

Legislation Committee No.4

LC4(3)-15-09 : Paper 2 : SG2 - Estyn

Consideration of the proposed National Assembly for Wales (Legislative Competence) (Education) Order 2010 - a paper from Estyn in support of the NAW's consideration

Purpose

1. As part of its legislative scrutiny, the National Assembly for Wales' Legislation Committee No.4 is calling for evidence on the The National Assembly for Wales (Legislative Competence) (Education) Order 2010 relating to School Governance. The role of Legislation Committee No. 4 is to consider and report on the proposed Order. Estyn has been asked to provide evidence to support this enquiry.

Background

2. Estyn is well informed about the work and effectiveness of governors in schools across Wales. We draw our information on the work of governors from a variety of sources

3. Estyn is responsible for carrying out statutory inspections of all schools in Wales. Each school is inspected every six years and the information we collect from these inspections gives us an all-Wales view of standards in education, including the work of governors.

4. As part of the inspection process, inspectors focus on how the work of governors contributes to the leadership and management of a school. Inspectors hold a meeting with governors before the inspection begins to ascertain the role that they play in helping to lead and manage the school. The work of governors is further evaluated during the inspection of the school itself. Each inspection report contains a section that includes evaluation of the work of governors.

5. Estyn's inspection framework requires inspectors to make judgements about how well governors meet their responsibilities in schools. In particular, inspectors make judgements about the extent to which governors:

- help to set the school's strategic direction;
- regularly monitor the quality of provision; and
- meet regulatory and legal requirements.

6. Within these judgements inspectors look in more detail at the work of governors and report on how well governors:

- understand their roles and their school;
- contribute to strategic planning;
- are informed about issues that affect the performance of the school;
- use this information to take effective and appropriate decisions; and
- fulfil all the legal duties placed upon them.

7. The Annual Report of Her Majesty's Chief Inspector of Education and Training in Wales summarises evidence from school inspections each year and provides general judgements regarding the effectiveness of school governors in both the primary and secondary school sectors.

8. Estyn also attends regular termly meetings with officials from Governors Wales. These meetings provide a focus for the joint sharing of information about the work of school governors across Wales.

9. Her Majesty's Inspectors (HMI) often contribute to meetings of local authority governor groups and have run workshop sessions at regional conferences for governors throughout Wales. Through these activities, HMI inform governor groups about issues relevant to their roles that have been identified through the inspection process.

Summary/Recommendations

10. Estyn supports the general principle that legislative competence in the areas identified in Matters 5.2A, 5.2B and 5.2C be conferred on the National Assembly. The National Assembly already has legislative competence in relation to education and inspection and this extension of powers therefore builds on these.

11. In any subsequent legislative changes being considered, it will be important that the changes do not dilute the important link governors have between schools and their local communities. Governors currently represent the principle of local democratic accountability in relation to the leadership and strategic direction of schools. It will also be important to consult at a later stage about

any proposed Measures that will change the constitution of governing bodies.

12. Schools are being encouraged to cooperate with one another in respect of a variety of initiatives such as:

- Learning Pathways 14-19;

- federated schools which can only come into existence if governors concur. This means that it is most likely that schools will federate if governor selection and training help governors to understand the benefits of federation for some schools.

- the school effectiveness framework (SEF) agenda. SEF focuses on the development of networks of professional practice with the consequent breaking down of barriers between schools. This will enable schools to share best practice more and provide pupils with a more seamless continuum of learning across sectors; and

- 8-14 review proposals designed to improve the learning and well being of 8 to 14 year olds in Wales. Review proposals will be targeted at improving continuity and progression in learning between the different phases. These will necessarily require primary and secondary schools to collaborate and work together to a much greater extent than is currently the case.

13. The proposed legislative changes would provide opportunities for the NAW to legislate and respond to the above initiatives in a targeted way. Estyn supports this move. However, it will be important that governors should continue to be able to hold individual providers to account in respect of standards and quality.

14. Education is becoming increasingly complex and governors need good training on a whole range of issues if they are to engage with the provider they represent in rigorous and challenging discussions about the way forward. We stated in our response to the Enterprise and Learning Committee Report on 'The Role of School Governors' that if school governors are to make a positive contribution to discussions about the national curriculum, they need to have a sound understanding of national initiatives and the wider educational picture. This necessarily entails universal access to thorough-going training for governors. Training in relation to some aspects of school development will need to take governors to almost professional levels of understanding in order for them to play a full and active part in the life and work of the school in the future.

15. Having legislative competence would enable the NAW to pass Measures that would improve and standardise the current commitment of providers and local authorities to governor training and enhance training opportunities offered to governors. This could address the current inequalities that exist in governor training in different geographical areas in Wales. In addition, it would enable the NAW to pursue a recommendation of the Enterprise and Learning Committee's report to consider the introduction of an element of compulsory training for chairs of governors.

16. The support offered to governing bodies across Wales and the quality of school clerking arrangements is variable. The NAW Measures could improve this situation by improving the level of support and clerking to governors.

17. Estyn is aware that most governors make a valuable contribution to the work of schools in Wales. They support schools through a considerable amount of effort and commitment without receiving any form of financial benefit. They are keen to be effective in their governance roles and most are eager to learn how they can be better at what they do. Each school has a professional leadership team that may involve deputies, assistant headteachers and senior staff and each governing body has a key role to play in supporting these lead professionals.

18. In Her Majesty's Chief Inspector's Annual Report for 2008-2009, the section on primary schools indicates that governors in many of the schools inspected support leaders and managers well and, in almost 10% of schools, this support is outstanding. In the 10% of schools where governance is outstanding, governors constantly challenge leaders and managers to achieve the highest possible standards and regularly consider the impact of new initiatives. However, in almost a third of schools inspected, governors do not monitor the quality of provision well enough. In a few of the schools, governors fail to meet regulatory and legal requirements, for example by not providing the full range of information for parents.

19. The poor performance of a few governing bodies in primary schools mainly relates to:

- statutory policies for areas such as equal opportunities and racial equality not being prepared;

- omissions in the statutory content of the school prospectus and Annual Report; and

- not enough involvement in monitoring the quality of provision.

20. In about three-quarters of the secondary schools inspected in the last year, governing bodies knew how well their school was performing and understood their roles well. These governing bodies used the specific expertise of individual governors appropriately and drew on the good knowledge and understanding of the local community for support. They were committed to their schools and acted as 'critical friends'. They contributed well to the strategic direction of their schools and were fully involved in self-evaluation. In a few schools, governors evaluated their own performance well.

21. We found important shortcomings in the work of governing bodies in a quarter of secondary schools inspected. In these cases, governors had too little involvement and knowledge of the work of most departments, apart from having a link governor for additional learning needs. They were unaware of weaknesses and did not challenge managers enough. In these schools, the governors often failed to ensure that the school met all statutory requirements, such as providing a daily act of collective worship and religious education for all pupils, or that the school fulfilled the legal requirements contained within the Disability Discrimination Act.

22. In the schools where we have judged the work of governors as outstanding, governors:

- help to shape the future direction of the school;
- ask relevant questions about the school's performance and make comparisons with other similar schools;
- involve themselves in monitoring and evaluating the work of the school and driving forward improvement;
- work well together as a governing body with a well-established pattern of well-run meetings where terms of reference and roles and responsibilities are clear;
- receive training that underpins and improves governance;
- review the work of the school, building on strengths and improving shortcomings; and
- are visible in the life and work of the school.

23. While there are strengths in the work that governors currently do in schools in Wales, there are also significant shortcomings and an unacceptable level of variation in quality.

24. We support the move to provide the NAW with the competence to legislate on the conduct and governance of maintained schools. Estyn believes that this would provide opportunities to legislate on the constitution and membership of governing bodies. We feel that this would lead to improvements in collaboration between institutions and improvements in the training provided for governors to secure better challenge to schools and a more professionalised body of governors who can set the kind of strategic direction needed for the future.