

# Leadership for Public and Social Value

## Structures, strategy and stakeholder communication: three key challenges for the public leadership and governance of education in England.

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**Substantial changes to the English education system most notably since 2010, have resulted in many changes to school governance, with schools, academies and free schools breaking away from Local Education Authority (LEA) control, and the emergence of new governance structures as the result of the formation of formal partnerships between schools that are very often geographically distant from one another.**

**This combined with an increasingly marketized environment of education in England places new pressures on school boards as democratic strategic leaders of education. With 300 thousand volunteer school board members tasked with governing over 22 thousand schools, held to account for the performance and leadership of schools, one of the boards' key duties lies in setting the strategic direction for their school or group of schools. This has resulted in a concerted drive to recruit governors for their skills rather than their representative role (Baxter, 2015,2016); James, Goodall, Howarth, & Knights, 2014). As a result school boards face an important challenge in managing the tension between a business-like, performance oriented and a democratic representative role reflecting the concerns of parents and the local community (Nolan, 1996; Cornforth, 2004b). It also constitutes a significant leadership challenge. This paper examines some of the challenges and tensions facing board members within multi-academy trusts. Using data from 40 qualitative interviews with board members of MATs and key individuals within governor support organisations, combined with documentary analysis of formal reports, the paper concludes that leadership challenges for boards are focused on three principal areas: governance structures; communication with stakeholders and using stakeholder information and knowledge to inform strategy and as a driver for school improvement. It also concludes that the three areas are key to future research in how board members in nested governance structures go about setting and monitoring the strategic direction of their organizations.**

## Introduction and Context

Over the course of the last 10 years education systems and how they are governed in England, Northern Ireland and Wales have undergone rapid and unprecedented levels of change (Baxter, J., 2016 ,p.232) This is particularly true of England which now possesses a system largely driven by targets, performance measures and evaluation linked to attainment of government mandated targets (Ozga, 2011).The hegemony of targets features across many countries within the OECD and has been heavily influenced by countrywide comparisons in the PISA report, which appears, in spite of numerous critique, to go from strength to strength (see for example the work of Grek, 2009). England has wholeheartedly embraced the discourse of education as an economic driver, evidenced with the plethora of market based reforms that have been undertaken by governments since The Education Reform Act of 1988 (Parliament., 1988). The reforms, premised on the idea of increasing public value in the case of education, began to gain pace under then Prime Minister John Major. His Citizens

Charter (Parliament, 1991), looked to open up all public services to choice and competition and to dispense with what his government (and others since then), saw as producer dominated services. The Charter not only began to create quasi-markets across the public services, but also introduced a concomitant emphasis on hard forms of stringent regulation. In the case of education, this manifested in a form of 'hard regulatory' intervention in the form of a new schools' regulator: Ofsted (The Office for Standards in Education, Children's Services and Skills). These reforms increased under the Coalition Administration who came to power in 2010. These changes have manifested as: the removal of power from many Local Education Authorities (Lawn, 2013); increasing school freedoms in the shape of free schools and academies (Higham & Hopkins, 2007) and raising the bar in inspection and regulation of schools (Baxter, J., Grek, & Segerholm, 2015).

As mentioned, education governance more broadly is set not only within the national context but is driven by cross national drivers such as PISA. Such international comparators place political pressures on national governments to be seen to be taking action in raising standards. These changes have instigated new systems of governance as schools, which were formerly overseen by Local Education Authorities (LEA), have converted to become semi-autonomous state schools in the form of Academies. Operational drivers, such as the need to combine in order to cost effectively buy in services once provided by LEAs, combined with research that implies that schools grouping together contribute positively to student progress,(Chapman, Christopher, Collins, Sammons, Armstrong, & Muijs, 2009) have resulted in Academy Chains, Multi Academy Trusts and other less formal forms of collaboration such as federations. Volunteer governors once responsible for a single school are now situated in multi-level governance structures that are both tiered and hierarchical.

As the literature on multi-level governance reveals, (Foss, Husted, & Michailova, 2010), providing strategic direction for a number of organizations, which may also be widely geographically dispersed creates a number of challenges for those responsible for governing boards. Previous research has revealed two key challenges for boards governing numerous organisations: Knowledge needed by top tier boards, those at the apex of the organisations, in order to make decisions, and communication mechanisms between different levels of governance (Cornforth, 2004; Foss et al., 2010; Ozga, Grek, & Lawn, 2009).

### **A note on terminology**

This area of research is very new and the language and terminology, constantly evolving. For the purposes of this paper we use the following terms to refer to different types of 'board' member at different levels within a MAT: *Trustees* - board members at the apex of the organisation with overall responsibility for the governance of the MAT; *Academy Committee Members* - Academy Committees have delegated powers from the Trustee Board which vary in scope and range according to the MAT's scheme of delegation; *Academy Council Members*- Academy Councils do not normally possess delegated decision making powers, but are advisory and function as representative of school and local community. Some MATs also establish Cluster Committees which have certain delegated powers for a group of school in the MAT.

### **Literature and research questions**

Changes to education across OECD member states have largely been premised on what has come to be known as the neoliberal turn in education (Ozga & Segerholm, 2014): the idea that education is better served if it is viewed as a marketplace with choice and competition central to this ideology. Within this citizen-stakeholders such as parents and students have been interpellated via this discourse into the role of the 'citizen consumer' (Clarke, 2007) and many of the reforms within different education systems have been premised upon this (Baxter, 2017). In the case of England this has resulted a drive for school autonomy in the shape of for example : Free schools based on Swedish models (Morris, 2015), and academies. Academies, the brainchild of the New Labour Government under Tony Blair, were introduced in England (only) as part of a drive to improve under-performing

schools, largely in urban areas (HCEC, 2014-15). These schools were given new curricular and financial freedoms often accompanied by a ‘facelift’, improvement of their premises and very often renamed and re-branded in a quasi-entrepreneurial spirit (Woods, Woods, & Gunter, 2007).

The academies project was embraced by the Conservative-led Coalition Government in 2010 whose Education Secretary Michael Gove, expanded the project, viewing it as key to improving all school standards, whilst also making schools responsible for their own growth and improvement (Mortimer, 2010). Greatly influenced by the Charter School movement in the USA, the government drew on much of the success stories created by charter school advocates, as well as drawing heavily on Chicago School economic models, to completely re-design the English education system (Baxter, J. & Clarke, 2013). A key element of Coalition education policy and subsequently of Conservative education policy, has been the undermining of Local Education Authorities (LEAs), and their role in supporting and strategically directing schools (Lawn, Baxter, Grek, & Segerholm, 2014). The erosion of their powers, achieved by successive cuts to budgets, has also been managed by forcing underperforming schools to convert to academy status (Miller, 2011). This initial drive was then broadened out by subsequent education acts, to create a system whereby sponsors - successful schools often sponsored by business or philanthropic means, would ‘take on’ underperforming schools (HCEC, 2014-15). This combined with research into school federations has resulted in schools choosing to group together either to rationalise back-office functions such as HR or finance, or to provide continuity for student transition between phases.(Chapman, C. & Muijs, 2013), an element which has according to recent studies, proven beneficial in terms of student results.

These MATs, which manage and govern groups of academies have grown rapidly due to policies created by the Conservative Government under firstly David Cameron, and latterly Teresa May. These include restrictions on local authorities’ ability to open new maintained schools. Some MATs now number over 100 schools, many of which may be geographically dispersed.

Such sweeping and rapid changes to the education system in England have inevitably been accompanied by challenges in terms of the way in which it is governed. The system of LEA (Local Education Authority) control which existed since the post war welfare consensus, has all but been eradicated as increasing numbers of schools decide or are coerced into conversion. There were over 21,525 state-funded schools in England on November 1<sup>st</sup>, 2016. Of these 5,758 were academies, of which 1,618 were stand-alone academies and 4,140 schools were in a MAT (DFE, 2016a).

The governance of schools in England until 1988 was fairly straightforward with oversight and accountability being provided by volunteer school governors answerable to the LEA, who were then accountable to the Department for Education. This oversight was complemented by inspections by HMI (Her Majesty’s Inspectorate) who provided regulation, advice and guidance to schools and teacher. In 1992 HMI were replaced by Ofsted and a regime of regular and stringent high stakes inspection was implemented (Baxter, J & Hult, 2014). The system of individual school governance in England dates back some 600 years and was first introduced to ensure financial probity in schools, in order to reassure educational philanthropists that their money was being put to good use (Baxter, 2016, p:23). The Taylor Report (Parliament, 1977), shaped the form of school governance recommending that schools have large governing bodies that included a variety of stakeholders including parents, community representatives and teachers. Their principal duties included: Setting and oversight of school strategy; oversight and monitoring of policies, safeguarding of pupils, financial scrutiny and oversight of school standards. But in common with other areas of the public services , increasing so called ‘freedoms’ have resulted in increased levels of regulation and oversight (Flinders, 2008). Within England’s evolving system, and the demise of LEA capacity and power, school governors have been positioned as the middle tier of accountability: regulated by Ofsted against the same criteria as the head teacher and senior leadership team and up until recently, directly accountable to the Education Secretary. More recently a system of Regional School Commissioners

has been interposed between the Secretary of State and school governors, but as there are only eight of these, the levels of scrutiny they can offer are extremely limited (NFER, 2016). This has meant that from 2010 onwards there has been a far greater focus on the role of the school board to oversee both the quality of educational provision and provide strategic direction for schools. It has also changed the function of the school board, from one of democratic representation of stakeholders within the school and its community, to a largely skills based model with governors recruited for their skills rather than representative capacity (Baxter, J. & Farrell, 2015).

### Governing in multi-level 'nested structures.'

Governance has been made even more complex in multi-academy trusts requiring new models and modes of governance. There is not a great deal of research on multi-level governance arrangements in education, primarily because they are a relatively new phenomenon. But research in the not-for-profit sector indicates the considerable levels of complexity and challenge involved in operationalising these structures (Bradshaw.P. & Toubiana, 2014). As Cornforth points out, *'these systems are often tension filled and can vary in their degrees of cohesiveness, autonomy, centralization and in their shared visions'* (Cornforth, 2012,p.15). As in the case of the non-profit sector, the grouping of organizations- in this case schools- has also been driven by the wider regulatory system, particularly by Ofsted, the schools' inspectorate. Their dual policy role , as both implementer and shaper of policy (see, Baxter, J. , 2016), provides the judgements as a consequence of which, schools are joined to other schools in order to either support or be supported. Just as in the not-for-profit sector, boards and management in MATs are interdependent and strongly linked to organizational effectiveness (Baxter, J., 2016 ; Green & Griesinger, 1996).

These 'nested' governance arrangements are hierarchical and intra-organizational and as Bradshaw and Toubiana argue, *'[in the literature] they are frequently described as 'tension-filled and oscillating, or in need of balancing and crafting as opposed to managing.'*(Bradshaw.P. & Toubiana, 2014,p.232). Cornforth's review of non-profit governance research, published in 2012 revealed a distinct lack of research into multi-level governance structures, in spite of the fact that they are found, *'among many non-profits that operated at both national and local levels.'*(Cornforth, 2012,p.13). Pointing out that these organizations also often have some form of democratic involvement at the local level. In addition, Widmer and Houchin (Widmer & Houchin, 1999,p.29), point out that federated governance arrangements often experience a tension between the need for greater efficiency and centralization and the need for 'representation' of local interests.' Cornforth points out that similar tensions exist in the literature on inter-organizational partnerships (2012, p.15), and that such organizations spend considerable time in discussing and modifying their governance. In so doing he argues for the need to, *'examine the governance and accountability of inter-organizational collaborations [... ] and the implications these collaborations have for governance [... ] at the organizational level.* (p.16). Ostrower and Stone also stress the need to examine the ways in which culture and context affect multi-level governance structures, pointing out that not for profits in the same way as multi-academy trusts, may contain organizations that are widely geographically dispersed (Ostrower & Stone, 2010). This effectively means that policies may not simply be applied without discretion to all schools in a MAT, but must take account of the particular culture and context in which schools are placed.

Linda Mollenhauer, funded by a large non-profit organization to investigate nested governance structures, suggested a framework for success for federated organizations, pointing out the benefits of such structures:

*'There is a clear benefit to becoming a federation rather than remaining as separate autonomous organizations. Because a federated structure offers national scale, partners in a federation benefit from a more recognizable brand and credible reputation, a stronger voice in advocacy; economies of scale; efficiencies*

*in administration, technology, programs, services and revenue development; and greater impact and results'* (Mollenhauer, 2009,p.5)

Her recommendations for the national board (the central board) are that:

*'The national Board nomination process ensures that it has the right mix of skills, expertise and knowledge to think strategically and make good nationwide decisions. , If Board members represent a federation partner organization, [they...] have the clear authority to make and stand by decisions. These Board members handle the conflict of allegiance between local and national interests well. , The governance model and committee structure enhances the national Board's ability to be effective and to properly engage stakeholders'* (Mollenhauer, 2009,p.21)

Her framework suggests that rather than focus on governance structures, that there should rather be a focus on *processes* in order to manage and reconcile any tensions between the local and national interests.

Managing the tension between the local and the central interest is a key area of concern for nested governance structures (Young, 1989; Young, Bania, & Bailey, 1996), the most recent research into federated governance structures in schools indicates that this tension is present – particularly in structures that are geographically dispersed (Baxter, J., 2016 ). It is also clear that in some cases there are tensions between schools (their heads and Academy Committees) and the central governing board of trustees. These tensions may arise from poor communication strategies but equally in the area of local knowledge and how this feeds from individual schools into the decision-making processes of the central board.

From an identity perspective, there is a plethora of literature in the field of organization studies that illustrates that collaboration between organizations does not necessarily lead to a shared organizational identity (Albert, Ashforth, & Dutton, 2000; Albert & Whetten, 1985), and that this in turn creates tensions for the organization and its governance. In the case of MATs, the wish to collaborate is not necessarily shared by all schools within the organization: Some schools have been coerced into collaboration due to poor Ofsted gradings. The literature on collaborative working, in particular the work of Huxham and Vangen, illuminates a number of challenges that are perceived by practitioners to be challenging in terms of inter organizational collaboration: these include amongst others : trust (or lack of it), power, common aims, membership structures , communication and working processes (Huxam & Vangen, 2005; Huxham & Vangen, 2013). Although this work is primarily premised on practitioners within organizations, the principles make a useful starting point when investigating intra-organizational governance.

Models of governance are set up according to schemes of delegation, the board of trustees is accountable in law for decisions relating to the academies within the group. The National Governors Association outline three core model schemes of delegation that it recommends schools adopt. Which one they adopt depends largely on the size of the grouping and its composition (primary, middle, secondary)(Allcroft, 2016).

The Education Funding Agency- the agency responsible for academy regulation stipulates the mandatory inclusion of a number of committees for academies, these include: Audit; children; families and community; finance and general purposes; resources and standards and achievement committees (NASBM, 2017).

All MATS have members who act as guardians of the governance of the trust and will have been signatories to the memorandum of association. As Academy Trusts are private companies limited by guarantee, they are also subject to company law and specifically the provisions of the Companies Act

2006. As an exempt charity, the Trust is also subject to charity law and the provisions of the charities Act 2011. The principal regulator is the Secretary of State for Education. All companies must have at least one Member and academy trusts, according to their articles, must have at least 3. The members are those individuals or companies who have agreed to be Members and whose names have been entered onto the register of members. Members' details are not filed with Companies House. The Subscribers or signatories to the Memorandum of Incorporation will automatically be the initial Members. In most cases, the Members will be the individuals who agree to establish the Trust, with subsequent Members being appointed by the Members as and when desired. 'In some cases, for example in the case of faith schools, the members will either be the foundation (or sponsor), for individuals appointed by the foundation or sponsor. So members can be either individuals or other corporate or statutory bodies. Members can also be trustees. It is the members that define the ethos and purpose of the Trust and the way it will be governed (set out in the articles of association). They have the power to appoint (and remove) trustees and receive the annual trustee report and accounts. They may also attend trustee meetings (DFE, 2017).

The articles of association outline the governance structure and how the trust will operate, how members are recruited and replaced and how many of the trustees the members can appoint to the trust board. The members can remove trustees and trustees are accountable to members for the performance of the trust. MATs are charitable companies therefore trustees are charity trustees (under section 177 (1) of the charities act 2011 and company directors. The trustees are responsible for the general control and management of the administration of the trust, and legally responsible and accountable for all statutory functions, for the performance of all schools within the trust, and the approval of a written scheme of delegation of financial powers that maintains robust internal control arrangements. In addition, trustees must: Ensure clarity of vision, ethos and strategic direction; hold the executive to account for the educational performance of the trust's schools and their pupils, and the performance management of staff and oversee the financial performance of the trust and make sure its money is well spent.

In terms of further delegation of governance as figure one illustrates, MATs may decide to have any one of a number of structures, in which they may delegate any number of governance powers depending on the nature of the schools (high performing, poorly performing etc.). Many MATs choose to have Academy Committees which are established by trustees to carry out school level governance functions: As a committee of the board delegation can be removed at any time. The committees can perform much of the school level governance if the trustees require this. Academy Councils [sometimes called parent representative groups] are often put in place if the schools in the cluster are not performing well, and may have only advisory powers,(again this would depend on the scheme of delegation).These councils have a mainly stakeholder engagement function and trustees do not generally sit on these councils. They have few if any governance powers. Lines of communication must be clarified in order for these councils to fulfil their function. In the case of larger MATs they may also have Cluster Committees. These committees have delegated governance powers, just as in the case of Academy Committees but act on behalf of a number of schools which may be grouped into geographical clusters. Schools in clusters are overseen by executive principals. (Adapted from information contained in Collins, 2017).

This research draws on 40 interviews with education board members in order to evaluate the key challenges for education boards asking: a) what are the key areas of challenge for the governance of multi-academy trusts? b) What do these imply for a future research agenda in this area? The research adopts a narrative approach to examine key challenges in both areas. In order to respond to both questions.

## Methods

This paper examines some of the challenges and tensions facing board members within multi-academy trusts. Using data from 40 semi structured qualitative interviews with board members of MATs (*Trustees* - board members at the apex of the organisation with overall responsibility for the governance of the MAT; *Academy Committee Members* - Academy Committees members have delegated powers from the Trustee Board which vary in scope and range according to the MAT's scheme of delegation; *Academy Council Members-individuals without decision making powers*) and key individuals within governor support organisations and policy makers, combined with documentary analysis of formal reports, school websites and documentation from governor support organisations. The interviews were carried out with board members of multi-academy trusts over the period 2014-2016. The sample included 5 trusts in the North of England and 2 trusts in the South East of England. Schools included within the sample are listed appendix 01. In addition to this a further 2 MATs formed part of the desk based research in terms of their schemes of delegation and published data on governance. The MATs were all through – that is they covered primary, middle and secondary phases of education although in one case the MAT was solely focused on primary provision.

The interviewees were self-selecting and this accounts for the diversity in terms of the number of respondents at each MAT. Interviewees were recruited via governor support agencies, school support organisations and executive head teachers. The interviews followed a semi-structured qualitative approach and were analysed using Nvivo software to draw out the key themes emerging from the data. These were then examined in greater detail and in relation to the challenges which emerged.

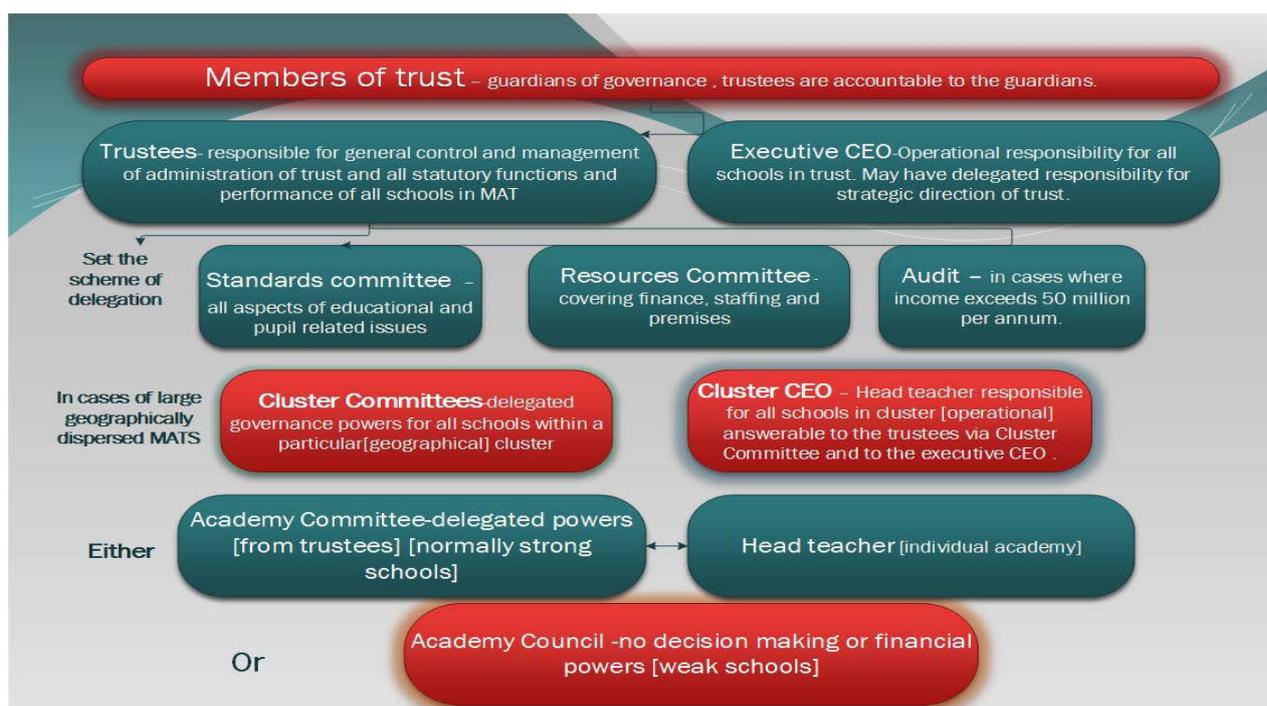


Figure 1: Schemes of delegation in Multi Academy Trusts – Adapted from Allcroft 2017.

## Findings

The challenges of imposing nested governance arrangements on loose collaborations within schools are not insubstantial: Ofsted, the school regulator are not permitted to carry out full inspections of MATs, nevertheless comments and judgements about the quality and nature of governance frequently appear in reports of individual academies. They also appear as published Outcome letters for ‘focused Ofsted inspections’ of schools within a particular trust. Seven such focussed inspections took place in the year up to March 2016 and their combined findings were, controversially, referred to by the Chief Inspector in an open letter to the Secretary of State (HMCI advice note, 10.03.16), extracts of which are quoted below. The extracts outline some of the serious issues relating to both governance and accountability that are endemic within these nested governance structures:

*“Given the impetus of the academies programme to bring about rapid improvement, it is of great concern that we are not seeing this in these seven MATs and that, in some cases, we have even seen decline.*

*“Across the seven MATs, inspectors found many of the following concerns:*

- *poor progress and attainment, particularly at Key Stage 4*
- *leaders not doing enough to improve attendance or behaviour*
- *inflated views of the quality of teaching and insufficient scrutiny of the impact of teaching on pupils’ progress*
- *a lack of strategic oversight by the trust of all academies*
- *a lack of urgency to tackle weak leadership at senior and middle levels*
- *insufficient challenge from governors and trustees who accepted information from senior leaders without robust interrogation of its accuracy*
- *confusion over governance structures, reflected in the lack of clarity around the roles and responsibilities of the central trust and the local governing boards of constituent academies. This is not helped by some trusts failing to meet the requirement to publish a scheme of delegation.”*(Ofsted, 2017).

However giving evidence at a recent government inquiry into the performance of MATs, Steve Chalke, founder of Oasis, an academy chain with 47 academies in England, stated that inspectors were “utterly incompetent” when it came to inspecting chains and “did not have the skills to inspect a complex charitable organisation nor did they understand governance in the charitable sector.”

Chalke’s comments in essence sum up the very challenges facing education governance at present, challenges which went largely ignored in the present government’s ‘grande plan’ for a new education system. A system which has grown so quickly and so rapidly replaced a modus operandi established since the Post War Consensus.

These findings, contained within the letters, are to a certain extent supported by data within this project which revealed issues in several areas. These are outlined in the sections which follow.

### 1. Governance structures: Models and modes of Governance

The first key challenge that emerged from the documentary analysis reflected an area that also emerged in the non-profit literature: governance structures. Multi-academy trusts are required by law to set out their schemes of delegation as mandated by the Education Funding Agency (EFA, 2015).

Whilst new federated school structures have necessitated substantial changes to the ways in which schools are governed, there are a number of ways in which these organizations are looking to order their governing structures. The choices being made in terms of their schemes of delegation are not, as the not for profit research revealed, (Bradshaw.P. & Toubiana, 2014), static; but emerge as constantly evolving works in progress (Stansfield, 2016). This research has revealed that there are a number of different governance models that MATs may follow and that these structures create both challenge and opportunity for governing bodies. According to The National Governors’ Association, the body

which supports and promotes good education governance, these schemes of delegation should perform the following functions:

- *‘Promote a culture of honesty and accountability*
- *Ensure the executive leadership is clear about which decisions the trust board remain in control of*
- *Identify responsibility for the appointment and performance management of the CEO/executive principal and individual school principals*
- *Ensure that the role of the executive leadership is fully understood throughout the MAT*
- *Identify responsibility for policy and practice in each school*
- *Identify responsibility for oversight of educational performance in each school*
- *Identify responsibility for oversight of each school’s budget*
- *Identify responsibility for assessment of risk in each school’ (NGA, 2016)*

In addition to this, schools need to decide upon a scheme of delegation that will enable them to create strategy in relation to the following:

1. The scale of the group: how many schools will the group include and how does this affect the delegation of power?
2. The variance of the schools: how varied will the schools be in terms of geographic variety, age range and the needs of students?
3. Control: what levels of autonomy will be delegated to individual schools? How centralised will power be within the organization as a whole?

What clearly emerged from the interview data was that governance structures were in essence a moveable feast. Whilst from an organizational perspective this may be a healthy sign of the capacity of an organisation to adapt and evolve in response to internal and external drivers, nonetheless, these shifts often proved to be confusing to both trustees and members of individual academy committees as this academy committee member reported when their school was taken over by a MAT :

*‘They had none of the systems and structures set up to support those absolute bog standard, this is your governance role. There’s been a lot of change in the governing body and it might be just because everyone was new but nobody knows what they’re meant to be doing. I’m now writing job descriptions with the head teacher to try and establish much more clarity around what they’re meant to do. Nobody turns up to meetings. The last meeting I turned up to wasn’t quorate. (MAT Trustee, 2016-South).*

This confusion arose not only in relation to their decision-making powers, but also in terms of evidence of a perceptual distance between the board of trustees – at the apex of the organization, and local bodies - be they academy committees or parent groups. No trusts within our sample were developed enough to employ the cluster board structure that features in figure 1. But there was evidence that individual school boards were caught in a struggle between defining their role and

*Figure 1: Schemes of delegation in Multi Academy Trusts adapted from (Allcroft, 2016)*

identity as a school within a MAT. (In contrast to their previous iteration as a school responsible for its own governance in collaboration with the Local Education Authority). Evidence

*There's a lot of pressure, I think, from the Department of Education, and the EFA, and others to create groups of schools. I think it actually sort of undermines that local connectivity, and it's improvised not always thought through, and ironically, this improvisation leaves a lot open to interpretation (Chair of Trustees in Geographically dispersed MAT, 2017 –South).*

The data within this study is supported by a recent report by The Education Select Committee in which Emma Knights of the National Governors' Association, warned that, "There can be a power struggle between trust boards and local governing boards where changes have not been well communicated." She went on to stress the importance of publishing schemes of delegation, a practice that is still not as widespread as it should be (HoCEC, 2017:section 40.1.)

In the case of one of the MATs under scrutiny for this project, the board of Trustees undertook a review of its governance in 2016, this excerpt from the website reveals the rationale behind the review,

*"All of the academies that have joined our trust face some degree of difficulty and require support to improve their performance. In many instances it has become clearer that in spite of due diligence schools that have joined the trust face greater difficulties than was apparent before conversion. The Trust is growing quickly and is developing its approach to governance in light of experience. It regards its ability to react quickly to new and emerging circumstances as one of its strengths.  
(Board Paper, May 2016)*

The paper went on to outline the ways in which it would reform its governance in response to the challenges that it is facing: in this instance the need to improve school performance was a strong driver to improve governance. The element of what drives governance structures and processes is an important one: not purely in terms of strategy but equally to identify the processes which contribute to the strategic overview. In this case they were guided by six principles: **Principle One – We will do no harm!**

*Too often schools in this country have tolerated poor performance by staff to the detriment of students' education. We will have in place systems of management that identify poorly performing staff at every level in our Academies and the Trust right up to Board level.*

#### **Principle Two – Make decisions quickly**

*The evidence from educational failure nationally is that too often the difficult decisions have been deferred and have become bogged down in process. We believe in clear systems of delegation that empower people to make decisions that are in the interests of our students without unnecessary delay.*

*With delegated authority comes accountability. We delegate to the Principals of our Academies the responsibilities for running their Academies on a day to day basis within a budget and improvement plan that has been agreed by the Trust. They are accountable through a defined line management system to the Chief Operating Officer. The Chief Operating Officer is accountable to the Operational Board and the Trust Board for ensuring that the Principals are delivering improvements within acceptable timescales.*

#### **Principle Three – Judge performance on objective criteria**

*Summary reports will be presented at each Board meeting to give a high level measure of progress and share the decisions that have been made to correct any unacceptable variations from an improvement plan. Every Academy within the Trust will use the approved management information systems. Academies and Trust managers will demonstrate how the information has been used to improve performance. The Board will maintain a record of its discussions and any decisions that it makes.*

***Principle Four – Tight control of the purse strings***

*Too many schools in the past have failed to control their spending. We believe that it is necessary to exercise a high degree of central control of budget planning and monitor expenditure closely to avoid problems arising that distract Principals from their primary task of improving the educational performance of their Academies.*

***Principle Five – Check that line management is working***

*Any complex organisation needs to be confident that line managers are fulfilling their responsibilities. Traditional governance arrangements for schools use Governing Bodies to provide this external perspective. In our Multi Academy Trust accountability for the discharge of the duties of a governing body lies with the Trust Board.*

*Local Governing Bodies are established as sub-committees of the Trust Board. They have a vital role to play in monitoring performance.*

***Principle Six – Earned entitlement***

*We start from a position where all of our Academies need to improve. We see tight and decisive management from the centre as necessary if we are to achieve the progress our students deserve.*

*As our Academies are successful and as outstanding Academies join the Trust we will adjust our approach to reflect the changed circumstances. For example an existing Outstanding*

## **2. Knowledge**

Whilst the concept of knowledge is ‘recognized as the most important resource’ within organizations (Nahapiet & Ghoshal, 1998) and a primary source of competitive advantage (Stewart & Ruckdeschel, 1998), the way in which this knowledge is shared for the benefit of the organization is recognised to be a key challenge; even for the least complex of institutions (Lam & Lambermont-Ford, 2010). In relation to governance, this challenge is amplified for boards as they, by their very nature, operate at some distance from the institution, ‘working at organizational boundaries, defining questions to be asked, exploring the potential unknown challenges and opportunities that can occur.’(Chait, Ryan, & Taylor, 2005,p.11)

Yet in order to perform this vital function, boards need to possess certain types of knowledge: knowledge not only relating to the various types of scrutiny required by them, but also knowledge which pertains to the strategic decisions they are tasked with making. In a MAT the research revealed two distinct elements: The first indicated that to a certain extent, trustees were cogent of the need to incorporate both scrutiny and information from individual school boards, into their decision-making processes. How they went about this differed from trust to trust, some of the strategies included:

- Creating professional clerking roles which would extend to servicing the trustee board and all Academy Committees within the MAT. Thus creating a link between each school and the trustees.

- Developing formal reporting structures. These tended to be top down for the most part, involving trustees demanding formal reports from school heads and academy committees in order to carry out their scrutiny function. There was very little bottom up generated activity apart from chairs of individual academy committees attending some trustee meetings – or in some cases- acting as trustees as well as academy chairs.
- Where bottom up reporting was involved this tended to be via the executive in terms of management reporting.

In terms of knowledge the research encountered a number of challenges: The first relates to the type of board and committee operating within the trust, which need to draw on different forms of knowledge depending upon their decision-making powers. Trustees may for example need different information to cluster or individual academy committees. The second, relates to the type of knowledge that is privileged and valued: Trustees may have been recruited for their particular skills, whilst local academy committees may still perform more of a representative function; the knowledge that they possess along with the knowledge they require is likely to be very different to for example, a trustee situated at the very apex of the organisation. But participants also reported that the knowledge of some board members appeared to be more valued than that of others. This phenomenon occurred in trustee boards only in this research. The differential appeared particularly strong in relation to those brought onto the board for their professional skill set, compared to those elected onto boards, as this parent governor reported:

*“It seems like we can contribute but not like say the accountant or the human resources manager, sometimes I wonder what we are there for.” (Parent governor, Academy Trust Board, 2016, north).*

Other elected academy committee members reported feelings that they were ‘only here to make up numbers,’ (Local Academy Committee member, 2014, South) or ‘not as important as the professionals,’ (Local Academy Committee member, 2016, North). On exploring what they meant by this, it emerged that they were comparing themselves to committee members recruited for particular skills rather than those elected or co-opted to represent their communities. In the Government White Paper Educational Excellence Everywhere , produced in March 2016, there was a proposal that elected parent governors would no longer be mandatory on trust boards (*Educational excellence everywhere* 2016), however this was then rescinded after an outcry from educationalists and governor support organisations and pressure groups. However, documentary analysis of a number of reports and websites (see appendix for information) indicates that there is a discourse of professionalism which now permeates school boards. This is likely to make those not recruited for a particular skillset feel undermined at times. Previous research in this area supports this, and also points out that there is a distinct bias towards business skills, rather than those brought to bear within other occupations (Wilkins, A., 2013; Wilkins, Andrew, 2014). What this means in terms of board operation is impossible to say without detailed ethnographic research and board observation.

As could be expected, the relationship between trustees and local academy committees, could at times be strained particularly when academy committee members were not aware of the scheme of delegation for their particular MAT, or were recruited without really understanding the role as this member reported, “I honestly didn’t understand the role, I think it would be very hard to explain; it takes people almost a term of service to get up to speed.” (Academy committee member, north, 2016). This point was also raised by research into accountability (Ehren, 2017), which indicated that the processes of MAT governance and accountability were still evolving.

The whole issue of what ‘counts’ as knowledge in decision making is a field of literature in itself, a field that is largely premised on the work of Foucault and others in the field of discourse analysis (Foucault, M., 1966, 1969; Foucault, M, 1980). Discourses in a Foucauldian sense view knowledge

as, ‘the product of a series of complementary and conflicting discourses that evolve and mutate over time’ (Baxter, J & Clarke, 2014,p.3). In this discursive field, different forms of knowledge may compete with one another in a space of practice, helping to define and give meaning to its practices, relationships and to claim the authoritative status of truth (and become the accepted and authoritative knowledge about the field (ibid, p. 28). In the ‘mixed culture’ of academy boards where elected parent governors may sit side by side with others who were appointed for their skills, there appears to be something of a conflicted discourse in terms of whose knowledge is most relevant when it comes to decision making.

The role of the CEO and executive team as knowledge managers is well documented in governance literature in terms of public sector governance (Baxter, J., 2016 ; James et al., 2012) and governance in the third sector (Cornforth & Edwards, 1999), but the extent to which this is effective in nested governance structures is yet to be researched. This project has established that due to the complexity of the nested governance structures that the information produced by the executive head teacher may not be as comprehensive as that once produced by heads and SLTs (Senior Leadership Teams), of individual schools.

### 3. Communication (between levels)

Communication between board members, organizations and stakeholders has been explored a great deal within the not for profit literature (see for example:Freiworth, 2014) as well as more widely in the context of the public sector (Bovaird, Van Ryzin, Loeffler, & Parrado, 2015). It was in many ways the cornerstone of the new system of school governance which emerged in 1977 as a result of the Taylor Report (see earlier), and the rationale for having parents, community members and business leaders on school governing bodies (Deem, Brehony, & Heath, 1995). Prior to MATs school boards have almost exclusively been tasked with the governance of a single organisation. Since the advent of MATs and other federated organisations there has been little investigation into how the various layers of governance (see figure 1), communicate with one another.

This research project revealed that the MATs involved in the study were all governed by schemes of delegation resulting in ‘top down’ hierarchical structures (as illustrated in figure one). The documentary analysis revealed that whilst formal schemes of delegation implied two way systems of communication, the interviews revealed that this was by no means a straightforward process in MATs as this school board member reported:

*First of all in terms of the official structures at the moment there is no organised or agreed way for the MAT trust to inform the local governing body about the strategic priorities of the MAT, what they’ve been talking about in their MAT meetings, and there also doesn’t seem to be any established structure for the local governing body to be feeding back up to the MAT about what the issues are in the school. (Academy Committee Member - 2016).*

Some schools were beginning to put certain collaborative mechanisms in place, for example one particular trust was using the same individual to clerk all board and committee meetings within the trust, another had instigated a reporting system whereby trustees regularly considered reports from individual schools. The larger the organisation the more challenging this appeared to be. There was also evidence that trustees were looking to the non-profit sector for ways in which they could harvest data and information from parents throughout the MAT. As this board member reported, “We need to find new ways of getting that [local] knowledge, questionnaires for example: You don’t have that [local knowledge] as a trustee, it’s the overview .....”(MAT Trustee, 2014-North).

#### 4. Conclusion and Implications for practice and research

This research has pointed up a number of key findings in relation to challenges facing MAT boards, these lie in the areas of: Structures, Knowledge, and communication between levels of nested governance. Whilst the three areas are clearly interlinked, it is important to consider each separately too: in terms of structures these appear to evolve depending on the key strategic drivers for each organization. Beginning to investigate how each level functions in relation to the other would by necessity also require investigations of communication systems between each. At this point further research needs to establish which communication systems are implemented and in place via the executive (in the form of management reporting) and which information is made available to each of the nested layers. This would have the capacity to capture more information on exactly what knowledge resources are available to draw upon at each level.

The challenges for these organizations (and for researchers) are only just emerging, in some cases, such as the case cited in section 1, MATs were unfamiliar with the detail of the schools they take on, in such cases, governance has had to be re thought in order to effect school improvement. This raises important questions in terms of what are the strategic drivers for governance structures and processes in MATs? The principles outlined in section 2 of this paper revealed the particular ways in which organizational priorities are being used to drive governance structures and governing activity. It will be important to future research to examine how the school's mission and vision affects governance structures.

The research has also highlighted that some of the areas raised in terms of organizational collaboration, are important in the governance of such structures. These insights – such as for example the views of practitioners on organizational collaboration, cited by Huxham and Vangen, (Huxham & Vangen, 2013), have also been highlighted in this study as being important, particularly: structures, processes, and communication. Future research needs to draw on these rich insights and possibly adapt some of the methodology used in these cases in order to investigate these three important areas and the interrelationships between them.

Multi –level nested governance is challenging area to research, this may be why the literature on it is relatively undeveloped, even in the third sector. Some attempts have been made to research it in the context of healthcare (Alexander, Zuckerman, & Pointer, 1995), and research efforts have indeed intensified since the inception of NHS England (Allen et al., 2012; Halligan & Donaldson, 2001). But challenges of obtaining ethics clearance in the NHS are considerable, particularly in the case of clinical governance, and this research is less developed than one may expect from the sector.

The challenges of researching MATs are not inconsiderable: recent high profile cases of MAT failure and what has been nicknamed 'The football manager' approach to executive headship based on stringent performance standards policed by the inspectorate, and leading to swift removal of heads whose schools fail to 'make the grade', make access very tricky for researchers. Permissions from Executive heads are required in order to gain access to many schools within the same MAT, and where schools (and often the MAT as a whole) are underperforming, researchers are not generally welcomed: these elements have formed the basis of much discussion at a number of recent conferences on governance.

The research also pointed to the need for focused work with individual MATs is needed in order to gain useful insight into how processes of communication and schemes of delegation work in practice. It also indicated that future research may need a broader outlook than research inside of schools. This could be gained by interviewing advisers – National and Local leaders of governance- a team of consultants appointed by the DfE to offer advice and support to school boards and trustees (DfE, 2016b). These external advisers are tasked with a systems approach to governance:

*NLGs are highly effective chairs of governors who use their skills and experience to provide coaching and mentoring support to another chair of governors to improve school and academy performance.*

*You should contact an NLG if you want to improve the leadership and performance of your school's governing body.*

*Examples of deployments:*

*Mentoring of chair and/or members of the school's governing body*

*External reviews of governance (NLGs who have completed National College for Teaching and Leadership (NCTL) training)*

*Chair or membership of an interim executive board*

*chair or leadership role of governing body of school/multi-academy trust where the school has been identified as needing urgent additional governance capacity (DfE, 2016b).*

As nested governance structures are developing in many public organisations, (for example healthcare) they bring new challenges to accountability and operational governance. It is important that these challenges be investigated in order to provide useful insights into the processes, communication systems and knowledge bases of such organizations. As the changes to English education since 2010 are some of the most sweeping and fundamental western democracies it is vital that good practices and barriers to collaboration be captured by research in this area.

## Appendix 01

Case study data collection

| <b>Interviews (MATS)</b>  | <b>Interviews (policy makers and influencers)</b>  | <b>Websites</b>  | <b>Printed data analysis</b>                       | <b>Other</b>      |
|---|--|------------------|--|-------------------|
| MAT 01-South<br>Interview with Chair of trustees (1)  | Interview with local Councillor (1)  | Website analysis | Ofsted most recent reports<br>Scheme of delegation | Mission statement |
| MAT 02-South<br>Interview with Chair of trustees (1)<br>Interview with Trustee (2)<br>Trustee and parent (elected) (2)        |  | Website analysis | Ofsted most recent reports<br>Scheme of delegation | Mission statement |
| MAT 03-North<br>Interview with:<br>Chair of governors<br>Trustees (2)<br>Local Board members (2)<br>Academy board member (1). | Local councillor and member of MAT Trust board (1)<br>Education Officer and Trustee (1).<br>Interview with | Website analysis | Ofsted most recent Reports<br>Scheme of delegation | Mission statement |

| <b>Interviews (MATS)</b>   | <b>Interviews (policy makers and influencers)</b>  | <b>Websites</b>  | <b>Printed data analysis</b>                         | <b>Other</b>      |
|--|--|------------------|--|-------------------|
|  | Trustee (1)  |                  |  |                   |
| <b>MAT 04-North</b><br>Interview with:<br>Academy Committee member (2)<br>Trustee (2)<br>Elected Parent Governor / trustee (2)   | Interview with governance researcher (1).<br>Interview with education adviser (1).   | Website analysis | Ofsted most recent Reports<br>Scheme of delegation   | Mission statement |
| <b>MAT 05-North</b>  | Interview with Head of governance (1).<br>Interview with National Leader of Governance (3).<br>Focus group meeting with support personnel (2). | Website analysis | Ofsted most recent Reports<br>Scheme of delegation   | Mission statement |
| <b>MAT 06 North</b><br>Interview with MAT chair (1)  |  | Website analysis | Ofsted most recent reports<br>Scheme of delegation   | Mission statement |
| <b>MAT 07 North</b><br>Interview with Chair of Trustees (1)<br>Trustee (1)<br>Trustees (2)<br>Trustee and local group rep (1)<br>Trustee and Parent rep (1)<br>Headteachers (1)<br>Business Manager (1)<br>Academy Board member (2). | NA   | Website analysis | Ofsted most recent reports<br>Scheme of delegation.  | Mission Statement |
| <b>MAT 08 North</b>  | NA   | Website analysis | Ofsted most recent reports.<br>Scheme of delegation. | Mission statement |
| <b>MAT 09 North</b>  | NA   | Website analysis | Ofsted most recent reports.                          | Mission statement |

| Interviews (MATS) | Interviews (policy makers and influencers) | Websites | Printed data analysis | Other |
|-------------------|--|----------|-----------------------|-------|
|                   |  |          | Scheme of delegation. |       |

**Principle One – We will do no harm!**

*Too often schools in this country have tolerated poor performance by staff to the detriment of students' education. We will have in place systems of management that identify poorly performing staff at every level in our Academies and the Trust right up to Board level.*

**Principle Two – Make decisions quickly**

*The evidence from educational failure nationally is that too often the difficult decisions have been deferred and have become bogged down in process. We believe in clear systems of delegation that empower people to make decisions that are in the interests of our students without unnecessary delay.*

*With delegated authority comes accountability. We delegate to the Principals of our Academies the responsibilities for running their Academies on a day to day basis within a budget and improvement plan that has been agreed by the Trust. They are accountable through a defined line management system to the Chief Operating Officer. The Chief Operating Officer is accountable to the Operational Board and the Trust Board for ensuring that the Principals are delivering improvements within acceptable timescales.*

**Principle Three – Judge performance on objective criteria**

*Summary reports will be presented at each Board meeting to give a high level measure of progress and share the decisions that have been made to correct any unacceptable variations from an improvement plan. Every Academy within the Trust will use the approved management information systems. Academies and Trust managers will demonstrate how the information has been used to improve performance. The Board will maintain a record of its discussions and any decisions that it makes.*

**Principle Four – Tight control of the purse strings**

*Too many schools in the past have failed to control their spending. We believe that it is necessary to exercise a high degree of central control of budget planning and monitor expenditure closely to avoid problems arising that distract Principals from their primary task of improving the educational performance of their Academies.*

**Principle Five – Check that line management is working**

*Any complex organisation needs to be confident that line managers are fulfilling their responsibilities. Traditional governance arrangements for schools use Governing Bodies to provide this external perspective. In our Multi Academy Trust accountability for the discharge of the duties of a governing body lies with the Trust Board.*

*Local Governing Bodies are established as sub-committees of the Trust Board. They have a vital role to play in monitoring performance.*

**Principle Six – Earned entitlement**

*We start from a position where all of our Academies need to improve. We see tight and decisive management from the centre as necessary if we are to achieve the progress our students deserve.*

*As our Academies are successful and as outstanding Academies join the Trust we will adjust our approach to reflect the changed circumstances. For example an existing outstanding school with a strong financial record and an excellent leadership team may well continue to operate with a Local Governing Body that has full delegated powers from the Trust Board and sets its own targets and budgets with support rather than direction from the Trust.*

*(Board paper, June 2016)*

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