



Lord Nash

Parliamentary Under Secretary of State for Schools

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Dear Diocesan Directors of Education,

I am sure that like me you are passionate about the vital importance of high quality school governance. Governors set their school's vision, hold their headteacher to account and make sure its money is well spent. They are a pivotal part of our system of school leadership and accountability and central to your system of safeguarding the character and ethos of your schools.

As the Minister responsible for school governance, I wrote recently to all chairs of governors in both academies and maintained schools to highlight my priorities and the support we are offering in 2014-15. I hope that you are already familiar with and actively promoting the expanded range of NCTL programmes, including the popular leadership development programme for chairs and aspiring chairs and the new training programme we have just launched for clerks. You can read my letter [here](#).

I have since written to local authority Directors of Children's Services and I am now writing to all Diocesan Directors of Education about the specific opportunity created by our requirement that all maintained schools are constituted under the recently amended 2012 Constitution Regulations by 1 September 2015.

Transitioning all maintained school governing bodies to the simpler 2012 regulations will create a simpler overall legislative framework for governing body constitution. But more importantly, it will mean that all maintained schools have greater flexibility to design a governing body of the size and structure that best meets their needs. It will mean that all governors, including foundation governors, are appointed for their skills to contribute to effective governance.

As set out in our [statutory guidance](#), the flexibility of the 2012 Regulations means that no existing governor need stand down. **However, treating transition as a paper exercise would waste an ideal opportunity for each governing body to review its effectiveness, membership and structure and make changes to ensure it is not just fit for purpose, but that it is dynamic and highly professional in its approach.**

Before local authorities make new instruments of government for schools with foundation governors, the instrument must first be approved by the appropriate diocesan authority and the trustees of any foundation. This gives you the opportunity to set high expectations of governing bodies; support and challenge them to reflect honestly on their effectiveness; and stimulate them to think creatively and ambitiously about their constitution, structure and membership.

Every governing body needs to be constituted with governors who have relevant skills to contribute to effective governance. Governing bodies cannot afford to carry passengers and should be no bigger than they need to be to secure all the skills they need. Its

precise size is a matter for each governing body to decide for itself. Although I am not shy of saying that I believe many are currently too large to provide the effective, cohesive and dynamic non-executive strategic leadership our schools need, the key point is not so much size but ensuring that every single governor takes an active and constructive role.

A possible road map to help governing bodies with the process of reconstitution is available on the [NCOGS website](#), however I understand that specific guidance for Catholic schools and Dioceses has also been issued by the Catholic Education Service.

As governing bodies reconstitute, they may conduct self-evaluations and skills audits that identify the need to add to or replace existing governors with new people with specific or simply more relevant skills. This could be equally true for foundation governors as for any other category of governor. Particularly where foundation governors form the majority of the governing body, I would ask that Dioceses exercise their powers of appointment and removal in a way that is sensitive and responsive to the needs and skills gaps that governing bodies identify. We simply cannot afford to have governing bodies carrying any ineffective – albeit well-meaning – foundation governors.

As I'm sure that you are aware, the amended 2012 Constitution Regulations for maintained schools now require you to only appoint as foundation governors people that you believe have the skills to contribute to effective governance. I would like to think that you will apply this same criterion to all foundation governors, not just new ones – actively seeking feedback from chairs of governors on the effectiveness of those existing governors you have appointed. At this time of transition, the role of Dioceses in appointing and removing foundation governors is more important than ever and it will have a significant impact on governing bodies' ability to deliver outstanding governance. The process of removing an ineffective foundation governor may be challenging and need to be handled sensitively, but I believe governing bodies cannot function fully effectively if they carry passengers. The watchword should be children before adults.

To help you find high calibre new foundation governors, I would encourage you to make use of the service provided free of charge by [SGOSS Governors for Schools](#) which is funded by us to recruit skilled volunteers. SGOSS is able to identify which of its volunteers may be eligible to serve as foundation governors and also possess the skills required by Dioceses and schools. [Inspiring the Future](#) also provides schools with access to an increasing number of skilled people willing to be governors.

I would like to also draw your attention to [Inspiring governors](#) – a new alliance encouraging national and local partners to work together to increase demand for and supply of high quality governors. I am delighted that the Church of England has already signed up in support and hope that all Diocesan authorities will take the opportunity to use the alliance to mobilise local partners around this crucial issue.

Finally, I am encouraged to hear that both the National Society and Catholic Education Service have work underway nationally to review and further improve arrangements for identifying and appointing foundation governors, and for supporting them in their role. I look forward to seeing and hearing more about the impact of these projects.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Lord Nash', with a stylized flourish above the name.

LORD NASH