



# Effective Governance: Case Study

## Best Practice and Equality & Diversity

### Summary

This case study shows how a National Leader of Governance (NLG) can offer support to Independent Training Providers (ITPs) to address equality and diversity concerns and review governance arrangements against best practice.

### Code of Good Governance/Ofsted Guidelines

This assignment principally concerned 'Equality and Diversity', but also addressed elements of 'Policies, Systems and the Student Voice' and 'Effective Governance Structures'.

In the Ofsted Further Education and Skills inspection handbook, this assignment relates to the requirement for governors or their equivalent to promote all forms of equality and foster greater understanding of and respect for people of all faiths (or those of no faith), races, genders, ages, disabilities and sexual orientations (and other groups with protected characteristics). It also addresses guidance that the views of learners should inform governors' understanding, to keep improving the provider's delivery and focusing their actions on priority areas.

### Issue to be resolved

The ITP had specific requirements of the NLG consultancy and particularly requested guidance around:

1. Achieving greater ethnic and gender diversity on the Board;
2. Ensuring appropriate Trustee tenure;
3. Getting the appropriate balance of involvement by the Board in executive matters;
4. Creating a more outward facing Board that proactively seeks an "ambassador" role.

### Context

The ITP was a registered charity and company limited by guarantee. Founded over 35 years ago it delivered out of three centres in North London, fulfilling its mission to enable young people to meet their full potential. It delivered a part-time alternative Key

Stage 4 programme, a Study Programme, Traineeships and Apprenticeships to young people, with Traineeships being the largest area of delivery.

In November 2016 the ITP received an overall Ofsted Grade 2 for its Traineeship and Study Programme delivery, (apprenticeships and alternative education delivery were not inspected). Ofsted considered governance as “strong” and the trustees as having appropriate skills and experience as well as a keen interest in the welfare and progress of the client group, however, governance had not been reviewed for 8 years and the Chair was keen to ensure that the Board followed best practice.

## Methodology

The NLG requested a range of documentation for review in advance of the visit including: Ofsted reports; Self-Assessment report; Quality Improvement report; ITP organisational structure; SLT job descriptions and person specifications; Strategic Business Plan; minutes of Board of Trustees, AGM and Pre-AGM; agendas of Board meetings, AGMs and Pre-AGMs; analysis of Equality and Diversity Data; and possible actions to address key Equality and Diversity issues.

The documentation allowed the NLG to make an initial assessment and supported the development of a plan for the full day visit.

The NLG then made a full day visit to the ITP, where they conducted interviews and meetings, and collected information relevant to the review. They interviewed a wide range of stakeholders including: two former board members; the Chair; the Chief Executive; four members of the Senior Leadership Team and four current Board members. Interviews took a number of forms, including telephone, face to face, one to one and group.

Looking at each issue in turn, the NLG worked with staff to determine what steps should be taken. The NLG then produced a report to set out details of the review and their findings, as well as detailed recommendations for the provider to take forward.

## Findings and actions

### Ethnic and gender diverse board

#### Key findings

The NLG reviewed the diversity of the Board against leading sector practice and identified that:

- The Board lacked diversity. There were only 2 women on the Board and no black, Asian, minority ethnic (BAME) representation;
- Ethnic minority and recent female board members had not remained on the Board for any length of time and;
- The Board did not reflect the ethnic and gender demographics of its beneficiary group or the localities it served.

## Recommendations

The NLG provided a number of recommendations to help the ITP effect improvements to the diversity of the Board. These included exploring more diverse routes through which to attract female and BAME applicants and remove any obvious barriers to becoming a trustee including:

- Using technology so that trustees can attend remotely;
- Reviewing the timings of meetings so that trustees with work and family commitments can attend;
- Keeping Board papers accessible and easy to understand, especially financial papers;
- Paying reasonable expenses (help with travel and childcare) and;
- Creating training, support and induction programmes for new trustees with refresher activity timetabled for longer-serving trustees.

## Trustee Tenure

### Key findings

The NLG reviewed the current arrangements for trustee tenure against recognised good practice in the sector. There are no rules on Trustee tenure at the ITP, but recognised good practice for Board tenure is a maximum of two three-year terms. All current Board members including the Chair had been on the Board for at least 10 years.

The NLG concluded that reviewing the tenure of the Board would encourage a “refresh” which would give the opportunity to:

- Bring to the Board new ideas and contacts
- Fill skills gaps
- Bring in new ways of engaging with beneficiaries and stakeholders
- Keep pace with developments in technology

## Recommendations

The NLG made a number of recommendations including:

- The Chair must work with the CEO to agree the skills the Board members need to support the ITP effectively
- The ITP should refresh the Board in an orderly, staggered and strategic way bringing on new trustees to meet specific functions e.g. employer engagement, alternative education etc.
- The ITP should create a way of retaining past Board members as Friends, Patrons, Ambassadors, or Advisory Panel members of the ITP so the ITP can still call upon their expertise and they can retain an interest in an organisation to which they are clearly committed.

## Balance of the Board

### Key findings

The NLG reviewed the balance of the Board through interviews with previous and existing Board members and identified three key observations:

- The Board did not support the ITP strategy as effectively as it could
- The Board requested reports but was sometimes unclear about why it wanted them and for what purpose the information was being shared
- There was a lack of clarity of the Board and Executive's respective roles

### Recommendations

The NLG recommended:

- Re-clarification of the roles of the Board and Executive, and agreement upon where Board/Staff team responsibility stops and starts and overlapping areas
- Board support for the CEO by sharing in the longer-term strategic planning
- Board commitment to leading Task and Finish groups to research and test new strategic ideas
- Board to consider how requested reports will benefit the people the ITP supports and the strategic direction of the ITP and whether producing reports is an appropriate use of staff time

## Ambassador Board

### Key findings

The NLG reviewed the engagement of the board with learners against best practice in the sector and identified three key observations:

- The Board did not engage with learners as it would like
- The Board was not outward facing
- The Board did not engage with staff

### Recommendations

The NLG provided a number of recommendations to help governors improve engagement with learners, which included:

- Appointing a trustee who liaises with Learner Voice and attends forums
- Giving consideration to learner attendance at Board meetings in a co-opted role for a specific purpose
- Reviving a programme of practical support and contact with learners e.g. mock interviews
- Learners attending sub groups as appropriate
- Routine "walk through" centre activity by trustees
- Surgeries/meet a trustee events
- Investigating training to assist the Chair and CEO to work really effectively together as external "Ambassadors"

- Trustees to share networks and attend events as a representative of the ITP and commit to representing the ITP externally

## Results

The ITP accepted all the recommendations in the report and are working to implement them. The feedback provided by the ITP to AoC and the NLG was wholly positive.

## Conclusions and next steps

The NLG was asked to facilitate a joint Exec/Board training session to assist the ITP in implementing the recommendations.

## References and useful links

### Governance

[Ofsted Further Education and Skills Inspection Handbook](#)

[Charity Commission guidance on recruiting trustees](#)

[Training resources for new and experienced trustees](#)

[Support for charity Chairs](#)

[Support for charity Chief Executives](#)

[Webinar: Apprenticeship Reforms for Trustees and Non Execs](#)

[Above and Beyond in Trusteeship](#)

### Board diversity

[Women on Boards](#)

[Black Training and Enterprise Group](#)

[Small Charities Coalition](#)