

How to: Clerk in different types of school organisation

The composition of the board of trustees

1. TYPES OF TRUSTEE

Your MAT's articles of association will tell you the number of trustees and how they are appointed. Not all MATs will have all the following types of trustees – the exact structure of the trustee board will depend on how and when the MAT was set up. The majority of trustees will be appointed as one of the following:

- member-appointed trustees: the articles will specify how many trustees the members may appoint
- foundation trustees: some trusts also have another foundation (charitable) body associated with them and this body will usually have the power to appoint trustees – this is often, although not exclusively, a religious body of some kind
- sponsor trustees: where the trust has a specific sponsor body associated with it, the sponsor will usually be allowed to appoint a certain number of trustees
- co-opted trustees: these are people appointed by the other trustees to enhance the skills, knowledge and experience of the trustee board
- parents: most articles will state that there must be a least two elected parent trustees, unless the MAT has academy-level governance, in which case parents can be elected to this local committee rather than the trust board

2. THE SENIOR EXECUTIVE LEADER

NGA does not think it is good practice for the chief executive to be a trustee. Most charities are not allowed to have employees on the trust board and NGA thinks it is inherently flawed for the person who is responsible for implementing the strategies set out by the trust to then be part of the board that holds her/him to account for this.

The current version of the DfE's model articles gives responsibility to the members for deciding whether to appoint the chief executive as a trustee (assuming that the chief executive is also willing to serve as a trustee). In keeping with the view expressed above, NGA would recommend that members do not appoint the chief executive as a trustee. In earlier versions of the model articles the chief executive was entitled by right to be a trustee.

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3. OTHER TYPES OF TRUSTEE

In addition, in some MATs there will be provision for trustees who are appointed or elected by other bodies such as the academy headteachers, the wider staff group and the academy committee chairs. Again, the current version of the model articles makes no provision for other employees to be elected or appointed as trustees.

4. GETTING RECRUITMENT OF NEW TRUSTEES RIGHT

All boards should have a rigorous external recruitment process for recruiting new trustees in order to establish a diverse board with a range of views, backgrounds and knowledge.

“Evidence from other sectors shows that diverse boards improve performance and decision-making; by having a greater range of perspectives and lived experience involved in governing board discussions, all pupils will benefit from better, more robust decision-making.”

The Right People Around the Table: a guide to recruiting and retaining school governors and trustees – NGA March 2019

5. WHAT IS THE RIGHT SIZE FOR A BOARD?

NGA does not think that there is an ideal size for a trustee board; it must not be so large that it is unwieldy and a barrier to good decision-making, but it does need to have enough people to ensure a diversity of opinion and to carry out the tasks required. The latter depends on how big an organisation is being governed and how much time is expected from each trustee, but even more importantly on how much is delegated elsewhere.

In NGA’s annual survey, the majority of MAT trustees (85.4%) said there were 12 or fewer on their MAT board. While smaller boards are not necessarily less effective, it is important to ensure that there is enough diversity, skills and capacity for good-decision making and to spread the workload manageably. One determinant of size will be how much is delegated to the executive management and/or local governing committees as well as how many trust committees there are.

If you choose not to have any committees (except audit) you can probably operate with fewer trustees. If you want to have separate committees (for example, standards/performance and finance) you may well need a few more, otherwise your committees will be populated with the same people, suggesting that all issues could be discussed at trustee board level. If you have no local governance, you may need to meet more frequently to ensure you can exercise proper oversight.