



Llywodraeth Cymru  
Welsh Government

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## **Welsh Government response to the School Governance Task and Finish Group report**

Digital ISBN 978 1 4734 2210 0  
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WG23090

## Section 4: A model of governance

**Recommendation 1- (Page 17):** To adopt the 'Stakeholder+' approach in the structure of governing bodies. In this, we are retaining the valuable contribution made by the variety of stakeholders and suggest that the 'plus' aspect allows governing bodies the flexibility and freedom to recruit additional governors on the basis of skills need.

### Welsh Government response

Accept

### Advice to the Minister/Cabinet & rationale

Plans are in hand as part of the Improving Schools Plan to review the governance framework within which schools operate, with a view to making it more flexible to enable governing bodies to recruit governors with skills that meet their needs. The aim is to allow school governing bodies more freedom to determine their own composition, so that they can recruit governors with the right skills and experience. Schools would determine the appropriate balance of parents, staff and other groups with a key focus on skills and experience.

Alongside this the mandatory training we have introduced for governors and chairs in those areas which will have the most impact will help to ensure that existing governors are provided with the necessary skills to carry out their roles effectively

### Implications

Revising the constitution of governing bodies and eligibility criteria for different categories of governors would require amendment to The Government of Maintained Schools (Wales) Regulations 2005. Any such proposals would be subject to consultation.

## Section 4B: Structure of school governing bodies

Recommendation 2 is presented in 6 parts;

**Recommendation 2a- (page 21):** There is flexibility in the structure of governing bodies with a minimum of nine governors and a maximum of 21

### Welsh Government response

**Accept in part.** We are committed to having a flexible governance framework to allow governing bodies to recruit governors to meet their needs. However, we question the effectiveness of having a minimum of nine governors particularly if governing bodies are to retain responsibility for staff dismissal functions.

### Advice to the Minister/Cabinet & rationale

Whilst we agree that 21 governors is a suitable maximum number for a non-federated school (*this is the maximum size of a governing body under existing regulations*) experience tells us that a governing body of only nine governors is too small to discharge all of a governing body's responsibilities effectively, particularly dealing with complex staffing issues.

Hearings on staff disciplinary matters require a membership of at least six untainted governors on the staff disciplinary and dismissal committees. The headteacher is precluded from being a member of these committees and it is unusual for teacher and non teacher governors to be members. Excluding these three governors from a governing body of nine would leave only six governors to sit on these committees. The number would be further reduced if any of the remaining six governors were tainted. In such circumstances the governing body would have to

resort to working with the LA and others to remove governors and appoint new ones to ensure untainted governors are available.

Similar problems may be experienced on small governing bodies where teacher and staff governors declare a conflict of interest in respect of discussions relating to pay structures/awards.

We consider therefore that In order for governing bodies to be able to deal with their full range of responsibilities effectively a minimum number of 12 governing body members is necessary.

#### **Implications**

Amending governing body membership would require amendment to The Government of Maintained Schools (Wales) Regulations 2005. Officials are already committed to reviewing the governance structure in which schools operate as part of the Improving Schools plan.

**Recommendation 2b - (page 21):** The governing body of a federation has a minimum of 9 governors and a maximum of 25 governors.

#### **Welsh Government response**

Reject

#### **Advice to the Minister/Cabinet & rationale**

We do not consider that a governing body of nine is viable for a federation of schools, particularly in a large federation of six schools. We know that when schools federate under a single governing body initially the schools involved are keen to see parity and equality of governor membership on the federated governing body to ensure the views of their school are represented. The existing 2010 federation regulations and the new 2014 regulations provide for this by including a requirement for representation of at least one parent governor from every school in the federation.

In a large federation, when all categories of governor are included i.e. parent, headteacher, LA, staff, community etc., it would not be possible to achieve a minimum of nine governors as this number would be far exceeded. Consequently, the minimum membership of a federated governing body has been set at 15 in the regulations. A small federated governing body of nine governors may be a viable option for a very small federation of two or three small rural schools, but given the concerns outlined in 1(a) above we would want to discourage this.

For this reason we propose to maintain the minimum of 15 governors as set out in the existing 2010 and forthcoming 2014 federation regulations. With regard to the maximum number, the 2014 regulations increase the maximum number of governors to 27 to accommodate the federation of voluntary aided and voluntary controlled schools in order to preserve the requirement in law for voluntary aided schools to maintain a majority of foundation governors.

#### **Implications**

If this recommendation is accepted amendments will be required to the Federation of Maintained Schools (Wales) Regulations 2014 which are due to come into force in May which set a minimum of 15 governors and a maximum of 27 governors. Amending the 2014 federation regulations to accommodate this would take around 9 -12 months.

**Recommendation 2c - (page 21):** The recommended quorum should be a minimum of 7 governors or 50% whichever is the bigger number

#### **Welsh Government response**

Accept in principle.

#### **Advice to the Minister/Cabinet & rationale**

We support the principle behind this recommendation but have concerns over whether this quorum could realistically be achieved in very small schools.

The theory behind the idea of having more governors present to challenge and make decisions is sound. Under current regulations the smallest size governing body is nine governors (in very small community schools) and the quorum is 50% rounded up. This means that only five governors are required to make decisions on governor business. This number could be considered too small to make major decisions on issues such as the school development plan, staffing and pay and finance.

This recommendation addresses the Group's concern that too few governors make important decisions as it would require a minimum quorum of 7 governors. This quorum would apply for a single governing body of 13 or fewer governors. For governing bodies with a membership of 14 governors or more the requirement to have a quorum of 50% would apply. This would include federated governing bodies as the membership is a minimum of 15 governors.

### **Implications**

Accepting this recommendation would require amendment to the Government of Maintained Schools (Wales) Regulations 2005. Whilst we accept this recommendation in principle if adopted it could have the effect of preventing some small governing bodies, if they are not federated, from completing their work, meeting targets and carrying out routine work as they could not always ensure that at least seven governors would attend meetings. Federation of governing bodies could help as schools would share a governing body which under the federation regulations would have a minimum of 15 governors and the quorum of at least 50% would apply. Further consideration will be given to this recommendation and its implications as part of the planned review of the governance framework in which schools operate.

**Recommendation 2d - (page 21):** No more than one third of the governing body members are to be current parents or staff of the school.

### **Welsh Government response**

Reject

### **Advice to the Minister/Cabinet & rationale**

The rationale behind this recommendation is the group's desire for governing bodies to be able to recruit governors with appropriate skills and experience in finance or HR matters for example. Their view is that restricting the number of parents on a governing body will provide the flexibility to achieve this.

The suggestion is not that no more than one third of the governing body membership must be parent governors. It is that parents cannot make up more than one third of the membership in any category of governor. This is not a practical solution. Under current regulations a parent of a registered pupil at the school is also eligible to become a teacher or staff governor if they have a child as a pupil in the school where they work. In addition a parent could become an LA governor, a community governor, an additional community governor, foundation governor or a representative governor.

The recommendation is also inconsistent with our aim to provide more flexibility for governing bodies to recruit governors to meet their needs, which includes determining the appropriate balance of parents, staff and other groups.

### **Implications**

Accepting this recommendation would require amendment to the Government of Maintained Schools (Wales) Regulations 2005 to exclude parents from being appointed or elected to any category of governor after the one third quota had been achieved. Accepting this

recommendation could have tremendous implications for the future recruitment and retention of governors in Wales. It would restrict the eligibility criteria for many categories of governors which could be burdensome to implement and the knock on effect is that it could potentially be more difficult to recruit and fill vacancies.

These changes would impact on the work of the consortia/local authorities as it will be extremely complex and almost impossible to monitor, manage and implement. These changes would also necessitate amendment to the 2014 federation regulations.

**Recommendation 2e - (page 21):** That teachers who have children in a school should not take up parent governor positions on the governing body.

**Welsh Government response**

Accept in principle

**Advice to the Minister/Cabinet & rationale**

We support the recommendation of not allowing teachers and members of staff who have children in the same school where they work to become parent governors. Current law in the Government of Maintained Schools (Wales) Regulations 2005 permits this as every parent of a registered pupil at a school is eligible to become a parent governor. However, this arrangement can cause problems in small schools that have small governing bodies as members of staff as teacher, parent or staff governors make up the majority of the governing body. This can make decision making extremely difficult where it involves staffing or pay issues as these governors would be required to declare an interest and not take part in discussions or vote. It would also be difficult for a governing body to manage staff disciplinary or staff grievance processes, again because of potential conflicts of interest. There is also a question of how independent or challenging a governing body could be towards the headteacher and senior leadership team when the majority of governors are members of staff.

Should the decision be made to preclude teachers who have children in the school from taking up parent governor positions on the governing body it may lead to concerns that schools in rural areas or areas of deprivation may be unable to recruit sufficient number of governors. Current law already provides that if parent governor vacancies cannot be filled through elections the governing body can appoint parent governors to the governing body. Should a governing body find itself in this situation it would also provide an opportunity for it to appoint parent governors with particular skills to enhance the effectiveness of the governing body.

**Implications**

Whilst we support the principle we would need to discuss its implications with Legal Services as potentially it could disenfranchise some parents from becoming parent governors. Nonetheless, officials view is that the pros of having a governing body that could carry out its functions effectively and challenge senior staff without the fear of not being quorate or being compromised outweighs the potential cons.

**Recommendation 2f - (page 21):** That all members of the governing body are formally appointed by it.

**Welsh Government response**

Reject

**Advice to the Minister/Cabinet & rationale**

This recommendation responds to the Group's concern that governing bodies should be able to remove any governor in extreme circumstances. This recommendation has been made to address the Group's concern that a governing body should be able to control its membership by removing 'rogue' governors who can cause disruption and prevent a governing body from working harmoniously. Under education law a governing body can only remove those governors

it appoints i.e. community governors, and is reliant on the goodwill of the appointing body (i.e. local authorities/parents etc) to remove other governors appointed by them. Where the appointing body is approached by the governing body with a request to remove a governor and refuses to do so the only option open to the governing body is to suspend the governor in question, which means they carry the vacancy. Elected governors cannot be removed but they can be suspended.

In order for the governing body to appoint all governors there has to be a 'core' of governors available to do this. For example, community governors are appointed by the governing body where all the necessary elections and appointments have already been made i.e. the elected governors and local authority appointed governors. If a governing body was to appoint all the governors – who would do this. The only constant is the headteacher as an ex officio governor and the 2005 school governance regulations do not allow an individual or a committee to determine membership.

To address the Group's initial concerns that a governing body should be able to control its membership a possible solution may be to amend the 2005 school governance regulations to allow the governing body to remove any governor, even those who are elected or appointed by another body, only after they have first suspended them. The governing body would then follow the same process it uses to remove community governors contained in the 2005 school governance regulations which allows the governor to be removed the opportunity to present their case before a vote is taken.

If implemented this proposal would effectively give more control to the governing body, however it may prove controversial as it would mean that the persons who elect or appoint governors would have no appeal against the governing body's decision to remove them.

### **Implications**

If the Group's proposal for the governing body to be able to appoint all governors is rejected, but the alternative arrangements as described are implemented, it would give control to the governing body. However this would provide controversial as it would mean that parent, teacher and staff governors who are elected could be removed by the governing body, whilst under current legislation they cannot. Accepting this recommendation would go against the principle of governing bodies being accountable to the body that appoints them. It would also mean that those that currently appoint or elect governors would have no control over whether their representatives are removed and no opportunity for appeal. Giving governing bodies the power to eventually be able to remove any governors gives them the freedom to deal with 'rogue governors' more effectively and fill the vacancy. If governing bodies were to be given this power the specific circumstances covering removal of governors would need to be set in regulations.

The recommendation itself is rejected but the suggested alternative, if supported will need to be discussed with Legal Services as it would require a change to the 2005 school governance regulations and possibly Section 19 of the Education Act 2002.

## Chapter 4C: Strategic role and accountability

Recommendation 3 is presented in 6 parts:

**Recommendation 3a - (page 25):** That governing bodies should report annually on school performance within an 'Annual Report'

### Welsh Government response

Reject. Already in place. Performance has to be included in the Governors Annual Report to parents.

### Advice to the Minister/Cabinet & rationale

Governing bodies are already required to produce an annual report in accordance with the Education Act 2002. The annual report must cover specific issues to be set out in regulations. The School Governors' Annual Reports (Wales) Regulations 2011 specifies the information that must be included in the Report, which includes:

- the most recent school comparative information in relation to the school's performance at the end of the foundation phase and key stage assessments as published by the Welsh Government and DEWi; and
- the most recent Summary of Secondary School Performance for schools with pupils aged 15 at the beginning of the reporting school year.

Copies of the report must be given to all parents of registered pupils and made available for inspection at the school. Parents and the wider community have access to a range of school performance on the award-winning My Local School website which allows parent access to performance data at a forensic level of detail.

Although not part of the recommendation the Group were also keen to see the Annual Report made more widely available to stakeholders in the school community and be published on the school's website. We have no objections to this suggestion and see it as being a useful and transparent insight into the school's aims and achievements.

The Education Act 2002 permits regulations to set out who a governing body must give copies of their annual report to and that the report must be made available for inspection at the school. Currently the regulations require the governing body to give copies of the report to parents. The regulations could be amended to widen the recipients. However, with regards to the annual report being published on a school's website this would require primary legislation.

### Implications

No implications in respect of the recommendation.

If it was agreed to extend recipients of the report amendment would be needed to the School Governors' Annual Reports (Wales) Regulations 2011 which could take around nine months.

Introducing a Bill to cover any requirement to publish the report on a school's website could take between 18 months – two years as we would need to identify a suitable Bill.

**Recommendation 3b - (page 25):** That the Welsh Government conducts a review of the content of a governing body's 'Annual Report'

### Welsh Government response

Accept

### Advice to the Minister/Cabinet & rationale

As stated in 3.a, under the Education Act 2002 the School Governors' Annual Reports (Wales) Regulations 2011 sets out the information that must be contained in the annual report. In order to ensure the governors report is kept up to date and relevant the regulations are reviewed periodically. As the last Annual Report regulations were issued in 2011 they are due for review.

**Implications**

The review of the content of the School Governors' Annual Reports (Wales) Regulations 2011 may subsequently lead to amendments to the regulations which would have to be consulted on. As mentioned in 3(a) this could take about nine months to complete and make the revised regulations.

**Recommendation 3c- (page 25):** That headteachers write a termly report for distribution prior to governing body meetings and this should be presented at the meetings. It should include where the school is currently in relation to its aims and objectives; a critical reflection on the achievements of the school towards realising those aims and objectives; a review of data performance; absence and attendance levels and staffing issues

**Welsh Government response**

Accept

**Advice to the Minister/Cabinet & rationale**

Officials mirror the Group's concern that many headteachers do not always provide governors with a written report at their termly meeting, choosing instead to give a verbal update. This means there is no consistency or control over the information that is given to the governors and headteachers are 'free to choose' what information they share. The Group wished to regulate this and require headteachers to give governors a written report at each full governing body meeting which must be sent out with the other papers and agendas at least five days before a meeting. They also wished to set the content of that report to achieve consistency.

Governing bodies already have the right to ask headteachers for reports. The current requirements in Section 30 (4) of the Education Act 2002 require headteachers to provide governing bodies and LAs with reports covering the discharge of their functions as requested by the governing body or LA. Section 30 (5) states that where a headteacher is asked for a report they must supply a copy. The implication therefore is that these reports will be paper copies not verbal reports.

**Implications**

As the power already exists officials will consider issuing guidance to governing bodies to make clearer the types of information school governors should be requesting. However, should the Welsh Government wish to stipulate what should be included in a head teachers report this would require primary legislation which could take between 18 months – two years.

**Recommendation 3d - (page 25):** Governors need to have greater participation in the formal school inspection

**Welsh Government response**

Accept

**Advice to the Minister/Cabinet & rationale**

The operational arrangements for inspection lies with Estyn but as far as officials are aware there are no regulations requiring that Estyn inspectors only meet one governor (usually the chair of governors)., although the expectation that Estyn will meet with one governor is set out in Estyn inspection guidance. However judgements on governors are made by the inspection team and they would need to take sufficient evidence to reach this judgement.

**Implications**

This is an issue for Estyn but officials could explore with Estyn whether they would be prepared

to meet a limited number of governors instead of just one.

**Recommendation 3e - (page 25):** Estyn review the aspects judged by Ofsted in school inspection and respond to the Minister directly about the appropriateness of this as part of the inspection of schools

**Welsh Government response**

Reject

**Advice to the Minister/Cabinet & rationale**

The Group compared the criteria used by Ofsted to make judgements on schools during inspection and considered that this criteria was more specific and focused on school improvement than the criteria currently used by Estyn.

**Implications**

Estyn are an independent inspectorate and as such the inspection model and framework against which they inspect is for them to determine and ensure it is fit for purpose. It is not driven or mandated by the Welsh Government and it would not be appropriate for us to suggest changes.

**Recommendation 3f - (page 25):** 'My Local School' website should have additional tabs to include more school information.

**Welsh Government response**

Reject – My Local School website has been developed with parents in mind. The main source of data for governors remains the All Wales Core Data Sets.

**Advice to the Minister/Cabinet & rationale**

Periodically, the My Local School website will be reviewed and new information will be considered. While we welcome the use of My Local School by governors it was developed with parents in mind. The main source of data for Chairs of Governors should remain the All Wales Core Data Sets.

It was not intended for My Local School to be a substitute for the All Wales Core Data Sets (AWCDS), which provide performance information for a school in forensic detail. Regulations require the school data packs to be available and used by schools and their governing bodies for self-evaluation and target setting purposes. Indeed, the governing body must set targets based on the school analysis of the AWCDS. In addition, the AWCDS is the primary data source used for school inspections and it is therefore important that governors discuss the questions raised by the data with the headteacher. The mandatory governor training focuses on the use and interpretation of the AWCDS.

Furthermore all the performance data included in the AWCDS is available to the school concerned, whereas for small schools, or for small cohorts studying particular subjects in larger schools, much of the data is suppressed in My Local Schools website. This is because data from small cohorts can reveal information about individual pupils and has to be suppressed to comply with the Data Protection Act. For this reason MLS provides an incomplete picture of performance for a sizeable proportion of schools in Wales.

**Implications**

No implications

## Section 5: Division of responsibilities in the existing education system

**Recommendation 4 - (page 26):** There needs to be clarity around the responsibilities of headteachers and governing bodies with specific focus on the appointment and dismissal of staff. This issue needs to be resolved by the Welsh Government and the Terms of Reference Regulations needs to be reviewed.

### Welsh Government response

Accept

### Advice to the Minister/Cabinet & rationale

The Education (Terms of Reference) (Wales) Regulations 2000 and other school governance regulations have been in place for some time and are in need of review. Plans are in train to review all the existing regulations covering the school governance framework in order to make them more relevant and flexible. Defining the responsibilities of headteachers and governors and local authorities will be considered as part of this review.

With specific regard to dismissal of staff the Welsh Government issued guidance to all schools in January 2013 – Circular 002/2013 ‘Disciplinary and dismissal procedures for school staff’ which clearly sets out the role of governing bodies in the dismissal process. The amendments to the Terms of reference regulations will clarify the respective roles.

### Implications

Reviewing and consulting on changes to regulations takes time and will require consultation.

## Section 6: Governor training

This recommendation is presented in 6 parts;

**Recommendation 5a – (page 29):** New governors and chairs should be mentored by experienced governors.

### Welsh Government response

Accept

### Advice to the Minister/Cabinet & rationale

The principle that new chairs and governors should be mentored by more experienced governors is not new and this idea has been supported by both the Welsh Government and Governors Wales. The key to its success is establishing a system to identify a pool of quality governors who will be able to carry out this role. Care also needs to be taken not to overload these governors with additional responsibilities as they are volunteers.

### Implications

Officials would need to discuss this recommendation with local authorities/consortia outlining who would be best placed to identify and develop a pool of ‘mentor governors’, possibly working with Governors Wales using their network of governor associations.

**Recommendation 5b - (page 29):** Lead practitioner governors to assist new chairs (If the recommendation from the Hill review is accepted by the Minister)

### Welsh Government response

Accept

<b>Advice to the Minister/Cabinet &amp; rationale</b>
As with recommendation 5.a if this option in the Hill report is adopted it is supported in principle but care also needs to be taken not to overload these governors with an additional responsibility as they are volunteers.
<b>Implications</b>
If this recommendation is accepted consideration would need to be given on how best to implement a scheme for identifying and managing a lead practitioner governor programme. Local authorities and consortia would have a key role in achieving this.
<b>Recommendation 5c - (page 29):</b> Whole governing body or cluster training as a model to be considered for the delivery of training
<b>Welsh Government response</b>
Accept in principle.
<b>Advice to the Minister/Cabinet &amp; rationale</b>
Whilst we support the rationale for this recommendation, local authorities are responsible for providing training to governing bodies in accordance with the Education Act 2002. How this training is best delivered is therefore a matter for local authorities/consortia to determine. LAs acknowledge the benefits and support the principle of whole governing body and cluster training, but careful consideration needs to be given to their limited capacity to deliver training in this way, as the recommendation covers all governor training not just the mandatory training.
<b>Implications</b>
To adopt whole governing body or cluster training as the only means of delivering training will have implications for LAs/consortia and may be unachievable.
<b>Recommendation 5d - (page 29):</b> Periodic self evaluation and review for both the governing body and individual governors
<b>Welsh Government response</b>
Accept in principle
<b>Advice to the Minister/Cabinet &amp; rationale</b>
Self evaluation lies at the heart of Estyn's common inspection framework and the Welsh Government's aspiration is that all governing bodies will be able to demonstrate the impact they make through an embedded, regular self-review process.
On the issue of individual governor assessment and review the Group has provided a template at Appendix iv based on a review used by a Housing Association Board. This example provides a basis for a governor self review tool but care needs to be taken that governors do not feel pressurised to complete this review, or that their individual performance is being monitored or assessed as this could have detrimental implications for governor recruitment and retention.
<b>Implications; timescales, financial and staffing</b>
Introducing an all Wales governor self review tool will require careful handling and Welsh Government officials will need to work closely with and draw on the expertise of partners in Estyn, Governors Wales and Governor Support Officers to ensure consistency with the Common Inspection Framework and provide acceptable criteria and measures against which governors make the assessments.

<b>Recommendation 5e - (page 29):</b> Welsh Government to create a new template for individual and governing body self evaluation and review
<b>Welsh Government response</b>
Accept in principle
<b>Advice to the Minister/Cabinet &amp; rationale</b>
The principle that governing body improvement can be achieved through governing body self-evaluation is consistent with Estyn's Common Inspection Framework and acknowledged by Governors Wales, LAs and the Welsh Government.
On the issue of individual governor assessment and review the Group has provided a template at Appendix iv based on a review used by a Housing Association Board. This example provides a basis for a governor self review tool but care needs to be taken that governors do not feel pressurised to complete this review or that their individual performance is being monitored or assessed as this could have detrimental implications for governor recruitment and retention.
<b>Implications; timescales, financial and staffing</b>
Introducing an all Wales governor self review tool will require careful handling and Welsh Government officials will need to work closely with and draw on the expertise of partners in Estyn, Governors Wales and Governor Support Officers to ensure consistency with the Common Inspection Framework and provide acceptable criteria and measures against which governors make the assessments.

<b>Recommendation 5f - (page 29):</b> A skills audit is undertaken regularly.
<b>Welsh Government response</b>
Accept
<b>Advice to the Minister/Cabinet &amp; rationale</b>
<b>Recommendation 5(f) –</b> The concept of governing bodies carrying out a skills audit of their governors is accepted and ties in with the recommendation 1 - that governing bodies take steps to recruit governors with suitable skills. The Group has presented an example of an audit used by the National Governors Association in England which is very detailed but could be adapted.
However in raising the profile of this initiative care has to be taken to ensure that in encouraging governors to carry out a skills audit and have a strategy in place for recruiting governors with specific skills such as finance or HR experience, the Welsh Government does not introduce requirements that would prevent stakeholders from making appointments or elections to the governing body.
<b>Implications; timescales, financial and staffing</b>
Welsh Government officials will need to work with partners in Estyn, Governors Wales and local authority Governor Support Officers to produce a suitable skills audit for adoption by governing bodies across Wales. If a governing body identifies that it needs specific skills consideration will also need to be given as to how a governing body could achieve this. This will involve discussions with industry and business (the CBI and/ or SMEs)

## Section 7: Clerks to the governing bodies

<b>Recommendation 6 - (Page 30):</b> To recognise the professional role of clerks, there is a need to ensure that their job is evaluated and assessed by the chair of governors and headteacher.
<b>Welsh Government response</b>

Accept in principle. However, this could be difficult to implement given the various ways in which clerks are employed.

**Advice to the Minister/Cabinet & rationale**

It has long been recognised that the role of the clerk is key to governing body effectiveness. A well trained clerk that can perform their functions professionally and efficiently and offer procedural advice to governing bodies can improve governing body performance.

The new mandatory training for clerks commenced in September 2013 – all clerks, unless they are Governor Support Officers or employed and trained by the LA - will have to attend the training within one year of their appointment or the date the regulations come into force. It makes sense therefore that any meaningful evaluation or assessment of their role should not be carried out until after they have completed the training. As the headteacher and chair of governors has regular contact with the clerk it is appropriate that they make the judgement.

**Implications; timescales, financial and staffing**

This assessment process would be appropriate for clerks that are employed by the governing body through a 'private arrangement'. However, governing bodies will have to take care if they have a clerk that has a contract of employment with the LA, either because the clerk is a GSO or the clerk is a member of the school staff and is carrying out the clerking role as part of their contract of employment. These clerks may already be 'performance managed' by the LA in respect of a GSO or the clerk's line manager in the school which is likely to be the headteacher.

If this is to be implemented the issues requires further discussion with LAs and consortia to determine the assessment criteria.

**Section 8: Information**

This recommendation is presented in 4 parts;

**Recommendation 7a – (Page 33):** The regional consortia should contribute information to governing bodies on comparative performance and good practice across Wales

**Welsh Government response**

Accept in principle.

**Advice to the Minister/Cabinet & rationale**

Welsh Government accepts the recommendation that there should be clarity about the information made available to governors and plans are in train to review information.

**Implications**

As part of the development of the National Model for School Improvement, officials will work with LAs and consortia to establish what information is made available to governors and how frequently.

**Recommendation 7b - (page 33):** There should be clarity about the information which is made available to governors from local authorities, regional consortia, Governors Wales and Welsh Government

**Welsh Government response**

Accept

<b>Advice to the Minister/Cabinet &amp; rationale</b>
It is recognised that governors receive information, guidance and advice from several sources much of which is often duplicated. Officials will work with LAs, consortia and Governors Wales to establish what information is made available to governors and how frequently. Consideration will also be given to making Governors Wales and Welsh Government's websites clearer with relevant links, to avoid duplication of information. Welsh Government expects to work closely with Governors Wales to review the content of their Handbook and the Governors Guide to the Law to ensure that there is no duplication of advice and information.
<b>Implications</b>
No implications for regulations. Implications in relation to staff time in reviewing information and guidance and revising where necessary. Governors should have a clearer understanding about the information and services Welsh Government, Governors Wales and consortia and local authorities provide

<b>Recommendation 7c - (page 33):</b> There should be clarity about the services offered by Governors Wales
<b>Welsh Government response</b>
Accept
<b>Advice to the Minister/Cabinet &amp; rationale</b>
Welsh Government accepts the recommendation that there should be clarity about the services and information made available to governors from Governors Wales. Governors Wales are due to be reviewed 2014 which will include a review of the services offered and information provided.
<b>Implications</b>
Having clearly defined services delivered by Governors Wales will ensure that duplication is avoided by other bodies and help governors to source correct information and guidance from an organisation that represents their interests.

<b>Recommendation 7d - (page 33):</b> Governors Wales should raise awareness about their body
<b>Welsh Government response</b>
Accept
<b>Advice to the Minister/Cabinet &amp; rationale</b>
Governors Wales has been requested to include in their work programme for 2014-15 their planned action to raise their profile and awareness of the services and information they are funded by the Welsh Government to provide to governors.
<b>Implications</b>
Governors Wales will need to work with local authorities and consortia on this to help advertise their services and existence.

## Section 9: Recruitment of governors

This recommendation is presented in 3 parts;

**Recommendation 8a – (Page 34):** Welsh Government should publicise the governor role and raise awareness about school governors.

**Welsh Government response**

Accept

**Advice to the Minister/Cabinet & rationale**

Welsh Government can work with partners in LAs, consortia and Governors Wales regarding a publicity and recruitment campaign to attract new governors.

**Implications**

A carefully planned publicity campaign should hopefully raise the profile of governors and aid recruitment, but the Welsh Government would not envisage doing this until after the review of the governance framework has been completed to ensure the eligibility criteria for each category of governor has been determined.

**Recommendation 8b - (page 34):** A recruitment drive should be put in place to attract new governors

**Welsh Government response**

Accept

**Advice to the Minister/Cabinet & rationale**

Welsh Government can work with partners in LAs, consortia and Governors Wales regarding a publicity and recruitment campaign to attract new governors and promote to employers the benefits to be gained by themselves and their employees developing their skills as school governors.

**Implications**

A carefully planned publicity campaign should hopefully raise the profile of governors and aid recruitment, but the Welsh Government would not envisage doing this until after the review of the governance framework has been completed to ensure the eligibility criteria for each category of governor has been determined.

**Recommendation 8c - (page 33):** The regional consortia and Welsh Government introduce a 'Governing Body of the Year' award.

**Welsh Government response**

Reject

**Advice to the Minister/Cabinet & rationale**

It would be difficult to set and define the criteria and assessment as to what constitutes a good or effective governing body and difficult to ensure equity of opportunity. For example, if this competition is open to all governing bodies how would judgements be made against governing bodies that had achieved the Governors Wales Quality Mark Bronze Award and those who have not, yet still maybe judged as being a good governing body. If we limit the competition to governing bodies who have achieved the Bronze Award we are disenfranchising many governing bodies, but if implemented it would make sense to mesh the governing body of the

year award with the Quality Mark.

### **Implications**

The administrative and staff costs to both the consortia and Welsh Government would be very high to implement such a scheme.

## **Section 10: Improving governing body recognition**

This recommendation is presented in 3 parts;

**Recommendation 9a – (Page 36):** All governing bodies should be working towards the Governors Wales Quality Mark Bronze Award (and Silver and Gold as they progress)

### **Welsh Government response**

Tentatively accept in principle.

### **Advice to the Minister/Cabinet & rationale**

Welsh Government funded Governors Wales to pilot the bronze and silver awards. The Awards are generally supported as it is one of the organisation's Performance Indicators. The Minister has also publicly given his support for the Bronze award as it is referred to in his speeches to governors.

The criteria in the Quality Mark Bronze level self evaluation tool is based on how well a governing body performs its basic duties as set out in the Government of maintained Schools (Wales) Regulations 2005. For example, are the agendas sent out in accordance with required deadlines; does the governing body have all the required policies etc. The evaluation tool is available on Governors Wales website for any governing body to use, but in order to achieve the Bronze award a governing body has to register their interest and produce the required documentation which is assessed by Governors Wales to ensure standards are met and quality of the assessments is consistent and rigidly applied.

However, we have concerns regarding the capacity of Governors Wales to roll out the Quality Mark across Wales and the timescale for doing so. Currently Governors Wales make the assessments and judgements as to whether the evidence provided by a governing body meets the criteria, is limited which means that only a few governing bodies can be assessed at any one time. There is also a capacity issue at consortia level as the Governor Support Officers, at the Bronze stage, have to check the applications and that all the evidence has been provided before giving the evidence to Governors Wales to make the assessment. Welsh Government officials have discussed the possibility of Governors Wales involving and training other persons (possibly members of the Management Committee) to help with the assessments so that more governing bodies can achieve the award.

For the Silver and Gold awards the assessment process involves a member of Governors Wales visiting a school for a day to talk to chairs of governors about their role in raising performance, examining evidence and making a judgement. This is time consuming for Governors Wales' employees. In order to keep the Quality Mark and awards relevant the intention is that governing bodies will have to apply for these awards every four years. Given the number of schools in Wales this will take far too long to be a recognised and effective self evaluation process.

Following the pilots there is an opportunity to evaluate the pilots and to explore with Governors

Wales, Consortia and local authorities whether the scheme should be rolled out across Wales and their respective rolls in the evaluation.

**Implications**

In order for the Quality Mark to be recognised and accepted as a self evaluation process which improves effectiveness of governing bodies, the throughput of governing bodies achieving the awards needs to be increased in substantial numbers. Officials have asked Governors Wales for a fully costed Business Plan showing the timescale for the role out of the Quality Mark, and the funding and staffing required. Once we have this information, officials can consider the future of the Quality Mark.

If the Quality Mark is to be accepted as a school improvement process that leads to more effective governing bodies it needs to be supported by local authorities and consortia which could be approached to assist with funding the role out. The concept also needs to be embedded and fully integrated into the existing Estyn inspection framework.

**Recommendation 9b - (page 36):** Governors Wales to work with Consortia or local authorities to assist with the awards assessment for individual governing bodies

**Welsh Government response**

Accept in principle.

**Advice to the Minister/Cabinet & rationale**

As mentioned in recommendation 9 (a) currently Governors Wales have sole responsibility for assessing and judging the applications for the Bronze Award. We have advised Governors Wales that in order for this initiative to be successful more staffing resources are needed to process the applications more quickly and ensure more governing bodies achieve the award. We are encouraging them to work more closely with consortia with a view to training the staff to assist. So far as we are aware only 80 schools over a three year period have been given the award.

**Implications; timescales, financial and staffing**

We have received the Business Plan from Governors Wales on the role out of the Quality Mark. Given the expenditure that has already been spent for only 80 schools to be awarded the Bronze award we remain concerned over the length of time this could take, the costs involved, which would be ongoing each year as governing bodies re-apply for the awards, and the staffing resources of Governors Wales to deliver this in a reasonable timescale.

**Recommendation 9c - (page 36):** Welsh Government to raise awareness of the award scheme more generally.

**Welsh Government response**

Tentatively accept in principle

**Advice to the Minister/Cabinet & rationale**

Now that we have received the Business Plan from Governors Wales detailing the costs and resources involved in rolling out the Quality Mark we can make a judgement as to whether and how best the scheme can be rolled out across Wales. Once that decision has been taken we can consider ways to best raise awareness of the scheme.

**Implications; timescales, financial and staffing**

If the decision is to support the Quality Mark we will need to liaise with local authorities and consortia over cascading information and materials to schools. An article can also be included in the Dysg newsletters.

