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10 DOWNING STREET

26 November 1984

*From the Private Secretary*

PARENTAL INFLUENCE AND SCHOOL GOVERNING BODIES

The Prime Minister was grateful for your Secretary of State's minute of 21 November, to which he attached a draft paper for H Committee on Parental Influence and School Governing Bodies.

The Prime Minister agrees that your Secretary of State should now circulate his proposals to H Committee. Subject to their views, she is content with them.

I am sending copies of this letter to Colin Jones (Welsh Office) and Richard Hatfield (Cabinet Office).

(David Barclay)

Miss Elizabeth Hodkinson,  
Department of Education and Science

MR. BARCLAY

(4)  
Prime Minister: Parents will not now  
have a majority - but neither will  
anyone else.

Yes to H Committee?  
Agree circulation of these proposals  
Parental influence and school governing bodies

Sub  
22/11

Keith Joseph's original proposals on governing bodies were theoretically sound. In principle, it is good to give parents a majority control over schools, because they have the closest interest in the result of the education provided by those schools.

But consultation has shown that, in practice, it will be very difficult to find a sufficient number of sensible parents to act as governors.

Under these circumstances, Keith's proposed revision seems the best option. Since governors will retain the enhanced powers proposed in the original Green Paper, and since the LEA will not have a majority, the governing body will still represent an effective school-based check on the "global" policies of reckless or inefficient LEAs.

The episode shows that there is no real substitute for increasing parental choice. If we strengthen the hand of parents as consumers, we do not give the politicians of the far Left the same opportunities for exploitation.

Luckily, there is now a distinct possibility that Keith Joseph will bring forward a proposal for direct-grant primary schools. This would be a real step towards increasing parental choice, and providing a middle way between the maintained and private systems. We are working within DES to speed the project on its way.

In the meanwhile, we recommend that the Prime Minister should accept Keith's revised proposals and approve their circulation to H Committee.

*Richard*

21 November, 1984.

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PRIME MINISTER

PARENTAL INFLUENCE AND SCHOOL GOVERNING BODIES

Before I give final approval for its circulation to H Committee, I think that I should show you the attached paper explaining Nicholas Edwards' and my proposals for the way forward in the light of the response to our Green Paper (Command 9242) "Parental Influence at School".

On functions we propose that we should pursue with only minor adjustment the proposals set out in the Green Paper; Annex B to the H Paper sets out how we think we should proceed and why.

On composition we are in some difficulty given the almost unanimous objection - particularly from our own supporters - to our proposal for a parental majority on school governing bodies. Although a large part of this opposition is clearly self-interested, and much of it is not intellectually respectable, Nicholas and I believe that we must take account of it not least because were we to ignore such widespread opposition to a proposal on which the Green Paper sought views we would, by giving grounds for the accusation that the consultation was a sham, damage the climate we need for the success of our education policies as a whole. We should, as envisaged, remove the present LEA majority, but we propose to provide that no interest - neither the LEA nominated governors, nor those elected by the parents, nor those from the teaching profession - would predominate.

We propose also to broaden representation by adding a fourth group - selected mainly through co-option - which would among other things reflect the wider community interest and allow for the addition of industrial, financial and administrative expertise. The detail of what we propose is set out in Annex A to the Paper. In addition we are proceeding with our proposal of an annual meeting of parents to consider a report by the governing body; this should complement and reinforce the influence wielded by parent governors.

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Nicholas and I believe that the above proposals (together with the complementary proposals explained in the Paper) will give us a coherent and positive way forward; and that in respect of composition they will go a long way to eliminating the major criticisms in response to the Green Paper without affecting our intention to strengthen the powers of governing bodies and the influence of parents.

I am sending copies of this minute to Nicholas Edwards and to Sir Robert Armstrong.

KJ

Department of Education and Science

KJ

21 November 1984

## DRAFT H PAPER

## PARENTAL INFLUENCE AND SCHOOL GOVERNMENT BODIES

1. In April this year, H Committee approved our proposals (in H(84)15) to round off our policies for making schools better by:
- (1) changing the composition of the governing bodies of county, controlled, and maintained special schools in England and Wales to enable parents elected by their fellow parents to form the majority of governors;
  - (2) entrenching the powers of these governing bodies so that they could make an effective contribution to the life of the school, without impairing either the ability of the local education authority (LEA) to discharge its responsibilities as the provider and manager of resources or the ability of the headteacher and his staff to perform their professional tasks.

Subsequently, the Committee approved the draft of a Green Paper which was published in May ("Parental Influence at School", Cmnd 9242 - copy attached). The consultation period ended on 1 October.

## RESULTS OF THE CONSULTATION

2. The responses to the consultation were hostile as regards the proposals on composition and enigmatic as regards those on powers. On composition, almost everyone objected to a parental majority, though there was wide support for giving broadly similar representation to parents, teachers, the LEA and "the community interest", with no interest predominating. On powers

there was wide support for a clearer definition of the relative responsibilities of the LEA, the governing body and the head-teacher, but no agreement on detail: each interest group tended to favour greater power for itself than our proposals envisaged.

#### The Way Ahead

3. The consultations have not shaken our view that, on both composition and powers, the present situation must be changed. It is not acceptable that governing bodies should continue to be dominated by the nominees of the LEA, nor that the powers of many governing bodies should be subject to a general override by the LEA. The case for a more precise distribution of powers, which gives the governing body a real job to do in its own right, has stood the test of consultation, as has the case for ending the LEA-nominee majority on the governing body. What has been most strongly criticised is the proposed parental majority, which has been condemned not only by those with an existing vested interest, whose opposition was expected, but also by many of those who purport to speak for parents - though there is at present probably no satisfactory way of coming at the informed view of parents as a whole.

4. The critics have not offered arguments that could convince anyone who believes that parents are not only capable of taking a broad, constructive and independent view of good education, but would actually bring that view effectively to bear on the affairs of the school through the control of the governing body. The critics have focused on the uncertainty that sufficient parents of the desired calibre and vision would find their way onto governing bodies and on the dangers that those parents who did achieve control would lack these qualities. The last fear is particularly strong among Government supporters in local government. We cannot be sure that these uncertainties and fears may not prove justified, at least in part; we are reluctant to attempt to force through a change which, to secure its objectives, requires the cooperation of those who dislike it; and there is an obvious difficulty in ignoring such widespread opposition to a proposal on which views were sought - the conclusion that the consultation was a sham would damage

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the climate we need for the success of our education policies as a whole.

COMPOSITION

5. We therefore propose to amend our proposals on composition so that neither the LEA-nominated governors, nor those elected by the parents, nor those from the teaching profession, would predominate; and further to broaden representation by adding a fourth group, selected mainly through cooption by the other governors, which would inter alia reflect the wider community interest and add industrial, financial and administrative expertise. Annex A sets out the details. The main features, compared with the position that will be reached when the Education Act 1980 is fully implemented in September 1985, are:

- (1) a specified minority (and, hence, much reduced) role for LEA-appointed governors;
- (2) some increased representation for elected parent governors;
- (3) some representation of the wider "community" interest;
- (4) representation of teachers (including the head-teacher) at the same level as under the 1980 Act;
- (5) the precise balance of membership to be specified in legislation in the interest of maintaining the desired balance and keeping down the size of the governing body (which would be linked to the size of the school).

6. We would retain the widely welcomed proposal of an annual report by the governing body to the parents and an annual meeting at which parents could make known their views through resolutions requiring consideration and report back by the LEA, the governing body or the headteacher as appropriate. This arrangement would complement and reinforce the influence wielded by parent governors.

7. To help meet criticism that the Green Paper proposals could lead to a too rapid turnover of governors, and consequent loss of experience, we propose, first, that the standard term of office should be four instead of three years (both periods are commonly found now); second, that parents should not have to relinquish their governorships when their children leave the school but should be able to complete their full term.

#### POWERS

8. Given the largely conflicting response to our proposals on powers, we propose to leave these essentially unchanged, with only a few minor modifications. Our revised proposals are summarised in Annex B. They are likely to be opposed, for different reasons, by the local authority and teacher associations, but we believe that they amount to a sensible balance of power between the LEA, the governing body and the headteacher which enable each interest to play its proper part. In a conflict between the LEA and the governing body, the LEA would be able ultimately to get its way, but the governing body would have good scope for exerting its influence and pressing its views.

#### VOLUNTARY SCHOOLS

9. The Green Paper proposed no changes in the composition of the governing bodies of aided and special agreement schools. But it proposed for such schools increased control over the curriculum, suggested some changes in powers analogous to those proposed for other schools, and proposed to make it possible for controlled schools to become aided schools in certain rare cases. Consultation has shown that all these proposals are welcome to the churches and in part acceptable, though in part unwelcome, to other interests. We propose to go ahead with all of them. Details are at Annex C.

#### FINANCE AND MANPOWER

10. The Green Paper acknowledged that its proposals would give rise to some extra cost, but said that these ought to



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be absorbed within planned provision because the proposals would improve educational quality. H(84)15 noted that this approach would need further consideration in the light of the consultations. The approach has been strongly and widely criticised. The local authorities have argued that the extra cost would be substantial. We believe that the extra cost (part of which could be reflected in a small increase in manpower) can be kept to £8-12m a year on the basis set out in Annex D and that this estimate could be publicly defended. The build-up of extra costs could be staggered by gradual implementation of the new arrangements over several years. Since our revised proposals will still be partly unwelcome to the local authorities, who attach much lower priority than we do to this aspect of educational policy, we would urge strongly that we should claim that within the agreed total for local authority current expenditure for future years our plans provide for an addition (based on our own estimates) to reflect the extra cost of the new arrangements. Given the amounts involved, the issue is essentially presentational.

TIMING

11. We would like to announce the Government's response to the consultations on the Green Paper in the White Paper on Schools now in preparation which we hope to publish early in 1985. Thereafter we would need to discuss with the local authorities, the churches, and others most directly concerned the detailed application of our (revised) proposals on powers. We envisage the necessary legislation in the 1985/6 Session with implementation phased over a period of years after enactment in 1986.

CONCLUSION

12. We invite our colleagues to agree that:

- (1) the Government's response to the Green Paper consultations should be on the lines set out in paragraphs 5 - 10 above;
- (2) subject to the decisions to be taken on the future legislative programme, we should plan the announcement

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and subsequent work with a view to legislation in the 1985/6 Session on the basis of paragraph 11.

## THE COMPOSITION OF GOVERNING BODIES FOR COUNTY, CONTROLLED AND MAINTAINED SPECIAL SCHOOLS

1. The Green Paper proposals on composition are summarised in Appendix I. These provided for the overall majority to be held by elected parents (or, in the case of controlled schools, by parents and "foundation governors" combined); for the LEA to lose its majority; and for the 1980 Act's minimum representation of minor authorities, heads and other teachers (and, in the case of controlled schools, the foundation) to continue. Appropriate additional representation was proposed for maintained special schools. In order to secure adequate representation of the various interests and to keep new governing bodies to a reasonable size, a formula approach was adopted which was based on the size of individual schools. The need to ensure that parents (or parents and foundation combined) were in the overall majority left no room for any co-opted governors, or for providing for the specific representation of other interests eg non-teaching staff, pupils, or industry and commerce.

2. It is now proposed that no one group should have a majority.

Parental representation would be greater than under the 1980 Act (in the case of the smallest schools, in terms of proportion only). To ensure that individual governing bodies can encompass a suitably broad range of interests, there would be a new category of "other" governors. Generally, such governors would be co-opted by the elected and appointed governors acting as a body under stringent quorum arrangements.

Such co-options, which would be compulsory, might be expected to include "community" interests and would be the subject of advice and guidance in a Circular following legislation.

The presence of these "other" governors makes unnecessary the Green Paper's emphasis on the ability of governing bodies to tap additional expertise by inviting observers to meetings and by creating advisory committees.

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3. The scope for co-option would be reduced (and, very occasionally, eliminated) in certain cases by the need to secure proper representation of the foundation in voluntary controlled schools, of the minor authority in the case of most primary schools and of certain other interests in the case of maintained special schools. On any particular governing body, the parent and LEA entitlements would, unlike the Green Paper proposal, be the same.

4. The various constraints continue to require a formula approach based on the size of school. As in the Green Paper, only four sizes of governing body would be permitted; but it is now proposed to allow a degree of flexibility in the case of schools with 600 or more pupils. In such cases, the LEA would be able to choose whether to adopt either the 16-member or 19-member governing body composed as described below. The larger would probably be most appropriate for a large secondary school.

5. The combination of all these factors produces the following composition formulae. (These are summarised in Appendix 2 with a further breakdown of "other" governors by type and size of school in Appendix 3).

a. for a school with fewer than 100 pupils, a total of 9 governors composed of:

- 2 governors elected by and from parents of registered pupils at the school;
- 2 governors appointed by the maintaining LEA;
- 1 governor elected by and from the teachers at the school;
- the headteacher (unless he or she decides not to be a governor);

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- 3 "other" governors, to include:

- in the case of primary schools in shire counties and inner London, one governor appointed by the minor authority or authorities (in the latter case acting jointly);
- in the case of controlled schools, 2 governors appointed by the foundation;
- the balance to be co-opted by the rest of the governing body.

b. for a school of 100-299 pupils, a total of 12 governors composed of:

- 3 parent governors;
- 3 LEA governors;
- 1 teacher governor;
- the headteacher;
- 4 "other" governors to include, as appropriate:
  - 1 minor authority governor;
  - 3 foundation governors;
- the balance to be co-opted.

c. for a school of 300-599 pupils, a total of 16 governors composed of:

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- 4 parent governors;
  - 4 LEA governors;
  - 2 teacher governors;
  - the headteacher;
  - 5 "other" governors, to include as appropriate:
    - 1 minor authority governor;
    - 4 foundation governors;
    - the balance to be co-opted.
- d. for a school of 600 pupils or more either total of 16 governors composed as in c. above or a total of 19 governors composed of:
- 5 parent governors;
  - 5 LEA governors;
  - 2 teacher governors;
  - the headteacher;
  - 6 "other" governors, to include as appropriate:
    - 1 minor authority governor;
    - 4 foundation governors;
    - the balance to be co-opted.

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6. The various ancillary matters connected with composition (such as arrangements for secret ballots in the case of contested elections, the filling of vacant seats and various technical matters on eligibility for office and attendance at meetings to be covered, as now, in Regulations) proposed in the Green Paper require no amendment except as indicated in paragraph 7 of the main paper. Those changes are in the interests of greater continuity. They would provide a standard 4 year rather than 3 year term of office and for a parent governor to complete his term of office even if his child leaves the school in the meantime. This change would particularly increase continuity of service in the case of infant schools and sixth form colleges.

7. The proposals in the Green Paper (on which the little comment made was generally favourable) slightly to reduce LEAs' discretion to group two primary schools under a single governing body, and to fill a current legislative vacuum by providing for the establishment of shadow governing bodies to discharge certain necessary functions before new schools open their doors, would also stand. In both cases, the composition would reflect the modified composition outlined above.

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APPENDIX I

## THE GREEN PAPER PROPOSALS FOR THE COMPOSITION OF GOVERNING BODIES

size of school:	Parents <sup>(1)</sup> or, for voluntary controlled schools:		Local Education Authority <sup>(2)</sup> or, for primary schools in shire counties & inner London:		Headteacher <sup>(3)</sup>	Teachers	Total
	Parents <sup>(1)</sup>	Foundation	LEA	minor authority			
fewer than 100 pupils	5		2		1	1	9
100 - 299 pupils	3	2	1	1	1	1	11
300 - 599 pupils	6	3	2	1	1	2	15
600 pupils or more	8	3	3	1	1	2	19
	10		6		1		
	6	4	5	1			

## NOTES:

1. Should insufficient parents stand for election (or, in any case, for "residential" schools where at least 50% of the pupils are boarders) the LEA would be required to make up the numbers of parent governors by appointment. In appointing such "parent proxies", an LEA would be required to have regard to the desirability of appointing persons who have children attending the school in question or who have children of compulsory school age. LEAs would not be permitted to appoint, though, persons who were elected members or employees of the authority or who were coopted members of its Education Committee.
2. For maintained special schools (where minor authority representation does not apply), one LEA governor would be replaced by:-
  - (a) in the case of a hospital school, a representative of the District Health Authority; or
  - (b) in any other case, by a representative of the appropriate voluntary body.
3. The headteacher would continue to have the right not to be a governor.

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APPENDIX 2

## A REVISED COMPOSITION FOR GOVERNING BODIES

Size of School (pupils)	Elected Parents <sup>(1)</sup>	LEA Appointed	Head <sup>(2)</sup>	Elected Teachers	"Other" <sup>(3)</sup> (coopted etc)	Total
Fewer than 100	2	2	1	1	3	9
100-299	3	3	1	1	4	12
300 or more (4)	4	4	1	2	5	16
600 or more	5	5	1	2	6	19

### NOTES:

1. These would be "parent proxies" appointed by the LEA in the circumstances mentioned in note 1 of Appendix 1.
2. The head teacher would continue to have the right to choose not to be a governor.
3. "Other" governors would normally be co-opted by the first four categories of governors under stringent quorum arrangements. The quota for co-option would, however, be reduced by certain appointments (who would then participate in any co-options) as indicated in Appendix 3.
4. LEAs would be free to choose between 16 and 19-member governing bodies for schools with 600 or more pupils.

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APPENDIX 3

BREAKDOWN OF "OTHER" GOVERNORS BY TYPE AND SIZE OF SCHOOL

	COUNTY SCHOOLS				CONTROLLED SCHOOLS				MAINTAINED SPECIAL SCHOOLS															
	Primary in inner London or shire county		All Other		Primary in inner London or shire county		All Other		Hospital School		All Other													
	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6								
Number of "other" governors (by reference to school size) of which:-																								
Coopted by governors	2	3	4	5	3	4	5	6			1		1	1	1	2	2	3	4	5	2	3	4	5
Appointed by foundation <sup>(1)</sup>									2	3	4	4	2	3	4	4								
Appointed by Minor Authority <sup>(1)</sup>	1	1	1	1					1	1	1	1												
Appointed by District Health Authority <sup>(2)</sup>													1	1	1	1								
Appointed from relevant voluntary organisation <sup>(2)</sup>																					1	1	1	1

NOTES:

1. As in the Green Paper, the minimum entitlements of the foundation and minor authorities under the 1980 Act would be retained.

2. The Green Paper proposals for representation in the case of a maintained special school of either the District Health Authority or a relevant voluntary organisation are retained.

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## ALLOCATION OF FUNCTIONS

1. The Green Paper proposals for the allocation of functions between the LEA, the governing body and the headteacher are summarised below together with the minor modifications now proposed.

## FINANCE

2. The Green Paper proposed that the LEA should have a duty annually to provide the governing body with an itemised statement of its recurrent expenditure on the school and that the LEA should be required annually to allot a sum for each school covering at least some of the expenditure on books, equipment and stationery, and for control of this sum to be vested in the governing body subject to financial rules drawn up by the LEA. No change is now proposed. Control by the governing body is compatible with delegation of details to the head teacher.

## APPOINTMENT AND DISMISSAL OF STAFF

### a. Appointment of headteachers

3. Under the Green Paper proposals, the LEA would advertise the vacancy and the selection process would be managed by a panel comprising at least four members - two from the governing body and two appointed by the LEA (though the LEA would be free to allow additional governor members).

The panel would be required to select one candidate to be recommended to the LEA for appointment. The LEA would make the appointment unless, in its capacity as employer, it declined to do so; in such cases the panel would be obliged to select another candidate. Exceptionally, the LEA could appoint a headteacher displaced by the statutory reorganisation of schools to a vacancy arising from that reorganisation.

The only change proposed is to increase the minimum numbers on the selection panel to three each from the governing body and the LEA. This would facilitate representation among the LEA appointees of the minority party on the Council where this is LEA policy.

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## b. Appointment of Assistant Teachers

4. The Green Paper proposed that the LEA would have the right to determine whether any vacant post remained on the complement of the school and, if so, whether it should be filled by open advertisement, from a recruitment or redeployment pool or by the redeployment of a teacher from another school. If the post was to be advertised, the governing body, delegating to the head if appropriate, would be responsible for selecting a candidate for appointment by the LEA. The LEA would have the right to participate and, as employer, could decline to appoint the candidate recommended. If the post were not to be advertised, the governing body would have the right to draw up a specification for the post, which the LEA would be required to take into account in offering candidates for consideration. If the governing body was unwilling to accept any of the candidates offered, a resolution of the Education Committee would be required to overrule their objections.

5. The procedure outlined in the Green Paper did not secure a role for the headteacher in a case where he has decided not to be a governor and where the governing body does not delegate the selection of a candidate to him. It is therefore proposed to include a provision that the governing body should consult the headteacher in selecting a candidate or in drawing up a specification for the post.

6. The proposal that a resolution of the Education Committee should be required to overrule the governing body's objections to redeployed candidates for a vacant post has been strongly criticised as very cumbersome and expensive in time and resources and also as contrary to our policies for encouraging LEAs to manage the deployment of teachers in the best interest of all the schools they maintain. We therefore propose that the power to overrule a governing body in such cases should rest with the LEA and that it should be required to report on each exercise of that power to the next meeting of the Education Committee.

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## c. Appointment of deputy headteachers

7. It was proposed in the Green Paper that the LEA should be free to specify that the appointment procedure either for headteachers or for assistant teachers should apply to a deputy headteacher vacancy. Our proposal in paragraph 5 above would ensure a role for the headteacher if the assistant teacher procedure is adopted; we propose similarly to require the panel to consult the headteacher where the appointment of a deputy is to be made according to the procedure for the appointment of a headteacher.

## d. Dismissal of Teaching Staff

8. The Green Paper proposed that the LEA should consult the governing body before dismissing any teacher and that it should be obliged to take account of any recommendation from a governing body that a teacher should be dismissed. No change is proposed.

## e. Other teacher management issues

9. The Green Paper proposed that the LEA should consult the governing body on any proposals for the premature retirement redundancy or redeployment of a teacher, and on the outcome of a new teacher's probation. No change is proposed.

## f. "Shared" staff

10. The appointment and dismissal of any staff not employed exclusively at one school, should, according to the Green Paper, be a matter for the LEA alone. No change is proposed.

## g. Non-teaching staff

11. The Green Paper proposed that, for the appointment on non-teaching staff, the LEA would determine the complement of such staff and the governing body would select candidates

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for appointment, after consulting the LEA and the headteacher. The LEA would make the appointment unless, as employer, it declined to do so. Dismissal of non-teaching staff would be the responsibility of the LEA after consultation with the governing body and the headteacher; the LEA would be required to take account of any recommendation from a governing body that a member of the non-teaching staff be dismissed. No change is proposed.

## PREMISES

13. The Green Paper proposed that the governing body should determine the use of school premises out of school hours, subject to any direction from the LEA. No change is proposed.

## Admissions

14. A new framework for admissions was set in the Education Acts 1980 and 1981. While it was not proposed generally to disturb this, the Green Paper did propose one addition: that the LEA should consult the governing bodies of county and voluntary controlled schools before finalising the admissions arrangements which it is obliged to publish annually. No change is proposed.

## CURRICULUM, ORGANISATION, CONDUCT AND DISCIPLINE

### a. Curriculum and internal organisation

15. The Green Paper proposed that:

i. The LEA would be responsible for formulating the curricular policy for its area;

ii. the governing body would have a duty to determine a statement of the school's curricular aims and objections and to review it from time to time. In so doing, it would be required to seek the advice of the headteacher and to consult the LEA;

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iii. the headteacher would be responsible for the organisation and delivery of the curriculum, including detailed syllabuses, having regard to the statement of aims and objectives determined by the governing body.

No change is proposed.

b. Discipline

16. It was proposed in the Green Paper that:

i. the headteacher would have the duty of encouraging and securing acceptable standards of behaviour and positive attitudes from pupils and to formulate and promulgate rules and other necessary means to that end, having regard to such principles and guidance as the governing body might offer;

ii. the governing body and the headteacher would be under a duty to consult the LEA on any disciplinary issue which might involve additional public expenditure or affect the LEA's responsibilities as employer.

iii. if the headteacher was to debar a pupil from school for more than 3 days in any form, or if a debarment would prevent a pupil from taking any public examination, the headteacher would immediately have to inform the governing body and the LEA, either of whom would have power to direct the headteacher to terminate the debarment; any direction by the LEA would be binding;

iv. the LEA, if it were satisfied that order in a school had broken down or was about to do so, would have the power to take whatever steps it saw fit to restore order.

No change is proposed. It may, however, be helpful to clarify that the term "debarment" embraces both "suspension" and "exclusion" and that (as in other contexts) the Chairman of the governing body can act for the full body in cases of urgency.

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## c. Conduct

17. It was proposed that responsibility for the conduct of a school be allocated to the governing body, subject to the statutory responsibilities of others. No change is proposed.

### GOVERNING BODY'S REPORT AND ANNUAL MEETING

18. The Green Paper proposed that the governing body should issue, free of charge (and having regard to the desirability of providing this in a language other than English or, where appropriate, Welsh), an annual report to parents on the discharge of its functions. The only change proposed is to clarify that only a brief report is envisaged and to prescribe the minimum coverage required.

19. The Green Paper proposed also that, except for residential schools, there should be an annual meeting of parents to discuss the governing body's report and to pass formal resolutions which the governing body, LEA or headteacher as appropriate would be obliged to consider and report back. To avoid possible abuse, it is now proposed that a quorum of, say, 10% of all parents eligible to attend would be required before any resolution passed had formal force.

### INCREASING GOVERNORS' EFFECTIVENESS

20. The Green Paper proposed that:

- i. the LEA should be required to supply to every governor on taking office a copy of the school's instrument and articles of government and such further explanatory material as it considered requisite;



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ii. the LEA should be under a duty to provide such training for governors as it considers requisite;

iii. the minimum number of governing body meetings should be increased from one per term to four per year.

No change is proposed in respect of i. above. On ii, it would be unnecessary and probably undesirable to require LEAs to "provide" all the training themselves; it is proposed instead that they be required to "secure the provision" of training. The proposal in iii. for an additional meeting has been greeted with alarm by LEAs on cost grounds, despite the evidence that many governing bodies already meet more than the current minimum three times a year and the likelihood that this need would continue and grow. Against this background there seems no need to press the point and we now propose to drop it, while explaining that governing bodies must feel free to hold as many meetings as they need to fulfil their responsibilities.

## THE MAKING OF INSTRUMENTS AND ARTICLES OF GOVERNMENT

21. It was proposed in the Green Paper that responsibility for making or amending instruments and articles of government (which, within the framework of statute, prescribe governing bodies' detailed composition and powers respectively) for all schools should pass to the LEA, subject to a right of appeal to the Secretary of State by voluntary school governing bodies, in the event of disagreement. No change is proposed.

## ALLOWANCES FOR GOVERNORS

22. For completeness, the Green Paper indicated that the intended legislation would be the appropriate vehicle (awaited since 1981) for the Government's new and more equitable framework for the discretionary (and hence neutral as to cost) payment of travelling and subsistence allowances for school and college governors.

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ANNEX C

## PROPOSALS AFFECTING VOLUNTARY SCHOOLS

1. As noted in paragraph 9 of the main paper, the Green Paper suggested that certain of the powers and duties proposed in respect of county, maintained special and voluntary controlled schools should apply also to voluntary aided and special agreement schools. The proposals in question were those on finance (see Annex B, paragraph 2), discipline (paragraph 16), the governing body's annual report and parents meeting (paragraphs 18-19) and increasing governors' effectiveness (paragraph 20). In addition, the proposals concerning the appointment and dismissal of staff (paragraphs 3-12) were to apply also to special agreement schools where, contrary to the position in aided schools, the LEA and not the governors employ the staff.

2. In the light of consultations, it is proposed now to confirm the intention that the legislation should include provision for these proposals to apply to voluntary aided and special agreement schools. Some minor modifications of the detail of the proposals will be needed, for example, to reflect the status of an aided school governing body as the employer and, generally, the greater stake of the governing body in the general direction of aided and special agreement schools. The special provisions of the 1944 Act concerning the appointment and dismissal of "reserved teachers" for religious education in voluntary schools would need also to be continued.

3. The Green Paper also proposed some changes affecting voluntary schools only. We propose to proceed with these in the light of consultations on the basis set out below.

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## Control of the secular curriculum

4. Under section 23 of the Education Act 1944, the control of the secular curriculum in voluntary aided secondary schools is, subject to the articles of government, vested in the governing body. The Green Paper proposed that the provisions of this section should be extended to voluntary aided primary and all special agreement schools. No change is proposed.

## Admissions

5. To complement the proposal that the LEA should consult the governors of county, controlled and maintained special schools before publishing the admissions information for parents required under the 1980 Act, the Green Paper proposed that the governing bodies of aided and special agreement schools (which publish their own information) should similarly consult the maintaining LEA before publication. No change is proposed.

## Making of instruments and articles of government

6. Under the current legislation, responsibility for making instruments and articles of government is split between the LEA and the Secretary of State. As far as voluntary schools are concerned, the LEA makes the articles (allocating functions) for all primary schools, whereas the Secretary of State makes instruments of government (specifying composition) for all voluntary schools and articles of government for secondary schools.

7. In view of the much greater statutory prescription proposed, the Green Paper proposed that responsibility for making the instruments and articles of government for all schools could, with advantage, be delegated to the LEA. The LEA would be under a new obligation to consult the governing body before making or amending instruments and articles and, in the case of voluntary schools,

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to have regard to the way in which the school had previously been conducted and to agree any proposal for change with the governing body or, in the case of a new school, its "shadow". In the absence of agreement, the matter would be referred to the Secretary of State for resolution.

8. The Churches have expressed some doubts about this proposal but we believe that their fears are groundless, given the safeguards built in for voluntary schools. We therefore intend to retain the proposal unchanged.

## Controlled to aided

9. While the Education Acts have always allowed voluntary aided schools to revert to voluntary controlled status, controlled status is currently irrevocable. (Special agreement schools are a closed category, but such schools can attain aided status.) The Green Paper proposed the opening of a route in the opposite direction, to include a statutory public procedure similar to that now required for schools reorganisations, for the small number of cases where such a change seems appropriate and governors can meet the financial consequences. We intend to proceed with this change.

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## ANNEX D

### BREAKDOWN OF ADDITIONAL COSTS (a)

		£m	
1. Information, consultation, clerkship	4.0	-	5.5
2. Budget statements	0.5	-	2.0(b)
3. Annual Report	0.25	-	0.5
4. Annual general meeting	0.5	-	0.5
5. Training for governors	2.0	-	3.0(c)
6. Instruments and articles	0.5	-	0.75
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	8		12

(a) Practical considerations indicate that the new arrangements would take a few years to implement fully. These additional costs would be similarly staged.

(b) But likely to fall to £0.5 after initial high cost of implementation in some authorities.

(c) High cost of training assumed for first year or two of implementation only.