

‘Personal reflections on the governing of private schools: A case study’

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Introduction and context

Much of what we understand about school governance is generally under-researched and there is almost no recent research undertaken into the governing of schools in the non-maintained, private or independent sector that are financed by the payment of fees. These schools broadly follow a model of governance that is similar to that of the maintained sector in their constitution, with some notable differences around how governors are appointed and their roles are conceived. This article aims to analyse the nature of independent school governance generally, focusing on a case study of a small private school located in the Midlands. The context of this school is a fairly unique one with governance being held accountable to non-executive Trustees who have overall control of the school operation, but who devolve that responsibility to the governing body. This article starts with a review of the current governance model in private schools, then looking in more depth at the characteristics of governance in this independent school. An analysis of the findings is then explored with some thoughts and conclusions around opportunities for further exploration into private school governance.

The Governing of Independent (Private) Schools

The governance of Independent schools is broadly similar to that of the maintained sector but the structure of their governing bodies often reflects the origins of the schools and the reasons they were set up in the first place. Based broadly on the

stakeholder model (James et al. 2010), there will be a Chair and Vice-Chair; the Headteacher is normally a board member (but can decide not to be). Most boards are small with usually no more than ten or twelve members. Governors are normally not elected to post but invited (co-opted) to join the board as a result of their (usually) professional expertise and how this may complement existing skills contributed by other governors. There are no elected parent or teacher governors and where the school is faith-based there may be a co-opted Church representative or foundation member present on the board. Many of the models of school governance have focused on those which have met the needs of the maintained sector (McCrone, Southcott and George, 2011), but have taken little account of the emerging government view that governing bodies should be downsized and focused on skills:

‘Many of the most successful schools have smaller governing bodies with individuals drawn from a wide range of people rooted in the community, such as parents, businesses, local government and the voluntary sector’

(Schools White Paper 2010: 71).

This would appear to be at odds with the stakeholder model (Taylor 1977), where the board is represented by those with an interest (or stake) in the school.

Governing bodies in Independent schools appear to align more closely with the stewardship model (James et al. 2010), where the culture is more collegiate and there is a focus on empowering those who lead the organisation. Governors in the independent sector are normally co-opted to the board not for the societal representation they bring but for their professional expertise and skills which fill any gaps in governance requirements. The boards themselves tend to be smaller with a

stable core of volunteer governors at its heart and with a very small measure of turnover (Ranson et al. 2005).

Governance in the independent sector carries a burden of accountability first to its paymasters who are the parents and second to its trustees, if the school is affiliated to a Church or faith-based community. In this case study the powers of the trustees are devolved to the governing body and may be overseen by for example, a Chair of governors who maintain a link between the board of trustees and the governing body as well as undertaking a raft of roles related to governance (James et al. 2012).

Governors are charged with leading and managing the affairs of the school such that it turns profit (has effective business acumen), keeps apace with educational practice (understands the processes of school improvement and effectiveness) and has capacity to demonstrate in a practical sense the 'value-addedness' that fee-paying parents expect in terms of extra-curricular opportunities, social expertise and an all-round excellent education. What has always been an agenda of accountability for independent schools is now becoming the agenda for the maintained sector (Schools White Paper 2010, James, Brammer, Connolly, Fertig, James and Jones, 2010).

Private sector governance still remains largely ignored by the literature and many views on it are outdated. Far from Lee's (1997) rather patronising advice for how Heads might manage their governing body and particularly the Chair, private schools today reflect Adams' (2001) view that the role of governors is to monitor the school activities but not be involved in the minutiae of the day to day work. Where private schools have devolved power structures, such as faith-based schools, then there is a legal obligation for the trustees (non-executive directors) to oversee the activities of the governing body as well as reporting to their Provincial body on a regular basis.

The Provincial body may be seen as akin to the Church's own council or governing body. A Church Synod will elect a Provincial Board to administer the affairs of the Church provinces during the inter-synodal period. Legally then the trustee(s) is '...a person(s) entrusted with the administration of property for the benefit of a third party' (Adams, 2001: 34). Private school governing bodies therefore work on behalf of the trustees who oversee their activities but every right to expect that the trustees set the vision and direction for the school and play a part in supporting the work of the school, albeit at a distance. In some cases the Headteacher might be required to make an annual report to the Provincial body as well as on-going communication with the trustees.

The nature of governor appointments are characterised by first, the voluntary nature of the work, second, the motivation to support and care for the school and third, that there is no pecuniary interest on behalf of most governors. In addition the appointment of those with professional backgrounds suggests the importance of having the right 'class' of governor; those who support the philosophy of private school education. The structure of governing bodies in the private sector suggests that these relatively small boards maximise the capacity and agency of their governors, by requiring them to undertake multiple roles as befits their professional expertise. Sub-committees are specialised groups chaired by individual governors and often centred on more weighty issues related to finance, education and health and safety, including safeguarding. These meetings are in addition to whole governor meetings and to other events where governors may give freely of their time.

But however well-meaning this group of 'hidden givers' are in terms of how they are managing school improvement issues (Hutchinson, 2011), the reality of how they

manage their powers and their relationship with others is less well defined. Governor training can be patchy and not readily accessible to all governors as and when required; in addition it may be driven by inspection criteria and influenced by the Head teacher's perspective. The level of Governance responsibility in the private sector can be high given governors need to understand how to maximise profit and maintain high educational standards exceeding that of the maintained sector using their devolved powers where applicable. Little is understood about how these processes are effected and how the relationships between all parties concerned in governance are sustained.

The Research

I have been a governor now for eight years in a Moravian Church school, one of two that is based in England and managed by the Moravian Union. The Moravian faith is based on missionary work with the unevangelised in many parts of the world from the Americas, to Africa and the Sub-Continent; this work continues today. The Moravians first arrived in Britain in the 1730s and continued their missionary work through lay people, setting up congregations by invitation of local people who established Settlements with their own farms, schools and industries. Today there are around 35 congregations, mostly established in urban areas. The Moravian ethos is that of working together with other Christian denominations; the Moravians set up congregations by invitation. The vision and philosophy of the Church is centred on fellowship with an overarching philosophy of equality. Education is seen as central to the Church's mission statement; that is, the education of the whole child, within the Christian ethos. The two private boarding schools still in existence were set up to educate the children of Moravian ministers; today they are educational companies in their own right admitting fee paying students who are

either day or boarding students. The school under study here was established in 1799 and maintains this Christian ethos which manifests itself throughout the life and work of the school, including the governors, teachers, pupils and parents working together in the pursuit of excellence. There are four Trustees who comprise the Provincial Board and they have multiple roles related to managing Church affairs as well as oversight of the governing bodies at the two schools.

I was interested in using an exploratory case study (Yin, 2009) to examine the relationship between the trustees and the governing body in order to establish how power is devolved. The research is highly contextual and the findings are in no way generalisable to the maintained sector, although it is acknowledged there may be resonance with some of the outcomes by those working in similar contexts. The research draws on data collected from minutes of Governor Meetings, sub-committee meetings (Education, Finance and Estates Management, Health and Safety) from January 2008 to December 2012 and from interviews to gauge the perspectives of some of the key figures in the Governing hierarchy: the Board of Trustees, its relationship with the Chair and the Governing Body, the Headteacher and the Church Representative.

Ethics

As a serving governor and academic undertaking this research there is always an element of risk attached. These risks relate to first, issues of confidentiality (hard to maintain in a case study that has a very particular context which may be easily identifiable), second, the potential to disturb negatively working relationships between staff, governors, trustees and third, any challenges to the role of the various participants which may have (or perceived to have had) negative outcomes. The

research was approved by my University's Ethics Committee which also gave a measure of support to the credibility of the study and with agreement of all the participants.

Data Analysis

Thematic analysis of the minutes enabled the sheer quantity of data to be reduced; these themes were then cross-mapped with themes arising from the analysis of each interview. The findings will be of interest directly to the school, governing body and trustees who have provided the data and the other Moravian school. The opportunities for further discourse as a result of the outcomes will be of significance in driving forward the structure of the governing body, how it might be grown and its relationship with the Trustees. The reflexive nature of future dissemination will also inform and strengthen the school's response to the next whole school inspection, where the focus on governance is becoming a key part of the inspection process.

Findings

The role of the governing body

The constitution and hierarchy of the governing body are clearly articulated and actioned by the agendas set for main governance meetings and those of the sub-committee meetings. The board comprises eight governors who are all professional people co-opted onto the board because of their particular area of expertise and for how they can contribute to the overall governance of the school. Hierarchically the Chair (who is also a trustee and member of the provincial board.), ratifies decisions made by the governing body and communicates changes in his reports to the board of trustees. The Clerk to the Governors is an administrator at the school. Governors are involved in making local and strategic decisions relating to finance, health and

safety, building and estates work. They contribute to issues relating to curriculum and inspection through the education sub-committee; have a focus on school marketing and issues related to public benefit. Chairs of sub-committees may spend time in school as related to their on-going agendas and all governors give additional time in attending school productions, events, leading initiatives as appropriate to their skills and expertise. Most of the governing body have been in post for some years with very small measure of turnover. Governors are co-opted onto the board by invitation for their particular skills rather than being elected because they represent a particular area of the community. This private school resists having elected parent or teacher representatives on the board so that the board can maintain a distance at whole governor level. Staff members are actively involved in all the sub-committees and parents have regular parent forums where they meet to discuss school matters with representatives of the governing body. A recent Inspection graded the Governing body as 'excellent'.

Relationship of governors with Head

The Head is a full member of the governing body and also attends the sub-committee meetings. She has a significant operational and strategic component to her role, both within and externally to the school in relation to matters of school improvement, good business acumen, marketing of the school and ensuring the school conducts itself appropriately within the wider Settlement community.

Governors are aware and supportive of the raft of initiatives undertaken by the Head: issues related to Public Benefit, charitable status, and provision of bursaries.

Governors who are chairs of sub-committees provide a good measure of critical friendship and support. Minutes from meetings suggest the relationship between the Head and governors is an evolving one, mutually beneficial with both Head and

Governors gaining confidence in their decisions and being less reticent in challenging policy and practice. The impact of governance is pervading school wide; staff is more involved in sub-committee agendas and there is evidence of staff being more aware of the impact of governance through shared classroom observations, attendance at parents' forums and a raising of governor presence generally throughout the school.

Relationship of governors with Trustees

The governing body (including the Head) has no day-to-day working relationship with trustees beyond that of working with the Chair. From governance perspective very little is known about the role of the other three trustees; of interest there was even some doubt around clarity of roles expressed by the Church Representative. The established link between governors and trustees remains the current Chair who was brought in over eight years ago to lead the governing body. He has remained in post ever since. The Chair is the direct link between the Board of Trustees, the Provincial Board and the governing body. The Head is required to report to Church Synod every two years, supported by the Chair. The Board of Trustees have discrete managerial and administrative roles related to Church business and those not directly working with the Moravian schools have little knowledge of how these schools operate. The long-standing trustee who agreed to be interviewed was clear that trustees, albeit at a distance, would retain overall responsibility for the school's wider financial position and its viability but that local decisions relating to how finances and other matters would be managed under the remit of the governing body. The Church representative has a wider community role with the local congregation and a pastoral role within the school (leading on assemblies and undertaking other relevant roles as required), but his 'link' role between the Church,

community and school may raise conflicts of interest, particularly related to financial decisions and who takes responsibility for these within the Church and school estates.

Managing devolved power structures and developing governance autonomy

Because the school is relatively small and has grown out of a unique context it is important that there is continued harmonization between the school, governors, Church and wider Settlement community. Locally the Head is at the forefront of maintaining this momentum supported by the governing body which is now developing its ability to work operationally and looking ahead strategically with more confidence. There are committee structures in place to support decisions being taken and there is a culture of caring from all school stakeholders. Governors are recognising the responsibility of their role but have little sense in how that responsibility aligns with the roles of the Trustees. While the current Chair remains in post then the 'communication distance' between governors and trustees is unproblematic. Trustees are looking to appoint a Chair in the near future who is not one of the trustees so the point of reference for governors is currently unclear around how they communicate with the board. The trustee interviewed for this research was clear trustees wish work in collaboration with the school, investing trust and responsibility with the governing body; a sense of 'power with' and not 'power over'. How that might operate logistically has not yet been articulated by the Trustees.

Discussion

Governance in the independent sector is very much related to the context and composition of the school. This research has shown that for this small governing body there are competing and multifarious priorities. Compared with the mainstream

sector, the model of governance here does not fully represent the stakeholder model; there are a limited number of governors who meet the skill requirements considered to be appropriate for meeting the current and strategic aims of the school. Whilst trying to grow the size of the governing body it is also evident from interview data that the Head teacher and Trustees are resisting representation from parents and teachers; related to issues of confidentiality and maintenance of some form of governance hierarchy and stability. Making a conscious decision to bar important groups of stakeholders may be a risky venture and one that ultimately cannot be sustained in the long run. Admittance to the board is currently predicated on volunteers who possess the knowledge, skills and importantly class capital that connects the school to the key networks of public and professional spheres that act as resources to support the activities of the school (Ranson et al. 2005).

The structure of governance in the independent sector is more aligned to the stewardship model, in this case study the picture is further complicated by the role of the non-executive trustees who aim to see power devolved to a non-Church affiliated Chair in the near future. The hierarchical structure of the Church Council dictates a set order of school governance with Church representation and a method of the Head reporting to Trustees and the Church Council on a regular basis. With the current composition the Chair as Trustee has more oversight of the day-to-day activities of the school, but this is due for change in the near future with the imminent appointment of a non-trustee as Chair. Devolvement of responsibility to governors will increase their levels of accountability at a time when their voluntary commitment to the school is already under pressure; most governors have more than one role in their governing remit.

The nature of private sector schools as charitable businesses puts increased pressure on governance to keep the school financially stable in uncertain economic times. Minutes of the main governance meetings and those of the finance sub-committee show a concern for how accounts are being managed and where strategic accounting can help to realise school developments that are essential in keeping the school at the forefront of the educational improvement agenda.

Governors are coming under increased inspection surveillance from the Independent Schools Inspectorate (ISI) and in the case of this particular school there is additional inspection related to boarding. Governors are required to meet a raft of accountability agendas related to statutory legislation for running the school as well as evidencing improving educational standards and ongoing school building improvements (Department for Education, 2010).

Facing towards the Settlement community there is ongoing work ensuring that the school meets its charitable status requirements and issues related to public benefit. Whilst private schools enjoy tax relief on fees they are required to demonstrate how they 'give back' benefits to the local community. An example of this could be how school facilities are made available to the local community outside of school hours. This community-facing role has to be supported by governance often with some resource commitment to make the venture viable. In respect of the Settlement context governors are required to have some understanding of the role of the Church and to support and develop a harmonious relationship between the school and the local community.

Data shows that this governing body has undergone a long evolution over the past few years, working to build governor capacity and agency. The constitution and roles of individual governors are now very clear and there is good evidence that working

relationships are growing in confidence. Governors are able to more objectively scrutinize decisions taken by the Head and her leadership team and to make comment upon those by asking relevant questions yet feeling supported if their views are not always accepted. There is a sense that the board works closely together, yet its understanding of the role of trustees is still patchy; there is still a real distance between this governing body and the Church. From my own position as a practising governor I would have found it very useful to have some background context related to Church roles and structures and how the expectations of the trustees of the governing body. This research has shown that there are still often competing perspectives from Head, Church representative and trustee with respect to how governance should be undertaken. Making sense of governance, especially for a small board such as this one, is a time and resource intensive process, drawing on large proportion of governor good-will and a sense of obligation to the school and to its Moravian roots.

Concluding comments

This research has illuminated the work of a very small governing body in the private school sector in England. It is a model of governance based loosely on the stewardship model where the capacity and agency of each governor is maximised such that many undertake multiple roles of governance and the responsibility that it entails. Governors at this school have adopted a Janus-faced approach looking inwardly at school business affairs and outwardly to understanding their relationship with the Church trustees; this sense-making has evolved over a substantial period of time. At the time of writing they have been judged as 'Excellent' by the inspectorate. Yet there are expectations from the Church that the board will become more autonomous in the near future, drawing on the board's capacity even further to fill the

vacancy for Chair when the current trustee incumbent vacates the position. The challenge is even greater now for this governing body going forward, in terms of its accountability in keeping the school profitable to support future developments that are demanded in response to those paying high school fees. Unlike the maintained sector, where collaborations are now possible with other schools, academics and other providers, small independent schools are very much dependant on increasing their numbers of pupils so they can remain financially viable. While the Church may take more than a passing interest in fees, the responsibility for its execution remains with the governing body. Effective governance in private schools is vital if they are to remain in operation. There are aspects of effective governance evidenced in this school and other similar contexts that have messages for wider governance methodologies related to delegated governance, skills for governance, governor capacity and retention of governors. This small study has revealed a snapshot of private school governance which may or may not resonate with how other independent schools are governed. Further research is needed to help us understand the key characteristics of private sector governance.

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