

Non-Executive Report of the: OVERVIEW AND SCRUTINY PANEL 1 February 2016	 TOWER HAMLETS
Report of: Debbie Jones, Interim Corporate Director, Children's Services	Classification: Unrestricted
Diverse School Governors	

Originating Officer(s)	Hania Franek
Wards affected	All wards

Summary

This report considers the composition of governing boards of maintained schools in Tower Hamlets, whether governors reflect the diverse nature of the borough and if not, whether and how the composition of governing boards can be influenced.

Recommendations:

The Overview and Scrutiny Committee is recommended to:

1. Receive the report and to note the limitations of the local authority in relation to the membership of school governing boards .

1. BACKGROUND TO THE REPORT

- 1.1 All maintained schools are required to have governing boards. Their compositions are set out in the 2012 School Governance (Constitution) Regulations 2012 and the School Governance (Federations) (England) Regulations 2012.
- 1.2 The maintained schools in Tower Hamlets are community schools, voluntary aided schools (Church of England and Catholic schools), one voluntary controlled school, one national trust school and one Interim Executive Board. In total there are 90 governing boards for these schools, two of which are federated and these are the subject of this report.
- 1.3 There are also a small number of Academies and Free Schools (8), which are subject to different governance requirements from maintained schools. For example, schools in a multi-Academy Trust are not required to have local governing boards and there are three such schools in Tower Hamlets where this is the case: Culloden, Old Ford and Solebay Academies. Free schools and Academies are not required to share information about their governors

with the local authority. Whilst they must publish governors' names on the school website, there is no additional information available.

- 1.4 Schools and local authorities must have regard to the Department for Education's (DfE) statutory guidance 2015 on the constitution of governing boards of maintained schools. It recommends smaller governing boards that are no bigger than they need to be and that "a key consideration in the appointment and election of all new governors should be the skills and experience the governing body needs to be effective". The minimum size for a governing board is seven governors.

2. COMPOSITION OF GOVERNING BOARDS

- 2.1 Governing boards are comprised of the following categories of governors, who are appointed for four years unless the governing board decides on a shorter term of office:

Parent governors are elected by other parents at the school. Where vacancies cannot be filled by election, the governing board may appoint parent governors. This rarely happens in Tower Hamlets. There must be at least two parent governors.

Staff governors are elected by the school staff and can be teaching or support staff. There is one post only for a designated staff governor in every school.

The Headteacher is a member of the governing board by virtue of his/her office.

Local authority governors are nominated by the local authority and appointed by the governing board. The governing board decides whether the nominee has the skills to contribute to effective governance and other eligibility criteria that governors have set. One local authority governor per governing board is permitted.

Co-opted governors are appointed by the governing board. There is no restriction on their numbers, (except in relation to staff who are co-opted).

Foundation and Trust governors are required at foundation and voluntary aided and controlled schools and out-number other governors usually by two, sometimes by one. These governors are appointed by the religious bodies for the faith schools, for example the London Diocesan Board for Schools (LDBS) for Church of England schools and the Diocese of Westminster for Catholic schools. They have a particular purpose: to safeguard the character of the school.

3. EQUALITIES PROFILE

- 3.1 The number of governors in total in Tower Hamlets maintained schools, excluding vacancies is 985. When governors are appointed and re-appointed, they are asked to complete an equalities monitoring form, which collects data

on gender, disability, ethnicity, religion, sexual orientation and age. Appendix A provides a summary of the information collected on current governors. It should be noted that governors do not always complete all the sections on the form and some choose not to return it.

- 3.2 Of the 985 governors in post in January 2016, 41.5% were male and 58.5% were female.
- 3.3 6.6% of governors have advised that they have a disability.
- 3.4 Data on ethnicity is available for 70% of the governors. 70% of governors are White British, 14% are Asian/British Bangladeshi, 16 % are Asian/Asian British and 4% are Black/ African/Caribbean/Black British.
- 3.5 Data is available on religion for 25% of governors. 53% are Christian, 37% are Muslim and 31% stated that they have no religion.
- 3.6 In relation to sexual orientation 86% stated that they are heterosexual, 3% that they are lesbian/gay men and 12% preferred not to say.
- 3.7 93% of governors are in the 18 to 64 age range. The largest groups are governors aged 35 to 43 (24%) and 44 to 52 (24.75%).

4. COMPARISON WITH DATA ON LOCAL RESIDENTS

- 4.1 There is no central register for school governors. In response to the "Trojan Horse" claims in Birmingham, the DfE announced in June 2015 that a national database of school governors would be created to provide more oversight and transparency for parents and the wider community. This is awaited.
- 4.2 The equalities profile of Tower Hamlets governors can be compared to data available for residents from the 2011 census attached as Appendices C. Governors are overwhelmingly recruited from the 18 to 64 years age group, whose representation in Tower Hamlets is as follows:

White British 51.5%
Asian/British Bangladeshi 25.3%
Asian/Asian British 36%
Black/African/Caribbean/Black British 6.6%.

Appendix B provides a summary of the ethnicity of the local school population. Appendix D is ethnicity data on families in Tower Hamlets with dependant children.

- 4.3 There is very significant over-representation of governors who are White British and significant under-representation of governors from other ethnic groups. It should be noted that many governors are not residents of Tower Hamlets. Also, unless they are elected, ex officio or foundation governors, they are appointed by the governing board for their skills.

- 4.4 Governing boards were required to re-constitute by 1 September 2015 in accordance with the 2012 Regulations and DfE statutory guidance. This resulted in 63 governing boards reducing the size of the membership (only two increased their size). The net effect has been 174 fewer governors.
- 4.5 The ethnic monitoring figures in February 2015 when data was available for approximately 50% of governors were:

	2015	2016
White British:	57%	70%
Asian/Asian British:	22%	16%
Black/African/Caribbean/Black British:	5.5%	4%

The changes in the ethnic profile of governors are largely due to the effects of reconstitution.

Some other factors that are relevant to the over-representation of White British and under-representation of BME groups are:

- Approximately 92.5% of Headteachers are White, i.e. 7.5% of all governors.
- Many governors are drawn from businesses in Canary Wharf and the City as they fulfil the skills needed by governing bodies and do not live in Tower Hamlets.
- The DfE statutory guidance states that whilst engagement with parents, staff and the wider community is vital, it is not role of governing bodies to provide this through their membership. Governor appointments are made on the basis of skills.
- Following reconstitution there are fewer parent governors and in relation to community schools many of these are Bangladeshi.
- Prior to the latest Regulations, most governing bodies had two staff governors, usually one teaching and one support staff. The support staff governor was more likely to be from a BME background.
- There are 9 governing boards of Catholic schools where governors are not drawn from the Asian/British Bangladeshi community. The number of governors in Catholic schools is 10.3% of the total number of governors.
- There are 11 Church of England (CofE) schools where the foundation governors, who form more than half of the boards (7.4% of all governors) are appointed by CofE religious bodies and are not drawn from the Bangladeshi community.
- Governors can apply to be re-appointed when their term of office ends. This has the value of retaining experience and knowledge but also has the effect of restricting opportunities for aspiring governors.

Local Authority Governors

- 4.6 Of the 82 LA governors currently in post, 55 (67%) have been re-appointed, as requested by their governing boards. Ethnicity data is available for 79% of LA governors:

55% are White British
13.5% are Asian/Asian British
1 governor is Black/African/Caribbean/Black British:

Measures to influence recruitment

- 4.7 The local authority has little scope to influence the appointments to governing boards as the decisions are overwhelmingly the remit of governors themselves or the appointing bodies for voluntary schools.
- 4.8 When vacancies arise for LA governors and terms of office are ending, governing boards are asked to advise on the skills needed of the LA governor and to take account of diversity issues.
- 4.9 The LA delivers a traded clerking service to approximately 70% of schools and the Governor Support Officers advise governing boards to consider equalities/diversity issues when recruiting to vacancies and offer support in identifying suitable potential governors. This allows them to seek to match the skills needed with applications held by the Governor Services Team whilst taking account of diversity.
- 4.10 The LA entered into Service Agreements with the Collective of Bangladeshi School Governors (CBSG) and the Ocean Somali Community Association (OSCA) from 2008 to 2015 to recruit and support BME governors. This raised awareness of the role of governors in the two communities and generated interest, but the outcomes in terms of improving their representation proved very difficult to achieve. As governing boards are increasingly appointed on the basis of skills and favoured experience such as finance, legal, HR and project management, the CBSG in particular reported that professionals in their community had little time to spare after the competing demands of career and family.
- 4.11 The Parent & Family Support Team facilitates a Parent Governor Network, which helps to promote the role and engage more parents from BME groups. The Governor Services Team supports schools with parent governor recruitment through a Service Level Agreement, which includes meetings to explain the work of the governing body and the training and support available.
- 4.12 Recruitment and the role of governors in improving diversity have been discussed at the Director's Meeting with Governors and there has also been a workshop at the governors' annual conference that addressed the concerns. An article will be included in the Director's summer report to governors, which will be sent to every Tower Hamlets governor, to feedback the discussion from this committee.
- 4.13 Consideration has been given to publicising the need for more diverse governors. However, given that more applications are received than vacancies available, it could be counter-productive to raise expectations that could not be fulfilled.

- 4.14 Improving diversity on governing boards is within the power of governors themselves and the LA will continue to encourage them to take more responsibility.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

- 5.1 There are no direct financial implications as a result of the recommendations in this report.

6 LEGAL COMMENTS

- 6.1 The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants. The Committee may also make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions.
- 6.2 When making decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). This duty applies to all decisions made by public authorities, whether those decisions have individual or general effect.
- 6.3 The Equality Act applies to all maintained and independent schools, as well as academies and free schools and it is the Governing Body of the school that is the "responsible body" for ensuring that the school meets the requirements of equality legislation. The actual recruitment of the Governing Body however is not subject to the public sector equality duty.
- 6.4 As this report correctly states aside from the nomination of the local authority governors (for which there can be only be one per school), the recruitment of the board is not a decision for the Council and therefore the Council has little scope to influence the appointments to governing boards. To the extent that it can, paragraph 4 of the report sets out what steps the Council can take for greater diversity of governors.

7. ONE TOWER HAMLETS CONSIDERATIONS

- 7.1 Governors are volunteers and their recruitment is not subject to the public sector equality duty. They can make important contributions to community cohesion and are a significant way that members of different local communities work together and participate to improve the educational outcomes of young people in Tower Hamlets.

8. BEST VALUE (BV) IMPLICATIONS

- 7.1 Governors will be invited to comment on actions that the directorate could take that would support them to support the objective of increasing their diversity.

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 9.1 There are no SAGE implications in the report.

10. RISK MANAGEMENT IMPLICATIONS

- 10.1 There are no risk implications arising from the report.

11. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 11.1 There are no proposals in this respect.
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Appendices

- A Governor Equalities Data
- B Ethnicity of LBTH School Population
- C Ethnicity of Tower Hamlets Residents 2011
- D Population with Dependant Children 2011

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

- NONE.

Officer contact details for documents:

- N/A