

AGOG discussion on constitution arrangements

Context

On 27 June, in her [speech](#) to the NGA summer conference the SoS signalled an intention to look at how to move away over the course of this parliament from a model of governance based on prescribed categories to create greater freedom for governing boards to be made up of people with the skills, expertise and wisdom to govern the school.

Current situation:

Current constitution requirements for maintained schools are defined in [primary legislation](#) and explained further in [statutory guidance](#). The constitution of the board of an academy trust is defined in its articles of association - our latest model articles are published [here](#). Both regulations and guidance make clear that skills should be the primary consideration in the make-up of all boards. But primary legislation, and to a lesser extent model academy articles, still prescribe certain categories of governor.

Myth busting

- SoS did not propose a ban on parents being governors/ trustees
- SoS did not say that every or any board would be forced to change its membership
- SoS did not launch a formal consultation on worked up proposals at this stage.

Next steps

We want to start a discussion about moving away from prescribed categories of governor to give governing boards more freedom to constitute a board as they see fit to best deliver their non-executive strategic leadership role. It is only after informal discussions that we will look to initiate a formal public consultation. As agreed at AGOG on 24 June, we have arranged a specific discussion on 22 September 2015, alongside the next scheduled AGOG meeting, to discuss initial views.

Questions to consider

AGOG members requested clarity on the questions we wish to discuss, particularly to help them start to take soundings from their networks and members. Given that current arrangements require both certain types of individuals and a range of different types of individuals to be involved in governance, we suggest:

1. Should central government play any role in the extent to which, or the way in which, boards include or engage with parents, staff, headteachers and local authorities?
2. How should the interests that a foundation has in a school be reflected in the make-up and appointment processes of its board?
3. Should central government play any role in ensuring that sufficient diversity within the membership of the governing board leads to appropriate internal challenge and robust decision making? What role if any should elections play in constructing a board?
4. To what extent are current constitution requirements for maintained schools and for academy trusts a constraint to them constructing an effective governing board?
5. What skills do effective governing boards need and to what extent should central government promote or prescribe these?

Chris Caroe, 8 July 2015