

**THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY**

COMMITTEE *FOR* EDUCATION, SPORT & CULTURE

EDUCATION GOVERNANCE

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Education Governance' dated 25th November 2024, they are of the opinion:-

1. To agree to establish a new Education Governance system in respect of each fully States-funded education setting in Guernsey and Alderney and The Guernsey Institute, to facilitate devolved and delegated governance as described in sections 4 and 5.
2. To amend the Education (Guernsey) Law, 1970 and any relevant associated legislation to give effect to the new Education Governance system from the commencement of the 2025/2026 academic year, or as soon as practicable thereafter.
3. To agree that the Committee *for* Education, Sport & Culture should consult with the States of Alderney in relation to the new Education Governance system as it shall have effect in respect of the fully States-funded education setting (St Anne's School) in Alderney.
4. To agree to establish, by no later than December 2025, and in accordance with Rule 53 of the Rules of Procedure of the States of Deliberation and their Committees, a States' Investigation & Advisory Committee to be known as the Education Devolution & Delegation Investigation & Advisory Committee, whose membership shall be as described in paragraph 4.4.3 and whose mandate shall be as described in paragraph 4.4.5.
5. To instruct the Policy & Resources Committee and the Committee *for* Education, Sport & Culture to each make available the resources necessary for the Education Devolution & Delegation Investigation & Advisory Committee to fulfil its mandate; and, in the event that additional resources are required, to instruct the Policy & Resources Committee to release funds up to £100,000 from the budget reserve.
6. To direct the Education Devolution & Delegation Investigation & Advisory Committee to report back to the States of Deliberation with its findings and recommendations as soon as possible but no later than September 2026.

7. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

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COMMITTEE *FOR* EDUCATION, SPORT & CULTURE

EDUCATION GOVERNANCE

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

25th November, 2024

Dear Sir

1. Executive Summary

1.1. Introduction

- 1.1.1. The Committee *for* Education, Sport & Culture is seeking to create a new legal and operational framework for the governance of the education settings in Guernsey and Alderney that the States of Guernsey is responsible for. This framework will establish structured oversight, clear accountability and increased community involvement in our education settings.
- 1.1.2. In doing so, it recognises that good governance in education ensures better decision-making, the efficient use of resources, and provides robust accountability. Governance can improve leadership, oversight and, ultimately, educational outcomes while giving the community the opportunity for meaningful involvement in their schools. Effective governance is much more than a focus on matters of autonomy, such as HR or financial considerations. It offers mechanisms which allow the voices of those most closely invested in the setting to be heard and to actively contribute to its development.
- 1.1.3. Current arrangements, and the legislation underpinning them, do not meet expectations for education governance in the 21st century. These proposals seek to remedy this, and the changes proposed, and the potential benefits they intend to bring, have been fully explored to ensure they are in the best interests of, and have a positive impact on, outcomes for learners.
- 1.1.4. The Committee has taken time to carefully consider the feedback it has received from a wide range of stakeholders, particularly Headteachers & Principals. In

addition, it has taken into consideration feedback and comments from the debate on its Education Law Review proposals in 2023. It has also piloted a model of governance and had regard to governance structures in other jurisdictions and research on the benefits of those systems for learners. The Committee has also reviewed the recommendations of the Reviews undertaken by Mr Denis Mulkerrin in 2012, to ensure, where relevant and appropriate, its proposals are aligned with those recommendations.

- 1.1.5. These proposals create a vehicle that will deliver, fit-for-purpose legislation for education governance structures and will also provide a framework to support devolution, aiming to provide greater levels of autonomy for education settings and their governance boards. The proposals introduce legislative changes that are future-proofed so that they can respond to variations both to the governance structure and the level of delegation and devolution available for education settings.
- 1.1.6. The proposals also recognise that education governance systems elsewhere have adapted and evolved over long periods of time to ensure they meet the needs of an ever-changing education landscape, and that changes should be introduced at a pace that is sensible and does not risk disrupting the delivery of education. This is particularly important in the local context, given the extent to which the islands rely on the resourcefulness of islanders who have journeyed through the States education system, to secure the future prosperity of the islands and to maintain the sense of community the islands' pride themselves on, which is engendered in their formative years.
- 1.1.7. The Committee has arrived at its proposals following significant consultation and has itself undertaken training and development to understand what good governance looks like, and how impactful and effective governance can be in the local context. The proposals build on the successful pilot of Interim Governance Boards which the Committee has introduced across all education settings¹. It is noteworthy that a recent survey of senior leaders in the States' education system showed that 96% of respondents agree that the Interim Governance Model has provided an important and valuable foundation from which to transition to the proposed new structure for governance.
- 1.1.8. The Committee acknowledges this Policy Letter is a comprehensive and in-depth document but feels the level of detail included is necessary to support understanding of the complexities of this area and provide clear instructions for the drafting of the legislative changes it is proposing. This Executive Summary seeks to assist readers by providing a high-level overview of the Committee's objectives and proposals.

¹ Since the Interim Governance Model was introduced, 129 governance meetings have taken place across the Islands' 20 education settings.

1.2. Governance boards

- 1.2.1. For many years, School Committees have provided some oversight and support for schools, and the Committee *for* Education, Sport & Culture recognises and is grateful for the dedication and commitment of School Committee members past and present. However, current legislation does not provide for School Committees for every education setting and their mandate is limited. Via consultation with School Committees many of their members, some of whom have now joined the Committee's Interim Governance Boards as Community Representatives, have welcomed the more comprehensive approach to governance that these proposals will bring.
- 1.2.2. The Committee proposes the formal establishment of governance boards for each fully States-funded education setting in Guernsey and Alderney. To create a clear distinction between strategic policy development and oversight and operational delivery, it is proposed the boards will comprise representatives of the school community and the local and parent community who will support and challenge the Headteacher/Principal to secure the best outcomes for leaders.
- 1.2.3. It is proposed that this is achieved by amending the current Education Law so that School Committees are replaced with governance boards for each fully States-funded school, the Sixth Form Centre and The Guernsey Institute during the 2025/26 academic year.
- 1.2.4. By establishing new governance boards which have clearly defined responsibilities, the Committee aims to enhance accountability, improve educational outcomes and reflect the most relevant elements of governance practice that is successful in other jurisdictions (see paragraph 4.2.17.)
- 1.2.5. A previous lack of political distance from operations in education has persistently been raised as an inadequacy of the current education system. These proposals seek to create more appropriate political distance between the Committee and its operational education settings, and it is for this reason the Committee proposes that governance boards have no political members. There will be formal reporting mechanisms whereby the Committee is able to receive information from governance board Chairs that will inform strategic policy development, and to ensure its policy direction is given effect at an operational level.
- 1.2.6. Governance boards will comprise of leaders from the setting, other staff and parent/student governors. In addition, community or, in the case of post-16 settings, employer governors will be part of the boards. All governors will have roles overseeing the overall quality of education, the use of resources and matters relating to safeguarding and the wellbeing of learners and staff. A

“clustered Chair” model will support collaboration across boards and improve resource efficiency.

- 1.2.7. Diverse representation within governance boards will ensure they reflect the interests of students, staff, and the broader community. This multi-level governance structure will allow boards to address both strategic and operational needs effectively, providing a well-rounded perspective in decision-making.

1.3. Mandatory training and support for governors

- 1.3.1. Effective governance requires informed and capable governors. Structured training, some of which will be mandatory, will ensure that governors possess and maintain the knowledge and skills necessary to fulfil their responsibilities, promoting high and consistent standards of governance across all education settings.
- 1.3.2. As part of the development of the governance boards, an Education Governance Handbook will be published and reviewed annually. This will provide guidance on roles, responsibilities, and best practice. This will support consistent, informed practice across boards, facilitating cohesive approaches to governance and continuous system-wide improvement.

1.4. Establishment of an Investigation & Advisory Committee

- 1.4.1. The Committee recognises the States of Deliberation's principle of subsidiarity² and intends that its proposal will echo this principle and provide a framework to formalise the delegation and devolution that exists today, and which will be expanded via these proposals. The Committee believes that it is important to explore opportunities for further devolution and delegation to the leadership teams of the fully States-funded education settings (schools, the Sixth Form Centre and The Guernsey Institute) and their governance boards.
- 1.4.2. The Committee also recognises that the services provided by the States of Guernsey in connection with the operation of its education settings; and which are where greater autonomy could be provided to front-line education leaders and governance boards, fall under the mandates of both the Policy & Resources Committee and the Committee *for* Education, Sport & Culture. The Policy & Resources Committee operates a ‘hub and spoke’ delivery model for Corporate Services such as HR, IT, Procurement and property/facilities management. The Committee *for* Education, Sport & Culture also supports education settings

² [The Rules of Procedure of the States of Deliberation and their Committees](#) - General Principles:

“Generally the principle of subsidiarity should apply: as far as possible matters ought to be handled by the smallest, lowest or least centralised competent authority.”

through and the Education Office, with increasing levels of autonomy provided to education settings leaders over recent years.

- 1.4.3. The Committee is proposing the establishment of an Investigation & Advisory Committee to assess the further delegation of responsibilities and devolution of resources to governance boards, including a cost benefit analysis. The Investigation & Advisory Committee, which is a time-limited body, will report back to the States by September 2026, with recommendations relating to devolution and delegation in respect of the services provided to education settings by Corporate Services (under the mandate of the Policy & Resources Committee) and Education Services (under the mandate of the Committee *for* Education, Sport & Culture).
 - 1.4.4. It is proposed that the Investigation & Advisory Committee's Chair will be elected by the States, along with two additional members who will work alongside the President of the Committee *for* Education, Sport & Culture, the Policy & Resources Committee's lead member for Corporate Services, and up to two non-voting members.
 - 1.4.5. The Committee expects the composition of the Investigation & Advisory Committee will help to build consensus and ensure that steps toward further autonomy are deliberate, research-based, and align with broader educational and States of Guernsey goals. It also recognises the value of the objectivity that an Investigation & Advisory Committee will bring to this complex area of policy development, given its wider implications for the States of Guernsey's operational delivery model.
- 1.5. **A phased approach to devolution**
- 1.5.1. These proposals allow for a legislative framework that will support a phased approach to devolution informed by the recommendations of the Investigation & Advisory Committee and will build on the autonomy that exists today. A significant proportion of our education settings leaders have confirmed that they are supportive of this phased, evidence-informed approach and would welcome engagement with the Investigation & Advisory Committee in the course of its work.
 - 1.5.2. The approach recommended also allows for a manageable transition for the education system and for new governors, enabling governance boards to establish their foundations and enabling their members to develop and hone their governance skills before any additional responsibilities are added.

1.6. Legal and procedural safeguards

- 1.6.1. As has been the case with members of the Interim Governance Boards, it is proposed that future governors will be subject to appropriate safeguarding checks before taking office. It is also proposed that the legislation introduces 'step-in' provisions enabling the Committee to act where a governing board, or one of its members, is evidenced to be underperforming or acting contrary to the best interests of learners.
- 1.6.2. These safeguards will ensure that education governance aligns with public sector standards, maintaining integrity and protecting educational outcomes. The fact that they do not feature today is a significant and serious weakness of the current legislation and further evidence of the need for change.

1.7. Conclusion

- 1.7.1. The Committee proposes two key developments for education governance: the formal creation of education governance boards provided for, and supported by, an appropriate and future-proofed legislative framework; and the establishment of an Investigation & Advisory Committee as a vehicle to explore further devolution of Corporate and Education Services to education setting leaders and their governance boards.
- 1.7.2. The formalised establishment of education governance boards will bring major improvements to the oversight of education in Guernsey and Alderney, which in turn will aim to improve educational outcomes, through better supporting leadership teams in all settings.
- 1.7.3. The new governance boards will build on the success of the Interim Governance Boards – a Committee policy initiative which has been welcomed by settings leaders and their communities and which is already demonstrating clear benefits – and will oversee each fully States-funded school, the Sixth Form Centre and The Guernsey Institute,
- 1.7.4. A temporary Investigation & Advisory Committee, will evaluate whether more autonomy could improve education outcomes. Made up of experienced representatives from the States of Deliberation and up to two non-voting members, this Committee will report its recommendations by September 2026, and will work with key stakeholders, including the new governance boards, in the intervening period.
- 1.7.5. This staged approach will ensure that each step is carefully considered and driven by what works best for students, staff, and the broader education system and that changes are made at a pace that does not risk destabilising the States' education system. It will allow each step to be considered and reviewed against

tangible benefits for learners. At the same time, mandatory training for all governors and legal measures to ensure accountability will generally improve governance, which in turn will improve learner outcomes.

- 1.7.6. Together, these changes aim to build a stronger, more transparent and accountable education system that can adapt to the evolving needs of learners and the community.

2. An introduction to education governance

2.1. The core principles of education governance

Summary:

- *Effective governance is important for all public institutions, including individual education providers. Internationally, failures of governance are repeatedly cited as erosive to public confidence and outcomes for service-users; whether in education or more widely across the public sector.*
- *Governing effectively can be complex and should reflect the needs of the local context as well as the key principles of good governance.*
- *External education inspection or quality assurance processes often link the effectiveness of governance to the effectiveness and impact of leadership and consequent outcomes for learners.*
- *Good governance relies on a collective of people with a range of skills, knowledge, experience and perspectives which can be used to both challenge and support leaders.*
- *The Committee has sought to learn from a variety of education governance models including, but not limited to, England.*

2.1.1. The [International Framework: Good Governance in the Public Sector](#) tells us that good governance in the public sector encourages better informed and longer-term decision making, as well as the efficient use of resources. It strengthens accountability for the stewardship of those resources. Good governance is characterised by robust scrutiny, which places important pressures on improving public sector performance and tackling corruption. Good governance can improve organisational leadership, management, and oversight, resulting in more effective interventions and, ultimately, better outcomes. People's lives are thereby improved by effective governance.

2.1.2. In the specific context of Guernsey and Alderney's public sector services, high standards of governance are critical in providing assurance to the community that taxpayers' monies are being used to the best effect and that the services that they rely on are fit for purpose and appropriately delivered. Internationally, a failure to provide appropriate standards of governance is repeatedly stated as being the root cause of the serious organisational failure of key public sector and corporate institutions, leading to public frustration and mistrust. Guernsey has experience of this, resulting in an external review and the States subsequently adopting the six principles of good governance to try to rebuild public trust in Government³.

³ [Call for Guernsey States to embrace good governance - BBC News](#)

- 2.1.3. In England's education sector there have also been examples of failures of governance that have garnered public interest and where a lack of appropriate and rigorous governance (including inadequate understanding of the value and purpose of good governance) has resulted in a failure of an education system and/or the inefficient or questionable use of public resources. Examples of the above include the recently well-reported Schools Company scandal⁴, as well as that of the Lilac Sky Schools Trust⁵. It is typical, in the case of inadequate schools or colleges inspected by Ofsted across England, for specific reference to be made in inspection reports to poor governance at an individual setting level.
- 2.1.4. More widely, inadequate governance arrangements have led to public concern in organisations beyond frontline education delivery. Inadequate governance has been repeatedly reported as being a contributing factor to scandals in the UK relating to the charity and private sector; examples include Kids Company⁶, the Post Office⁷ and Carillion⁸.
- 2.1.5. When considering governance in the context of underperforming schools, education settings (including post-16 providers) and wider education systems, the following characteristics are often noted: a lack of accountability at leadership level; little clarity around what constitutes success in the context of the setting, its wider context and its direct community; inefficient practice and the misuse of resources; geographic or socioeconomic disparity in terms of opportunities and outcomes; a failure to meet the needs of specific types of learner; an absence of long-term vision and weak execution of key policies and procedures; a disconnect between leaders and those most affected by policy decisions including learners, staff and families. In addition, research undertaken by Ofsted in 2002 and Scanlon et al in 1999 indicated an association between the quality of governance and overall improvement in schools, noting the strong link between judgments of overall school effectiveness and the quality of governance.
- 2.1.6. The relationship between 'government' and 'governance' is inextricable. Government is a vehicle for decision-making on behalf of the electorate. Government provides the formal mechanism and structure for political decision-making; in this way government can be viewed as the 'who' and 'what' of authority over a nation or community. Characteristics of governments include accountability to the electorate, informed and transparent decision-making and a focus on policy priorities with democratically elected politicians acting in clearly defined public roles. By comparison, governance can be seen as a process which provides scrutiny about 'how' organisations or initiatives operate. Governance

⁴ ['Vulnerable' children left at risk by Schools Company Trust - BBC News](#)

⁵ [ESFA investigation outcome report: Lilac Sky Schools Trust](#)

⁶ [Kids Company was mismanaged, Charity Commission finds - BBC News](#)

⁷ [British Post Office scandal - Wikipedia](#)

⁸ [Carillion - Wikipedia](#)

aims to seek assurance about the quality of strategic decision-making at service delivery level and is characterised by the provision of both challenge and support from a collective body that is expected to act in the best interests of the specific organisation and/or the stakeholders that the organisation serves.

- 2.1.7. Robust and skilled governance in education provides for strengthened, more informed and more effective medium and long-term decision-making in organisations. It improves the accountability of leaders and ensures that resources are used efficiently and to their greatest impact. Good governance provides informed and objective scrutiny that both supports and challenges leaders to improve their performance and, in so doing, improves the performance of their organisations. In the context of education, effective governance is primarily designed to monitor and improve the quality of organisational leadership to secure the best learning opportunities, interventions and experiences for all learners, leading to strong educational outcomes.
- 2.1.8. Crucially, good governance in education relies on the skills, experience and knowledge of a collective group of people, the board of governors, who are able to build and maintain professional and rigorously curious relationships with frontline education leaders and their staff. These individuals are expected to form a cohesive unit which acts objectively but together in the best interests of those most affected by the day-to-day experiences of the school or setting: learners, staff and the direct community that the setting serves. By providing regular and formal opportunities for frontline leaders to reflect on, be challenged about and, where necessary, justify the decisions that they make, a governance board allows the space for education leaders to benefit from a range of strategic perspectives and complementary skill-sets.
- 2.1.9. Across the public sector in Guernsey approaches to governance vary, according to the specific needs and requirements of individual sectors. For example, for the Secondary Healthcare Contract (between the Committee for Health & Social Care and the Medical Specialist Group) a Single Clinical Governance Group exists to provide support and challenge, and to intervene in aspects such as complaints. It is typical for governance approaches to evolve over time to meet the changing needs and priorities of government and the services that are provided.
- 2.1.10. The Committee has reflected on the approaches to governance taken in other jurisdictions as part of its policy development. It has recognised that, whilst the key principles of good governance underpin the aspirations of many different countries and education systems, the implementation of governance itself (or the way that governance takes place, including the size and constitution of governance boards) varies and is adapted to meet the particular needs of different jurisdictions. The Committee has taken note of this requirement for contextual variation in its development of proposals for replacement legislation

and in the content of the governance model that it recommends to the Assembly and has developed proposals that are suited to our unique context.

- 2.1.11. The Committee also recognises that previous debate and discourse around models of governance has largely focused on practice familiar across the British Isles with, in relation to matters of school autonomy especially, a particular focus on England. However, the Committee has not limited its consideration of education governance only to practice in England. It has actively sought to understand approaches used in other jurisdictions including the Crown Dependencies and across the international landscape. When developing a model of governance that meets the needs of our small islands, the Committee has taken particular pains to explore both the benefits and the challenges of education governance practice in England and elsewhere.
- 2.1.12. Notwithstanding the above, the Committee recognises that education governance practice in England is a commonly used reference point for members of the Assembly who have specific or strong views about the best way of governing the States of Guernsey's education providers. For this reason, the Committee has taken care to fully understand the evolution of education governance practice in England to date as there is a long history of governance development over time. For example, schools and colleges in England and across the UK have for many years typically received support from their own individual governance boards, the structures, constitution and responsibilities of which have evolved significantly over the past century. In England, this has ranged from the largely parish driven or religious foundation-based governance structures of the early 1900s, that tended to have a narrow focus on matters most particular to their period in history, to the more corporate 'hub and spoke' models of governance increasingly evident in large English multi-academy trusts. It is notable that the journey from the models of governance across schools in years past to those in place today has, in all neighbouring jurisdictions, developed over time and according to changing educational and political ideologies.
- 2.1.13. The OECD identifies that just as 21st century life has become increasingly complex, so too has education delivery. The governance of complex systems requires that delivery models both respond to local context *and* meet government's national (or island-wide) objectives⁹. Therefore, the design of any governance model, and the legislation that provides for such, must account for the characteristics of the education system as it exists today whilst simultaneously allowing for significant flexibility so that changes both to the education system and the requirements of government can be accommodated. This is particularly important where any amendments to legislation are likely to be in place for an extended period, as has been the case for the elements of Guernsey's 1970 Education Law that refer to the governance of schools. This has

⁹ [Governing Education in a Complex World | READ online \(oecd-ilibrary.org\)](https://www.oecd-ilibrary.org/governance/governing-education-in-a-complex-world/9951232x)

been a key consideration for the Committee within its policy development on education governance. Accordingly, the Committee is submitting proposals for genuinely permissive and flexible legislation as a foundation for modern education governance for Guernsey and Alderney that can be adapted, where needed, to reflect the evolving landscape across the islands in the decades to come.

2.2. Governance in neighbouring jurisdictions

Summary:

- *Education governance usually operates at a range of levels: 'national' (or island-wide) government level; at the level of the 'middle tier'; and at a local level.*
- *There are a range of different education governance models in place across the British Isles and Europe but they each have some common features in terms of their drive to provide representation from a range of stakeholders. This is especially important at the 'local' level.*
- *In most jurisdictions, education governance models have evolved over a very long period and continue to evolve in response to the needs of dynamic education systems.*
- *Some governance models have been specifically developed to allow for the greater devolution and delegation of previously centrally-held government resources, and have devolved specific responsibilities and accountabilities to voluntary governance boards.*
- *Research indicates that the link between greater levels of autonomy and improved educational outcomes is not conclusive.*
- *Higher degrees of autonomy are often a feature of competitive or 'free market' approaches to an education system. The fully States-funded education system in Guernsey and Alderney does not operate a 'free market' approach to education.*

- 2.2.1. Delivery models for education governance systems vary. Jurisdictions including England, Wales, Northern Ireland and Guernsey's grant-aided colleges operate similar systems of school governance through individual governing bodies (or boards) to oversee monitor and challenge provision for each education setting. Similarly, the further and higher education sector in neighbouring jurisdictions also uses governance board structures in the same way. In most cases, governance is delivered via separate governing boards for individual settings and through, in the case of larger academy trusts, the addition of Trust Boards who synthesise feedback from the local governing bodies that are part of their 'clustered' model of delivery and often oversee their provision of centralised or 'back-office/enabling' services for the settings across their trusts. In each of

these cases, the core purpose of the governing board/body is to provide strategic support and objective challenge to leaders with a view to improving overall outcomes for learners.

- 2.2.2. Beyond the central purpose of all governance boards in education noted above, over time some jurisdictions have also chosen to use their education governance structures to provide oversight and assurance around the use of educational resources, which might previously have been 'held' at local or national government level. Where resources, funded by the taxpayer, have been delegated to a frontline education provider it is important that there are mechanisms in place to monitor the use of these resources. Similarly, additional resources that are delegated to an organisation allow leaders a level of autonomy that requires appropriate oversight to protect both the individual leader and the system of devolution or delegation.
- 2.2.3. The degree of autonomy that the leaders of education settings have, and the responsibilities and resources delegated to education providers, varies from country to country. In England, Wales and Northern Ireland, governors have similar roles and responsibilities but there are differences in governance structures and representation on governance boards. Schools and college providers in England typically have greater autonomy around matters relating to their overall budget and 'back-office' functions, such as HR and employment issues, and site management etc. than in other jurisdictions. In considering an appropriate system of governance locally it is important to note that there is no 'one size fits all' model or solution that can be directly applied from another jurisdiction, and any new model must be appropriate to the context.
- 2.2.4. Over the past forty years and when debating education systems across the British Isles, much has been made of a perceived link between greater autonomy and improved academic outcomes or educational experiences. Indeed, the original premise of the academisation agenda in England (which started with the introduction of 'standalone' single academy schools) was largely predicated on the principle that by giving Headteachers/Principals more autonomy, albeit with those freedoms overseen by accountable local governing bodies, overall educational standards would rise¹⁰.
- 2.2.5. Interestingly, more recent international observations of the relationship between systems of greater autonomy and overall standards of education suggest that an assumption that autonomy leads to improvement is not conclusive. This includes evidence produced by the Shanker Institute relating to the highly autonomous Charter School system in the United States¹¹ which

¹⁰ [The impact of academies on educational outcomes - The Education Policy Institute](#) / [Unexpected school reform: Academisation of primary schools in England](#)

¹¹ [The Evidence on Charter Schools and Test Scores | Shanker Institute](#)

indicates that any academic gains noted are modest at best. Similarly, in England, whilst the number of schools with academy status has grown exponentially under government direction (either through the converter/early adopter approach or as a consequence of sponsored direction following concerns around standards) evidence that directly links academy autonomy to improved outcomes remains mixed. When the performance of ‘types’ of school – academy schools versus local authority maintained/community schools – is compared, there remains little substantial difference in performance.

2.2.6. This fact was specifically recognised ten years ago where Ofsted raised concerns about the variation in standards and outcomes across academies (especially individual standalone academies who had the greatest level of autonomy) and, at least in part, triggered the greater development of school partnership/multi-academy trust arrangements which sought to provide a more consistent framework of pedagogical, curriculum and operational policy for groups of schools than the original individual academy system had introduced. The development and extension of the multi-academy trust model, rather than the individual standalone academy, is currently England’s Department for Education’s (DfE) preferred education delivery model. Increasingly, education research indicates that it is factors relating to a learner’s socioeconomic background (including where they live) that are more likely to have an impact on their educational outcomes than whether the setting they attend is more or less autonomous¹².

2.2.7. It is important to note that a system that provides a greater level of autonomy for individual schools or colleges usually relies on a landscape of parental/student choice. This creates a competitive or ‘free market’ approach across a local area and, as noted in paragraphs 3.2.4 and 3.2.4, requires a significant degree of both financial and infrastructural flexibility across a local area. Freedom of choice is sometimes cited as being important in terms of producing ‘better’ educational outcomes for individuals and is often appealing for parents of school-aged learners in that it gives them ‘permission to pick’ from a range of possible providers. Consequently, parental choice models require an environment where the scale of the educational infrastructure offers a varied enough offer for choice to be a genuine option. However, even where the scale of a local education system or country is sizeable enough to provide genuine choice (as opposed to a strictly catchment-led system) international research disputes that freedom of choice directly improves educational outcomes for all. For example, researchers in Chile¹³ and Sweden¹⁴, following the introduction of systems of greater parental choice and educational competition, found that they

¹² [The UK Education system preserves inequality / Ethnic, socio-economic and sex inequalities in educational achievement at age 16 by Professor Steve Strand](#)

¹³ [The effects of generalized school choice on achievement and stratification: Evidence from Chile’s voucher program](#)

¹⁴ [Replicating Swedish ‘free school’ reforms in England](#)

were unable to evidence that school choice improved average academic outcomes and concluded that the educational advantages of school competition are too small to persist into long-term gains.

- 2.2.8. In summary, whilst some research in education evidences that greater autonomy in an individual school can sometimes result in improved standards in that specific school, outcomes across an education system consisting of more than one organisation are unlikely to immediately improve simply as a consequence of greater autonomy. This is because research suggests that the benefit of improvement in one setting can be at the detriment of outcomes in other settings across the system, whether through a decline in pupil numbers or as a consequence of changes to a school's demographic. International learning around matters relating to autonomous education systems and parental choice further suggest that children from poorer families are more likely to be adversely affected by a shift to a position of greater autonomy or a national landscape of school competition, whilst children from wealthier families are more likely to be the beneficiaries of this change to the educational landscape.
- 2.2.9. It is important to note that, regardless of the varying degrees of autonomy which are in place across, and within, different jurisdictions, all neighbouring jurisdictions continue to maintain structures which provide governance at the level of the setting, as well as a strategic local and national (island-wide) government level. Typically, a range of 'layers' of governance are in place and usually evolve over time¹⁵. In addition, all neighbouring jurisdictions provide, via their local or national government functions, services and resources related to key areas 1 and 2, as noted in paragraph 2.3.1 below.

2.3. The current education governance context in Guernsey and Alderney

Summary:

- *There are a number of similarities between the way that the fully States-funded education system operates from the Education Office and the multi-academy trust system that operates for some schools in England.*
- *The quality of an education system relies on both 'educational' and 'non-educational' support systems.*
- *'Non-educational' support is provided to the fully States-funded education system by the Policy & Resources Committee's hub and spoke Corporate Services operating model. 'Educational' support is provided by the Education Office.*
- *The Committee has prioritised the strengthening of education governance as part of its Education Strategy. This has included the introduction of an interim governance policy designed to improve governance practice across the fully*

¹⁵ [Academy Commissioners: Blooming Flowers to Ballooning Bureaucracy](#)

States-funded sector, pending the introduction of a new and updated legislative framework.

- *Sections of the existing Education Law which deal with governance structures for the fully States-funded education system are outdated and not sufficiently wide-ranging. This means that, as currently drafted, the existing Law no longer reflects the governance requirements of a modern education system.*

2.3.1. With regard to the local education system, the government (The States of Guernsey) delegates its mandate for the oversight and policy direction for education to its Committee for Education, Sport & Culture. This Committee is responsible for developing strategic education policy direction and for maintaining ultimate oversight of all matters relating to the direct delivery of education across the islands. To fulfil this mandate, the Committee is supported by a civil service structure which is responsible to the Committee for three key areas:

1. The strategic implementation of its desired education policy position, including the direction of travel for the whole education system and related providers across the islands and all required 'national' government expectations and guidance relating to education including grants to the third sector, for example the Youth and Sports Commissions, and private education providers, including the Grant-Aided Colleges.
2. The provision of a range of education support or opportunity services, including those related to the funding of Higher Education grants, Careers and lifelong learning, Music Services and other specific services offering assessment, advice and support to children and families with additional learning needs (previously special educational needs) and disabilities or wider vulnerabilities.
3. The operational delivery and oversight of a multi-site delivery system of nineteen fully States-funded education settings and the operation of an integrated post-16 further, higher and professional education provider. This 'frontline' education delivery system, which provides education for more than 7,000 learners per day and includes more than 1,000 learner-facing teaching, lecturing and support staff, is directly governed by the Committee with the support of a team of senior educationalists from the Committee's Education Office.

2.3.2. Many similarities can be drawn between the mechanisms supporting the operational delivery of fully States-funded education in Guernsey and those which exist across medium/large multi-academy trusts in England. This is because most multi-academy trusts use a central leadership structure (as per the Committee's Education Office leadership team) to provide monitoring, support

and challenge functions and because they usually provide some degree of local policy guidance for their leaders to interpret as best fits the needs of their settings. In addition, leaders (commonly known as Chief Executives) of multi-academy trusts can pool budgets across their schools, allowing them to benefit from procurement efficiency measures and/or to redistribute funds across the trust to account for differences in individual school needs and profiles. The actions taken by multi-academy trusts are, in turn, governed at a national government level through both the Education and Skills Funding Agency (ESFA) and the Regional Schools Commissioners' offices, which are accountable to the DfE and its ministers.

- 2.3.3. There are, however, two significant differences between the fully States-funded system in Guernsey and Alderney and the multi-academy trust model in England. The first is that, beyond the operational delivery and oversight functions typical of a multi-academy trust (albeit that Guernsey's delivery model also includes further and higher education provision), the Education Office also provides strategic island-wide (national) policy direction across the whole education system, according to the direction set by its elected Committee. The second notable difference is that critical enabling functions or services which are there to support the successful operations of settings are delivered differently in Guernsey. Typically, for example, larger multi-academy trusts will operate their own 'back-office' services, such as Finance, Human Resources etc. or will pool resources to purchase these services from independent providers.
- 2.3.4. It is recognised that the efficacy and impact of any education organisation is also closely tied to the quality of its back-office functions which, although important, are 'non-educational' in nature. Matters relating to education pay, recruitment, retention, finance, IT, communications, procurement and site maintenance and development are not within the mandate of the Committee *for* Education, Sport & Culture. These services are delivered as part of the States of Guernsey Corporate Services operating model and, as such, are shaped and overseen by the Policy & Resources Committee. This arrangement means that the responsibility for evaluating the quality of these services with regard to the needs of schools and The Guernsey Institute, lies with the Policy & Resources Committee and not the Committee *for* Education, Sport & Culture; as does the ability to adapt or vary the way that such services are delivered and governed.
- 2.3.5. The Committee's senior educationalists provide line management, training and challenge to education settings and leaders and facilitate strategic and policy compliance with the island-wide expectations for education in Guernsey and Alderney, according to the requirements and strategic direction provided by elected members. As part of its Education Strategy, and as an important part of its mandate, the Committee has prioritised the strengthening of governance mechanisms for all education settings this political term and, as its first step, has introduced and established an interim governance policy. This approach

provides regular and formal governance meetings for each education setting, including The Guernsey Institute.

- 2.3.6. The Committee's interim governance policy, which has now been in place for more than two years, has been designed to support a transition to a new model of education governance which will provide for greater stakeholder representation on all education governance boards and which the Committee, by way of this Policy Letter, proposes should be established in new legislation.
- 2.3.7. The Committee's interim approach to education governance requires Committee members to each attend three extended meetings per academic year per allocated school(s) and The Guernsey Institute, alongside appropriate officers, to provide focused governance support and challenge to education leaders. Committee members are currently allocated as individual 'governors' on the Interim Governance Boards. These interim governance meetings are in addition to the Committee's other responsibilities relating to its mandate and to other 'ad hoc' meetings that take place with leaders from across the education system.
- 2.3.8. Interim governance meetings explore a wide range of areas relating to the quality of education that the setting is providing including (but not limited to); the overall quality of education and leadership at the setting; curriculum and pedagogy; safeguarding, behaviour, attendance and well-being matters for learners, staff and the community; the use of resources (including finances and staffing) across the setting; the quality of strategic planning and self-evaluation; the ethos and vision of leaders; outcomes for all learners (including, but not limited to, academic outcomes); how effectively the setting engages with its stakeholders; and the impact of feedback from external advice provided to the setting, including that provided from the Education Office and external inspections.
- 2.3.9. The interim governance model has provided a powerful opportunity for the Committee to 'pilot' a governance approach for all fully States-funded education settings. It has, for the first time in the history of the fully States-funded education system available to all learners in Guernsey, offered a holistic, consistent and formal mechanism of robust and meaningful governance where individual education leaders are jointly held to account, and directly supported, by a group of States Members and educationalists, assuming the role of governors on an interim basis. The interim governance model requires frontline education leaders to provide comprehensive information about their organisations to enable scrutiny of their decisions and the outcome of these decisions on their learners. Feedback from these meetings has repeatedly highlighted the value that leaders place on the opportunity to explore and reflect on matters relating to their organisations with a group of people who can provide appropriate and informed challenge and support and output has demonstrated evidence of improvements that have positively impacted learners. The interim

governance model has also provided the Committee with critical feedback about how best to evolve governance for the future so that it continues to drive improvement across the education system, whilst maintaining the integrity of government responsibilities for overall policy direction of the education system.

2.3.10. The Committee has recently chosen to extend the reach of the interim governance model so that it can provide a temporary solution for the provision of governance boards that more closely reflect the profile of the most important members of any education organisation: its local community; its staff; and its student/parent/carer/employer communities. In so doing, the Committee expects to provide a sensible platform for the future governance model that these policy proposals will deliver. This is a logical next step to transitioning into a new, and higher quality, governance future for education in Guernsey and Alderney. The level of interest in joining these boards from within the communities in Guernsey and Alderney has been very positive, and the Committee has been hugely impressed with the quality and calibre of applicants, and appointments of Community Representatives have been made as a result. This provides assurance to the Committee that more widely representative governance models, as seen elsewhere, are appropriate and achievable for the islands' education system. The interim governance model implemented by the Committee has provided a 'proof of concept' learning opportunity for the Committee, settings leaders and for the education system as a whole.

2.3.11. The current Education Law (dating from 1970 but with much of its content dating from the early 1900s) provides limited legal guidance around the governance of education settings overall. However, section 6¹⁶ of the existing Education Law does provide for Primary and Secondary School Committees, albeit now with a strictly limited mandate, given changes to the States of Guernsey's operating model over time. There is: no requirement for School Committee members to be trained to carry out their roles; no ability to intervene on occasions of concern; no limitation on the overall length of service; and no requirement for screening that is considered a key element of safeguarding. School Committees are required to report to the political Committee as per the current Ordinance. The powers and duties identified in the Education (School Committees) (Guernsey) Ordinance, 1970 (as amended) extend to:

- preparation of a budget*;
- building maintenance excluding capital works*;
- heating, lighting and cleaning of a school*;
- periodic inspection of premises, furniture and equipment; and
- the reporting of any major repair requirements* and of any apparent irregularities in the discipline or conduct of the school.

¹⁶ [Education \(Guernsey\) Law, 1970 \(Consolidated text\)](#)

*With regard to these legal responsibilities, School Committees have experienced increasingly diminished responsibilities and accountabilities over time as a result of the centralisation of ‘back-office’ or ‘enabling’ corporate services which constitute the agreed operating model of the civil service, and which include, inter alia, Finance, HR and the States Property Unit which are now overseen by the Policy & Resources Committee and operate under a ‘hub and spoke’ model.

2.3.12. School Committee members, other than those who are members of the Committee *for* Education, Sport & Culture, are elected from the local community via Parish-administered processes and serve on each of the School Committees alongside a member of the Committee *for* Education, Sport & Culture. In the existing Education Law, whilst a School Committee member’s term of office is limited to a period of three years¹⁷, there are no limitations on the number of consecutive terms of office that School Committee members can serve. Nor are there any powers of intervention available for government to enact should there be a need, in the event of any serious concerns about the conduct or impact of the School Committee or any members thereof, to step in or intervene. Existing legislation does not require School Committee members to attend training for their roles nor to be subject to screening activity designed to safeguard learners, as is routinely the case for staff and other volunteers who support education settings.

2.3.13. Current legislation referring to School Committees applies only to primary and secondary schools, with no existing legal provisions for the governance of schools with an ‘all-through’ age-range or for any setting that provides education to learners in post-16 learning or to the higher education or adult learning population. This means that some education settings in Guernsey do not currently have and, for some, never have had, the governance support of a School Committee, albeit such support is limited in nature as a result of current legislation.

2.3.14. Limited variations are set out in legislation for the School Committees of voluntary schools (namely St Mary & St Michael Catholic Primary School and Notre Dame du Rosaire Primary School). This requires that not less than two-thirds of the members of the School Committee should be foundation managers. Locally, foundation managers are appointed by the Bishop for the purpose of securing, so far as practicable, that the character of the school as a voluntary school is preserved and developed and, in particular, that the school is conducted in accordance with the provisions of any trust instrument in place. Readers are reminded that unlike other fully States-funded schools, the premises from which these two schools operate are owned by the Church and not the States of Guernsey.

¹⁷ Section 11 [Education \(Schools Committees\) \(Guernsey\) Ordinance, 1970](#)

3. The case for change

3.1. Current legislation and its limitations

Summary:

- *Governance arrangements as they exist in the current Education legislation are narrow in focus, are not provided consistently for all fully States-funded education settings and are not flexible enough to adapt to the changing needs and profile of Guernsey and Alderney's education system.*
- *The existing legislation does not provide a formal governance structure for post-16, vocational, technical or adult learning.*
- *The existing legislation does not easily reflect the general principle of subsidiarity that lies at the heart of government practice in Guernsey and Alderney.*

3.1.1. The current approach to governance, whereby the Committee itself carries governance responsibility for each and every individual fully States-funded education setting in Guernsey and Alderney and where only some, but not all, education settings have access to a limited form of governance via the School Committee model is unsatisfactory. This arrangement, beyond its practical limitations when considered against the complex strategic mandate of the Committee, does not easily apply to the presumption of subsidiarity that, as described as a general principle in the Rules of Procedure of the States of Deliberation and Their Committees¹⁸, underpins decision-making across the States. Moreover, successive Committees, education leaders and the wider community have recognised this position to be highly sub-optimal.

3.1.2. Current education legislation does not provide a suitable framework for high-quality education governance in an evolving and fast-moving local, national and global educational landscape. Indeed, Guernsey's framework for education governance could be considered significantly less developed than that of its neighbouring jurisdictions, including that of Sark which has a degree of separation between its school governance board and its political oversight functions. Within Guernsey the grant-aided colleges have, for many years, used an individual governance board model with a wide-ranging strategic oversight mandate to provide support and direction to their individual Principals, recognising that they are also commercial businesses with fee-paying 'customers'. Current legislation is inequitable in that it does not provide this for fully States-funded settings. This means that the governance of fully States-funded education settings in Guernsey and Alderney – provided through a political board and a small group of salaried officers - is an outlier when

¹⁸ [Rules of Procedure of the States of Deliberation and Their Committees](#)

compared with all areas of the UK, other Crown Dependencies and many other education systems in the western world.

- 3.1.3. The Committee's interim governance policy is driving improvement across the system and has also triggered wider policy change over the past two years. However, the Committee is clear that this must be an interim solution and acknowledges that it is only through legislative change that a formal and longer-term governance solution can be assured for the fully States-funded education sector. This solution should be informed by learning from a range of other jurisdictions, including England, and should be both bespoke and proportionate to the needs of a modern education system in the 21st Century.
- 3.1.4. It is noted in paragraph 2.3.11 that the current Education Law provides for only a narrow and inflexible 'governance' focus for School Committees. It does not readily accommodate changed and evolving education delivery models, including schools that might merge, close or open over time across the islands. It does not provide governance structures for all-through or mixed age provision or for any institutions that carry out post-16 education or skills responsibilities on behalf of the islands' government. This means that, other than under the Committee's interim governance policy, which operates under the legal umbrella of the Committee's overall mandate for the oversight of education on the island, it is not possible for Les Voies School, the island's Sixth Form Centre (formerly the Grammar School and Sixth Form Centre) nor any element of The Guernsey Institute to have had the support of any form of legally-constituted governance construct.
- 3.1.5. In addition, the current lack of flexibility in section 6 of the Education Law does not provide for any additional educational leadership structure or function that might, during the Law's lifetime, emerge as part of the evolving strategic vision of any political body that retains the overall governance of the islands' education system. This should not be viewed as surprising, given that the roots of existing legislation on the establishment of School Committees, whilst somewhat updated in 1970, actually lies in legislation dating from the early 1900s when society and the role and purpose of 'free to use' education was significantly different to the educational landscape in which schools and education providers operate today.
- 3.1.6. In the existing Education Law, whilst an individual term of office is limited to a period of three years¹⁹, there are no limitations on the number of consecutive terms of office that School Committee members can serve. Nor are there any powers of intervention available for government to enact should there be a need to step in or intervene in the event of any serious concerns about the conduct or impact of the School Committee or any members thereof. Existing legislation

¹⁹ Section 11 [Education \(Schools Committees\) \(Guernsey\) Ordinance, 1970](#)

does not require School Committee members to attend training for their roles nor to be subject to screening activity designed to safeguard learners, as is routinely the case for staff and other volunteers who support education settings.

- 3.1.7. The Committee *for* Education, Sport & Culture is responsible for the provision of fully States-funded education in Alderney and since 1948²⁰ the system of education has been similar to that available in Guernsey. It is important that, within the limits imposed by the facilities and resources available, children in Alderney should continue to be provided with an education comparable with that in Guernsey. The Alderney (Application of Legislation) (Education) Ordinance, 1970²¹ sets out the adaptations and modification to The Education (Guernsey) Law, 1970, including provisions for a committee of management for St Anne's School, with the same powers and duties as School Committees in Guernsey, whilst allowing the States of Alderney to make provision, by Resolution, as to the composition of the committee, the mode of appointment or election, the term of office, conditions of retirement and meeting arrangements.
- 3.1.8. It is proposed that the Committee *for* Education, Sport & Culture will work with the States of Alderney to ensure its legislation is updated in line with the Resolutions arising from this Policy Letter, a task made easier by the involvement of members of the States of Alderney as part of the interim governance model.

3.2. **The development of thinking about education governance in Guernsey**

Summary:

- *Effective education governance is much more than simply a focus on matters of autonomy, such as HR or financial considerations. It also requires mechanisms which allow the voices of those most closely invested in the organisation to be heard and to actively contribute to its strategic development, supporting leaders to drive improved educational outcomes for all learners.*
- *The shift to a position of significant autonomy for schools (and colleges) in England has happened over a lengthy period - more than forty years.*
- *The size and scale of Guernsey and Alderney, and the relationship between autonomy and 'free market' approaches to education must be carefully considered when determining how best to develop governance across the fully States-funded system.*

²⁰ The States of Guernsey has an obligation under [The Alderney \(Application of Legislation\) Law, 1948](#) ("the 1948 Agreement") to deliver a defined list of services ("the Transferred Services") to the island of Alderney, including education-

²¹ [The Alderney \(Application of Legislation\) \(Education\) Ordinance, 1970](#)

- *The ‘standalone’ academy model is often posited as a good example of autonomous governance and leadership practice in England. It is noted that this is no longer the preferred model of education delivery for England’s Department of Education.*
- *Matters related to education governance are sometimes linked to wider recommendations made in Mr Denis Mulkerrin’s 2012 review of education in Guernsey and Alderney. These reports are now more than twelve years old and, in many cases, practice has changed significantly across the fully States-funded education system since the reports were written. The Committee, however, does concur with Mr Mulkerrin’s recommendation that full governance boards should be established for fully States-funded education settings and intends to use these policy proposals to bring this area of educational development to resolution.*

3.2.1. As noted in section 2, the Committee has had regard to learning from the English school system and further education governance systems in detail, alongside learning gained from other countries. It is acknowledged that the debate around education governance in Guernsey and Alderney has been considered by successive Committees and has been the subject of significant external commentary over time. This is unsurprising given the changes in approach to the oversight of education which has occurred in England particularly over the past forty years, and which has regularly and repeatedly been used as the main point of reference for those engaged in local consideration of education governance. These changes began with the introduction of the Local Management of Schools (LMS) system in the early 1980s and have developed into the somewhat fragmented and complex education governance system in England which is characterised by a blend of local authority-maintained and academy schools; free and non-association education providers; the comparatively smaller market share of its wholly private or independent schools; the incorporation of further education colleges and the, largely, charitable status of higher education/university providers.

3.2.2. Across the varied landscape outlined above there exists an equally varied governance framework which, in some cases, has been subject to regular amendment to reflect changes across the system. For example, governance legislation for England’s schools alone has been subject to at least six significant legislative updates since the 1980s alone. The Further Education sector has also experienced significant governance change, resulting in models of college incorporation and the more recent rationalisation of technical and vocational provision across regions/local areas.

3.2.3. Importantly, it should be noted that these changes have happened over time in England, reflecting changes to political will around its desired systems of

education governance, operations and oversight. Also worthy of note is that, despite the variety of frameworks that relate to the strategic and operational delivery and oversight of education providers, none of the systems above rely on elected politicians or salaried civil servants alone to provide the operational governance of any institution. In all cases stakeholder representation (staff, parents/carers and/or students and other invested individuals) of some kind is a consistent element of the overall governance of education providers.

- 3.2.4. Beyond the points noted above, it is acknowledged that there is a fundamental principle in place in England of parental freedom of choice around preferred education providers. This includes both the option of socioeconomic selection provided by the option of fee-paying education unsubsidised by any government funding, and greater flexibility around school admissions processes than are currently in place for Guernsey and Alderney. In the Further and Higher education sectors, personal choice of providers is generally available through the competitive nature of post-16 and higher education and is generally driven by consideration of course availability and access to transport etc. In the school system particularly, 'choice' allows parents and learners to express a preference for admission into education settings that is often, and in no small part, heavily influenced by the quality of governance and leadership that is a feature of their setting of preference. Whilst this competitive approach to education can be viewed as appealing for the individual children and families who are able to access their school of choice, it can have a significantly detrimental impact on those who are not able to do so. This is often seen most evidently where failures of leadership or governance result in falling rolls in schools and colleges that have experienced poor published external inspection outcomes and who, consequently, can experience greater operational challenges related to per-pupil funding, difficulty in staff recruitment and retention, or changes in the overall profile of their student population.
- 3.2.5. The concept of choice or preference around access to education requires much systemic flexibility and, arguably, is much easier to implement in larger jurisdictions which are likely to have more adaptable or 'elastic' approaches to managing and flexing finances and systems for the capital development or extension of some schools and the closure or merging of others. In addition, matters of national infrastructure including both transport and accessibility matters, and the ability of a nation to cope with geographic variations in house prices driven by the quality of education, are likely to be more painlessly absorbed against a backdrop of increased scale.
- 3.2.6. Guernsey's education system uses a catchment-based (primary) and partner-school-based (secondary) admissions system for its fully States-funded schools. Whilst it does provide some flexibility in terms of access to faith-based education, for exceptional 'out of catchment' requests and provides an island-wide post-16 non-statutory education offer, most learners access their 'local'

fully States-funded schools or, subject to their own financial circumstances, can opt into the partly subsidised grant-aided colleges education system. Changes to this system would be likely to require significant consideration of the island's ability to vary its infrastructure beyond simply its education estate. Matters relating to the complex interplay of the transport systems, traffic management, housing (including potential variations to the cost or appeal of housing in different areas of the island), employment and the potential variation across school rolls would need to be explored across government for the consequences of any proposed changes to the school admissions system to be fully understood. Moreover, a wholesale move to a parental choice admissions policy would conflict with the States On-Island Integrated Transport Strategy²², as it would likely result increased car journeys at peak travel times. Consequently, this Policy Letter, given that it focuses on the repeal and replacement of legislation relating to education governance alone, does not propose changes in this area. Any political appetite to introduce a more 'free market' approach to the fully States-funded education system would need to be considered within the remit of the ongoing development of proposals relating to the wider repeal and replacement of the 1970 Education Law.

- 3.2.7. Historically, views have been shared about which models of governance deployed in other jurisdictions (albeit predominantly those used in England) could be used as a template for governance in the local context. In more recent times this has often focused on an assumption that a model of autonomy and governance similar to that in place across 'standalone' academies (academy schools operating outside of a multi-academy trust structure) would be appropriate for our islands and provide a framework for better educational standards across the islands' fully States-funded education system. These assumptions have not necessarily considered the wide-ranging learning, with the benefit of hindsight that is available today in respect of the outcomes of the academisation approach in general, including the fact that conversion to 'standalone' academy status is no longer supported by the UK government in the way that it was previously. Consequently, such settings are falling in number. This has been driven by the recognition that such schools can be at risk, over time, without the support of a wider multi-academy trust. Nor have these assumptions acknowledged that the key drivers of success across an education system – whether that is a UK local authority, a multi-academy trust or a partnership of schools – lie in a blend of: appropriately governed autonomy; clear frameworks for accountability; structures that promote collaboration and learning across schools and settings; financial stability; and a framework of support, professional development and challenge which effects continuous improvement.

²² [On-Island Integrated Transport Strategy - States of Guernsey](#)

- 3.2.8. Within the context of the ongoing debate around education governance locally, Mr Mulkerrin's Reports of 2012 have repeatedly been used as a reference point. These reports, which are now more than twelve years old, made a series of observations which challenged the status quo of education operations across the States of Guernsey as they were at that time. Amongst a range of other recommendations, Mr Mulkerrin's reports proposed greater autonomy for school leaders, with a recommendation that such autonomy be overseen and monitored by governing bodies or boards. They also recommended a shift in practice from a 'centralised' structure for education to a more devolved operational position for frontline education leaders. The recommendations from these reports called for changes in the operation of both the Committee *for* Education, Sport & Culture's mandate and, significantly, across the Policy & Resources' Committee's operating model for the civil service.
- 3.2.9. This Committee acknowledges that many of the matters raised as concerns in Mr Mulkerrin's Reports, and the recommended actions, were perceptive. In the twelve years since the reports were published there have been a number of key developments across the system that, in full or in part, address many of the areas of concern initially raised. (A summary of the recommendations of Mr Mulkerrin's reports and progress against them can be found in Appendix 1).
- 3.2.10. During the current political term, the Committee has actively sought to better support and further empower the frontline leaders of its education settings. Changes across the education system have been implemented in response to feedback and requests from frontline education leaders and are specifically designed to improve outcomes for learners. In some a number of areas, these changes align with some of the observations made by Mr Mulkerrin.
- 3.2.11. Most particularly, this Committee has developed an Education Strategy that prioritises the delivery of 'outstanding leadership and governance' and which commits to 'empower leaders to lead'. This approach requires a culture of open dialogue, consultation and engagement with all settings' leaders and has resulted in a number of operational changes which include the increased delegation of resources from the Education Office to today's settings' leaders. (See paragraph 4.3.12 for more details of the current landscape of autonomy that is available to those who provide daily leadership across the fully States-funded education system.) Furthermore, building on the work of the previous Committee, this Committee has finalised and published an Inspection Framework and engaged Ofsted to carry out external inspections.
- 3.2.12. Within the context of the above, the Committee agrees with the call made by Mr Mulkerrin more than twelve years ago for the establishment of local school governing bodies as a mechanism to drive further improvements in standards across all education settings. Moreover, the Committee acknowledges that this important aspect of practice has not been adequately addressed or delivered by

previous Education committees. The Committee's interim governance model addressed this deficit by providing a bridging-position, but this has always been intended to be a short-term solution. Therefore, the Committee believes that the introduction, without further delay, of a formal and more modern legislative framework and operational system of education governance structure is the correct way to strengthen the governance of fully States-funded education and must:

- a. provide a clear legal framework for more representative governance boards;
- b. be permissive enough to account for any variations in the way in which education is delivered across the islands over time;
- c. be used to devolve greater responsibility and accountability to frontline leaders, where such delegation has been agreed with and by education leaders as being most critical to improving outcomes for their learners, and where such proposals are fully understood, agreed and supported by the States of Deliberation; and
- d. include appropriate mechanisms for government to intervene in a proportionate and prompt way, should governors and/or settings' leaders fail to act in the best interests of their learners.

3.3. Policy development and feedback from engagement and consultation activity

Summary:

- *The Committee has engaged in an extensive period of policy development to propose a pragmatic and carefully designed solution to long-term concerns around education governance across the fully States-funded education system.*
- *More than one hundred hours of engagement and consultation activity has taken place across the full range of stakeholder groups. This includes eleven hours of dedicated education governance briefings/sessions that have been made available to all States Members during the Committee's education governance policy development period.*
- *There is strong support for the Committee's proposals from frontline education leaders. This has been confirmed both by focused consultation activity and as part of feedback from Headteachers & Principals on the impact of the Committee's interim governance approach.*
- *The community has indicated its support for the establishment of governance boards for all education settings in feedback gathered as part of the review of the wider Education Law in both 2020 and 2023.*

- 3.3.1. The Committee has taken great care to learn from the widest range of stakeholders as part of its policy development work on education governance. The significance of the work undertaken in this area cannot be understated, given the importance of designing a new system of education governance that learns from the strengths and weaknesses of governance in other countries and progressive education systems, but that is also workable and pragmatic for islands of our size and scale. The Committee's extensive policy development and experiential learning in this area has given it the knowledge to design proposals which will provide a level of support and challenge that is at least comparable to that provided to education settings in neighbouring jurisdictions.
- 3.3.2. Over the past two years, the Committee has invested more than 100 hours of officer time on engagement, consultation and development activity with experienced educationalists and stakeholder groups alone. These stakeholder groups include our frontline education leaders and other school staff, union representatives, members of School Committees as well as our partners in the Catholic Diocese of Portsmouth. In addition, the Committee has invested more than 11 hours in briefing and engaging with States Members (including sharing briefings and/or their outcomes with those Members who did not attend any in-person sessions), in order to assist the Assembly in understanding the complex area of education governance and legislation, and to assist the Committee in gathering the views of States Members to inform these policy proposals.
- 3.3.3. Guernsey and Alderney's frontline education leaders (Headteachers & Principals and Deputy Heads & Deputy Principals) are, and have always been, a particularly important stakeholder group during the Committee's policy development period. This is because this group of professionals are most immediately impacted by any decisions about the way in which fully States-funded education settings are governed; and because it is directly through them, and the way they lead their settings and inspire, support and direct their staff, that effective governance practice will have the greatest impact on learners in schools and The Guernsey Institute. For more than two years the Committee has considered on-going feedback from this key group of leaders who represent each one of the settings and, in finalising the proposals in this Policy Letter, in recent weeks has again checked that its proposals are sound, sensible and contextually-appropriate for the unique education system on the islands.
- 3.3.4. The most recent survey of the views of education leaders, which took place during the week beginning 11th November 2024, clearly demonstrates the support of current front-line education leaders for the Committee's proposals. This survey shows:
- 96% (23 of 24) of survey participants agree or strongly agree that the policy proposals in this Policy Letter are a sensible starting point for the future of education governance.

- 83% (20 of 24) of survey participants believe that, when agreeing upon specific matters of operational devolution and delegation, the Committee and wider States Members should work actively with frontline educators and experienced educationalists.

More detail around responses arising from the recent education leaders survey can be found in Appendix 2.

- 3.3.5. In addition, some leaders have chosen to share more detail about their personal views of the education governance proposals as follows:

“A benefit of good education governance is that it can offer supportive meetings that provide effective challenge... (Since the introduction of improved governance practice,) I feel listened to and am able to discuss my concerns and get constructive feedback. Being a school leader can be a lonely job at times and it is good to have strategic guidance from board members who also want the best outcomes for my school.” Mary Robertshaw, Headteacher, Notre Dame Du Rosaire Primary School.

“If the governance system works well the governance board will be able to provide the role of ‘critical friend’, offering an appropriate level of challenge and leading to a more effective organisation. With the right and relevant skills, the governance board can provide necessary support to the Headteacher who leads the school.” Adrian Paul, Headteacher, Vauvert Primary School.

“Good education governance celebrates success and provides the opportunity for the development of better understanding about the context of individual schools. (In recent times,) governance has allowed concerns to be addressed more quickly by the Education Office and other central services.” Paula Sullivan, Executive Headteacher, Le Rondin School.

“Education governance is long overdue.” Helen Willetts, Headteacher, St Mary and St Michael’ Primary School.

“Governance provides an opportunity to reflect on all aspects of the school, not just from a self-evaluation perspective.” Verona Tomlin, Principal, Les Varendes High School.

“A governance board should provide a mechanism to set and align shared strategic goals. This is particularly important given Guernsey’s focus on developing a skilled workforce that aligns with both local industry needs and global standards.” Jeanette Hart, Vice Principal, The Guernsey Institute.

- 3.3.6. Additionally, and critically, the Committee’s policy proposals have been informed by the learning that the Committee, as the current and single de facto governing

board for every fully States-funded education provider in the islands, has benefitted from during the current political term. This learning has included internal and external training and guidance around effective education governance, as well as Members' experiences gained by serving as members of the Interim Governance Boards. These interim boards have provided the Committee with a crucial understanding of the reality of frontline education leadership in Guernsey and Alderney, both its strengths and areas for development. This Committee has provided approximately 400 hours of direct governance, via board meetings, to education settings over the course of the past two years. Whilst this has been invaluable in terms of the development of these policy proposals, this is clearly an unsustainable time commitment for any future political committee, when carried out alongside the considerable wider workload associated with the devolved States of Deliberation's governmental mandate for education, sport and culture.

- 3.3.7. The Committee has used its on-going evaluation of its interim governance arrangements to develop and 'test out' some of its policy proposals. Most recently this has included actively exploring the appetite of members of the community and the employer sector to play a role in supporting the oversight and improvement of schools and The Guernsey Institute. To date, the Committee has been impressed and assured by the skills, calibre and professional and personal capacity of potential new governors. Community Representatives have been appointed to join the Interim Governance Boards and this bodes well for the next stage of governance development across the islands.
- 3.3.8. Following the 2023 debate on the Education Law Review and following commitments made to the Assembly, the Committee has continued to engage with stakeholders to iterate and refine its proposals around education governance. This period of extended policy development has provided time for further reflection and learning, allowing for the review and adaptation of policy proposals where necessary. Positive further liaison has taken place with the Catholic Diocese of Portsmouth and consideration has been given to the benefits and challenges of governance in the context of the grant-aided colleges, including what can be learned from established governance practice in this sector. Moreover, the extended period of consultation has provided an opportunity for current leaders across the education system to learn more about education governance through their, and the Committee's, lived experience of the interim governance model.
- 3.3.9. For the most part, feedback from stakeholder groups during the period following the Education Law Review debate in June 2023 has remained in line with previously expressed views. (A summary of the headlines from stakeholder feedback gathered through the policy development period can be found in Appendix 3). The largest majority of stakeholders, including those with experience of more significantly devolved governance structures than has been

typical across most Crown Dependencies and smaller jurisdictions, have concurred with the Committee's view that a new education governance system for the islands should be both flexible and adapted to take account of the unique contextual features of Guernsey and Alderney. These include size, scale, fiscal limitations and the strong community interest in fully States-funded education, including the expectation that 'national' government, or in the local context, 'the island's' government, should strive to ensure both a consistent and consistently high quality of educational experience and opportunity for all learners/service users, whilst also providing greater autonomy for frontline leaders where this autonomy will have the most beneficial impact on learners.

3.3.10. In the case of the Catholic Diocese of Portsmouth, continued engagement has further developed the proposed governance model, ensuring that it aligns with Catholic canon law, and continues to recognise the primacy of the Bishop in matters relating to the appointment (and, should this be necessary, removal) of governors for the two voluntary schools, St Mary and St Michael and Notre Dame De Rosaire Primary Schools. With regard to the appointment of governors, this arrangement aligns with previous arrangements relating to matters of governance for the Catholic primary schools, including those which apply as part of section 6 of the current Education Law in relation to the existing School Committee structure.

3.3.11. The Committee recognises the shortfalls in current education governance arrangements, as highlighted in paragraphs 2.3.11 to 2.3.14. It further acknowledges that these shortfalls are a consequence of outdated legislation in this area and fully recognises that this is not a reflection of individual members of the School Committees. The Committee remains grateful for the commitment and dedication of School Committee members, some of whom have served their schools diligently in the absence of any professional training or support for many years. For this reason, the Committee has taken time to work with, and learn from, existing School Committee members. This has taken place via the Committee's allocated political links with each School Committee and as part of a series of detailed governance development sessions to which all School Committee members have been invited via their Presidents. During these engagement and consultation sessions it has been acknowledged that there is no value in continuing with the School Committee model in parallel with a new and more comprehensive model of governance.

3.3.12. Given the long-running nature of local discussions about education governance, the principle of establishing an independent layer of governance to provide an oversight and scrutiny function for fully States-funded education settings is broadly well supported by the community. This view was shared with the Committee as part of its community consultation on governance during the review of the Education Law and development of policy proposals in both 2020 and in 2023. It is noted that the Committee has not received feedback from any

stakeholders to date which suggests that fully States-funded settings should not be subject to, or benefit from, a governance structure that concerns itself with whole-school matters of strategic development; school or setting effectiveness and the quality of leadership, management, curriculum and pedagogy.

3.3.13. Naturally, however, views around the optimal model for the implementation of a new governance structure vary. It is acknowledged that there will often be many different views in respect of the detail about how any model of governance is constructed, including the size and constitution of governance boards and whether or not governors should receive financial recompense for their time in the same way that some other board members or non-executive directors do across the island when overseeing organisations of comparable size and impact on islanders' lives. When designing these proposals, the Committee has taken care to review its proposals with informed local stakeholders and external experts, including education governance experts from the UK, and to balance advice and perspectives received against the reality of life in our small jurisdiction during a period of fiscal challenge.

3.3.14. This Policy Letter proposes a pragmatic, deliverable and intelligently designed solution to the inadequacies of current legislation around education governance. Importantly, it has the support of leaders and staff across our education workforce. Crucially, the agreement of the Assembly to these proposals will ensure that our fully States-funded education settings – our schools, the Sixth Form Centre and The Guernsey Institute – will no longer be subject to a sub-optimal and inconsistent governance model. Instead, these proposals will provide for a new legislative approach to governance that can be implemented early in the 2025/2026 academic year. These proposals will resolve more than twelve years of discussion about this matter and will finally provide the States of Guernsey with a flexible education governance framework which will meet the needs of both this and future Committees and Assemblies.

3.4. Feedback from States Members

Summary:

- *Engagement with States' Members during the education governance policy development period has indicated that there is broad support for the establishment of governance boards for all fully States-funded education settings. However, there exist a range of views about the degree of devolution or delegation from central civil service structures that should be in place for these settings, with some States Members favouring a position of significant decentralisation (similar to the 'standalone' academy school model in England), with others taking a more moderate position.*

- *It is recognised that ‘non-educational’ support services are provided to fully States-funded settings by the Policy & Resources’ Committee’s Corporate Services operating model. Consequently, it is important that the Policy & Resources Committee plays a key role in agreeing and operationalising any matters of decentralisation that are viewed as critical to improving outcomes for learners.*
- *The Committee believes that a two-stage approach which:*
 - a) establishes a flexible and permissive legislative framework providing, through the replacement legislation and associated amendments in the existing Education Law, governance boards for all fully States-funded education settings including post-16 education; and*
 - b) establishes a dedicated Investigation and Advisory Committee of the States of Deliberation which will be tasked with developing arrangements for appropriate devolution and delegation**is the right approach to moving forward with its ambitions to strengthen and future-proof governance proposals across the fully States-funded education system.*

3.4.1. The Committee has long recognised that matters relating to the governance and strategic oversight of education settings have an important relationship with the reality of operational delivery mechanisms across schools and The Guernsey Institute. Good governance promotes effective leadership which leads to high quality service delivery for islanders and, ultimately, better outcomes for learners.

3.4.2. In relation to education governance, the main purpose of all governance boards is to provide strategic leadership at the most local level. This helps to develop vision and ethos across the setting, ensuring that education leaders are appropriately held to account around the academic and pastoral/personal outcomes (for example, exam results, quality of attendance and behaviour etc) that their organisations deliver and the standards that they expect of their learners and staff. Good governance also oversees the use of publicly-funded education resources made available to organisations. In general terms, experience in England shows that more than 75% of the time that governors spend with their boards is focused on these areas, which can be considered ‘educational’ in nature. These are also key areas within the mandate of the Committee and its officers.

3.4.3. In some jurisdictions, and over relatively long periods of time, some governments have chosen to place additional responsibilities on their established education governance boards with a view to reducing the size of government or decentralising operational functions across a local or national government. As noted in paragraph 3.2.1, in England this process took place over a period of forty

years as part of the move towards the Local Management of Schools (LMS) system. These changes have gradually given established governing bodies and education leaders in other jurisdictions more control over the operational features of school or college leadership. Examples of these responsibilities include: elements of Human Resources management (in some cases including employee responsibilities and liabilities); entirely delegated budgets with capacity for carry-forward arrangements; and, in some cases, all matters relating to site development and ownership. Generally, these 'non-educational' though important areas are focused on for circa 25% of the time governors spend with their boards.

- 3.4.4. It is important to note that, whilst a number of these changes have increased the autonomy and accountability of frontline leaders and given them significant 'control' over all aspects of their own organisation, they do not appear to have necessarily resulted in significant overall savings to government. This is largely because government continues to require robust mechanisms of monitoring and oversight over schools, colleges and governance boards who are given significant devolved responsibilities. This is most clearly evident in the construction of the English Regional (and National) School Commissioner's Offices and in the establishment of significant Trustee board oversight that is a requirement across all multi-academy trusts.
- 3.4.5. In Guernsey, matters relating to these operational features are part of the States of Guernsey-agreed 'hub and spoke' operating model and sit within the mandate of the Policy & Resources Committee. These functions, therefore, cannot be adapted or changed without the approval and prioritisation of the Policy & Resources Committee. Furthermore, the Committee acknowledges that, as a consequence of the size of the education system and its workforce, significant and rapid change in these operational areas has the potential to have an impact across many other service areas within the States of Guernsey's operating model. This is because education settings-based staff account for approximately 19% of all States of Guernsey's workforce. This Committee has taken the time to understand both the potential benefits and the risks of instigating rapid and immediate change in these areas. For this reason and following careful consultation with those responsible for services which support, and are crucial to the success of, the fully States-funded education system but which do not sit within the mandate of the Committee *for* Education, Sport & Culture, these proposals recommend a two-stage approach to matters of resource and operational service devolution and delegation.
- 3.4.6. As part of its on-going efforts to engage with States Members across the political spectrum, the Committee has learned that most politicians concur broadly with the view of the education community that it is appropriate for current legislation to be updated to provide for a new model of education governance. However, the Committee has also learned that there are a range of political views about

whether any new governance model should seek to devolve many existing government responsibilities to new education governance boards and frontline leaders immediately, over time, or at all. Some States Members have made it clear that updated legislation around education governance must be permissive and sufficiently flexible so that it can accommodate varying degrees of devolution and delegation, as these may be agreed over time by the body politic. The proposals in this Policy Letter, therefore, seek to offer a pragmatic solution to the lack of political consensus on matters of operational devolution to schools and other education providers whilst simultaneously taking decisive action to improve the status quo around education governance for learners who are in the fully States-funded education system and The Guernsey Institute today.

4. Summary of Committee proposals

4.1. Proposed changes to the Education Law

Summary:

- *The Committee proposes to replace section 6 of The Education (Guernsey) Law, 1970 (and make any consequential amendments) and The Education (School Committees) (Guernsey) Ordinance, 1970, and introduce supporting legislation in the form of regulations where required, relating to the governance of fully States-funded education settings, including The Guernsey Institute. This legislation will include matters relating to the constitution of governance boards, categories and types of governors and provision for any powers of intervention that might be required by government.*
- *The Committee proposes that the replacement legalisation relating to education governance is carried forward into the new education law that results from the wider Education Law Review, when those policy proposals are agreed by the States of Deliberation.*
- *These legislative changes will establish new governance boards and, in so doing, the requirement for School Committees will fall away.*
- *The Chairs of education governance boards will be able to serve on more than one board and, in recognition of the extent of their responsibilities, a nominal annual retainer will be available for Chairs to claim, should they choose to do so.*
- *It is intended that, alongside safer recruitment processes, on-going training and support will be provided for all governors, some of which will be mandatory.*

- 4.1.1. The Committee proposes that The Education (Guernsey) Law, 1970 (“the Education Law”) is updated without delay to enable a new legislative framework for education governance. This will require section 6 of the Education Law to be

repealed and replaced, the effect of which will be to substitute enabling provisions relating to School Committees for enabling provisions for governance boards, alongside associated amendments to other relevant sections of the Education Law that relate to the governance of fully States-funded education provision. The changes will provide for governance boards to be established for other education leadership constructs, should they be established at any time in the future. For example, federations or formal partnerships of groups of schools. In so doing, new legislation will future-proof education governance for the islands.

- 4.1.2. The changes to the Education Law will enable The Education (School Committees) (Guernsey) Ordinance, 1970 to be replaced to reflect the governance proposals outlined in this Policy Letter, and will also provide for regulations to enable operational changes to elements of the governance framework to be varied promptly, for example to provide greater levels of autonomy over time.
- 4.1.3. In combination, these changes will result in the establishment of a new and modern governance framework which will: direct the constitution of individual governance boards; outline their responsibilities; enable the minimum and maximum membership requirements and categories and types of governor on each board to be set; and will deal with matters relating to government's powers of intervention, where these might be necessary to protect the interests of learners and/or staff.
- 4.1.4. The Committee recommends that the legislative changes arrived at via these policy proposals are carried through into the new Education Law upon the completion of the Education Law Review.
- 4.1.5. The legislation, when enacted, will be operationalised at its initiation via a governance board for each fully States-funded education setting (all schools in Guernsey and Alderney, the Sixth Form Centre and The Guernsey Institute). At the outset, there will be a smaller number of Chairs of boards than there will be individual governance boards, which will give Chairs responsibility for more than one governance board. This means that some schools may 'share a Chair' whilst also benefitting from their own individual board. The intention to implement this 'clustered Chair' approach at the introduction of the new governance model: recognises the interconnected nature of the education system in Guernsey and Alderney; allows specific training resources for new education governance board Chairs to be focused on a smaller group of individuals; and will, therefore, promote and support systemic collaboration and shared learning amongst education settings. (More information about the 'clustered Chair' proposal can be found in paragraph 4.2.13.)

- 4.1.6. Replacement legislation should also allow the Committee to offer a nominal annual retainer to education governance board Chairs, in recognition of the importance of their roles and their influence over such important public services as schools, the Sixth Form Centre and The Guernsey Institute. As with other States-provided remuneration for similar community-minded ‘voluntary’ roles (such as non-voting members of States Committees and some Tribunal members), whether to claim the nominal payment will be a discretionary decision for the Chair themselves.
- 4.1.7. The Committee’s governance proposals will, following a long period of unsatisfactory governance arrangements, provide the fully States-funded education system and The Guernsey Institute with a model of education governance that reflects the landscape and modern requirements of educational provision across the islands. The legislation will provide for formal governance boards for each education setting, so that the individual nature of each setting and its community priorities can be reflected at the most local level. All members of these boards will receive training and support, some of which it is proposed will be mandatory, so that they can carry out their responsibilities professionally and in an appropriately informed way. By investing in education governance from the outset, these proposals will allow the islands to grow a critical mass of informed education governors who, as the system matures, will be increasingly equipped to receive any additional responsibilities of strategic education leadership that are conferred upon them by the States and as a consequence of recommendations arising from the work of the Investigation & Advisory Committee in respect of devolution and delegation.
- 4.1.8. The Committee is sensitive to the capacity of a small island community to provide partnership governance on what is proposed to be, largely, a voluntary basis. Whilst Guernsey has a rich and impressive history of community engagement, and the quality of the fully States-funded education system is of particular importance to many members of the community, the island is nevertheless a small jurisdiction, and volunteers have finite capacity. The Committee acknowledges that, in spite of the positive indications of interest in this area to date, it is possible that there will be a consequently shallower or more limited pool of volunteers available for new governance roles, particularly during the early stages of the new education governance system whilst local understanding of this important work develops and matures. Additionally, the Committee has considered the optimum board size for effective governance practice more generally and has endeavoured to propose a framework for education governance that provides sufficient capacity for a board to include the skills and representation necessary to meet the needs of the evolving requirements of the States and its education system.
- 4.1.9. A political appetite exists in some quarters of the Assembly for a reduction in the size of government and/or to give frontline education leaders more autonomy,

and more rigorous associated accountabilities, in relation to areas of education support which are currently carried out on their behalf via the agreed operating model of the States of Guernsey or the operational functions of the Committee's Education Office. To address this, a two-stage approach to devolution and delegation is proposed. This two-stage approach will deliver updated and new legislation providing the flexibility that is required to respond to the will of the Assembly in relation to faster/further devolution and delegation of government resources to schools and The Guernsey Institute than is currently possible.

Stage 1: The establishment of a new governance framework to include: its purpose and key aims which will focus on the main strategic drivers of education improvement, as per paragraph 3.4.2; its constitution, including matters of membership, term of office, limitations/exemptions and appointment/election; and the relationship between new governance boards and the Committee *for* Education, Sport & Culture. It is the intention of the Committee that these governance boards be established upon the coming into force of the proposed legislative changes, with a view to the new governance boards being constituted during the 2025/2026 academic year.

Stage 2: The establishment of an Investigation & Advisory Committee, as provided for by Rule 53 of the Rules of Procedure, which will be tasked with investigating and reporting back to the Assembly specifically on matters of further devolution and delegation of resources to the new governance boards. This work will include recommending changes to the agreed States of Guernsey operating model overseen by the Policy & Resources Committee, where such changes are considered necessary to improve educational outcomes across the fully States-funded education sector. The Investigation & Advisory Committee will be required to report back to the States of Deliberation by no later than September 2026 so that its recommendations can be operationalised promptly and for any duties and resources devolved to education providers to be formalised within the legal framework described in paragraphs 4.1.1. and 4.1.2.

4.1.10. Since this Policy Letter proposes a new model of education governance and calls for the replacement of section 6 of the Education Law (and other associated areas of the Law), including The Education (School Committees) (Guernsey) Ordinance, 1970, the legal requirement for School Committees will fall away upon enactment of the replacement legislation.

4.1.11. New governance proposals will create more appropriate political distance between the Committee and its operational education settings. A previous lack of political distance from operations in education has persistently been raised as an inadequacy of the current education system. By implementing a governance model which provides more appropriate political distance, succeeding Committees *for* Education, Sport & Culture will be better able to operate at the strategic education vision and political policy level that is typical of a national

government. Through the new governance boards, future Committees will be able to both learn from local stakeholders and hold those stakeholders and education leaders to account in a way that better accords with the principle of subsidiarity that lies at the heart of good governance practice in the public sector, as described as a general principle in the Rules of Procedure of the States of Deliberation and Their Committees²³. For this reason, new legislation will no longer provide for political membership on any fully States-funded education governance board; however, an appropriate and robust reporting mechanism will be established as described in section 4.5.

4.2. Proposed governance boards

Summary:

- *Matters relating to the membership of governance boards including terms of office and any limitations to membership will be set out at the appropriate legislative level, as will matters relating to the devolution of greater responsibilities and the delegation of additional resources, when agreed.*
- *The governance boards will not include political membership. However, the Committee will retain links with all boards and will be advised by the Council of Chairs.*
- *A comprehensive annually-reviewed Education Governance Handbook will provide operational and procedural direction and guidance to all involved in education governance.*
- *Legislation will provide for ‘powers of intervention’ that may be used in the event of serious concerns around education governance. This is typical in other jurisdictions.*
- *Legislation will provide for variation around governance responsibilities where this is required. For example, it will reflect the requirements of the Catholic Diocese of Portsmouth who is the responsible authority for the two voluntary primary schools.*

4.2.1. The overall purpose of governance boards

The overall purpose of governance boards will be included in the revised legislation. The Committee expects that governance boards will act in accordance with the Seven Principles of Public Life²⁴ and strive to act as a strategic partner for frontline education leaders to:

²³ [Rules of Procedure of the States of Deliberation and Their Committees](#)

²⁴ [The Seven Principles of Public Life](#)

- Ensure clarity of vision and ethos across the setting.
- Contribute to, and drive, the local strategic direction of the setting at an appropriate pace and in accordance with government expectations.
- Ensure that the setting uses the resources at its disposal to support staff so that they can do their jobs well, including through access to internal and external Continuous Professional Development and through appropriate appraisal to drive continuous improvement.
- Hold the Headteacher/Principal (and Executive Principal, where that role exists) to account for the educational performance, standards, local strategic vision, and the organisation and management of the setting, against any agreed internal or external quality assurance frameworks²⁵.
- Ensure that any devolved powers and delegated budgets/resources, as outlined by Regulation and/or within the annually-reviewed Education Governance Handbook are used appropriately and effectively in order to deliver the highest standard of education.
- Ensure that the agreed vision and strategy for education across Guernsey and Alderney is actively realised within the setting.
- Ensure that the voice of learners and other key stakeholders contributes to the strategic development of the setting.
- Promote the achievement of all learners, including those with additional learning needs or those who might be vulnerable to disadvantage.
- Be accountable to, and regularly report to, the Committee as required to facilitate and further the positive development of the setting.
- Promote effective communication with the local community, including reporting annually to parents/carers or other stakeholders on the work and impact of the governance board.
- Promote high levels of learner behaviour, attendance, safety and well-being.
- Ensure compliance with all procedural matters and with appropriate policy and standards as set out in legislation and/or within the annually-reviewed Education Governance Handbook.

4.2.2. The governance boards of the two Catholic primary schools (known as ‘voluntary schools’) will maintain current responsibilities of their School Committees relating to denominational elements of education delivery, in particular those relating to support for, and oversight of, the school’s religious character.

4.2.3. **The constitution and membership categories of new governance boards**

The legislation will provide for the establishment of three categories of Governor: core, local and associate. It is expected that each category and type of governor will be appointed or elected to maintain appropriate statutory

²⁵ [Ofsted School Inspection Handbook / Ofsted Inspecting further education and skills provision in the States of Guernsey](#)

representation on every governance board. Headteachers & Principals will automatically be ex-officio members of the governance board for their setting.

- 4.2.4. The legislation will also set out the method and term²⁶ of appointment and the minimum and maximum number of each type of governor that will be required as part of the constitution of each new governance board. In addition, the legislation will outline any limitations to membership that are required in relation to any category or type of governor.
- 4.2.5. The quorum for governance board meetings will be half of all board members, including those classed as ex-officio members, as named on the Instrument of Governance: a required document that will be maintained by the clerk to the board and which will ensure that boards are appropriately constituted. Those classed as 'other attendees' will not be included in the quorum. Should any board meeting not be quorate, the clerk will be required to reschedule the meeting as promptly as possible during that academic term (e.g. the Autumn, Spring or Summer term).
- 4.2.6. At any time, no more than one third of the total members of the board named on its Instrument of Governance, including the ex-officio members, should work directly in the setting. This limitation does not extend to representatives of the Education Office and will not preclude the attendance of staff members as additional attendees at meetings, where required.
- 4.2.7. The governance board will appoint its own Vice-Chair, following a simple internal election process. All members of the board, other than ex-officio members and the elected staff governor, may stand for consideration as the Vice-Chair.
- 4.2.8. Where a minimum and maximum number of Governor positions exists, it is for the Board to decide whether to fill all positions, based on the specific needs, which will vary from time to time, of the individual setting over which they govern. However, all boards should endeavour, as far as is reasonably possible, to, at all times, meet the minimum requirements in terms of membership.
- 4.2.9. The above information is summarised in the graphics below:

²⁶ It is proposed that all terms of office will revert to a four-year cycle upon completion of the initial term

Core

Chair



Method of appointment

Appointed by CfESC or, in the case of the two voluntary schools, by the Bishop of the Catholic Diocese of Portsmouth, following an application process and against an agreed skills and competency framework

Initial term of office

3, 4, 5 years at the point of commencement of the new legislation, reverting to a four year cycle following the first cycle of appointment.

Notes / variations

In some cases Chairs will sit on more than one board, as part of a clustered Chair arrangement.

This role will be eligible to claim a nominal annual retainer.

Education Staff (Established staff including those employed centrally and those based in settings) cannot be appointed as Chairs. Neither can States Members who are serving at the commencement of the new legislation or during any active political term.

Core

Education Office Representative



Method of appointment

Appointed by CfESC, upon the recommendation of the Director of Education and following an internal application process

Initial term of office

Term of employment, with appointment subject to review by the Director of Education every four years.

Core

Executive / Headteachers / Principal



Method of appointment

Ex-officio (by virtue of their official role)

Initial term of office

Term of employment

Min 1, Max 2
(where Executive leadership roles exist)

Local

OR, in the case of TGI only,
Learner / Student



Parent / Carer

Method of appointment

Elected by local school community

Initial term of office

3 years

Notes / variations

Staff who are parents at the setting are excluded from applying for this role

TGI Student representative replaces parent/carers and must be at least eighteen years old to stand for election

Local

including teaching and
non-teaching staff



Staff

Method of appointment

Elected by staff from the setting

Initial term of office

2 years

Notes / variations

Staff governors cannot be appointed as Vice-Chairs for the governance board

Must be a current member of staff at point of appointment and during whole term of appointment.

Associate

Min 2, max 4 for schools.
In the case of TGI, min 3, max 6.



Method of appointment

Recruited according to skills and experience required by the Board. Appointed by the Committee or, in the case of the two voluntary schools, the Bishop of the Catholic Diocese of Portsmouth following application and interview, against an agreed competency framework and following recommendation of the Chair of the Board

Initial term of office

2 years

Notes / variations

Applications will be invited by the Board, based on the specific skill-sets required across the Board. In the case of Voluntary schools this will include religious affiliation in order to provide a majority of Catholic representation on each board. In the case of Alderney, the Chair should invite the States of Alderney to propose a non-political representative to act as an Associate governor. Where Associate governors are also employees of the setting, Boards should ensure that no more than a third of all members of the individual Board are serving staff at the setting.

- 4.2.10. Subject to the Assembly's endorsement of these proposals, detailed guidance will be produced relating to procedural matters pertaining to the appointment of governors. This information will be publicly available as part of the Education Governance Handbook, which will be reviewed annually to ensure it reflects the legislative requirements and will also have regard to changes in national/international education governance best practice and/or improvements informed by the maturing governance system locally. It is important that the legislation includes clarity relating to the method of appointment or election for all categories and types of governor, it is equally important that legislation allows for appropriate and proportionate government intervention, should this be necessary to protect the interests of learners, staff or the wider community. This is typical of education governance arrangements in other jurisdictions.
- 4.2.11. Replacement legislation will, therefore, include the establishment of government 'powers of intervention' which may be initiated by succeeding Committees *for* Education, Sport & Culture where the Committee believes the governance board is not competent; in instances of misconduct; the sustained poor performance of the setting or where there are significant concerns about either individual members of the board (including *inter alia* their capacity to attend meetings and mandatory training) or the functioning of the whole board which bring the board into disrepute or threaten outcomes for learners and/or staff. The decision to implement 'powers of intervention' is a serious one and Committee (or, in the case of the voluntary schools, the Bishop of the Catholic Diocese of Portsmouth) will be requested to establish an appropriate interim governance solution within six weeks of the removal of a governance board, prior to the re-establishment of a new governance structure which meets the legal constitutional requirements. Where an individual governor is removed it is expected that necessary steps to fill that vacancy will also be taken within six weeks, unless the board has determined that it will operate with a vacancy for a period of time.
- 4.2.12. As recognised in the Education Law, it is necessary for any new governance model to make appropriate arrangements for the voluntary schools which are a part of our education system in Guernsey. These variations will allow for the appointment of specific governors by the Bishop of the Catholic Diocese of Portsmouth, recognising the need to ensure that the Catholic schools are conducted in accordance with the diocesan constitution (including the provisions of canon law). Specifically, this will enable a majority of board members to be appointed by the Bishop. Although referred to as associate governors in Guernsey, their role, and that of the Chair for the voluntary schools will reflect the responsibilities of 'foundation governors' (the term used in England) – to represent the interests of the Catholic community that the school serves, and to ensure that the Catholic character of the school is preserved and developed.

4.2.13. In paragraph 4.1.5, the Committee outlined its intention to implement a 'clustered Chair' approach to governance boards upon the enactment of the proposed legislative changes. This is in recognition of: both the size and scale of the islands; the nationally recognised benefit of promoting shared learning across education settings; and to make the best use of the limited government resources available to train and support new education governance board Chairs. Each individual governance board will, therefore, have a Chair as per the requirements of the proposed legislation but, in some cases, these Chairs will also serve on additional education governance boards. This approach means that eight Chairs will be recruited as follows:

Clustered Chairing Model



- 4.2.14. The clustered Chair model outlined above reflects the agreed delivery model for education that is in place at the current time. This includes the clustering of primary schools according to the existing partner-school model for transition to secondary education; the strategic and operational oversight arrangements for secondary schools; and the close-working/pupil transition relationships that exist across schools in the specialist sector. It will be necessary for the replacement legislation to provide appropriate flexibility over any clustered Chairing arrangements, so that succeeding Committees are able to vary delivery models according to any future evolution of the education system including reflecting changes to the names and numbers of education settings and any collaborative arrangements that are in place at any point in time.
- 4.2.15. When formulating this pragmatic approach to the initiation of a new governance framework the Committee has considered calls in other jurisdictions for the increased ‘professionalisation’ of education governance. This includes research by the National Governance Association²⁷ and other think-tanks which have suggested that financial compensation for some governors might support governor recruitment and ensure greater systemic capacity across these roles. The Committee is keen to provide all new education governors with the tools they will need to support the continuous improvement of the fully States-funded education system. The Committee believes that the role of an education governance board Chair is particularly important in the local context; will require a specific skill-set; and will carry significant responsibilities that are likely to increase over time. For these reasons, and as set out in paragraph 4.1.6, the Committee recommends that replacement legislation includes the ability for succeeding Committees for Education, Sport & Culture to offer a small annual retainer to its education governance board Chairs, in recognition of their level of responsibility and the likely public interest in their roles.
- 4.2.16. Across all neighbouring jurisdictions it is recognised that effective education governors are ‘made and not born’. This means that safer recruitment checks and access to, and the expectation of engagement with, on-going training and support will be a minimum requirement for all governors. The provision of on-going training and support to new governors will be critical to their efficacy and impact across the education system. For this reason, all education governors will be required to attend mandatory training to assist in their development and will also have access to a suite of optional training opportunities throughout their governance term. Chairs will be expected to ensure there is an appropriate balance of knowledge (gained through training, as well as personal experience) on each governance board. Support and training will be provided or commissioned through the Education Office, which will also provide clerking support for each governance board. In addition, and reflecting the importance of the role, the Education Office will provide enhanced support and advice to

²⁷ [For Schools & Trusts | National Governance Association](#)

new education governance board Chairs as they grow into their new public roles. This investment of time and support will be proportionate to need and will, inevitably, be particularly intensive during the earlier stages of implementation of the new governance model.

4.2.17. Additional governance matters to be referenced in new legislation

Summary:

- *Some governors will be given responsibility for particular aspects of governance practice. These include the Chair and those with link governor responsibilities.*
- *There will be time limits on the overall length of service of governors (other than ex-officio members), which the Committee proposes should be no more than eight consecutive years on a governance board.*
- *There will be a limit on the number of boards governors will be permitted to serve on, which the Committee proposes is one quarter of all individual education settings that exist across the islands at any one time, to avoid the risk of disproportionate personal influence across the island's education system.*

4.2.18. Replacement legislation will provide the governance framework with regard to the purpose, aims and constitution of governance boards. In so doing, it will provide a new 'vehicle' for the delivery of education governance and will flexibly address matters relating to the membership and duties of education governance boards including:

- a. All governors, except the Headteacher/Principal (and the Executive Headteacher/Principal, where those roles apply) who are ex-officio members, may not serve more than a maximum number of years, which the Committee proposes is eight years of consecutive membership, on any individual governance board. This is to ensure: the board's thinking is refreshed periodically; that no single individual builds up excessive power or influence across a setting; and that professional relationships between board members and Headteachers/Principals do not become 'cosy' to the extent that objective support and challenge diminishes.
- b. Governors may serve on more than one governance board at a time. This might be helpful where governors have the skills, and personal capacity, to provide support and challenge to more than one education setting. However, to avoid the risk of disproportionate personal influence across the island's education system, there will be a limit on the number of boards any individual governor (including Chairs) will be permitted to serve on. The

Committee proposes this limit is one quarter of all individual education settings that exist across the islands at any one time.

- c. Governors will be expected to undertake visits to the setting (by appointment and with the agreement of the Headteacher/Principal) in order to fulfil 'link governor' responsibilities conferred upon them by the governance board. During these visits, and over time, they will be expected to learn about the setting and gather information on behalf of the governance board in the following areas:
- Safeguarding, care and welfare (including behaviour, attendance and wellbeing matters).
 - Vulnerable learners and inclusion (including matters relating to those with additional learning needs or groups who might be at risk of disadvantage).
 - Finance, resources and infrastructure (including general staffing themes and site/Health & Safety matters).
 - The overall standard and quality of education (including the distinctive ethos and characteristics of the settings, curriculum, teaching and learning, opportunities for learners' personal development and careers guidance, as applicable).
 - Transition to/from the next phase of education.

In the case of The Guernsey Institute, and in addition to the above, additional link governors should be nominated to include the following areas:

- Professional and Higher Education
- Apprenticeships

Link Governor responsibilities should be agreed by the Chair and may be increased or varied over time to reflect the priorities of both the jurisdiction's whole education system and/or the needs of specific settings. Legislation will provide appropriate flexibility for this variation and will also allow for an individual governor to carry more than one link governor responsibility, where required.

- d. The Chair of the board will be required to maintain a strategic link with the (Executive) Headteacher or Principal or other appropriate leaders of their setting between full governance meetings. This will allow them to meet with Headteacher/Principal/Teacher or equivalent to explore and, where necessary, provide focused support and challenge around, key matters that relate to duties that are placed on the board. These matters will include:

- Engagement in the (Executive) Headteacher and/or Principal performance management and appraisal process, as led by the Education Office line-manager.
 - The review or investigation of actions taken in the setting around any individual complaints or confidential matters, as required or requested by the Education Office.
 - Provision of governance updates to staff or community, as required.
 - Optional attendance (delegated to the Vice-Chair or other governors if required), as the key representative of the governance board, at events organised by the setting.
 - Attendance, alongside other governors as required, at any external inspection activity or feedback session pertaining to the setting.
 - Review and development of strategic plans, and policy compliance activity as required.
 - Engagement, including monitoring the efficacy and impact of, recruitment activity, as agreed/requested by the central Education Office or States of Guernsey HR function. This will include Chairs of governance boards playing a key role in Headteacher/Principal shortlisting and appointment.
 - Liaison with the clerk to the governance board on the establishment and regular monitoring of the board's Instrument of Governance, which will outline membership and terms of office of all members of each governance board.
 - Ensuring that the governance board carries out, to the best of its ability and according to the satisfaction of the Committee *for* Education, Sport & Culture, any additionally delegated duties or responsibilities that are conferred to it by Regulation.
 - For voluntary schools, responsibilities specified by the Bishop and/or any trust instrument to represent the interests of the Catholic community that the school serves, and to ensure that the Catholic character of the school is preserved and developed.
- e. Whilst the main focus of a governance board is to act as a local strategic partner, it is likely that, as part of their role, governors will come into contact with, and discuss, confidential matters. It is expected that members of governance boards will sign confidentiality agreements, will declare any conflicts of interest and will not disclose personal and sensitive information (including a commitment to following data protection requirements as specified by the States of Guernsey and in accordance with the Data Protection (Bailiwick of Guernsey) Law, 2017²⁸).

²⁸ [The Data Protection \(Bailiwick of Guernsey\) Law, 2017](#)

- f. Just as each governance board will be expected to ensure that there are opportunities to reflect on its own self-evaluation of efficacy against its statutory duties, it is also expected that individual governors, including Chairs, report on their training and link responsibilities at board meetings. This will help develop the knowledge and skills of all governors in a range of areas of focus across the setting.
- g. The legislation should provide for additional attendees to join governance board meetings for specific purposes as required. These attendees will include the Director of Education (or a nominated representative) who may attend, with appropriate notice, any governance meeting as required for monitoring and/or support purposes. In the case of the two voluntary Catholic schools, this provision will also apply to representatives of the Catholic Diocese of Portsmouth, given its role as the responsible authority. In addition, this provision will allow for an allocated member of the Committee *for* Education, Sport & Culture to attend one full governance meeting per setting per year so they can retain a personal link with the board of the setting. The provision for additional attendees will extend to any other attendees (including, where required, staff members) whom the Chair and the board agree should be invited for part or all of any governance meeting for a specified and agreed purpose.

4.2.19. Detailed guidance in relation to the responsibilities outlined above will be included in the Education Governance Handbook, which will act as the key reference point for all governors and will be reviewed annually. This handbook will also contain information relating to legal responsibilities and accountabilities, including the additionally delegated responsibilities that will, as recommended by the proposed Investigation & Advisory Committee and as referred to in paragraph 4.1.9, be operationalised according to the direction of the States of Deliberation.

4.3. The provision of flexibility in replacement legislation

Summary:

- *Subordinate legislation will be used to provide significant flexibility and will allow for the further development of education governance, including the ability for the States of Guernsey to devolve greater responsibilities and duties to governance boards and frontline education leaders.*
- *At the point of commencement, the replacement legislation will facilitate an increase in the autonomy of education leaders, with the oversight of the governance board, and it is expected that provisions will support:*
 - a. *greater financial flexibility;*

- b. increased education leadership responsibility around recruitment and retention; and*
- c. Chairs of governance boards' influence and direction around Headteacher/Principal appraisal and performance management.*
- *It is important that there is an accurate understanding of the level of autonomy currently available to all frontline education leaders. This should be used to inform decisions around greater decentralisation.*

- 4.3.1. During the process of policy development and particularly in relation to feedback gained from engagement with States Members, it has been clear that there is a strong will for education legislation to be flexible and enabling. This requirement is particularly important when, as in the case of legislation relating to education governance, there is a likelihood of considerable longevity of any legal framework.
- 4.3.2. The Committee acknowledges that the education system in Guernsey and Alderney has been on a significant journey of transformation over the past eight years. During this time key ideological, pedagogical and practical or operational principles have been subject to much change. It is not expected, nor recommended, that education systems remain static over long periods as this can lead to complacency and stagnation. Indeed, the most effective education systems are dynamic, responding and reshaping themselves to best meet the evolving needs of their jurisdictions and the needs of their learners. Where significant change is required, it is important that this is well-considered and intelligently implemented to minimise any adverse impact on the educational experience or outcomes of learners. The management of such processes of change are a key responsibility of government.
- 4.3.3. In the context of a new legal framework for the governance of education, it is wise to ensure that proposed legislation is able to facilitate the establishment of an appropriate vehicle for the delivery of a governance structure that can be applied to a range, or varying number, of education settings as required. At the same time, the legal framework should be sufficiently flexible to accommodate an evolving profile of devolved or delegated responsibilities, as these are agreed and varied by successive political bodies.
- 4.3.4. The challenge of a lack of flexibility in legislation is evident in the current education legislation in relation to a number of matters including, but not only, limits on the types of schools and a very narrow focus of responsibilities in respect of oversight arrangements. This lack of flexibility has resulted in some schools and all non-statutory technical, vocational and professional education lacking a legal framework for governance, a position which is inadequate for any present-day education system, much less for a States-funded provision that will, inevitably, evolve further over time.

- 4.3.5. For these reasons, the Committee proposes to both establish the new legal framework (or delivery mechanism) for education governance *and* that this framework ‘hardwires’ operational flexibility through subordinate legislation that allows for variations in governance responsibilities where these are needed. By taking this approach the Assembly can be assured that new legislation will not prevent the future development of governance over schools and The Guernsey Institute and, importantly, will not bind the hands of succeeding Committees or ‘bake in’ a status quo position that cannot be easily adapted. The request that the States of Deliberation agrees this pragmatic approach to replacement legislation relating to education governance is the main purpose of these policy proposals.
- 4.3.6. The Committee acknowledges that some members of the Assembly have a keen interest in how devolution and delegation will be shaped at the time revised legislation is enacted, and the Committee has very carefully considered the most appropriate starting point for a new mechanism of governance. This has included consideration of: the level of maturity of the education governance landscape on the islands; the capacity of the education system as a whole, including that of its frontline leaders for whom new governance expectations are a significant change from historic practice; and of learning, developed throughout the Committee’s tenure and arising from lengthy policy development processes, about the optimal pace of change for the successful implementation of strategic projects across the education system and the wider States of Guernsey.
- 4.3.7. It is the intention of this Committee that, at the point of enactment of the replacement legislation which itself will outline requirements laid out in section 4.2, subordinate legislation will also come into effect which begins the formal process of increased autonomy to education leaders. In the first instance, this will include requesting the adaptation of some specific operating procedures which are delivered through the States of Guernsey’s Corporate Services.
- 4.3.8. Detailed guidance around procedures relating to legally devolved responsibilities will be included in the Education Governance Handbook. This handbook will also provide operational advice which must be followed by all governors and clerks.
- 4.3.9. At the point of enactment of the proposed replacement legislation, and prior to any further direction provided as a consequence of proposals arising from the work of the Investigation & Advisory Committee, the Committee proposes that the following specific areas are covered in regulation-making powers to further empower frontline education leaders, with appropriate oversight by their new governance boards:
- For frontline education leaders to be given greater flexibility over any non-pay budgets related to their settings, including the power to carry forward

unspent non-pay budget for a time-limited period (as set out in relevant Finance policy) and for the oversight and impact of any non-pay budget to be monitored and overseen by boards of governors to ensure that funds are being used for greatest impact.

- For Chairs of governance boards to work in partnership with education line managers to conduct regular and appropriate appraisal and performance management reviews for Headteachers/Principals, in line with any established HR policy expectations or guidance.
- For governance boards to monitor the effectiveness of recruitment activity relating to the education setting, including the role that Headteachers & Principals play in facilitating the timely recruitment and effective induction and retention of staff across their setting.

4.3.10. It is the view of the Committee that the items proposed for inclusion in the legislation via the flexibility of regulations is a sensible and well-informed starting point for new governance boards. These starting points have been tested out with education leaders and have been confirmed as reasonable and pragmatic adaptations to current education operations. Indeed, it is the strong view of frontline education leaders that the Committee's proposed areas of immediate operational adaptation offer the wisest start for new governance boards (see Appendix 2). It is anticipated that, over time and as proposed by the Investigation & Advisory Committee, this starting point will be amended and/or extended by the States of Deliberation, based on the needs of the islands' education system.

4.3.11. It is important to note that, across a complex system of education with a multi-site delivery model and a range of responsibilities including those carried out at national (including devolved) government level, local authority and multi-academy trust/school federation level, it is easy for misconceptions or misunderstandings to persist around the degree of empowerment that is already available to frontline education leaders. This risks a binary narrative emerging (e.g. 'Headteachers & Principals are fully autonomous' vs 'Headteachers & Principals have no autonomy at all') which is not necessarily an accurate reflection of the present-day reality of educational leadership in Guernsey and Alderney. The transformation of education across the islands in recent years has resulted in a number of significant changes and expectations for education leaders.

4.3.12. In some instances, this autonomy has been a feature of the fully States-funded education system for many years; in some cases it is a consequence of more recent changes within the Education Office or other civil service systems that support education settings. For clarity, and to support the understanding of the Assembly, the table below provides a summary of the main areas of autonomy that the system *currently* provides for its frontline education leaders:

All leaders of fully States-funded education settings have full autonomy over:	Notes
How their resources are deployed and developed: This includes how staff are deployed on a daily basis and how they are line-managed and appraised. This also includes freedom of choice over the amount and type of professional development and training staff receive.	Professional development/staff training is available from the Education Office and is also available for leaders to buy from other training providers.
Which staff members receive additional management allowances and responsibilities: This includes ensuring that middle leaders are being used and rewarded appropriately.	Within the parameters of their annual staffing budget allocation.
Which staff are recruited to work in their setting: Leaders appoint their own staff.	Within the parameters of the annual staffing budget allocation (which is based on FTE) and with support from Policy & Resources Committee's HR and Finance Teams.
The daily working pattern and support provided for their staff: This includes monitoring and adapting staff workload and wellbeing, and having discretion over the approval of any leaves of absence or similar adaptations.	With due regard to any employee policy in place within Policy & Resources Committee's HR guidance for all civil service roles.
The structure of their senior leadership team: This includes who is appointed to their team, how the team is structured and which specific responsibilities are led by each member of the team.	
How to spend their annually allocated non-pay budget: How their allocated non-pay budget (non-staffing budget) is used including which resources are purchased and how they are used	
The delivery of the curriculum: This includes choice about what is taught, when and how it is taught and who teaches it.	Noting that this should align with the 'national' expectations of The Bailiwick Curriculum and its related entitlements for all learners.
The kind of extracurricular offer available in their setting: This includes clubs, trips and enrichment opportunities and whether or not to offer wraparound care options/breakfast clubs.	

All leaders of fully States-funded education settings have full autonomy over:	Notes
All daily operations on their sites: This includes school start and end times (but not the overall duration of the school day), timetables, duties, matters relating to uniform, parental liaison and meetings etc. This also includes how the non-teaching time of staff is used.	
Staff meetings and internal training/development: The content and focus of all staff meetings and Inset time.	Other than one day per year of additional Inset which is directed by the Education Office for all settings for significant pieces of strategic work across all settings e.g. launch of the new Additional Learning Needs (ALN) Code of Practice etc.
How learners with additional needs or other potential vulnerabilities are supported: This includes which interventions are provided for learners and when. It also includes how additionally delegated resources/funding for additional needs are used.	With due regard to the requirements of the ALN Code of Practice.
Communications with learners, staff and the local community: This includes freedom over how they communicate, which platforms they use and the content of such communications.	Formal media releases on politically significant education matters are handled by the States of Guernsey Comms Team who are available to provide guidance or advice to leaders if required.
Choice of exam boards, courses and qualifications: for secondary and post-16 leaders, including The Guernsey Institute.	
Site management and maintenance: The Guernsey Institute only.	All other settings are managed and maintained by Policy & Resources Committee's States Property Unit.
The detailed information that their Interim Governance Boards and/or School Committees receive: Leaders are responsible for providing accurate and appropriate content for any governance meeting and for suggesting items for inclusion on governance agendas.	

All leaders of fully States-funded education settings have full autonomy over:	Notes
How their views are shared and used to influence development across the whole education system: This includes deciding who they nominate to represent them at the Education Strategy Network which acts as a key consultation and co-construction group for education development.	
The content of their school/The Guernsey Institute development plan: This includes which areas they focus on each academic year, how improvement is driven in their setting and the accuracy of their self-evaluation against their individual development plans.	
How key policies are shaped and implemented in their settings: This includes developing their own policies and ensuring staff/learner adherence to these policies. For example, the behaviour policy; rewards and sanctions etc.	Guidance is available from the Education Office where required.

4.3.13. With regard to the question of a greater degree of devolution and delegation than that which is recommended to the Assembly at the point of commencement of replacement legislation, the Committee has listened to the views expressed by some members of the Assembly and has carefully considered the wisdom of proposing a significantly greater degree of devolution to new governance boards than will initially be provided. (For reference, subordinate legislation could, as required or ultimately and in theory, provide for a level of independence or autonomy for schools and The Guernsey Institute which reflects that currently in place for some English schools or for the grant-aided colleges in Guernsey).

4.3.14. The Committee will require the cooperation of the Policy & Resources Committee following the agreement of the Assembly where further devolution recommendations require the dismantling or reshaping of any elements of the existing 'hub and spoke' operating model in respect of the States of Guernsey's Corporate Services. Notwithstanding this, the Committee is concerned that changes that are too fast, far-reaching and not necessarily supported by all stakeholders, including the education workforce itself, would present an enormous risk to the island's education system. After a protracted period of turbulence and uncertainty, fully States-funded schools and The Guernsey Institute have reached a position of greater stability and are now delivering outcomes that are improving and that, in many areas, compare favourably with other jurisdictions (see Appendix 4). With this in mind, the Committee believes that it is not responsible to recommend an immediately radical position of change. This is because it is important that government acts responsibly and thoughtfully on behalf of the children, young people, adult learners, and families that rely on the fully States-funded education system.

4.3.15. This Committee is receptive to change and is keen to see further development and greater devolution to leaders and governance boards if this is demonstrably in the best interests of learners. Indeed, the Committee strongly believes that, having established without delay new and skilled governance boards under the proposed legal framework, succeeding political bodies should consult on, debate and develop models of operational devolution and delegation as they see fit. This would allow future Committees *for* Education, Sport & Culture to further empower frontline leaders and their governance boards around areas that are currently managed by the States of Guernsey Corporate Services operating model, or via the Education Office itself. This approach would allow for political consensus to be reached on matters relating, but not limited, to:

- whether the States or individual settings should retain employer rights and responsibilities;
- whether Headteachers & Principals should have entirely delegated budgets including those relating to pay and staffing structures;

- whether Headteachers & Principals should manage all capital development and maintenance responsibilities for their sites;
- whether individual Headteachers & Principals should be accountable for the procurement and maintenance of all systems infrastructure including IT security functions;
- whether a 'free market' approach to fully States-funded education is an appropriate fit for the islands; and
- whether a different delivery model for the whole education system is necessary for the fully States-funded system to improve further.

It is noted that neighbouring jurisdictions have a variety of approaches to some of the areas listed as non-exhaustive examples above, and that in these jurisdictions matters relating to these operational areas have been subject to change over time. Furthermore, in some cases there are varying approaches to each of these areas within a single jurisdiction, depending on the type of education setting.

4.4. **Formation of an Education Devolution & Delegation Investigation & Advisory Committee**

Summary:

- *The purpose of the Education Devolution & Delegation Investigation & Advisory Committee is to ensure that consensus may be reached on the complex matter of decentralisation, devolution and delegation across the fully States-funded education system. This is important given the expected impact on frontline education leaders and the States of Guernsey operating model.*
- *The Education Devolution & Delegation Investigation & Advisory Committee will be tasked with making recommendations which will be included in updated legislation for education governance and then require operationalisation by the States of Guernsey.*
- *The Education Devolution & Delegation Investigation & Advisory Committee will be critical to ensuring that education governance for fully States-funded education settings and The Guernsey Institute continues to evolve to meet the needs of the community.*

- 4.4.1. To facilitate a process of considered development around matters relating to the specific devolution or delegation of 'back-office' resources and accountabilities that are currently provided for education settings by the civil service in Guernsey, the Committee proposes the establishment of a States' Investigation & Advisory Committee to be known as the Education Devolution & Delegation Investigation & Advisory Committee. This would enable joint working in pursuit of political

consensus around any required changes to the States of Guernsey operating model that may be in the best interests of learners attending fully States-funded education settings, and The Guernsey Institute.

4.4.2. Education Devolution & Delegation Investigation & Advisory Committee constitution

4.4.3. The new States of Deliberation, depending on the extent of membership turnover at the 2025 General Election, might have limited knowledge of the history of discourse on the subject of education governance and it will be important that the membership of the Education Devolution & Delegation Investigation & Advisory Committee is able to work knowledgeably and at pace to complete this workstream. In light of the above the following Education Devolution & Delegation Investigation & Advisory Committee membership is proposed:

- A Chair elected by the States of Deliberation:
 - who must have completed a minimum of one complete political term, and
 - who is not a Member of the Policy & Resources Committee or the Committee *for* Education, Sport & Culture; and
- Two Members elected by the States of Deliberation:
 - One of whom must have completed a minimum of one complete political term, and
 - who are not Members of Policy & Resources Committee or the Committee *for* Education, Sport & Culture; and
- One Member who is the President of the Committee *for* Education, Sport & Culture.
- One Member who is the Policy & Resources Committee's lead officer for Corporate Services (as set out in Rule 45 (1A)).
- Up to two non-voting members.

4.4.4. Education Devolution & Delegation Investigation & Advisory Committee mandate

4.4.5. The Committee proposes that the mandate of the Education Devolution & Delegation Investigation & Advisory Committee is to investigate and propose an appropriate and deliverable level of devolution and delegation by:

- examining the services delivered by Corporate Services under the ‘hub and spoke’ framework; and via the Education Office, to support the delivery of education in fully States-funded education settings and The Guernsey Institute, assessing the benefits and risks of devolving some or all of those services away from the existing agreed operating model of the States of Guernsey;
- exploring and, where necessary, recommending an alternative delivery model for those services using expertise based at education settings’ level which could be overseen and monitored by the new education governance boards, including clear lines of responsibility and accountability, taking into account all relevant safeguarding considerations in respect of both the public purse and children, young people and adult learners;
- consulting with relevant stakeholders across the public, private and third sectors, and drawing on experience from other jurisdictions and evidence gathered when researching these policy proposals;
- undertaking and reporting on a cost/benefit analysis in respect of its recommendations, and any discounted options/delivery models, and making recommendations in respect of any increased funding necessary to give effect to the Committee’s proposals;
- exploring and recommending a timeline for the introduction of any recommended changes;
- ensuring that its recommendations further the ambitions of the Education Strategy; have regard for the States’ international obligations; and align with (or resolve conflicts with) relevant States strategies; and
- reporting back to the States of Deliberation with its findings and recommendations in respect of all of the above by not later than September 2026.

4.4.6. Education Devolution & Delegation Investigation & Advisory Committee resources

4.4.7. It is expected that the Education Devolution & Delegation Investigation & Advisory Committee will be supported by officers and advisers who are subject matter experts in respect of the services under the mandates of the Policy & Resources Committee and the Committee *for* Education, Sport & Culture; and will be supported by the policy and secretariat functions of the Offices of those two Committees.

4.4.8. It is expected that the workstream itself, if prioritised by the Assembly via these proposals, would have existing resources directed towards it, and this would be conveyed to the incoming Policy & Resources Committee and Committee *for* Education, Sport & Culture through their respective contributions to the ‘end of term’ Government Work Plan Policy Letter, and internal handover reports.

4.4.9. Notwithstanding the above, it is anticipated that it might be necessary to supplement the advisory, policy or secretariat resource needed for this workstream in order for it to complete its work in a timely way, and the Committee proposes that the Assembly agrees to release funds up to £100,000 from the budget reserve for this purpose, should it prove necessary to do so.

4.4.10. In respect of the longer-term financial picture, it is possible that some of the changes recommended by the Education Devolution & Delegation Investigation & Advisory Committee could create cost pressures for the States of Guernsey. It is not appropriate at this time to attempt to second-guess what those changes/pressures might be. It will be for the Education Devolution & Delegation Investigation & Advisory Committee to undertake a cost/benefit analysis in respect of any proposed changes, and this will be a feature of its work and resultant report to the Assembly.

4.5. The Committee for Education, Sport & Culture's mandate and its relationship with governance boards

Summary:

- *The Committee will retain appropriate links with all new governance boards. It will seek to learn from the feedback of the Council of Chairs, as well as frontline leaders, education officers and other advisory groups. This will inform further policy development across education in all areas of education practice.*

4.5.1. Over time, the fully States-funded education system in Guernsey has been subject to criticism in relation to the degree of direct influence of politics on learners and staff in education settings. On occasion, concern has been expressed that direct political influence risks undermining the ability of Headteachers & Principals to use their professional knowledge and expertise to drive the development of their settings in the best interests of their learners. This argument often lies at the heart of calls for greater degrees of devolution, delegation and autonomy to the leaders of fully States-funded education settings. Similarly, this approach runs the risk of a political body taking its attention away from its strategic policy mandate and, instead, being drawn into granular and short-term problem-solving activity relating to individual education settings, rather than the whole system.

4.5.2. In Guernsey where the relationship between island-wide (national) political concerns and an individual setting's operational issues is arguably closer than is the case in larger jurisdictions, it is clearly important that any committee carrying the mandate to deliver education retains appropriate links with its settings and maintains the ultimate strategic overview of their strengths, areas for

development and adherence to policy expectations. In this way the Committee ensures that it is appropriately informed whilst maintaining suitable objectivity so that it is best able to deliver its mandate of educational development in a way that meets the strategic needs of the whole jurisdiction.

- 4.5.3. To do this well the Committee should, routinely, rely upon the officers who act on its behalf to maintain regular contact with, and to provide support and monitoring to, education leaders and the governance boards established via these proposals. This approach avoids the risk of politicians who are elected to drive developments of island-wide importance in relation to Education, Sport & Culture being inappropriately drawn into the daily operational matters and concerns within an individual education setting. For the Committee to receive assurance around the impact and efficacy of its support, challenge and monitoring functions (which include its Education Office structure and which is proposed to include new boards of governors) there are a range of mechanisms in place which allow the Committee to request and scrutinise information about settings. Existing approaches include regular updates on the quality of education in settings across the islands and the ability of the Committee, at any time, to request visits and formal or informal meetings with leaders of each setting, supported by the Education Office as required. In addition, the Committee benefits from the insight provided by the external quality assurance framework for education, which has been provided by Ofsted for the past four years.
- 4.5.4. It is recommended that, as part of replacement legislation relating to governance, additional mechanisms are created to enable the Committee to retain its ultimate oversight of the work of the new governance boards. Therefore, it is proposed that all governance boards will be required to provide minutes of their meetings to the Committee for review and scrutiny. In addition, a 'Council of Chairs' will be established and will meet periodically with the Committee to provide both a sounding board and feedback forum. Alongside this approach, each Committee member will be invited to attend, as an additional attendee and observer, one full governance board meeting of their individually allocated education settings per year.
- 4.5.5. Notwithstanding the robust mechanisms of the Committee's island-wide (national) education governance role that are outlined above, it remains important that the Committee also retains an ability to act where it has concerns about the conduct, effectiveness or impact of any governance board or individual governor to whom it devolves any responsibility or to whom resources are delegated. In most cases, through regular guidance, training and advice provided by or through the Education Office, most skilled and appropriately trained governance boards should operate without difficulty. However, as is the case in other jurisdictions, situations might, from time to time, arise where the Committee has serious concerns in respect of an individual governor or a governance board. Accordingly, replacement legislation will provide powers of

intervention which the Committee (or the Catholic Diocese of Portsmouth, as the responsible authority for the voluntary schools) will be able to use if required. Given the serious nature of intervention and reconstitution of boards, or removal of individual governors, appropriate and proportionate processes will set out the circumstances in which the Committee can deploy these powers including the use of any formal notifications and/or appeal mechanisms that governance boards or individual governors might be entitled to.

5. Operational considerations: including requirements and changes to service provision

Summary:

- *The steps that the Committee has taken to date, including the introduction of its interim governance model, have provided a solid foundation for the transition to a new model of education governance.*
- *The Committee is sensitive to the fiscal position of the States of Guernsey and has found solutions within its mandate to funding the operation of improved governance structures for the fully States-funded system.*

- 5.1. Upon the enactment of replacement legislation, it is planned that the Committee's existing interim governance policy transitions into full governance boards, as per the requirements of the replacement legislation. In parallel, the Education Office will begin recruitment of the island's first group of Education Governance Chairs.
- 5.2. Since 2022, frontline education leaders have become increasingly familiar with the requirements of formal education governance arrangements in all settings as part of the Committee's interim governance approach. This includes the production of appropriate packs of governance data and reports and regular schedules of formal governance board meetings. This means that limited operational change is expected for Headteachers & Principals upon the initial enactment of replacement legislation. Since the requirement for frontline leaders to service School Committees will fall away, leaders will benefit from workload improvement in this area.
- 5.3. Given the Committee's intention to operationalise three immediate and initial steps in support of the devolution and delegation of responsibilities to new governance boards (as referred to in paragraph 4.3.9), relevant officers from the States of Guernsey's Corporate Services teams will be asked to adapt, where necessary, current operational practices to accommodate the new oversight arrangements of governance boards.

- 5.4. Depending upon the outcome of the findings and recommendations of the Education Devolution & Delegation Investigation & Advisory Committee, and the decisions of the States of Deliberation in respect of them, further operational change across both the Education Office and the States of Guernsey Corporate Services operating model might be required.
- 5.5. The Committee is cognisant of the fact that the replacement of any legislation which seeks to improve service delivery and outcomes for islanders often leads to a requirement for the States of Deliberation to agree increased revenue funding. This precedent has been evident in recent debates, for example Discrimination legislation²⁹, in respect of which the States resolved to release funds of £325,000 per annum to support new functions arising from the legislative change. Since effective governance is a critical aspect of the delivery of any public service, the Committee believes that it is the duty of the body politic to provide the resources for this to be carried out effectively for the children, young people, adult learners, and their families, who use the fully States-funded education system.
- 5.6. However, the Committee also recognises the significant fiscal pressures facing the States of Guernsey around the delivery of its services. For this reason, the Committee proposes that for 2025, additional administration costs, and those associated with the Education Governance Chairs, will be met via monies allocated to the Education Law review workstream within the Government Work Plan and Transforming Education Programme. For 2026 onwards the Committee plans to re-prioritise budgets and identify savings to fund this additional expenditure.
- 5.7. The Committee has already taken a number of steps to reprioritise the allocated budget for education during this political term and has made systemic improvements within its cash limit. The Committee continues to scrutinise its budget, particularly mindful of the States of Deliberation's recent resolution to direct that Principal Committees investigate Tier 1 initiatives identified by the Reducing the Cost of Public Services Sub Committee further or, where possible, implement the changes needed to deliver savings³⁰.
- 5.8. The Committee commits to continuing to investigate saving/cost reduction initiatives relating to its mandate with a view to making sustainable savings. As such, the Committee proposes diverting realisable recurring savings up to a maximum of £225,000 per annum to facilitate these proposals which will provide for improved education governance across the fully States-funded education system.

²⁹ [Resolutions of the States of Deliberation concerning Billet d'État No XV 6th July 2020](#)

³⁰ [Resolution 28, The States of Guernsey Annual Budget for 2025](#)

- 5.9. In particular, this funding will be used to ensure that the requirements of replacement legislation for education governance are effectively implemented across each of the individual education settings that exist as part of the fully States-funded education system at the point of planned legislative enactment. This funding will be used to provide a small annual retainer for each new education governance board Chair (noting that the value of this retainer will vary according to the size of each 'cluster' of governance boards) and will also provide for appropriate clerking, co-ordination and on-going training services to all governance boards and for all new governors. It is the Committee's overall intention that the appropriate education governance system introduced via its proposals will lead to better outcomes and life chances for learners within fully States-funded education settings and The Guernsey Institute.

6. Application of the replacement legislation to Alderney

Summary:

- *Subject to the States' support for these policy proposals, the Committee will engage with the States of Alderney to support the development of one or more Ordinances under the 1948 Application of Legislation Law which reflect the new education governance proposals.*

- 6.1. The States of Guernsey has an obligation under the 1948 Agreement to deliver a defined list of services ("the Transferred Services") to the island of Alderney, including education. With regard to the application of the Committee's proposals for education governance, following the outcome of the debate on these policy proposals, the Committee intends to work collaboratively with the States of Alderney to ensure there is parity between Guernsey and Alderney in respect of the governance arrangements in place for the fully States-funded education settings.
- 6.2. Colleagues in Alderney, including education leaders and representatives of the States of Alderney who are members of the Committee and/or members of the Interim Governance Board for St Anne's School, have expressed support for proposals relating to updated arrangements for education governance.

7. Appendices and additional information

- 7.1. **Appendix 1 - Summary of the current position against the recommendations from the Review of Education Services in Guernsey (2012) and the Review of Primary Education in Guernsey (2012) undertaken by Mr Denis Mulkerrin.** The recommendations of these reviews are often referenced in discussions about education governance and the table provides an overview of the actions

taken by this Committee *for* Education, Sport & Culture and its predecessors, since the two reviews were completed.

7.2. **Appendix 2 - Summary of headline responses from Education Leaders survey week beginning 11th November 2024.**

As part of continued engagement, front-line Education Leaders were asked to provide their views on a variety of statements about education governance. They were also encouraged to offer further detail about the benefits and challenges that they have experienced, and can anticipate from changes to governance, including greater devolution and delegation.

7.3. **Appendix 3 – Stakeholder Summary Feedback Summer 2024.**

A range of stakeholder events have taken place to ensure that the Committee's proposals could be informed by broad range of views. This summary presents key statements from the various stakeholder groups and highlights the significant engagement and consultation that has necessarily taken place through the policy development process.

7.4. **Appendix 4 - Education Outcomes (External inspection by Ofsted in chronological order of inspection).**

The Committee believes it is helpful, to provide context for reader, to provide a summary of the current situation in regard to outcomes of the external inspection of education settings undertaken by Ofsted against our local inspection framework.

8. Compliance with Rule 4

8.1. Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

8.2. In accordance with Rule 4(1):

- a. The Committee confirms that the Propositions which this Policy Letter accompanies were identified as part of the Transforming Education Programme, which was and prioritised within the 2022 Government Work Plan³¹ (Priority 3: Delivering Recovery Actions). The Committee remains under resolution³² of the States to repeal and replace the 1970 Education Law (and associated legislation) and the proposals in this Policy Letter support the Committee in discharging this resolution. The introduction of a new education governance framework to support the formal introduction of education governance boards contributes to improved educational delivery

³¹ [2022 Government Work Plan](#)

³² [Resolutions of the States of Deliberation concerning Billet d'État No II of 2018](#)

and outcomes, and supports the strategic objectives set out in the 2023-25 Government Work Plan – to grow economic competitiveness, to maintain public service resilience, security and governance.

- b. In preparing the propositions, consultation has been undertaken with a range of stakeholders, as set out in Appendix 3.
- c. The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d. The financial implications to the States of carrying the proposal into effect are, only if necessary, a one-off drawdown of £100,000 from the budget reserve to support the work of the Education Devolution & Delegation Investigatory & Advisory Committee.

With regard to the ongoing administrative and support costs associated with the education governance boards, the Committee proposes diverting realisable recurring savings from its revenue budget to meet these costs, which it anticipates being not more than £225,000 per annum. As such, there are no long-term additional costs to the States of carrying the proposal into effect.

8.3. In accordance with Rule 4(2):

- a. The propositions relate to the Committee's to the purpose of the Committee 'To encourage human development by maximising opportunities for participation and excellence through education, learning, sport and culture at every stage of life.'
- b. The propositions have the unanimous support of the Committee.

Yours faithfully

A C Dudley-Owen
President

S P Haskins
Vice President

S E Aldwell
A K Cameron
S A Roberts

D E Mitchell
Non-States Member

APPENDIX 1

Summary of the current position against the recommendations from the Review of Education Services in Guernsey (2012) and the Review of Primary Education in Guernsey (2012) undertaken by Mr Denis Mulkerrin

Original recommendation from 2011/2012	Position in 2024
Key - ● - Recommendation actioned ◎ - Alternative approach taken ◻ - In progress ◆ - Not progressed/no longer applicable	
Secondary Phase	
● That the Education Department institutes an “Excellent Teacher” scheme with a view to retaining the best teachers on a licence.	Changes to Population Management legislation and policy including in respect of long-term employment permits has improved the situation. An Education Workforce Strategy is now in place and there is ongoing collaboration with HR services around the challenges of attracting and retaining subject specialists, and the lack of suitable affordable accommodation. An Initial Teacher Training Programme is available on island, and schools are able to support the development of Early Careers Teachers.
◻ The 1970 Education Law should be urgently reviewed and updated.	The Committee continues to progress proposals for a new Education Law, and, following its 2023 Policy Letter, has identified the benefit of a staged approach, commencing with these proposals relating to a new system of education governance.
● The remedial action undertaken by the Education Department has been comprehensive and should be continued.	A number of initiatives are in place including: <ul style="list-style-type: none"> • School Improvement Team – with specialist education officers and a validated self-evaluation cycle is in place for all settings. • External inspection to a local framework – provided by Ofsted. • Interim Governance Boards to provide challenge and support at a setting level. • Performance measures are published in the Committee’s ‘Our Education Strategy Annual Report’. • Enhanced education leadership team structure.

Original recommendation from 2011/2012	Position in 2024
● GCSE and A-Level results for schools to be published in a format similar to England.	The routine publication of GCSE and A-Level results commenced in 2012. Provisional results are released on 'results days' and include comparisons to England. After a gap in the publication of an annual report, the Committee has introduced a new 'Our Education Strategy Annual Report' published in 2023, covering the 2022/23 academic year. Reports include nationally validated Level 2 and Level 3 results alongside other performance indicators.
● The full Validation Reports (VSSE) to be published and sent to parents of the school.	All Ofsted inspection reports are published online (www.gov.gg/inspections) and made available to parents/carers via the education setting. This requirement is set out in policy.
● That the Education Department should have "Ofsted Style" inspections, in line with the schools, every four years.	Ofsted has been contracted to provide inspection services, and its inspections are undertaken against a local framework.
□ Teacher appointments should be made by Headteachers, as part of Local Management of Schools, on the same lines as in England.	Headteachers & Principals (working with HR professionals) make teacher appointments, recognising that the States of Guernsey is the employer (rather than the individual setting).
□ Guernsey moves to a Governing Body system, initially for the Grammar School and the three High Schools, and then followed by the primary schools.	A working group was initially established in 2012 to progress this recommendation but its work did not result in significant change. Following considerable stakeholder engagement and a review of approaches in other jurisdictions, the Committee introduced a 'proof of concept' interim governance board model in 2022. Informed by feedback, data and experience the Committee proposals were presented in 2023 and have been reviewed and updated in light of feedback and further operational experience in this Policy Letter.
□ Guernsey should develop a system of Local Management of Schools (LMS) for the Grammar School and the	A Local Management of Schools working group was set up in 2012. However, the States of Guernsey's Corporate Services Operating Model has progressed and a 'hub and spoke' arrangement is now in place for enabling (corporate) services.

Original recommendation from 2011/2012	Position in 2024
three High Schools. To be followed by LMS being developed in the primary schools (perhaps via a “cluster” approach whereby groups of schools would share a finance manager / bursar).	<p>The Committee has established closer working between secondary schools and the Sixth Form Centre, firstly through a ‘soft federation’ and a formal Secondary School Partnership is now in place which enables closer collaboration and shared resources.</p> <p>Further work on devolution and delegation is necessary to determine the most appropriate options, and this Policy Letter proposes a clustered model for governance boards as a sensible and proportionate operational model.</p>
Primary Phase	
● Teacher Assessment should be made more consistent across the island.	Significant changes have taken place around learner assessments, including the introduction of standardised assessment in both the Primary and Secondary phases. Improved reporting, including performance dashboards for (interim) governors are in place.
● To improve reading at KS2 and particularly for boys.	Following a 2-year improvement programme this political term, the number of children achieving above average in reading at the end of Key Stage 2 (KS2) is very high. (A similar programme is now in place for maths).
● To increase the number of able children achieving Levels 3+ and 5+.	
○ To consider moving back to the Reading Sat so that Guernsey has a definite benchmark to compare itself with.	
● The Headteacher Performance Management policy to be updated and made more challenging.	<p>A range of strategies are being used across our Primary Schools:</p> <ul style="list-style-type: none"> • A Literacy Framework is in place with schools empowered to identify individual programmes. • Improving reading remains a key priority in the Primary sector. • Schools work with parents/carers and third sector organisations to support reading initiatives. • Standardised assessment in place. <p>Headteacher/Principal performance management is now completed with their line manager, who is a member of the Guernsey Education Leadership Team (GELs). Policies remain under review and this Policy Letter proposes the Chair of each setting’s governance board is part of the performance management process.</p>

Original recommendation from 2011/2012	Position in 2024
<p>● The VSSE process should focus more on the schools that require additional support and guidance.</p>	<p>The inspection framework provides external assurance. The education improvement team undertakes regular visits to all settings and works with settings-based staff to develop and improve teaching practice. A validated self-evaluation cycle operates a principle of 'earned autonomy' with three tiers of support.</p>
<p>⊙ That there are regular meetings between the Chief Officer of the Education Department and the Lead Validator for VSSE.</p>	<p>Regular meetings take place with Ofsted focused on the strategic and operational aspects of the external inspection framework.</p>
<p>⊙ Develop an island wide strategy to increase, and train, the number of volunteers willing to help children with reading in the primary schools.</p>	<p>Schools can choose to use volunteers to help encourage and support children with reading. Decisions about the use of volunteers has been devolved to settings leaders.</p>
<p>● The States provides free Pre-School Education for targeted children via a voucher system.</p>	<p>Pre-school Education Funding for eligible families was introduced in January 2017.</p>
<p>● Schools should extend the practice of focused reading groups, especially for those boys who struggle with literacy.</p>	<p>This is routine practice, with literacy intervention teachers now in place in both primary and secondary schools</p>
<p>● The policy of allocating Teaching Assistants to be changed to reflect pupil need and school size.</p>	<p>Changes have been made to the allocation of Learning Support Assistants (formerly known as Teaching Assistants), this is based on a formula (1:50 in primary schools), plus additional staffing support as appropriate to meet specific learners' needs.</p>
<p>□ The policy on the role of Teaching Assistants to be updated.</p>	<p>Learning Support Assistants (previously known as Teaching Assistants) have access to structured training programmes and pay progression opportunities that recognise the valuable role they provide across education settings.</p>

Original recommendation from 2011/2012	Position in 2024
	<p>Since the time of the report, the positive impact of Teaching Assistants on learning has been found to be less straightforward than was thought at the time.</p> <p>The Education Office has used this research, and training (MITA project) has been provided to settings.</p>
<p>The Supply Budget, Training Budget and Teaching Assistant Budgets to be delegated to primary schools.</p> <p>◆</p>	<p>Settings have a non-pay budget delegated to them, which could be used for training; however, a significant evidence-informed professional development offer is facilitated by the Education Office, and Headteachers & Principals have autonomy over the participation of their staff. A minimum of 264 CPD opportunities were provided during the last academic year and participation rates are high.</p> <p>The use of Island-Wide Teachers (deployed to schools as needed) has replaced much of the supply teacher need in the primary phase. Island-Wide Teachers are quality assured, and have access to all of the training offered to other permanent teachers.</p> <p>This has maximised the value achieved from the available budget.</p> <p>The use of a formula to allocate Learning Support Assistants provides consistency and equity across settings. Headteachers & Principals have devolved responsibility for how they deploy their Learning Support Assistants across the setting.</p>
<p>There should be a much stronger emphasis on professional development in all schools.</p> <p>●</p>	<p>The Committee invests heavily in CPD for its education workforce and has put in place an Education Workforce Strategy.</p> <p>Officers work closely with education leaders including Headteachers & Principals, to understand the professional development needs of their staff. This enables the Education Office to procure training to meet the common needs of Headteachers & Principals and provides best value through greater economies of scale.</p>

Original recommendation from 2011/2012	Position in 2024
	<p>Where appropriate, whole island CPD opportunities are provided to the education workforce, such as for the introduction of the new Additional Learning Needs Code of Practice.</p> <p>There are also development programmes for the workforce across education, including specific programmes for middle leaders.</p>
<p>There should be more mentoring / coaching by the best teachers.</p>	<p>Early Career Teachers are provided with a mentor as a statutory responsibility and required to achieve qualified teacher status (QTS). Mentors receive the necessary training. In settings, some leaders have used their devolved responsibilities to introduce Instructional Coaching or teaching and learning communities.</p>
<p>Capability procedures in Guernsey need to be updated.</p>	<p>This is ongoing and complex work which is led by HR.</p>
<p>Headteachers need to apply these procedures, wherever necessary.</p>	<p>Training and support have been provided, and will be ongoing, linked with updates to policies and procedures.</p>
<p>The Education Department needs to support its Headteachers.</p>	<p>Strong line management now supports and challenges Headteachers & Principals, as do the Interim Governance Boards and this will continue under the policy proposals in this Policy Letter. Feedback from Headteachers & Principals is very positive.</p>
<p>The updated Guernsey Education Law should provide financial provision for capital funding, repairs and maintenance of the island's Catholic Schools, similar to the arrangements in England.</p>	<p>This has not progressed, although regular liaison meetings take place with the Catholic Diocese of Portsmouth which include discussions about capital works. A formal agreement is now under development with the States Property Unit. Voluntary Schools are provided with the same level of investment for upgrades such as IT infrastructure and devices.</p>
<p>The present 11+ examination format be changed to two or three papers</p>	

Original recommendation from 2011/2012	Position in 2024
<p>♦ The examinations to be taken at a central venue such as the Grammar School on a Saturday morning.</p>	<p>Selection to secondary school by academic ability (11+) is no longer a feature of fully States-funded education in Guernsey and Alderney. The first non-selective cohort finished secondary school in summer 2024.</p>
<p>● The VSSE (inspection) Reports should change to the Ofsted-style format in order that they can become more easily understood by a wider audience.</p>	<p>Ofsted is now the inspectorate for the fully States-funded education settings in Guernsey and Alderney and The Guernsey Institute College.</p>
<p>● A uniform policy on transition should be adopted. This to include an agreed standardised profile for all children transferring to the Reception Year in the primary schools.</p>	<p>Greater structure is in place to support transition into primary schools and between primary and secondary schools. This includes transition days, and allows for schools to work together to best support all learners and particularly those with additional needs.</p>
<p>● In collaboration with HSSD, closer relationships with the Education Department and pre-schools should be established.</p>	<p>The States Early Years Team (SEYT) brings together expertise across Education and Health & Social Care services. This has been in place since the introduction of preschool education funding in 2017. The SEYT works closely with early years and childcare providers, including preschools, nurseries and childminders to support improvement in quality standards and outcomes for children.</p>
<p>⊙ The School Improvement Manager to give an introduction to Headteachers of the East Sussex self-review system.</p>	<p>The suggested introduction was made. Additionally, a robust validated self-evaluation cycle is now in place for every setting. This is led by the Education Improvement Team and the related policy ensures that all settings are supported, challenged and monitored to provide the highest standards of education for all children, young people and adult learners attending fully States-funded settings within the islands.</p>

Original recommendation from 2011/2012	Position in 2024
<div data-bbox="248 352 277 384" data-label="Image"></div> A working party to be formed to agree a uniform transfer system, based on good practice.	Transition is improved, with enhanced data and information sharing in place. The use of assessments across all schools supports a uniform approach and the policy is reviewed annually.

From the table above it is apparent that the majority of the recommendations set out in the Primary and Secondary Reviews undertaken by Mr Mulkerrin have been addressed, and in some cases exceeded. Much of the change has been driven through close working across the education sector, and listening to education leaders in schools and settings who are not universally supportive of the full devolution seen in England during its initial phases.

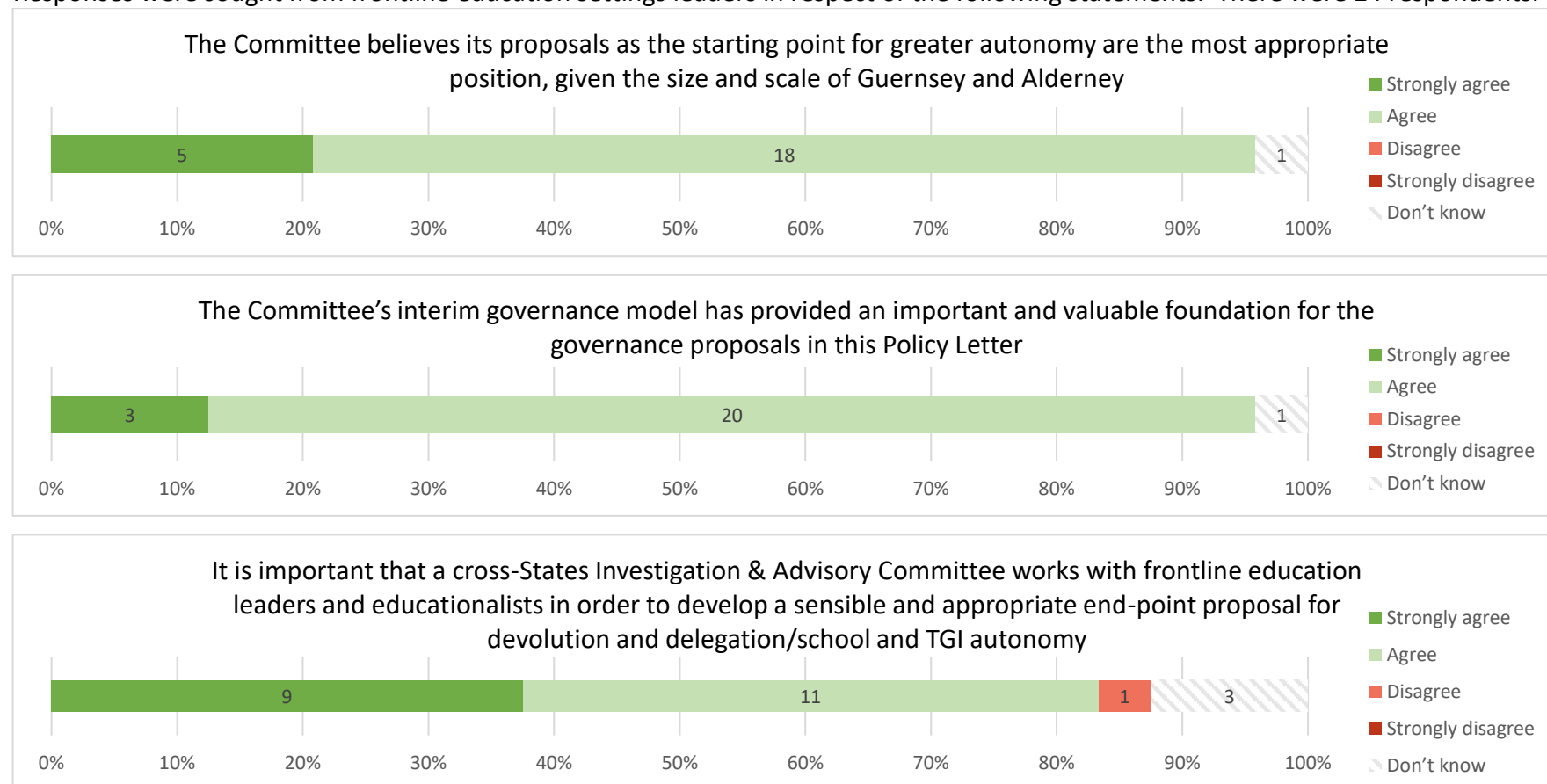
It must be recognised that the Local Management of Schools system being implemented at the time of the reports in 2011/12, looks very different to the devolution and delegation that is seen in England today, whereby with the expansion of the Multi-Academy Trust (MAT) individual schools have less autonomy now than they did 10 years ago. This followed a period of rapid change, which did not in all cases provide the necessary checks and balances and led to a fragmented system with no middle tier.

The reviews also recommended changes to the 11+ process, no longer applicable to Guernsey and Alderney.

APPENDIX 2

Summary of headline responses from frontline Education Setting Leaders survey - November 2024

Responses were sought from frontline education settings leaders in respect of the following statements. There were 24 respondents.



Stakeholder Summary Feedback 2023-2024

Stakeholder group	Main themes resulting from feedback (bold type indicates strong theme)
Headteachers & Principals	<ul style="list-style-type: none"> • No appetite to change employer status. • Differences in needs and degree of separation dependent on education phase. • Strong appetite for increased flexibility in HR, particularly recruitment and onboarding and in budget use. • View that enabling services do not provide the required flexibility; Service Level Agreements and Key Performance Indicators have the potential to act as a catalyst for improvement. • Query whether the customer voice (the setting) is sufficiently captured in service design and delivery/evaluation. • Collaboration across settings in some areas could better meet individual needs. • Shared Chair for clusters of settings viewed as a good option. • Appetite to have staff, elected parent representatives (from each individual setting) and student voice reflected in the governance model alongside reps from, community, Diocese, finance/business, parish etc. • Views around political representation differed. Some Headteachers/Principals, mainly those with leadership experience spanning multiple jurisdictions, saw less merit in political representation on boards.
Senior Educationalists	<ul style="list-style-type: none"> • Range of views broadly aligned with Committee thinking. • Acknowledgement that some things are more appropriately delivered from the centre because of the way services are organised, and because of the scale of Guernsey (and Alderney). • Desire to devolve some inclusion functions to create greater flexibility at settings level. • An appetite for more autonomy for The Guernsey Institute more quickly. • Desire to see Education Office representative (not necessarily line manager) on each governance board.
Catholic Diocese of Portsmouth	<ul style="list-style-type: none"> • Keen that relationship between the schools and the Diocese is not diluted through any governance model. • Reference to canonical Law that the Bishop must be the appointing body for any Catholic school. • Expectation that membership of boards will be weighted in favour of Catholics, as per canon Law. • Queried whether the voluntary schools should form a separate cluster for governance purposes.

Stakeholder group	Main themes resulting from feedback (bold type indicates strong theme)
Negotiating Committee for Teachers and Lecturers in Guernsey (NCTLG)	<ul style="list-style-type: none"> Interested in any proposals to change employer status. Desire to see staff representatives from specific setting on governance board. Appetite for involvement in policy development to support implementation of any new model.
Education Staff	<ul style="list-style-type: none"> Responses highlighted the importance of oversight and scrutiny role and ensuring that settings are acting in the best interests of learners. Most responses expressed a desire for settings to have more control over HR and finance because of a perceived lack of understanding of a settings' individual context. Appetite for settings to work more closely with a wide range of support services from those delivered by Education, to Health & Social Care services and those provided by the voluntary sector. Important voices in the day-to-day oversight of settings included parents / carers, students and staff (including Headteachers & Principals) alongside community representatives, external support agencies and the Diocese. Skills considered important for the members of future governance boards included a knowledge / experience / understanding of education, skills associated with the operations of a school (including safeguarding, finance and HR, property maintenance etc.) alongside more formal leadership skills (communication, resilience etc.).
Parents / Carers	<ul style="list-style-type: none"> General consensus that this was an opportunity to effect positive change in the education system. Significant support for a governance model separate from the Committee. Most responses thought staff, parent / carer representatives (from the specific setting) would be important alongside accounting for student voice, but that boards should not have political members. A knowledge or experience of education was also considered key along with representation from the wider community. Many responses included the view that a range of backgrounds and experience would be important. More responses which were not supportive of political representation than those which were (70:30 split).

Stakeholder group	Main themes resulting from feedback (bold type indicates strong theme)
School Committees	<ul style="list-style-type: none"> Widely held view that clarity of role and a comprehensive training programme would be vital. The link between schools and the local community in any oversight or support function was highlighted as important. Some School Committee members expressing strong opposition to change to the status quo. The following skills were identified as important for any future members of governance boards: <ul style="list-style-type: none"> Communication and listening skills Leadership skills Analytical skills Integrity and independence Ability to challenge and scrutinise Organisation and prioritisation skills Teamwork Financial skills / knowledge / experience Ability to achieve outcomes / get results
States of Guernsey Corporate Senior Leadership Team	<ul style="list-style-type: none"> Recognition that some of the feedback from Headteachers & Principals and settings-based staff may be driven by service quality. View that there is already some flexibility in the system but that this is not as widely understood as it could be. Support for legal proposals that give flexibility for matters of devolution and delegation to be developed over time, as opposed to radical change from current practices in the shorter-term. Caution around specifying detail around devolved functions in any 2024 Policy Letter.
Grant-Aided College Principals (individual engagement activity)	<ul style="list-style-type: none"> Strong view that autonomy around matters of workforce and finance drive overall quality of provision. Belief that quality of leader is directly influenced by degree of autonomy. Value of governance board as a crucial support tool and sounding board for a leader. Belief in the value of the individual identity of any education setting. Belief that leaders in the fully States-funded system are stifled by States of Guernsey structures.

Stakeholder group	Main themes resulting from feedback (bold type indicates strong theme)
States Members	<ul style="list-style-type: none"> • The model of governance must allow for delegation and devolution, but this could be staggered over time. • Boards must be populated with members who have the necessary skills and are supported with training, therefore, strong recruitment is key. • Autonomy can create competition which might not always be positive and can be challenging in an education system that is trying to offer equity. • Greater decision-making power at an education settings level can positively impact the culture and performance of a school/setting. • Increased flexibility is needed but not all functions have to be the responsibility of education settings. • Providers of services to education settings, must be held to account by their 'customers'. • Understanding the current gaps in service provision is necessary before moving the responsibilities or resources. • The decision to make significant changes should be supported by robust and complete data, and should consider effectiveness and value for money.

APPENDIX 4

Education Settings' Inspection Outcomes (External inspection by Ofsted in chronological order of inspection)

Setting	Inspection date	Quality of Education	Behaviour & Attitudes	Personal Development	Leadership & Management	Early Years
Vale Primary School	June 2022	Good	Good	Good	Good	Good
St Martin's Primary School	November 2022	Requires improvement	Good	Excellent	Good	Good
La Mare de Carteret High School	March 2023	Requires improvement	Good	Good	Requires improvement	NA
Notre Dame du Rosaire Primary Catholic School	March 2023	Good	Good	Excellent	Good	Good
La Houquette Primary School	May 2023	Good	Good	Good	Good	Good
La Mare de Carteret Primary School	June 2023	Good	Good	Good	Good	Good
St Anne's School, Alderney	September 2023	Requires improvement	Good	Good	Good	Good
The Guernsey Institute (College of Further Education)	November 2023	Good	Good	Good	Good	NA
Forest Primary School	February 2024	Good	Good	Good	Good	Good
St Mary & St Michael Primary Catholic School	February 2024	Good	Good	Good	Good	Good
Hautes Capelles Primary School	March 2024	Good	Good	Good	Good	Good
Les Beaucamps High School	April 2024	Good	Good	Good	Good	NA
St Sampson's High School	June 2024	Good	Good	Good	Good	NA
Vauvert Primary School	June 2024	Good	Good	Good	Good	Good
Les Voies School	September 2024	Good	Good	Good	Good	NA
Settings not yet inspected or without a published Ofsted report at the time of Policy Letter publication						
<ul style="list-style-type: none"> Amherst Primary School Castel Primary School Le Murier School Le Rondin School Les Varendes High School (including the Sixth Form Centre) 						

Proportion of education settings obtaining good or better grades compared against England (as at October 2024).

October 2024 Headline: In both phases, Guernsey and Alderney schools have a higher proportion of settings graded good or better than is the case in England in all categories other than for Quality of Education (QED) where performance is in line with England, and for Leadership & Management (L&M) in secondary schools where performance is also in line with England.

	Jurisdiction			
	England % of schools with Good or better inspection judgments	Guernsey % of schools with Good or better inspection judgments	England % of schools with Good or better inspection judgments	Guernsey % of schools with Good or better inspection judgments
	Primary (includes St Anne's School)		Secondary (excludes St Anne's School)	
Quality of Education	81.5%	80%	74.9%	75%
Behaviour & Attitudes	94%	100%	78.8%	100%
Personal Development	95.4%	100%	86.5%	100%
Leadership & Management	84.4%	100%	79.5%	80%
Early Years	88.6%	100%	-	-

Settings not yet inspected or without a published Ofsted report at the time of Policy Letter publication: Amherst Primary School; Castel Primary School; Le Murier School; Le Rondin School



Committee *for*
Education, Sport & Culture

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By email

25th November 2024

Dear Deputy Trott

Education Governance Policy Letter: Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for* Education, Sport & Culture requests that the propositions relating to the Policy Letter: Education Governance, dated 25th November 2024, be considered at the States' meeting to be held on 22nd January 2025.

The Committee is requesting that the Policy & Resources Committee prioritises this policy letter as set out above as it wishes to ensure there is clarity at the earliest possible stage with regard to the future education governance structure, mindful that this clarity will:

- assist the development of the Committee's parallel interim governance policy and ensure its continuing work under this interim policy reflects the States of Deliberation's policy direction, so that the training, development and operational processes are ever more closely aligned with, and facilitate the introduction of, the future model of education governance; and
- inform the Committee's collaborative work with the School Committees to ensure a smooth transition from that system of school oversight to the education governance framework, noting the additional overhead the School Committee system places on education settings' leaders, and the increasingly limited value that is derived from this system.

Yours sincerely

Deputy Andrea Dudley-Owen

President
Committee *for* Education, Sport & Culture

Cc – States Greffier