



Effective Governance: Case Study 2

Collectively Accountable

Summary

This case study explains how a National Leader of Governance (NLG) can support a college in ensuring all governors conform to the principal responsibility of being collectively accountable.

Code of Good Governance

This case study underpins principal responsibility 2 – Collectively Accountable.

Issue to be resolved

The chair of governors is concerned that a number of governors attempt to re-open decisions from previous meetings and do not appear to uphold what he sees as the previously agreed positions.

Context

A large college (graded 2 by Ofsted) which is financially viable but the budget is very tight and several governors are nervous about the financial stability of the college.

Methodology

The chair of governors contacted the Association of Colleges (AoC) Governance Unit and asked for an NLG experienced in board relationships. An initial conversation with the chair was set up to define the problem. This was followed by further telephone conversations with the clerk and the principal regarding the governors the chair was worried about.

A review of committee papers, minutes and decisions log was undertaken.

The NLG organised a visit and asked the clerk to set up meetings with the chair, governors, executive and clerk.

Findings and Actions

Findings from discussions and the committee paper review:-

Discussion 1 - Chair:

The chair was getting fed up with what he saw as a small group of governors trying to undermine his position. This manifested itself in what he saw to be uncooperative behaviour. The example he gave was - he thought they had had a full discussion about a new project and the agreement at the board meeting was to give the principal a green light to go to the next stage. But, at the next meeting, a governor raised the



project as part of matters arising, bringing up all the issues he thought had been fully discussed at the last meeting. He felt this was not being collectively accountable and accepting board decisions.

Discussions 2/3 - Governors:

The NLG then had individual discussions with two of the governors who (in the chair's view) were making unhelpful interventions.

In different ways, these two governors said the same thing. They found the board meetings frustrating. They did not feel they were given the right information on which to make decisions, there was never any analysis and there were no options. Therefore, they had to spend a lot of energy at meetings trying to extract from the executive whether the executive had actually considered all the options, done a full appraisal and a risk analysis.

These governors felt that decisions were not being made on a sure footing. One had spoken to the clerk asking whether she could intervene and ensure that the papers to governors included options. The other had spoken to the chair explaining his concerns.

When asked about raising matters on the back of minutes, both said it was their only option. They also raised the issue of the new project being given a green light when their recollection was that a paper was to come to the next meeting addressing all the issues raised at the first. That paper was not presented and so their only option was to raise their concerns on the back of the minutes. One governor also said he was disappointed that they could not have an open discussion with the chair and was annoyed that the chair had brought in a NLG to arbitrate.

Discussion 4 - Clerk:

The clerk felt she was stuck in the middle but could see the problem from both sides. When asked about what she had done, she was truthful and said she had said nothing. She thought it was just a personality clash that would probably go away when there was a change of governors. The NLG asked to see relevant papers and minutes and also asked whether there was a process for bringing forward issues from previous meetings into the next meeting. Her response was – it was normal for governors to use the minutes if they wanted raise questions.

Discussion 5 - Principal:

The NLG explained the issue and how there were different views. The principal felt it was a personality conflict and, like the clerk, thought the issue would go away when there was a change in governors. When pressed about the quality and content of papers, he was candid and said that he left papers to his team and expected the clerk to oversee content. On reflection, he could see why governors might think there was lack of work on options and appraisals but he was keen to assure they did look at things in great depth.

Review of committee papers:

The review of committee papers did highlight that there was no standard way of reporting and most papers gave the bare minimum. They normally had a description of



the issue and a description of action taken. Very few covered the available options considered by the executive and/or included a risk analysis.

Minutes were sparse, descriptive and not action focused. They did not record governors' challenging questions and were often just a record of the recommendations that were in the paper as the agreed action, with no caveats. Taking each theme in turn the NLG worked with the chair, principal, clerk and associate principal to determine what steps they should take for each issue. It was important at this stage that the actions were owned and managed by the college.

Results

The NLG concluded that the issue was not one of a group of governors not being collectively accountable but rather a more fundamental issue about the quality of papers and underpinning work on which governors were expected to make decisions. The issue could be easily sorted if all involved agreed to change the practices around drafting of committee papers.

Steps taken to resolve the problem:

The NLG met with the principal again, explained the findings, and asked outright whether he would be willing to look at ways to give governors more information in a set format - building on best practice in other colleges - and he agreed.

The NLG then followed up with a meeting that included the principal, chair and clerk. The principal explained he now recognised where the issues were coming from and, if the chair agreed, and with the help of the clerk, he would be willing to produce better papers that included more information on the options that were considered, a risk analysis and resourcing plan. He would also arrange briefing sessions before board meetings on any major issues so that questions could be raised at that time.

The NLG then had a meeting with the governors, clerk, chair and principal. The findings were discussed and the principal explained he would ensure future papers were more informative. The principal also asked whether governors would work with him and the clerk on the new committee paper format. This was agreed and the two governors who were originally seen as difficult agreed to be on the group.

On the advice of the NLG, training was organised for the chair on effective chairing and for the clerk on effective board preparation.



Conclusions and next steps

Four months later, the NLG visited and observed a governing body meeting. The board seemed to be working well. The papers were shorter but covered all matters that were previously raised as issues - there were now options, appraisals and full resource plans. The governors commented that they found the briefing sessions on major projects very helpful. The chair felt the atmosphere was much better and, although there was not always full agreement, he did not now feel undermined. The working group had stayed together and were now looking at electronic governance.

References and useful material

[Code of Good Governance for English Colleges](#)

College Instrument and Articles of Government. The [Education Act 2011](#) led to a series of further changes, including the abolition of the YPLA and the creation of the Education Funding Agency (EFA). The 2011 Act also removed much of the statutory guidance around colleges and gave back many of the freedoms of the 1992 Act.

[Guide for school and academy governors](#)

[More Collectively Accountable governance resources](#)