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School governance: Redressing the democratic deficit

One of the most significant pieces of legislation to affect education policy in England is the Academies Act 2010 introduced by the Coalition government. Overturning previous legislation which limited academy conversions to 'failing' and 'underperforming' schools, the Academies Act 2010 made it possible for all 'good' and 'outstanding' schools (and, for the first time, primary schools and special schools) to convert to academy status through the acquisition of a foundation or trust. Both ambitious and brazen, the Academies Act 2010 not only expanded opportunities for further private sector involvement in the running of public sector schools but enabled a whole set of new techniques and strategies designed to bring the gaze of government to bear upon the actions of others.

Under the authority of a board of trustees and a separate funding agreement with the Secretary of State, academies and free schools (legally the same) are permitted to operate outside the purview of local government, albeit still accountable to local government on matters of special needs and exclusions, as is required of all publicly-funded schools. This means that school leaders and school governors who run academies and free schools take ownership of the land and buildings, set the curriculum and admissions policy, manage budget spending, employ staff directly, and source their own suppliers and professional advisers. In structural-policy terms these reforms are intended to enhance school autonomy, scale back local government, expand deregulation, and relieve schools of top-heavy bureaucracy. The idea here being that 'local authorities will no longer maintain schools. This change will help us to empower local communities, putting children and parents first', as the government describe it.

Yet the reality of school governance is sometimes far removed from such potent, romantic imagery, especially the coveted Conservative promise that schools will throw off the shackles of centrally-governed systems of administration to enter a 'post-bureaucratic age'.

Reforms to school governance in England have proven to be highly controversial since 2010 with evidence of financial scandal and mismanagement, related party transactions and conflicts of interest, selective admission policies fuelling social segregation, multi-academy trust CEOs claiming inordinate salaries, academy conversions lacking democratic consultation, and escalating procurement and legal costs required to convert schools to academies and build new free schools. Moreover, the culture of school governance has changed dramatically during this time. Proportional representation and wider community participation – once considered to be the organising principles of school governance – have been displaced where they fail to contribute to the smooth managerial oversight of the school's educational and financial performance.

In response a corporate managerial approach to school governance has taken hold to the extent that 'good governance' tends to be framed in narrow techno-bureaucratic terms to mean improved proficiency in auditing, performance management, compliance checking, and the goal-oriented steering of outputs and outcomes more generally. School governors in turn are being trained in the art and discipline of 'deliverology'. Increasingly school governors are harnessing the power of data and data tools to meet these expectations, including the Department for Education's school comparison tool, RAISEonline, Fischer Family Trust (FFT) Governor Dashboard (developed in partnership with the National Governors' Association, NGA), skills audits, and bespoke self-evaluation tools.

The danger here of course is that the value of school governors to the education system is principally measured against their capacity to make the internal operation of schools amenable to the statistical mapping exercises of Ofsted inspectors and league table generators. In this respect the primary role of school governors is to supplement, replace even, local government as the principal agents responsible for monitoring the financial and educational performance of multi-million pound organisations. And while some school governors and governor support services refuse to view the role in such narrow terms, the priority for school governors to be forensic in the scrutiny of the performance of the school and hold others to account is a chief requirement of the role.

Hence school governors now find themselves subject to a whole barrage of internal monitoring and external inspection, including new 'competency frameworks'. The disciplinary milieu in which school governors operate functions to sustain the 'technocratic embedding of routines of neoliberal governance' within the day to day administration of schools where school outcomes and market prerogatives can be made to appear inseparable. The business of school governance is to enhance 'accountability' for example, but arguably accountability narrowly conceived in contract, corporate, performance, and consumer terminology. Echoing this, in 2013 the Parliamentary Under Secretary of State for Schools, Lord Nash, remarked 'Running a school is in many ways like running a business, so we need more business people coming forward to become governors'.

The appeal to school governors as business people therefore has implications for who is to be included and excluded from school governance. Moreover, it calls into question the legitimacy of a system that claims to be 'putting children and parents first'. The 2017 House of Commons Education Committee report on multi-academy trusts put this into perspective when they concluded that 'There is too much emphasis on 'upward' accountability and not enough on local engagement'. Others view these tendencies and trends as evidence of a 'crisis of legitimacy'.

There is a new direction of travel in school governance that is not entirely receptive to a democratic mandate governing education. As we saw in 2016 with the introduction of the white paper 'Educational Excellence Everywhere', the government issued plans to remove the requirement for governing bodies to retain democratically elected members, namely parent governors. The requirement was later scrapped but points to the government's strong opposition to a values system that supports the principles and practices of stakeholding as an important means to developing schools as civic organisations that empower local communities, parents, teachers, and students.

Since the introduction of the Education Act 1980, the Education Act 1986, and the confirmation of the statutory rights of parents to be elected as school governors, the education system in England has expanded the definition of 'trusteeship' to include citizens and the wider community at key stakeholders in the running of schools. These reforms were integral to undermining elements of local government monopoly which had characterised the bulk of educational administration and management during the 1960s and 1970s. But the development of a truly stakeholder model of school governance has always been scrappy and uneven at best.

What the history of school governance in England tells us is that governing bodies have always been shaped in large part by other interests – governmental, religious, local, corporate, and so on. Moreover, some schools are more 'radical' in their commitment to creating parent, teacher and student representation on the governing body compared to others. Key among them are the experiments in school governance among Sheffield schools in the 1970s and the recent development of co-operative foundation trusts and co-operative academies.

School governance is no longer the 'bums on seats' culture it once was, as described to me by a school governor; that is, casual, informal and shaped by lay administration. This culture of school governance has been the focus of derision for some time now with many calling 'for professional governance to move beyond the current 'amateurish' approach to overseeing schools' and for governing bodies to restrict their membership to 'business people', specifically people with the 'right skills' who can open up the internal operation of schools to greater public scrutiny. These interventions combined with the structural-policy reforms already outlined have affected not only the meaning of school governance but fundamentally shaped the way that school governors seek to conduct themselves as custodians of public interest. Moral imperatives to 'give back to the community' and serve schools in the interests of children and families are unproblematically aligned with market imperatives to act as ancillaries to a national system of inspection and high-stakes testing.

The reality of school governance today is a heavily politicised space held together through tight, centralised accountability and specific modes of coordination and training intended to render the actions of school governors more amenable to the scrutiny of external regulators and funders. And while there have been interventions to try to curb the worst features of the current system – the recommendation by the NGA to introduce greater emphasis on ethical practices in school governance being one – these are piecemeal solutions to a set of problems that are systemic and which require system-wide change.

One solution might be to return power to a universal system of school governance with improved transparency and enhanced practices of information sharing and partnership between providers, one that is more efficient, cost effective, and less vulnerable to capture from governance failure. This would entail reducing the technical demands placed on schools to organise themselves as businesses. Moreover, it would free up schools from bureaucracy rather than make them slaves to it, and empower school leaders and school governors to pursue genuine forms of stakeholder involvement that are unencumbered by the pressures to appease government demands for techno-bureaucratic oversight.