an election for parent governor, including the sometimes difficult process of drawing up a register of electors, advice on which will be available from the LEA.

Parent governors from all schools in the LEA can elect one of their number to represent parents on the overview and scrutiny committees of the Local Authority that deal with matters affecting schools within the Authority.

Local Education Authority governor

The LEA nominates one or more governors to the school. The choice is a matter for the LEA. They are usually councillors or people active in the local community. They should be expected, like other governors, to play a full part in the school and actively to support the school as a Church school. They will naturally also represent the interests of the Local Authority, but they cannot be expected to speak or act on behalf of the Authority over matters that require advice or an interpretation of the Authority's judgement. It is important that the clerk to the governing body acts quickly to notify the LEA when a vacancy for such a governor occurs.

Minor Local Authority governor

In some schools, in some areas where there is a local council at a lower tier of local government than the Local Education Authority, the local council (referred to as the Minor Local Authority) is entitled to nominate a governor for co-option. In rural areas the MLA governor can be an important link between the school and the local civil parish, community or town.

Co-opted governors

Some categories of school (not voluntary aided schools) may have provision within their Instrument of Government for the governing body to co-opt governors. Such co-options may represent developing partnerships between the school and local businesses or may enable the governing body to bring in members with particular skills or experience.

Sponsorship governors

Where local partnerships are developed into a full sponsorship agreement, part of that formal sponsorship arrangement may include the creation of a place for one or more sponsorship

governors. This will require the making of a new Instrument of Government and, in the case of a voluntary aided school, an increase in the number of foundation governors.

The chair of the governing body

At its first meeting of the academic year the governing body must elect or re-elect one of its number to the chair. Before the requirement for an annual election, the incumbent was automatically the chairperson in Church schools. Church school governing bodies should find the most appropriate member of the governing body to chair their meetings. The person who chairs the governing body must be someone who can conduct the meetings of the governing body inclusively and expeditiously and who has the commitment and can make the time to know and be known at the school. He or she must be able to lead the work of the governing body and to take public responsibility for that work on occasions such as the annual meeting for parents. It is also important to spend purposeful and suitably structured time with the headteacher.

Where the incumbent does not chair the governing body, he or she may feel more able to concentrate on the spiritual and pastoral duties of chaplaincy in the school. Many incumbents would see these as their prime responsibilities in a Church school; they are not, of course, incompatible with chairing the governing body.

Observers

Sometimes individuals may be invited to attend meetings of the governing body as observers. Such people may speak if invited to do so by the chair, but they may not vote. They must agree to be bound by the same rules of confidentiality and corporate responsibility as full members of the governing body.

The clerk to the governing body

The clerk to the governing body acts as secretary to the governors. He or she prepares the agenda for governing body meetings (in consultation with the chair and the headteacher), sends out notices of meetings and takes the minutes. In some cases clerks deal similarly with meetings of committees of the governing body although, for reasons of cost, alternative arrangements are sometimes made. Even where the LEA provides clerks as a service to the school, the school is (effectively, if not in fact) the employer of the clerk and must pay for the service. It may not be advisable for someone employed in the school for other purposes (e.g. the school secretary) to be the clerk, as this might lead to a perceived conflict of interest, but there is no reason in law why this should not be the case. It is no longer lawful under school government regulations for a member of the governing body to undertake the duties of clerk. The clerk will receive and deal with correspondence on behalf of the governing body. Some schools may retain distant memories of ‘correspondents’ but the old ‘correspondent to the managers’ in a primary school became clerk to the governing body in the education legislation of 1980. It is no longer appropriate for the governing body to have a member acting as correspondent.

The chief education officer (CEO) and the diocesan director of education (DDE)

The holders of both these offices, and their representatives, may attend the meetings of the governing body under certain circumstances. The reason for this is to enable the governors to draw on the advice available from these two offices. Their rights of attendance were enshrined in successive acts of primary legislation including the School Standards and Framework Act 1998 but, following the Education Act 2002, these will be provided in regulations. It is important that the clerk ensure

routinely that both the CEO and the DDE receive proper notice of all the meetings, a copy of the agenda, the minutes and any other papers that are being presented at the meeting.

Committees

The governing body may appoint committees to undertake some of its work, although there are certain decisions that cannot be delegated. Two obvious examples of such committees are the admissions committee that makes decisions about which children to admit to the school in voluntary aided or foundation schools and the staffing committee. Some of the committees will meet regularly and form a permanent part of the work of the governors. Others will take the nature of informal working parties set up to undertake a particular task and ending their work when that task is complete. It is important that the governing body gives any committee or task group that it creates a clear brief in writing, so that there is no potential for misunderstanding. This will state whether the committee has deliberative, advisory or decision-making powers and, if the latter, the limits on those powers. The full governing body should not debate again issues that it has delegated to committees, unless the committee requests further guidance on policy issues. It is not necessary for every member of a committee to be a full member of the governing body.

The governors' responsibilities

All members of the governing body have similar responsibilities.

- They are responsible for the overall policies of the school and for ensuring that the headteacher runs the school in accordance with those policies.
- They are responsible for representing the interests of the group that elects or nominates them on the governing body.

The foundation governors are, therefore, particularly responsible for ensuring that a Church school is organized in accordance with the traditions and practices of the Church.

- They are responsible for ensuring that the needs of the school are represented appropriately to the body that nominated or elected them.

It will be clear that the governors are not there to manage the school on a day-to-day basis. That is the task of the headteacher.

The governors also have a duty to elect a chair and vice-chair each year, to conduct their business efficiently and fairly and to ensure that any funds entrusted to them are administered properly.

The governing body of the school has a responsibility for the development and approval of all the key policies within which the school functions. A prime task of governors is, therefore, to take an active part in the development of these policies. In this the governors will be working closely with the teaching staff of the school, and, for certain topics, other school staff as well.

It is often helpful for governors to take a special responsibility for an area of the curriculum or of the school's work. In doing this they are undertaking to develop a good working relationship with the subject coordinator or head of department. Where a new policy document is being developed in an area, the teacher responsible will probably prepare the draft and discuss it with the headteacher and the governor with that area of responsibility. When it is ready for presentation to the whole governing body the three key contributors, the teacher, the head and the governor, will agree how the document is to be presented and who will make the presentation. Should questions be asked at the Annual Parents' Meeting about a specialist area it would be normal for the governor who takes an interest in that area to answer, with the headteacher providing any further depth that the questions require. One of the governors must take on the role of governor

for Special Educational Needs, another for child protection and another for issues arising from appraisal of staff.

An important duty of governors is contributing to the network of communication, without which no school can function. While all governors contribute to all aspects of this there is a special expectation that governors will support and assist in the communication between the school and the body or group who nominated them.

Governors also have duties in the appointment of staff. These have been dealt with in some detail in the chapter on staff issues, but the principles are worth rehearsing here. The governors have direct responsibility (in voluntary aided and foundation schools) or responsibility delegated from the LEA (in voluntary controlled schools) for the appointment of the staff to the school. Much of the detailed work will be delegated to the headteacher and others in a clearly defined manner. Being responsible for appointing the staff also implies accepting responsibility for their support, encouragement and professional development. It also implies accepting the responsibility for taking action if things have gone wrong. It is not adequate to argue that 'I wasn't a governor when Mrs Smith was appointed, so it is nothing to do with me'. Governors have a corporate responsibility and, therefore, becoming a member of the governing body implies taking on the responsibility for previous decisions and policies.

It seems impossible not to mention money. School budgets loom very large in the running of a school. The governing body is responsible for setting the school budget and monitoring its expenditure. The precise way in which these responsibilities are exercised will vary between different LEAs and will reflect their schemes for the Fair funding of schools. The governing body also has responsibility for other funds than those delegated to them by the LEA. These may include the school 'voluntary fund', trust money held for the school or funds to pay for developments in

the school building. All funds should be managed with openness and honesty and in accordance with good accounting practice. The National Society has developed a booklet of guidance on the management of charitable funds, about which those governors involved in financial matters should know.

Conduct of meetings

The chair of the governing body, the clerk and the headteacher will have discussed the agenda in good time before the meeting to ensure that it is well prepared. Preparation will include ensuring that the papers go out in good time before the meeting, so that all members of the governing body are able to consider the issues and prepare themselves for the discussion. The papers should also reach any adviser for the same reasons. There need to be special arrangements, known to all governors, in the rare cases where urgent business that needs to be dealt with at a meeting arises after the agenda has been prepared. 'Any other business' must not be used for a member of the governing body to bring up an item that should really be discussed only after preparation, or that is the business of a committee. This is particularly important in controversy or where there are criticisms of a member of staff or of another member of the governing body. It is often helpful to restrict items of this kind through a notice on the agenda requiring 48 hours' notice to be given to the chair of the intention to raise an item. Some items will appear regularly on every agenda, some will appear on an annual cycle and others only when they are needed. Some of the regular items include:

Prayer

Meetings of a Church school governing body should normally start with prayer. This will help to focus the meeting and remind all present that they are involved in work being done in the name

of God. If there are individual members of the governing body who do not feel able to be present during prayers, arrangements should be made for them to join the meeting after the prayers have been said. It is important that the agenda makes it clear when the prayers will happen.

Election of chair and vice-chair

This is an annual item, taken at the first meeting of the school year. In some years it will probably be no more than a formality; at other times it will be one of the most important decisions a governing body can make. The person best able to fulfil either of these two roles should be elected to the chair (see above).

Headteacher's report

This item will appear on the agenda of every meeting. The headteacher should present a written report, normally circulated with the agenda, and be prepared to answer questions on it. It is helpful if governors ask for items that they would like to see included in this report, as it will avoid the report falling into a routine pattern. It should not be used as a means of raising items of substance that should have been on the main agenda. Where there are decisions to be taken by the governing body, it is helpful if these appear as separate items, so that it is clear what is required. The report should be a report, not a separate mini agenda.

Action Plans

Following an inspection, either by OFSTED (ESTYN in Wales) under section 10 of the School Inspection Act 1996 or a denominational inspection under section 23, the governing body must develop an Action Plan. Once the governing body has approved it, it should receive regular reports on its implementation, so that governors can be sure that the school is making a full response to

the key issues raised in the inspection. The governing body must report to parents on its Action Plan. Governors should be aware that inspectors will always look for evidence of the implementation of previous action plans when they inspect the school. Failure to implement an Action Plan is taken as clear evidence of serious weaknesses in the governance or management of the school.

Education Development Plans (EDPs)/Education Strategic Plans (ESPs)

Every LEA must produce an Education Development Plan (Education Strategic Plan in Wales) in consultation with local schools. These cover a three-year period but there are provisions for an annual review. Within the plan there must be targets agreed with each school for the educational attainment of its pupils. The EDP/ESP will therefore be a regular item on the governing body agenda as the governors will need to know not only the content of the plan as it refers to their school but also the action that is being taken to achieve the targets that have been set.

Asset management plans (AMP)

Every LEA must have an asset management plan. This is discussed in detail on pages 111–12. The AMP and work related to it will be a regular feature of governing body's agendas.

Other items for the agenda

Items on admissions, finance, buildings, Special Educational Needs, staffing and the curriculum will all be regular features of the agenda, but they have all been covered in some detail in other sections of the book.

The focus of this section has, so far, been on the formal structure of the meetings. This is because the meetings of the governing

body are formal affairs and must be conducted properly. The business of the governors must be carried through effectively. There are other issues, however.

The formality of the meeting should not detract from the quality of the relations that should exist between members of the governing body. In the chapters on parents and children much emphasis was placed on the quality of relations and the theological ideas that should inform them. Two groups of adults, the staff and the governors, are responsible for creating and maintaining these relations. If relations between members of these two groups do not demonstrate the principles that the school is seeking to promote, little of lasting value will be achieved.

All governors, not just the chair, must ensure that every member of the governing body is encouraged to voice his or her opinion in an appropriate fashion, to contribute to debate and to have their views acknowledged. This does not mean that the only way forward is total consensus. Nor does it give every individual a veto. It does mean that, on important or controversial issues, the chair should ensure that governors have ample opportunity to make their points. Having debated the issues and come to an agreement about them, all members of the governing body should then accept the decisions of the majority and support them in public. This should be the case even where a member has been unable to attend a particular meeting.

Confidentiality

The details of the discussions in a governing body should remain confidential. Governors must know that what they say during a meeting will not be repeated outside it. If governors are to have confidence in each other they have to know that everyone present is observing these basic rules for committee work. The minutes will record the decisions that have been taken. They should not record the detailed discussion. Minutes of the governing body are

not themselves confidential and can be seen by anyone interested once they have been approved. Items that the governing body decides to retain in confidence should be recorded and kept separately. The decision about which, if any, items should be kept confidential can be made when the agenda is prepared or at the end of a meeting of the governing body. It is good practice following governing body meetings for members of staff to be given information about any important decisions. It is not, however, necessary for members of staff routinely to receive copies of minutes.

School policies

The governing body must approve a range of policies on which the school will depend for its good management. Some of these are required by law. Others, although not statutory, are so important that inspectors and others concerned with the school's performance will ask to see them. Governors should not approve a policy that they do not understand; it is, therefore, important that governors read draft policies carefully, hear presentations on them from appropriate teaching or other staff and ask any questions that they may have before giving their approval. Once approved by the governing body, the policy should be supported by all governors, who should also be satisfied that measures are in place to ensure that the policy is being implemented appropriately in the school.

First among these policies is the ethos statement that forms part of the Instrument of Government. From this statement the governors will have derived a mission statement or set of aims for the school. All other policies should relate to these basic statements of the purpose of the school. The policies, which the governors should consider for approval, will cover all the major areas of the curriculum, not just the national curriculum but RE, school

worship and the extra curriculum, and large numbers of other matters such as staffing, pay for staff, the delegation of financial responsibility, school security, pupil behaviour, how to deal with complaints and the school's communication of itself to its wider community.

Within every school there should be a scheduled process of policy review in order to ensure that no policy becomes out of date or ignored because it has not been discussed for a number of years. New staff and governors should be made aware of the key school policies as part of their induction programme.

Visiting the school

All governors should seek to visit the school, after due consultation with the headteacher, sufficiently regularly to be confident that they know something of its work. Some governors, because they fulfil other roles in the life of the school, visit quite regularly and may make a significant contribution in these other capacities. Governors should discuss plans for school visiting at least once a year as part of their agenda, in order to ensure that these visits are coordinated and do not become a burden to the school. The purpose of the visit is not to inspect or to monitor an aspect of the school. For these matters the governors must rely on the professional service of those they employ and of those who support the school, even where they can themselves bring a professional interest to bear. It is good practice at the end of a visit for a governor to discuss what they have seen with the headteacher or other senior member of staff in order to ensure that they have understood the context of their observations.

Training for governors

When a governor is first appointed to a school there should be a period of induction to enable him or her to take a full and informed part in the work of the governing body as quickly as possible. This may include:

1. being given a folder of the key policies, documents and papers, including the Instrument of Government, recent inspection reports, and others relating to the work of the governing body;
2. making an informal visit to the school;
3. meeting the headteacher;
4. meeting the chair of the governors;
5. being given a mentor from amongst the experienced governors.

Other training activities for governors take two basic forms:

1. being part of a training activity organized for the whole governing body of the school;
2. going on a course or conference as a representative of the governing body or from personal interest.

Over a period of time every governor will be involved in both types of training activity.

The main providers of training for governors are the LEA, the diocese and the associations of governors. These are also the main sources of advice to governors outside the staff of the school. Some governors may be interested in relating the training that they undertake to other forms of professional or personal development in which they are engaged. It is possible to find courses being offered to governors that have a clear relationship to validated programmes of study, leading to higher education qualifications in some areas. Your diocese or LEA will be able to provide details of these.

Within the school budget, or from other funds available to the school, governors should ensure that there is some funding available for their participation in training. Governors give up much free time to the service of the school. They should not also be expected to pay for their training out of their own pockets.

Finance

There are two distinct areas of finance for which the governing body has responsibility. Each of the areas has its own rules and requires a particular type of response from the governing body.

Fair funding (LMS): delegated funds

The Local Education Authority delegates funds to schools to cover the costs of paying the staff and day-to-day running. Each local authority has its own scheme, with accompanying regulations on how the scheme is to operate in practice. These schemes must conform to guidelines laid down by the Department for Education and Skills or (in Wales) the National Assembly. These bodies must also approve the schemes. The Local Education Authority must consult schools locally about these schemes. Under new legislation this will be done through the work of the local Schools Forum. Governors have to develop policies on expenditure, such as staff pay policy, and see that these are implemented. They should approve the annual budget and some governors may be involved in its development. The governing body must also satisfy itself that the budget is being managed efficiently in line with the policy or guidelines that it has approved. It must also ensure that all areas of expenditure to be covered by the budget are properly identified. Where reserves are being built up against future large-scale expenditure, governors must ensure that these are being properly managed and that the reserves are only sufficiently large to cover the planned expenditure. Where they are asked to

approve savings or cuts in planned expenditure they should be aware of the implications of these cuts or delays in spending on the future welfare of the school.

Governing body funds

In voluntary aided and foundation schools in particular, it is likely that the governing body will have some funds in its control other than those delegated by the LEA. These funds may be the result of building appeals or the proceeds of letting the school buildings to third parties. Some governing bodies also benefit from trusts held in the name of the school. Charitable funds fall under the regime created by the Charities Acts. Detailed advice on the management of these funds is available in a National Society booklet *Church Schools and Charity Law*. The important principle to establish at this stage is that it is essential for the various funds to be kept separate and for movements between them to be carefully recorded. The governing body has absolute responsibility for the money entrusted by the parents and supporters of the school and must be prepared to account for the use of the money to anyone with a legitimate interest.

External relations

There is a wide range of groups within the local community and beyond with which the governing body of a Church school should maintain close working relations. Many of these groups will appoint members to the governing body and those governors will naturally ensure that there are good channels of communication between the school and the body that appointed them. Locally, the principal groups will be the parents, the parish or parishes served by the school and the wider local community. The school's prospectus of information and any newsletter that the school publishes will be two of the ways in which communication is taken

forward. How people are greeted when they visit the school or telephone the school office, and their perception of how they are spoken to by the headteacher and the staff of the school will be very important.

Relationships with the Local Education Authority and the Diocesan Board of Education will be of a different nature. There will be a close professional relationship between the staff of the Local Education Authority, the Diocesan Board of Education and those who work most closely with them in the school. As always in a school, much will depend on the headteacher, but the chair of the governing body and those responsible for the school premises and finance will also have an important role in maintaining good relationships. The headteacher and those members of staff with curriculum responsibilities will know the advisory staff of the Local Authority and the Diocesan Board. The school secretary should maintain a list of the names and contact numbers of those within the Local Education Authority and the Diocesan Board of Education staff who are most often in contact with the school.

From time to time the school will come into contact with the local press, radio or television. This will often be because the school has some good news that it wishes to share or an event that it wishes to publicize. It is often helpful to have a member of staff or one of the governing body who maintains these links with the local media on behalf of the school, through whom such reports can be channelled. This will help to develop a good working relationship with local reporters, so that they know whom to contact if they wish to discuss a school event or follow up a story. It also helps other staff and governors to know that there is a colleague who will answer questions on behalf of the school, so that they do not feel pressured into doing so. Indeed, if there is an event that needs delicate handling it is essential that only those who have been given authority to do so by the governing body speak to the press on behalf of the school. In sensitive situations

help should be sought from the media relations team of the Local Education Authority or the diocesan communications officer.

Management

Governors have a key role in the development of policy in the school and the appointment of the staff who will be responsible for the day-to-day management of the school. It is not the governors' task to manage the school. They can facilitate good management in the school by providing clear policies and being supportive of the headteacher and the school leadership team. Governors do have one important shared management task, however, which is to manage their own business and meetings effectively.

This chapter has outlined some of the main duties of the governing body. Being a member of a school governing body can be a daunting task but it is also a great privilege. Governors accept responsibility for everything that happens within a school, and are charged with ensuring that every pupil receives the best possible education.



The National Society/Church House Publishing has published *Church Schools and Charity Law*, 2000.

More details of all the issues raised in this chapter can be found on www.churchschools.co.uk.