Let's decide to do better governing of schools and colleges

INTRODUCTION
Educational leadership requires decision making and this truism obviously includes governing boards of educational institutions and organisations. More specifically, in governing processes and practices, we expect the two Ds – deliberation and decision-making. This opinion piece draws upon what has been partly revealed by external college governance reviews (Hill and Munro, 2023), college governance research (Watson et al 2021), a thematic analysis of external reviews of school and trust governance (NGA, 2023), and also sampling the published minutes of governing boards from institution websites.

As a simple reminder, governing boards of schools, academies and colleges typically have two aspects to their responsibilities. Firstly, the governing board approves the strategic plan for the institution or organisation such as a multi-academy trust or f.e. corporation, monitors its implementation and evaluates the outcome. Secondly, the governing board makes sure that there is appropriate compliance with relevant codes, regulations, standards, and legislation. Watson et al neatly reported that 'the purpose of the governing body is to give rise to the institutional substance through which a college meets its strategic aims' (2021;60). This summary could readily apply to schools and trusts as well as colleges. We address the limitations in achieving institutional substance by governing boards in this opinion piece.

The typically volunteer governors (usually as trustees of a charity) meet periodically as a governing board to achieve the governing board's responsibilities largely within a framework of set piece, formal meeting events with a tightly defined agenda, written and verbal reports from senior staff plus supporting minutes from committees of the governing board. Many of the formal acts of governance are conducted within these devolved committees and the whole board meetings, but it is important to acknowledge that governing itself is not constrained within meeting room walls.

This opinion piece takes this framework and, in the light of research (Watson et al 2022; James, Garner & Husband 2021). and professional activity, seeks to present the case for improving what actually happens at formal governing meetings. By 'improving', we suggest that as Governing Boards appear to be limited to discussion and challenge through question and answer approaches, we make the case for completing the two Ds to achieve clearer, sharper decision making by resolutions of the Governing Board.

GOVERNING AS GROUP PERFORMANCE
Baron et al (1993;31) looking at group performance and co-operative tasks make what might be the obvious comment '….. group members have a shared interest in working together toward some goal. Such tasks also have some standard for evaluating performance'. This translates easily into the governing of multi-academy trusts, college corporations, and local governing boards.

How we judge a group such as a governing board to be effective is crucial. There are various metrics and points of observation which could usefully be applied such as the successful completion of an agenda, questioning and holding to account senior staff on management and operational issues, or in board practices and compliance with a code or codes of governance. However, these could be seen as performative measures which do not fully capture the process of governing from deliberation to decision.

Steiner (1972; 34), reported in Baron et al, recognises that the productivity of a group can fall short of its potential. This 'potential' can represent considerable effort in trying to construct a governing board of, say, fifteen governors with an appropriate mix of skills, local knowledge, personalities ……. and an interest in education. This under-performance Steiner called 'process loss' and he developed the equation

Actual Group (Governing Board) Productivity = Potential (Governing Board) Productivity – (Governing Board) Process Loss

Steiner identified two main sources of process loss. 'Co-ordination loss' occurs when group members don't organise their efforts optimally. In other words, this version of under-performance is where the team doesn't work with a collective approach to a shared vision. Steiner also suggested 'Motivation loss' can produce an under-performing group where there is differential motivation i.e. some members are more interested and enthused than others.

Whilst we do not want to paint a bleak picture of all governing practices, some of which can be excellent, these opening paragraphs aim to set out how some governing practices can lead to underperforming boards. The challenges of achieving decision-making addressing governance accountability (lateral, inward, outward versions from James, Garner and Husband 2021), strategy and organisational trajectory and long term vision are many and compound each other.

WHAT HAS HAPPENED TO DECISION MAKING?
We wish to add to add a third source of Steiner's 'Process Loss'. By addressing this source, it could be possible to overcome some of the tendencies towards Steiner's co-ordination loss and motivation loss features. We have identified Decision Loss from our observation of college governing boards in formal meetings (see Watson et al 2021 ESRC funded national study of governance in colleges for full details), including consideration of published minutes of governing boards.

Our case is that whilst the practice of formal governing board meetings is supported by a structured agenda with minutes from previous meetings plus supporting reports, guided by a governance professional, and whilst this framework enables discussion, something is missing. Table 1 summarises our observations of Governing Board meetings as follows:-

Addressing the agenda item	Missing/appropriate response to the agenda item	Example of decisions
Discussing	Decision to engage and explore	What was decided in discussion?
Querying	Decision to accept responses	What queries made, how was that decided
Reviewing	Decision to accept or decline outcomes	To what level of scrutiny is this review subjected?
Questioning	Decision to accept or reject responses	Which questions and why?
Informing	Decision to acknowledge accept information	A decision to accept the information or request more?
Testing	Decision to accept responses and engage in discussion	How will we test this and why?
Challenging	Decision to accept or decline responses	Which challenges and against which framework/standard?
Asking	Decision to engage and devise questions and further engagement	What requests are made and why?

Table 1 ; To show how completing agenda items misses the decision stage

We suggest that many items of a governing board agenda require a decision[1]. That decision requires the governing board to state its position in relation to the item. If the agenda item and related report presents the progress towards the achievement of the strategic plan then after due consideration and discussion, we suggest that it is not sufficient to move to the next item without concluding with a clear resolution. The segue approach to chairing is surprisingly common whereby one item slips into the next resulting in a meeting of discussion and even deliberation, but missing out decision making.

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[1] Agendas packed with items 'for information only' are questionable in terms of the value in contributing to governing. Agendas with items 'for noting' require decision-making. 'To note' is an active governing process. Thus, is the governing board pleased or concerned to note the progress of the strategic plan?

We advocate that if resolutions to items were expressed in terms of governing board reaction, which would include emotion or the feeling of the governing board, this could address process loss issues as referred to above. Reaching the resolution is where the meeting group has to decide what it thinks about the item. Is the reported progress of the multi-academy trust strategic plan sufficient? The governing board response is essential for stimulating a collective identity and also could support collective motivation (that is, both Steiner's sources of process loss). The governing board could record its satisfaction, pleasure, disappointment, or concern, with progress to date. Reaching the nature of the resolution is missing from so many observed governing board meetings. Codes of governance and assurance maps are useful guides upon which to base governing board decisions.

BENEFITS AND BARRIERS TO BETTER GOVERNING

Table 1 above illustrates the problem. Governing behaviour can include some or all of the characteristics shown on the left column. But, our case is that rarely are the behaviours converted into governing i.e. making decisions consistent with the role of governors (usually trustees).

It isn't clear or obvious how current practice has become the norm throughout educational governing. Groupthink, often with the best of intentions, can be prevalent in group (governing) settings. This is sometimes a feature of the style of chairing which can inadvertently or deliberately encourage closure of items without resolution. Thus, there is discouragement of the alternative view or anything other than a positive picture of the college. This may be connected to the publication of minutes in an educational marketplace. Minutes can reveal gaps or inadequacies which competitors can use to gain market position. Therefore, bland minutes can assist the external college image. However, a bland approach to governing doesn't fulfil the role of the governing board.

Is there also a case for considering that 'don't rock the boat' is dominating governing board culture in order to motivate the senior staff and present a warm and positive meeting?

Has debate and discussion become affected by social media polarisation and so are members of governing boards unsure of how to compromise or present an evidence-based case?

The following points are presented as factors to address to reach active governing with useful discussion followed by well-constructed resolutions.

Active participation

Sennett (2012; 233) in his book subtitled 'The rituals, pleasures and politics of co-operation' reminds us that '….the nub of co-operation is active participation rather than passive presence'. It seems to us that active participation in formal meetings is stimulated by an approach to governing which expects resolutions which includes how the Governing Board feels about an item.

Wide ranging discussion can take place, even differing viewpoints being expressed. There is clear process loss when such contribution isn't converted into a resolution with meaning and, where necessary, an emotive element e.g. the Governing Board is pleased to commend the progress the senior staff have made towards improving the enrolment procedures for September 2023.

Obviously, to decide that the report on e.g. strategic progress, should be commended or noted requires engaged discussion. If the response to this suggestion is there wouldn't be time for that kind of meeting, it might be the moment to review what the Governing Board agenda is composed of and how it is chaired and how subcommittees are constructed, utilised and given useful devolved decision-making powers.

Active chairing

Active participation is best enabled by active chairing. It is of note that many chairs of school, academy, or college governing boards seem, in reality, to host meetings rather than actively chair the event. Active chairing means facilitating the meeting to achieve decisions and ensure engagement through direct

participation of all governors. This may require a change of practice in the relations between chair, principal and governance professional to reach this more dynamic type of governing.

<u>Agenda formation and reports</u>
Better decision making by Governing Boards is linked to the nature of the agenda and the quality of reports. From experience of observing boards for research and professional support, it is clear that report writing can make reaching a decision about an item difficult. Reports have to connect properly to the purpose of the meeting rather than be recycled from a management meeting or simply be written to cover the topic with dense data and multiple appendices.

Senior staff can benefit from a governing board that actually makes decisions. In discussion with Vice Principals and Deputy Principals, the sense of uncertainty about what the governing board actually wants and/or thinks about a topic is often a frustration.

Vague or often no recorded resolutions from governing boards can also be tracked back to reports without smart recommendations such as 'governors are recommended to discuss the report'.

<u>Minuting meetings</u>

Drawing upon the Chartered Governance Institute consultative document (2016; section 4 from The Practice of Minuting Meetings) the following advice is given :-

A decision of the board should be clearly minuted and the usual wording is 'it was resolved that …..'.

In addition, the CGI document advises that the minutes should present the reasons for the decision and include sufficient background information for future reference. In simple terms the purpose is to record what was done not what was said.

From reference to a range of minutes of education bodies such as multi-academy trusts and college corporations in England and college minutes across Wales, Scotland and Northern Ireland, it is surprising and concerning that much more emphasis appears to be recorded on the nature of discussion points with senior staff replies rather than the context for decision making and resolved decision. From this evidence alone, it shows that some governing board meetings appear to be missing the point of governing.

There can be a grey area here whereby the clerk to the governing board inserts the formal decision into draft minutes reflecting the mood of the meeting in relation to the item. Whilst this is understandable, the role of the clerk in showing what the governing board meeting should have done seems to cover the cracks rather than addressing the core governing process issue of decision-making.

<u>Improved leadership</u>
Clearer, recorded decision making by the governing board should become a key test of the governing board's expectations and values. It requires the governing board to solve problems as there is little point in recording decisions that are negative. If the governing board is disappointed with progress on an aspect of the strategic plan, it will also record what it is pleased about and also how it wants to address the matter(s) of concern. This is leadership by the governing board. As Kooiman (2003; 4) states 'The challenge for anyone involved in governing and governance is to make governing interactions productive'. Our approach tackles Steiner's two process loss elements head-on. Making governing interactions productive is achieved by completing agenda items with full decisions rather than wandering through agendas and being satisfied with discussion only.

<u>Better board experience</u>
If governing boards can evolve into groups that prioritise decision making at their meetings, and assuming that the support for this approach is embedded in report writing, chairing, and the role of the governance professional, then arguably this will produce a much better experience of governing for members of the

governing board on the grounds of contributing to the purpose of the governing board i.e. educational performance and learner success within financial health parameters and wider contextual constraints.

In addition, there are implications for the improved experience of the governance professional as the choreographer of governing for decision making. The governance professional should be able to create a tight agenda of relevant items, with clear decisions required, aided by supporting material to permit useful deliberation.

<u>Recruitment and development of governors</u>
There could be implications for the recruitment and development of governing board members arising from this revised approach to governing. As implied by Kooiman above, governing behaviours form a crucial element of governing. To date there has been considerable emphasis on skills-based membership of governing boards e.g. the necessity to have an accountant, a legal professional, a human resource professional, a marketing professional, an IT specialist and so on. Whilst this mix of professionals has value, their approach to governing could be more important. Taking Steiner's process loss aspects (Co-ordination loss; Motivation loss) both contain aspects of relevance for behaviour. Critically, for our case, it is essential that members of the Governing Board can understand complex reports with data, think strategically, appreciate the centrality of teaching and learning, understand the role of education leaders, reach considered viewpoints on key agenda items. It's quite possible that the list of professionals above includes such personal strengths, but it not guaranteed. Thus, moving towards a decision making governing board may require recruiting new members to a different governor specification, which raises a higher profile for personal characteristics and/or a refreshed governor induction, training and mentoring programme. Within educational contexts, the embedding of professional education and ongoing learning is commonplace and subsequently forms a substantial part of the opportunities for development (see as examples Husband 2018 and Husband 2020). Whilst recognising that governance may not be the primary focus for all governors, it is for many, and the implementation of nationally recognised and sanctioned mentoring and professional education programmes for governor mentors within the educational context aligns with the extant values within education as a whole. This could take the form of in-house programmes tailored for institutional priority and need, or indeed, university based (in collaboration with the sector) post graduate study.

<u>Using the Code of Governance</u>
A code of governance is a useful means by which to guide and shape the process and practices of governing and such a code is particularly useful for reviewing governing performance and impact.
We suggest that it is possible that the codes in use for colleges have encouraged wider, comprehensive agendas. However, inadvertently, codes may have negated the desire to make resolutions. In other words, complying with the code has been translated as agenda items and reports with resulting discussion only. The imperative to decide seems to have become reduced by operating under cover of the code. As academy trusts in England consider the draft Academy Trust Governance Code (consultation closed on 31 July 2023), this speculative point should act as a cautionary note.

GOVERNING REQUIRES DECISIONS
In summary, we have attempted to present the case for better educational governing by encouraging clear, sharp resolutions to agenda items rather than being satisfied with discussion alone. It seems to us from research and observation that the most significant 'process loss', to use Steiner's expression, is that of Decision Loss i.e. the failure to convert discussion into decision. We argue that, in Kooiman's sense, governing interactions could be much more productive if the focus in governing board meetings was on reaching resolutions rather than becoming a quasi-workshop where discussion is valued highly but where decisions are not emphasised, required or expected.

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