

Governors' Information Bulletin

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New Models of School Leadership

1. Introduction

This paper acknowledges the excellence and clarity of the NCSL website which has been a very helpful tool in its writing. It is intended for use by Children & Young People Service officers, school governing bodies and clerks to governing bodies. It aims to firstly, clarify steps in the procedures that will support the federation of schools and the statutory regulations that apply for each type of federation; secondly, to consider trust status and what this means for schools and the Local Authority.

2. Federation definitions

In a nutshell, federation is a way of formalising existing collaboration and providing a foundation for subsequent activities but there is a variety of ways of doing this. All forms of federation and collaboration must be driven by a shared vision that cannot be 'forced' or 'created' if the parties are not fully engaged and proactive around overcoming barriers brought about by any differing ethos associated with federating schools from different backgrounds (e.g. faith/community schools).

None of the following require the constitution of a temporary governing body.

a. Hard federation (Federation Regulations 2007)

There is one single governing body shared by the federating schools, with a common vision and shared goals. Each school has its own delegated budget. There is often a single headteacher and shared staff across all schools in the federation.

For example a number of schools that are hard federated together might create 'locality' sub-committees that focus on issues relating to specific areas and co-opt a different range of members.

Typical shared appointments other than executive headteachers might include curriculum specialists, such as MFL teachers in primary, or expert support staff such as school business managers.

b. Soft federation (Collaboration Regulations, Section 26 Education Act 2002)

Each school maintains its own governing body but the federation has a joint committee which may or may not have delegated powers. This would be decided by the joint governing bodies. The difference would be that the committee with delegated powers would make decisions, the committee without delegated powers, would only make recommendations. There is no common budget. Any shared staffing would require a protocol and contract to underpin a commitment to shared posts.

c. Collaboration

This is loosest form of federation and already exists between many schools outside any regulated process, for example, 2 schools that share a site will usually have a joint premises committee. Each school maintains its own governing body and may meet informally together on an ad hoc basis. If there are shared staff, a protocol must be agreed, as for other federations.

3. Federation considerations

3.1 All through schools (0-19, 3-18 etc.)

The five main drivers for all-through schools are:

- personalisation (raising achievement);
- pedagogical (sharing expertise cross-phase);
- care and support (ECM and shared ethos);
- community (engagement in learning);
- organisational (shared expertise and resources).

Different structures of schools and leadership emerge in response to local needs and priorities. All-age schools can suit some communities where a priority is placed on strong integration between services. They can take different forms. Some are hard federations where the schools share facilities, such as a site and support services, such as ICT. Others have formed even stronger links through creating a trust, bringing in other partners.

3.2 Primary federations in isolated rural communities

Small, isolated schools in rural locations can be limited in the breadth of resources and services they can offer individually. Working together, schools can offer and share complementary services and thus offer a wider range of services such as specialist teaching staff; ancillary support staff; transport links; greater professional development; working jointly with partners. Rural schools may also choose to use a federation as the basis for a more fundamental reorganisation, such as moving pupils to different sites according to their age.

3.3 Staffing opportunities

The contractual arrangement for all shared appointments can vary depending on the type of school involved. If the schools share the same employer (e.g. local authority for community schools; governing body for trust schools) then it is a matter of agreeing a working practice. If

the potential employers are different then there can either be two (or more) contracts – a part-time one with each employer; or a lead employer and an agreement for other parties to ‘buy-back’ time and thus contribute to costs. This is true for new appointments as well as existing headteachers taking on a federation role.

The School Teacher’s Review Body (STRB) has been asked by the DCSF to progress a consolidated system for rewarding school leaders for working outside their main school. This is expected in 2008-09, probably with any implementation in September 2009.

Currently, however, this is a matter of individual negotiation and arrangement. The school leader may have separate contracts of employment, may be given an honorarium or may do it as part of their substantive employment contract.

Where a federation for three schools contains three headteachers as opposed to an executive head and three institution leaders, and one were to leave, the schools can employ the two remaining heads to lead the federation but the governors must be confident that the work of the federation is effectively distributed to achieve their aims. For example, if the schools are in a hard federation then the distribution of responsibilities across the group of schools can be rearranged to effectively remove the requirement for a separate head. Every school must still have a nominated leader but there is no reason a single individual cannot lead more than one school. Governors should be sensitive that, where appropriate, recruitment should include a national advertisement.

3.4 Pooling resources

Pooled resources give schools a much greater buying power and may allow the schools to achieve economies of scale. Shared requirements and pooled resources might allow schools to afford new services that are beyond the reach of a single school. Each school in a federation maintains its own budget and has control about how much is put into a shared pot for joint provision. Each school must remain financially viable, so care must be taken that any shared commitments, especially if they are long term, are realistic and there is no over-commitment.

3.5 Inspection

Schools in a hard federation are inspected separately and have their own SEF. It would normally be appropriate to ask Ofsted to inspect the schools in a hard federation at the same time in order to give them the rounded picture of the work of the collaboration. Ofsted are increasingly aware of and interested in the role of federations and collaborations in improving standards. Inspection providers have been asked by Ofsted to use the same team when inspecting the schools in a hard federation. Some federations do produce a joint SEF and indicate which sections apply to which school using colour coding. Performance information is published for schools individually.

3.6 Timescales

Federations are medium to long-term commitments. They should not be entered into as a quick fix. It is possible for a school to withdraw from a hard or soft federation but this can be difficult and should be considered by governing bodies at the outset.

4. Trusts

Forming a trust is seen as providing an opportunity to bring a new sense of dynamism and long-term relationship by bringing new partners to a school and can help secure a partnership so that it is sustained beyond the involvement of particular individuals. Trust schools manage their own assets, employ their own staff and set their own admissions arrangements with the code set down by the DCSF.

Schools can work together in a trust to demonstrate a commitment to supporting each other to raise standards. Businesses or other partners can choose to work with schools in a trust and bring the benefits of their perspectives and experience to support school development.

The LA may be a partner in the trust. The role of the LA as the owner of the school's land and employer of staff ceases as this is transferred to the trust. The LA will still offer support to schools and trust schools are still included in strategic planning. Being part of a trust does not, for example, exempt a school from the LA's reorganisation plans.

Any maintained secondary, primary or special school can become a trust school. Some schools may be restricted in joining trusts based on their circumstances. For example, many faith schools already operate on land owned by a charitable trust or the Church of England and therefore do not have the same options to transfer the ownership of assets.

Schools wishing to pursue trust status should see the Specialist Schools and Academies Trust (SSAT) information.

5. Academies

Academies will be part of and have responsibilities to work with the local community. They are expected to find ways of sharing expertise and facilities with other schools, working to increase the overall quality of education for young people. For example, they share the same requirements to participate in the ECM agenda as other schools, local authorities and their partners.

6. Foundation Status

Since 2006 all community schools – primary, secondary and special - have had the option to investigate foundation status. Foundation status leads to a change in governance of the school such that the governing body becomes the employer of the school staff, the admissions authority for the school (within the requirements of the School Admissions Code) and takes on ownership of the school's land and assets. Foundation schools remain local authority maintained schools. With regard to governance:

- The governing body in primary and secondary schools is the admission authority and has the right to determine an individual admission policy for the school and apply the criteria for entry
- In special schools the LA remains the admission authority
- Foundation schools should be involved with the coordinated scheme which is administered on their behalf by the LA
- Foundation schools should expect an additional delegated amount in their budgets to help offset the admissions responsibilities
- Foundation schools must refer to The Code of Practice for Admissions and the Admission Appeals Code of Practice. These are labelled statutory guidance. The admission authority must 'act in accordance with' the provisions of these codes and the agreed LA coordination schemes
- Foundation schools have more control over the use of school buildings, lettings and particularly the use of redundant buildings
- There are greater opportunities to explore initiatives such as extended schools and for the governing body and the school to take much more of a lead in developing this
- There is no change in the way in which a school receives capital funding. Schools still receive the formula capital amount depending on the size and type of school and retain access to funds for health and safety related work through the LA
- If the governors decide to become a trust school, either by setting up your own trust or by joining an existing trust, the land and buildings transfer to the trust. Each individual school has the day to day management and financial responsibilities for it
- The governing body is the sole employer of all staff and has legal responsibility for health and safety
- They need to comply with STPCD (School Teachers' Pay and Conditions Document) with regard to terms and conditions of teachers' employment
- The transfer of employment for all staff in a school now takes place under Education Regulations Paragraphs 29 to 32 of Schedule 1 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 rather than TUPE regulations. The effect of these provisions is still to protect an individual's employment rights on transfer. Any agreements entered into by the LA before this date, in respect of an individual's terms and contract of employment (including pension arrangements) must therefore be honoured by the new employer
- Foundation schools must have at least one LA appointed governor
- Good financial practice is required and the benefits of an external audit even on an annual cycle may be a decision the governors take. The FMSiS accreditation remains applicable.

7. Co/joint/shared headship

The terms 'co-head' and 'shared headteacher' have no formal status as particular roles or job titles. These terms may be used interchangeably to cover part-time working of more than one individual to cover a full time headteacher post. The key term used in employment law is job share as there cannot be two people with headteacher responsibility at the same time in the same school. Education legislation is based on each school having a single full-time responsible leader, however, there are no restrictions on this job being shared as long as the responsibility and accountability is clear.

A job share is a formal arrangement where two people voluntarily share the responsibilities of one full time post, with the salary and leave entitlement on a pro-rata basis. A job share post remains a full-time post undertaken by two people, which can revert to a full-time post occupied by one person if required.

A person who is a job share headteacher part of the time may have another role in the school, such as a deputy head, to have full-time employment. It is important to be clear when such a person is responsible as a head and when they are acting in another capacity.

Job share heads share overall responsibility though in practice it is helpful for staff, pupils and parents if there are clear definitions of role distribution. For example, if one of the job-share headteachers leads on a particular Key Stage then this should be known by parents, to ensure they have access to the appropriate leader. The headteachers should develop an arrangement with the governing body that can be clearly communicated and monitored. This is especially true for the purpose of a school inspection.

A job share arrangement cannot account for more than 100% of the school year (e.g. two heads working 60 per cent each). The role cannot be more than 1.0 FTE and the working arrangement must be clear to define who is performing the role at any given time. A solution is to allow some kind of crossover is to appoint co-heads on a contract that is a mix of headteacher and deputy headteacher. For example, if a school employed two individuals on 50% HT and 10% DHT they would both work three days a week allowing for crossover. To work, this arrangement requires clear guidelines on who is responsible at a given time, especially when both people are present.

Job-share headteachers are both accountable to Ofsted and a school's governing body to ensure that statutory duties are fulfilled based on the agreed division of roles and responsibilities.

Arrangements for when one of the job share headteachers decides to retire or move-on must be made explicit in the contract of employment issued to the job-share partners. It might be that the other job share worker would have the option to become full time, the vacant proportion of the role might be advertised, or the whole headship post may be considered vacant.

Governing bodies are advised to take expert advice, for example, from the local authority human resources team.

The role of deputy head remains the same with a job share headship. A school can choose to alter its senior leadership team when a job share headteacher arrangement is implemented but in principle other roles within the school remain the same.

There is no automatic right to be granted phased retirement. The school should make a decision to approve or reject requests based on whether suitable arrangements can be made to cover the business requirements. A school should not use a deputy headteacher to cover for phased retirement without an appointment to acting headteacher. If the deputy head does not wish to become an acting headteacher then the school should find another way of

covering the post. This might include conditioning a phased retirement request on successful recruitment of a job share headteacher. Using an acting headteacher post is not a long-term solution.

If a headteacher is planning a phased retirement over a relatively short timescale, for example over one or two years, then it might be appropriate for the school to advertise a post that is a part-time head/part-time deputy head initially, moving to full-time head at a known point in the future. If these details are built into the contract then this is fully legally compliant. This is less easy if the phased retirement is open-ended.

Normally the employment contract for a job-share will set out explicitly what happens in the case of one partner leaving. An example might be: "Your post is part of a post which has been divided under a job sharing arrangement. Should your job share partner resign from this post or have his/her employment terminated for reasons other than redundancy you will normally be offered the remaining portion of the post. If you decline the offer, every effort will be made to fill the vacant hours by normal recruitment procedures. However, if this is unsuccessful and the school still requires the full hours of the post to be worked, this may result in your contract being terminated. Every effort will be made to find you suitable alternative employment, but you must understand that this cannot be guaranteed."

Conditions such as this should be agreed as part of your employment contract which should be drawn up by HR professionals with appropriate legal advice.

Job shares can offer significant advantages to a school. Each job sharer brings their own experience, perspective and energy to the role. The incidence of sickness is reportedly lower and both workers enjoy an improved work-life balance.

It is of little interest what a job-sharer is doing with their 'not-working' time. They might be doing one of a number of activities, perhaps engaging in consultancy work, studying or simply having more free-time. It is best practice to declare any potential conflicts of interest in the name of transparency and employment contracts might limit an individual's capacity to have additional employment.

Candidates should apply and be interviewed individually. It may be helpful to identify potential job share partners before submitting an application as this might increase the chance of achieving a successful outcome, but this is not essential.

Each headteacher should have individual performance management targets and interviews. This emphasises the importance of clear individual targets and clarity of responsibility.

There are no hard-and-fast rules around practical issues such as individuals working on set days of the week. The governing body and the headteachers should ensure that there is appropriate cover, leadership and management for the school whenever it is open. This might involve the headteachers directly or a deputy.

The headteachers involved should together ensure that attendance at governing body meetings and the writing of the termly headteacher's report are covered appropriately. The governing body should construct arrangements that suit their needs.

A co-headship arrangement is normally a broadly similar cost to a traditional headship arrangement.

8. Leadership structures

There is some variation in the names used for leaders in schools. It is common for academies to use the term 'principal'. The term 'executive head' is used for appointments within some federations and where a head works across more than one school. The DCSF requires a nominated leader for the school which it refers to as 'headteacher' but this need not be reflected by an individual job title.

There is no requirement for a school to have a named deputy head. A school may choose to have a combination of deputy and assistant headteachers to meet its requirements. Schools should consider the importance of these roles in supporting individual career development on the road to headship in support of the succession agenda.

The roles of leaders and teachers have been clarified through workforce remodelling. This has included emphasising the difference between teaching, learning and business management responsibilities. Senior leaders in schools are expected to spend time considering a range of strategic leadership issues as well as operational management. This is enabled by the allowance for dedicated headship time in the school teachers' pay and conditions document.

Distributed leadership is essentially about sharing out leadership across the organisation. The case for distributed leadership is based on three ideas:

- the belief in leadership teams: belief in the power of one is giving way to a belief in the power of everyone;
- as schools become more complex places to manage and lead, we need more leaders than before;
- ensuring that there are many leaders enables us to create pools of talent from which we can grow tomorrow's leaders. A school that successfully implements distributed leadership has a shared model of leadership and management. This means staff other than the headteacher are empowered to lead on areas of school life and make decisions in a context of support and challenge, whilst being supported and empowered by the headteacher.

Schools are increasingly working across phases to learn from each other and address key events like transition. There is no requirement for schools or leaders to work together but there are significant potential benefits for all parties.

There can be as many headteachers as there are schools in the federation (see 3.3) since each school remains technically separate whilst sharing a governing body. Practice will vary

according to the reason behind the federation but, especially in all-through federations, many start with a co-leadership model where each headteacher retains responsibility for their particular school and phase but shares leadership of federation activities and cross-phase developments, pooling their expertise and increasing leadership capacity. Other models might be adopted as the federation develops.

All models of leadership, from distributed leadership within a traditional model to a system leadership role, include opportunities to nurture future leaders. Any change to the role of an existing headteacher or leadership and governance arrangement for a school will include the opportunity for tasks to be redistributed. Care must be taken that this takes place in a supported and managed way, linked to performance management and individual professional development.

Changes to leadership roles inside schools must consider school workforce legislation. Current legislation is based on the “Raising standards and tackling workload” national agreement which sets out conditions of service for teachers and support staff in schools.

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