

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

SCHOOL GOVERNANCE (CONSTITUTION AND
FEDERATIONS) (ENGLAND) (AMENDMENT)
REGULATIONS 2016

Tuesday 14 June 2016

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The Committee consisted of the following Members:

Chair: MR ADRIAN BAILEY

† Dakin, Nic (*Scunthorpe*) (Lab)
† Gibb, Mr Nick (*Minister for Schools*)
† Hall, Luke (*Thornbury and Yate*) (Con)
† Heald, Sir Oliver (*North East Hertfordshire*) (Con)
† Heapey, James (*Wells*) (Con)
Hodge, Dame Margaret (*Barking*) (Lab)
† James, Margot (*Stourbridge*) (Con)
† Mak, Mr Alan (*Havant*) (Con)
† Merriman, Huw (*Bexhill and Battle*) (Con)
† Metcalfe, Stephen (*South Basildon and East
Thurrock*) (Con)

Phillips, Jess (*Birmingham, Yardley*) (Lab)
† Prisk, Mr Mark (*Hertford and Stortford*) (Con)
Rimmer, Marie (*St Helens South and Whiston*) (Lab)
† Sherriff, Paula (*Dewsbury*) (Lab)
† Smith, Jeff (*Manchester, Withington*) (Lab)
† Sturdy, Julian (*York Outer*) (Con)

Glenn McKee, *Committee Clerk*

† **attended the Committee**

Third Delegated Legislation Committee

Tuesday 14 June 2016

[MR ADRIAN BAILEY *in the Chair*]

School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016

2.30 pm

Nic Dakin (Scunthorpe) (Lab): I beg to move,

That the Committee has considered the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 (S.I. 2016, No. 204).

As always, it is a pleasure to serve under your chairmanship, Mr Bailey.

I welcome the fact that we are able to debate the regulations. It is positive that the Government are taking the opportunity to amend the constitution of the governing bodies of maintained schools in England to require them to apply for an enhanced criminal records certificate in respect of any of their governors who do not hold one. That is the right and proper thing to do. Will the Minister clarify whether all educational institutions educating under 18-year-olds are now covered by the same requirement that all their governors have enhanced criminal records clearance?

The regulations amend the requirements in the constitutions of federations by requiring governing bodies to have two parent governors. I welcome the focus on federations, because it provides an opportunity to underline the advantage of the model. Federations have all the advantages of multi-academy trusts, without requiring the legal costs or business changes of academisation—changes that do not always add to educational improvement. There has been much good work in highlighting the value of federations through Federation First, a national campaign developed this year by the National Governors Association to raise awareness of the advantages of federations to school improvement.

An example of a positive federation that I know well is the federation of Westcliffe Primary School and Priory Lane Community School, which came about when the search for an academy sponsor for Priory Lane ran into difficulties due to the dearth of capacity in academy sponsors. Through the initiative and support of the local authority, the successful Westcliffe Primary entered into a federation with Priory Lane. Although it is still in its early days, that federation appears to be delivering well for the children and parents of both school communities.

Currently, the parents in each school in a federation can elect one parent governor. In a federation of five schools, for example, there will be five parent governors. From September, if the motion is agreed to today, the number of governors who come through the elected parent route will be limited to just two. There is no maximum number of governors, but there must be at least seven, and each headteacher can be a governor,

meaning that the proposed changes strengthen the professional voice on governing bodies at the expense of the parent voice.

For all other local authority maintained school governing bodies, there must be at least two elected parent governors. A school governing body is not restricted to that number of parent governors and, for example, a large secondary school can continue to have five parent governors. Therefore, to limit the number to just two elected parents seems unnecessarily prescriptive. If we must go down this route, it might be better to make the new composition voluntary, rather than making all federations reconstitute, which is unnecessarily bureaucratic. Why must federations have only two parent governors, while other maintained school governing bodies must have at least two elected parent governors? Why is the change compulsory, rather than voluntary?

The move raises a number of important issues about the voice of parents in their school communities. The proposal would break the direct link between each school's parent community and the federation's governing body, raising questions about how inclusive the parent governor voice will be. It raises the question of how each individual school community will ensure that the parent voice is effectively and appropriately empowered.

It would be helpful if the Minister shared the Government's thoughts. After all, this Government have a track record of not really trusting parents. The Education and Adoption Act 2016 removed the right of parents to have a say in the choice of academy sponsor for their children's school when the school is being forcibly academised.

The Government's instinct to remove parents from having a say in the running of schools is the clear direction of travel set out in the recent White Paper, which states that

"we will no longer require academy trusts to reserve places for elected parents on governing boards."

It goes on to say:

"Parents often have these skills and many parents already play a valuable role in governance—and will always be encouraged to serve on governing boards. We will also expect every academy to put in place arrangements for meaningful engagement with all parents, to listen to their views and feedback."

That sounds a little patronising towards parents. After all, there is a world of difference between parents having an entitlement to be on their child's governing body and being elected by their peers to serve in that capacity, to then being encouraged to serve on the governing body by the governing body itself. Election confers a unique independence that co-option does not. That is the view of the National Governors Association in its St George's day letter to the Secretary of State. It makes the case very well when it says:

"Elected parents are an important part of sound governance... They have knowledge that others governing from outside the school do not have and through election, they ensure that boards do not become small groups of like-minded people who appoint their friends, colleagues and in some cases even relations. Those disposed to governance by clique must not have that option."

The NGA's words echo those of Sir Keith Joseph, who, when arguing for elected parent governors, said to this House,

"We mean to give parents an increased role within it. Parents, too, are partners in education. They bring to this task unique responsibilities, a close knowledge of the children and a personal dedication to the full development of their qualities and talents."—*[Official Report, 25 May 1984; Vol. 60, c. 1381.]*

How right he was. He fully understood the unique viewpoint of parents, and how that could strengthen the governance of our schools. However, more than 30 years later, I fear that his successors no longer value parents in the same way. Parent governors' very independence is a bulwark against a governing body losing its focus on children—a loss of focus that can lead to things going seriously wrong for the whole school community. To use Sir Keith Joseph's phrase, if parents are true "partners", they should have a right to places on governing bodies and not be there only through the grace and favour of the rest of the governing body.

The proposals in the White Paper led Professor Sally Tomlinson to observe despairingly:

"Elected parents obviously don't have the right skills! What parents will get instead of any formal influence...is a website displaying school performance tables. There will also be something called a Parent Portal."

Indeed, the White Paper makes a commitment to:

"Help parents to support their child's education and navigate the schools system, through a new Parent Portal".

It all sounds rather patronising, and a far cry from the great British confidence in parents shown by Sir Keith Joseph. That confidence has been richly rewarded: parent governors have been an excellent way of growing governor and community capacity. Emma Knights, the chief executive of the NGA, puts it well:

"There are a lot of us about—former elected parents who get the governing bug—and go on to govern with different hats on. It may be over egging it...but elected parents are certainly an important source of governors who most probably otherwise would not have become involved."

I certainly found that to be true on my recent visit to Haydn Primary School in Nottingham, where both the chair and vice-chair of governors had begun their governance role many moons ago as parent governors.

The noble Lord Nash, the Minister who leads on governance in the other place, used the ConservativeHome website to insist—without any awareness of the heavy irony in his argument—that, despite wanting to take away the right of parents to be elected on to governing bodies, the Government want parents to be

"more involved in their children's education—not less."

He said that there will be an expectation that academies set up arrangements for "meaningful engagement with parents", including parent councils, and that such councils will ensure that schools "not only listen" to parents,

"but also act on their views and feedback."

Using ConservativeHome to float Government policy may be seen as innovative, but it is certainly not authoritative. Will the Minister, who is authoritative, take the opportunity to say whether he thinks the noble Lord's pronouncements represent a way forward? If they do, how do the Government intend to consult parents, governors, schools and other stakeholders on the ideas?

The consideration of these regulations gives the Minister the opportunity to indicate the direction of travel on the role of parents in school governance. Is it to be at the optional whim of a governing body or academy trust, or will it remain an entitlement, with parent governors elected by their peers? If the proposal to break the link between school parent communities and their federated governing body is agreed to, what does

he propose to put in its place to ensure that each school parent community has a direct voice in the running of its children's school?

2.41 pm

The Minister for Schools (Mr Nick Gibb): It is a pleasure to serve under your chairmanship, Mr Bailey. I have listened with great pleasure to the opening comments of the hon. Member for Scunthorpe, although it would surprise many who are listening to know that we are debating the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016, not the excellent education White Paper, "Educational Excellence Everywhere". We are debating S.I. 2016, No. 204.

The regulations, which were laid before both Houses on 25 February, amend the School Governance (Constitution) (England) Regulations 2012 so that all governors in maintained schools in England are required to have an enhanced criminal records certificate from the Disclosure and Barring Service, if they do not already have one. The hon. Gentleman should welcome that, as I hope will all Committee members. He asked specifically whether all educational institutions will be bound by the same rules, and I can confirm that they will be. The rules apply to academies and maintained schools, and proprietors of independent schools are governed by the Education (Independent School Standards) Regulations 2014, which contain the same requirement.

Nic Dakin: While the Minister is being comprehensive, can he mention sixth-form colleges and further education colleges?

Mr Gibb: Yes. I will write to the hon. Gentleman about sixth-form colleges after the Committee, if I may.

The regulations also amend the School Governance (Federations) (England) Regulations 2012 to provide that the governing body of every federation of two or more maintained schools includes two parent governors.

The regulations bring maintained schools into line with current practice in the academies sector, where DBS checks are already compulsory for every person involved in governance. Similarly, academy trusts, however many schools they contain, have never been required to have more than two parents on the board. That allows governing bodies to remain at a workable size, enabling them to make sound and strategic decisions for their group of schools. We have consulted the Department's advisory group on governance, which includes all organisations with a key interest in governance, and I emphasise that the National Governors Association supports both the measures.

Governors hold an important public office, and it is essential that we know that they are not unsuitable for their role. We have taken a number of measures to increase transparency in that area, including expecting governing bodies to publish their arrangements on their websites. Individuals should be disqualified from governance roles in maintained schools on a number of grounds, including if they have a criminal conviction involving certain sentences and imprisonment. Until now, the arrangements have relied on governors voluntarily disclosing such information or the clerk to the governing body

[Mr Gibb]

requesting it, in contrast with the position in academies, where all members and trustees, and those on local governing bodies in multi-academy trusts, must be DBS checked.

Sir Oliver Heald (North East Hertfordshire) (Con): On the number of parent governors, if there are two village schools and one is a bit bigger than the other, I can see that there would be an advantage in having a parent governor from each of the villages. Is that something that should happen under this system, or is it entirely in the lap of the gods, in the sense that it depends on how many parents vote for a particular parent governor? If one school were quite a bit bigger than the other, the governing body might end up with two governors from one school.

Mr Gibb: We do not want to be too prescriptive. My hon. and learned Friend makes a good point and that would be an ideal way forward. We do not want to be over-prescriptive because, although he has set out one example, there is an infinite number of such examples out there. If we were to be prescriptive for every type of example, we would have a very long piece of regulation. Do not forget that those parents are not meant to be representative of the individual schools; they are meant to serve in the interests of the federation as a whole. We are trying to get away from the notion that they are there in a representative capacity and will only speak in the interests of the small school, and not be interested in what is happening in the larger school, such as in his example.

The current position contrasts with the position in academies, where all members have to be DBS checked if they are involved in a multi-academy trust. This more rigorous approach, we believe, should apply in the maintained sector, so that every governing body can be confident that none of its members is disqualified from holding office.

The amendment to the School Governance (Federations) (England) Regulations 2012, to which my hon. and learned Friend referred, was requested by the National Governors Association and the Churches. It was prompted by concerns that requiring the governing body of a federation of multiple maintained schools to have a parent governor from every school may result in a membership that is larger than they need or want. That can be a particular issue in larger federations or those that involve voluntary aided schools, where they need to maintain a majority of two foundation governors over all the other categories of governor.

The hon. Member for Scunthorpe cited an example of a federation of five schools. If those five schools were all voluntary aided, in addition to the five elected

parent governors, they would have to have five headteachers, which would bring the governing body up to 10, a staff governor, which would bring it up to 11, and a local authority governor, making it 12. That means that the foundation itself would have to find another 14 foundation governors to maintain their majority of two, bringing the size of the governing body to 26. That would make it very unwieldy and could impact on its ability to operate effectively.

The amendment reinforces the principle that, as I said to my hon. and learned Friend, a parent governor's role, like that of every other category of governor, is to govern in the interests of all the children in federated schools, not just in the interests of the pupils from their child's school. In reducing the number of parent governors to two, federations have the freedom to retain or recruit any particularly skilled and effective individuals, for example, by appointing them under a different category of co-opted governor. There is nothing to stop a federation or a foundation asking parents to be a foundation governor of a foundation school, or indeed to fit in to any of the other categories of governor that make up the governing body, to a minimum of seven.

High-quality governance is vital to the success of all schools in an autonomous school-led system. Governing boards are responsible for some demanding strategic functions and their membership needs to be focused on the skills to do that well. Many parents do have skills that make them very effective governors. We expect that boards will continue to want to appoint parents for that reason. Parents should have a significant voice in schools.

As well as the provisions we are debating today, we have committed to empower parents further in the White Paper, "Educational Excellence Everywhere". I will quote the line that the hon. Member for Scunthorpe helpfully quoted in his opening remarks from page 51 of the White Paper:

"We will also expect every academy to put in place arrangements for meaningful engagement with all parents, to listen to their views and feedback."

That is the first time that that expectation will be imposed on academies. I do not believe it is patronising; it is the right thing to do to have that expectation on every multi-academy trust in the country.

The best schools demonstrate that parents can and should be involved in education in a wide variety of ways. We will always expect that one of those is governance. The provisions bring more rigour to ensure that those governing our schools are fit and proper people to hold office, and that federated governing bodies are not compelled to have more parent governors than they want.

Question put and agreed to.

2.50 pm

Committee rose.