



Thought Leadership – How do you know?



How do you know? is one of the most powerful questions in governance. We should ask it more often of ourselves, in meetings and when we are challenging and supporting leaders. This think piece takes a very strategic look at how we can unpick the How Do You Know question.

In order to have **effective governance** we need to have clarity about what we are doing, why we are doing something, what success or effectiveness looks like and who benefits or is affected. Governors and Trustees should be asking school leaders the 'how do you know' question but equally we need to **assure** ourselves that we can answer the same question when asked.

Before you read this article you will need the following documents to hand;

- the [Governance Competency Framework](#)
- if you are in a Trust your Scheme of Delegation and any terms of reference
- in a maintained school your school development plan and your SFVS submission
- your risk register

You will also need to think about how you define and what you understand to mean by the words

- accountability
- responsibility
- oversight
- compliance

If you have time think about what governance means to you as well. By having a clear idea about what these words mean in terms of our role we can be more effective, not do too much of the wrong things and focus on the priorities. But remember no one gets it right all of the time!

Every governor and trustee should be familiar by now with the three core functions of governance but there is no harm in reiterating them;

1. *Ensuring clarity of vision, ethos and strategic direction;*
2. *Holding executive leaders to account for the educational performance of the organisation and its pupils, and the effective and efficient performance management of staff; and*
3. *Overseeing the financial performance of the organisation and making sure its money is well spent.*

The first function is about the why we are governing but we cannot effectively discharge the other two functions if we do not know why we are sitting round the board, undertaking our governance visits or making the decisions we are required to make.

We also need to remember the boundaries and balance between strategic and operational discussions and decisions.

When will we be asked 'how do you know?'

The most obvious time we will be asked this question is during an Ofsted inspection (**remember** we are not governing for Ofsted) but increasingly we are asked how do you know during audits. being able to answer the 'how do you know' question is especially important if you govern in a Multi Academy Trust as you could quite possibly be asked this during an ESFA¹ audit.

¹ Education Skills and Funding Agency

You may well be asked this question during an external review of governance or by a Pupil Premium reviewer. You can easily support your answers by undertaking independent research (this does not have to be complicated or take a lot of time) and by undertaking governor visits.

Let's start with why?

Before we can determine how we do something we need to know why we are doing it – perhaps it can be summarised as follows. *Do you agree?*

Why	<ul style="list-style-type: none"> • Benefits • Outcomes • Reasons 	Who checks? When does it matter? Whose priorities?
How	<ul style="list-style-type: none"> • Values • Behaviours • Systems • Audits 	Whose? How are they maintained over time and why does this matter?
What	<ul style="list-style-type: none"> • Vision • Strategy • Mission 	Why is a vision important?

How Can Governors and Trustees be Assured?

If you govern in a MAT a copy of your Trust's annual governance statement should give you a really good starting point. **Remember** that if you are a Trustee you should be helping to shape the content of this statement as well as approving it. You will also need to think about and understand what the difference between strategic and operational looks like in practice.

There are some useful publications for governance beyond those published by the DfE. For example HM Treasury published a document on Assurance frameworks in 2012 which contains these two statements;

The Governance Statement is a key feature of the organisation's annual report and accounts. It covers the organisation's corporate governance, risk management and internal control arrangements. The statement should incorporate an evaluation on how well the arrangements have operated in practice, based upon the ongoing assessment processes

The Accounting Officer (usually the CEO in a MAT), supported by the Board, is responsible for ensuring that there are robust governance, risk management and internal control arrangements across the whole organisation, including any sponsored bodies. Authority, in terms of accountability and respective delegations, needs to be appropriately and clearly established and monitored.²

In a MAT the monitoring of risk will be delegated to the committee of the Trust board responsible for audit. This should have clear terms of reference.

- If you are a Trustee are you clear about the remit of the scheme of delegation?
- Are you aware of the contents and implications of your terms of reference?

What is assurance?

Assurance is about having '*positive confidence that a thing is true*' and involves degrees of certainty. It is about the process or activity involved in monitoring and measuring the effectiveness of an activity or process. Remember we need to be aware of the difference

² [assurance frameworks HM Treasury](#) page 3

between management and leadership - as governors we should not involve ourselves with management decisions but we need to know that decisions taken are legal, reasonable, affordable and purposeful. You may like to ask

- Can we be clear about how this decision or action the governing board is taking is going to benefit pupils?

Internal staff and leaders	<ul style="list-style-type: none"> • Identify risk or issue • Determine and identify actions for improvement • Undertake implementation • Reports upwards
Governance Board	<ul style="list-style-type: none"> • Sets direction (Core Function 1) • Has strategic oversight • Ensures and monitors compliance
External	<ul style="list-style-type: none"> • Independent challenge – Ofsted, LA, ESFA, Regional Schools Commissioner, • External audits e.g. Safeguarding, SEND, Pupil Premium, Finance, Governance, Health and Safety and Governance, SFVS, SIAMS • Gives organisation wide assurance

How do you know that the information presented in your names as governors is correct? A very good example of this is SFVS. Have all the governors had a chance to read and input? You may be surprised at the answer!

A few examples

- As governors we are interested in the quality of teaching and need assurance that leaders have a deep understanding of this but we ourselves are not doing the quality assurance.
- We need be assured that the safeguarding audit is compliant but we ourselves do not implement the actions contained within the audit
- what would you add?

Some areas to think about

Assuring we are living our values

Boards need assurance that a culture of learning from mistakes, rewarding the right behaviour and systems and processes that produce the desired behaviours are being embedded across their organisations. A statement of values is not sufficient on its own; boards need to know that 'espoused' values are the same as actual values on the ground. Providing assurance to boards around values on the ground, however, is just part of the picture as culture is not merely the articulation of an organisation's values – this is a quote from a report by the Institute of Internal Auditors!³

Think about where compliance happens and your role in this?

Below are some examples of where compliance happens – think about whether you agree or not and what you would like to add to this short list. It is not exhaustive!

³ Organisational Culture Evolving approaches to embedding and assurance – Chartered Institute of Internal Auditors – May 2016

Internal	External
Policies <ul style="list-style-type: none"> – Which must Full Board approve – Which can be delegated – Which must be published on the website 	Standards <ul style="list-style-type: none"> – Ofsted – Local Authority audits and reviews – External review of governance – Pupil Premium Review
Codes and Protocols <ul style="list-style-type: none"> – Code of Conduct – The way we do we things here – culture? 	Regulations – statutory and guidance <ul style="list-style-type: none"> – Governance Handbook – SEND Code of Practice – Academies Financial Handbook
Controls <ul style="list-style-type: none"> – Audit committee – Link Visits which follow agreed format – Effective Governance practice 	Laws and legislation <ul style="list-style-type: none"> – Equalities Act – Health and Safety – Employment Law – Governance Regulations and Statutory Instruments

Values or Compliance?

Thinking back to the first core function of governance do you routinely refer to the school's values? Are they on your agenda? Can the pupils tell you what the values are? Do you think that values matter? And does your board live the values of the school – for example if one of your values is inclusive is the behaviour round the board table inclusive and how do you know?

And finally on a scale of 1-10 with 1 being 'none or not thought about it', 5 being 'sometimes' and 10 being 'totally understand what this means in practice and do it without thinking' where would you place your board?

Reactive ←————→ Proactive

This think piece is the opinion of the author – Fiona Stagg, National Leader of Governance and clerk – May 2020.

Some Useful documents

[Navigating the Educational Moral Maze](#)

Nolan Principles [The 7 principles of public life](#)

Ofsted Handbook

[The DfE Governance Handbook](#)

References

Start with Why – Simon Sinek ISBN 978-0-241-95822-3

Rebel Ideas – Matthew Syed ISBN 978-47361-391-1

Who moved my Cheese? Spencer Johnson 9780091816791

The Meeting Book – Helen Chapman - ISBN – 978-1-901649-74-9