

Appendix 3: Common councillors, parent governors and potential conflicts for Governing Boards at City Schools – a report of the Headteachers of the three City of London Independent Schools

Background

The three City independent schools have not traditionally had parent governors sitting on their boards. However, both CLS and CLSG have had in the recent past co-opted members of the governing body who were parents of recent leavers. It must be noted that such so-opted governors do not have the possibility to be elected Chairmen, therefore restricting their influence on the board.

The situation has recently arisen at both CLSG and CLSF members of the Court of Common Council who are also parents at the schools have found themselves on the board through different circumstances. As we understand it, following these members being refused dispensations by the Standards Committee, the Policy Committee were asked to consider the issue, and the heads have been asked to comment.

This paper sets out the views of the Heads on the very many implications that a policy change on this matter would entail for the schools. It must be made clear that the three Heads are unanimous in having serious reservations about allowing current parents to sit on the School Boards as members of the Court of Common Council for a number of reasons that will be detailed below.

Practice across the sector

It is common practice in state schools to have a very limited number of parent governors (and staff) on the governing body (between 2 and 4 depending on the size of the governing body). These parent governors are elected directly by other parents in a ballot and they have a limited term of service. The role of parent governors is explicitly to represent the views of parents and to act as a conduit for parental views.

Practice is not consistent across independent schools regarding parent governors. Larger, more established independent schools very rarely have current parents on their boards, whereas smaller schools (particularly prep schools) who find it harder to attract board members with relevant skills tend to draw more heavily on the parent body. It is certainly far more common to find alumni on governing bodies of larger independent schools than current parents.

Within comparable schools, the most widespread approach is the one that CLSG and CLS have so far followed: to co-opt parents of recent leavers on to the board. These parents are co-opted because of their specific skills and because of their relevant

knowledge of the organisation. The fact that their child has now left the school prevents them from having the many conflicts of interest detailed below.

Potential Conflicts

Clarity of role and legitimacy of parental representation

Because of the way this situation has arisen, the question being currently asked (should Common Council member who are parents be allowed to serve on the school boards) is in many ways the wrong one. The real question that boards should consider is whether anything has changed that would make it advisable and beneficial for school boards to include current parents, something which the schools have so far consciously refrained from doing.

Allowing Common Council member parent to sit on the board is likely to be misinterpreted by parents as the governing body wanting to create a conduit for parental views. The individual in question may find themselves seen by parents as their “go to” governor to represent their views, a situation with which they (and the Headteachers) may not feel comfortable. Many parents will also question to what extent this is legitimate representation since the parent body has not been consulted on the choice.

When it is made clear to parents that parental representation is not the intention, the governing body may well have to deal with the fallout from unmet expectations. It will be seen as cynical to argue that the governing body does not include current parents as a matter of principle but allows CC members who are parents to serve on the board. Many of our very articulate parents will rightly argue against such double standards.

It would be preferable for boards of governors to consider whether it is in the school’s best interests to allow parental representation on the board and if this is agreed, then to create a position to which current parents (whether Common Councilmen or not) can apply setting out transparent mechanisms for the process of election.

Financial conflict of interests

It would seem obvious that a parent governor would have a vested interest in discussions around school fees, staff salaries and salary increases. Indeed almost any item discussed and voted on by governors will have financial implication. Please note that such financial implications do not exist for parent governors in the state sector, where parental presence on governing bodies has been long established.

In addition, it is not impossible that a parent governor could find themselves in arrears with the school, creating a very sensitive situation for the Headteacher.

Sensitivity of Information

This is the area of greater difficulty; the amount of sensitive information that governors are privy to can create serious conflicts of interest for parent governors. For example, it would be unwise for a parent Governor to sit on a Bursary Committee as such a committee could reveal sensitive information about a family well known to the parent. The same could potentially apply to the statutory annual review of safeguarding: while discussions are always anonymised, it is not impossible for a parent governor to recognise the individuals involved. Finally, a parent Governor could have a conflict of interest regarding sensitive issues pertaining to staff, not least if the staff member taught the Governor's child.

There is no easy way to manage such conflicts other than asking the parent governor to withdraw from discussions: that inevitably limits the contribution they can make to the board, compared to other governors.

The role of governors' children

Parent Governors can become compromised through their children. This could be, for example, when a disciplinary line has to be taken with a child in the school or when there is a significant pastoral issue that arises that needs intervention. If the child in question is the governors' child, it puts the Headteacher and the board in a difficult situation.

At the same time, tensions can also arise when a Governor's child comes into conflict or tension with another child or when a child of the parent governor is privy to information that they should not have.

There is certainly a responsibility that goes with being the child of a Governor in a school regarding behaviour and that parent governors should always think of carefully before agreeing to take on the role.

Position of Chairman and Deputy Chairman

Should parents who are Common Councilmen be allowed on the school boards, there is currently nothing stopping them from becoming the Chairman and Deputy Chairman of those boards.

For the reasons outlined in the previous sections, this eventuality is fraught with difficulties and could make the relationships between Chairman and Headteacher at least very complicated and potentially untenable and would not be in the best interest of the schools.

A crucial difference with the rest of the sector

There is one final point of crucial importance.

On the rare occasions when current parents serve on the boards of independent schools, their appointment is subject to the approval of the Chair and the Head. That means that a case-by-case analysis can be undertaken in relation to any possible conflict of interests. Since elections from the Court of Common Council take place independently of the Chairman and the Head, there would be no way of controlling for such issues as have been outlined so far. If someone with appropriate skills was to be considered for a school Board who happened to be a parent, appointing them as a co-opted member allows for Board and Head to have oversight, thereby managing these issues. A change in relation to the rights of members of the Court of Common Council would remove *any* control over which parents might end up serving on the Board, thereby making the potential problems raised in this paper particularly significant.

It is the case that such controls do not exist for state schools, but the difference is there are firstly no financial implications and secondly that the appointment of parents/governors is conducted as a democratic process that is fully transparent and therefore has a different legitimacy. Needless to say, the process does not stop some of the conflicts of interests described in this paper, and as many headteachers in the state sector know, careful and skilled management of such situations is often required. We would continue to argue that a recent former parent is the best way to ensure input from the parental body without any conflicts of interest.

Conclusion

Lifting restrictions for Common Councilmen who are current parents to serve on the boards of the independent schools is not a step that should be taken lightly. The Heads of the schools are not in favour for the reasons outlined in this paper. The potential for conflict of interest is significant and should not be underestimated if the best interest of the schools are to be prioritised.

The Boards have not had the chance to discuss how desirable parental representation is and how best to achieve it. However, it appears that the current system of appointing parents of recent leavers achieves the objectives of having “parental insight” on the board without the conflicts of interest that current parents cannot avoid. In the absence of such a discussion, it would be best to retain the current system.