

By online form:

27th March 2026

Dear Sir / Madam

The Chartered Governance Institute is the professional body for governance and the qualifying and membership body for governance professionals across all sectors. Its purpose under Royal Charter is to lead effective governance and efficient administration of commerce, industry, and public affairs working with regulators and policymakers to champion high standards of governance and providing qualifications, training, and guidance. As a lifelong learning partner, the Institute helps governance professionals achieve their professional goals, providing recognition, community, and the voice of its membership.

One of nine divisions of the global Chartered Governance Institute, which was established 135 years ago, The Chartered Governance Institute UK & Ireland represents members working and studying in the UK and Ireland and many other countries and regions including the Caribbean, parts of Africa and the Middle East.

As the professional body that qualifies Chartered Secretaries and Chartered Governance Professionals, our members have a uniquely privileged role in companies' governance arrangements. They are therefore well placed to understand the issues raised by this consultation document. In preparing our response we have consulted, amongst others, with our members. However, the views expressed in this response are not necessarily those of any individual members, nor of the companies they represent.

Our views on the questions asked in your consultation paper are set out below, together with some general comments on the issues raised.

What are the key considerations for governing boards as we move towards all schools being in trusts?

The reforms set out in the White Paper are ambitious, but their success depends on addressing several structural risks that remain unresolved. Funding remains the most significant barrier: the expansion of governance duties, SEND responsibilities, digital infrastructure and local partnership roles is substantial, yet the White Paper does not outline a sustainable implementation funding plan for trusts or schools. Trusts will also need considerably greater governance and workforce capacity to deliver new Trust Standards, trust-level inspection expectations, Inclusion Strategies, ISPs and multi-agency collaboration, but the sector lacks the specialist SEND, safeguarding, analytical and governance expertise required. The shift to place-based accountability is welcome, but DfE has not clarified how local partnership boards will operate, how decision-rights will be balanced between trusts and local authorities, or how escalation and assurance will work across safeguarding, attendance and early help. Digital reforms, including the data spine, AI-supported analytics and digital SEND processes, introduce further risks around data protection, cyber security and the capability of local governance structures to interpret more complex performance information. Smaller, rural, faith and co-operative trusts may struggle most, particularly without clear guidance on trust growth, geographic coherence and phased implementation timelines. Finally, if LA-established trusts proceed, statutory conflict-management rules must be set out before piloting to avoid blurred lines between regulator and provider and to maintain public confidence in the neutrality of decision-making.

In terms of governance, what will the sector need to do differently as we move towards all schools being in academy trusts?

As the system moves towards full trust coverage, the sector must govern differently by operating to consistent trust-wide standards, strengthening central capacity and engaging fully in the new place-based accountability framework. Trusts will need to harmonise policies on curriculum, safeguarding, behaviour, SEND, enrichment and parental engagement to meet the new Trust Standards and trust-level inspection expectations. They must form geographically coherent structures that align with local authority and Integrated Care Board boundaries so they can participate credibly in shared local outcomes frameworks for attendance, safeguarding, early help and inclusion. Governance functions will need to scale significantly, with stronger professional governance teams, specialist SEND leadership, robust risk and audit arrangements, and clearer reporting lines between local governance bodies and trust boards. Trusts must also manage new statutory duties for attendance, behaviour and safeguarding, supported by reliable data flows, digital competence and the capability to interpret analytics linked to the national data spine and digital SEND systems. Delivering improvements will require embedded evidence-based practice, consistent assessment models and trust-wide improvement cycles, alongside strengthened financial planning to absorb new SEND and inclusion costs. As more schools join trusts, the sector must also improve due-diligence processes for mergers, conversions and growth to ensure trusts remain sustainable, accountable and able to meet their expanded statutory responsibilities.

In terms of governance, how could the DfE support the move to all schools being in academy trusts, in the short and medium term?

To support the move to an all-trust system, the DfE should provide clear national guidance on trust formation, growth, mergers and geographic coherence, supported by robust due-diligence tools covering finance, estates, workforce, safeguarding and SEND. It should define how new local partnership boards operate by setting out roles, decision-rights and data-sharing protocols across trusts, local authorities, ICBs, police and youth services, and reduce administrative burden by issuing model schemes of delegation and consolidating statutory guidance



within the new digital platform. In the short term, the DfE must invest in governance capacity, including training on SEND reforms, risk management, digital standards, AI oversight and safeguarding, and provide immediate operational support for new attendance, behaviour and safeguarding duties, particularly around pupil-movement monitoring and off-rolling controls. Over the medium term, the sector will require national training pathways for trustees, governance professionals and executive leaders aligned to the Trust Standards, alongside implementation funding for local governance structures, parental-engagement mechanisms, Inclusion Strategies, digital SEND systems and ISP delivery. Sustained support for curriculum and enrichment reforms, additional specialist workforce capacity in SEND, behaviour and digital skills, and transitional financial planning tools will be essential to manage the front-loaded costs of SEND reform and ensure long-term system sustainability.

Our experience in other sectors indicates that one key mechanism for upskilling those responsible for governance is for funding responsibility to be taken away from those employers and managed centrally; if a school is asked to pay for governance training, there will always be alternative ways of spending that money which are more attractive, at least in the short term. The Institute has worked with the Sports Councils from across the UK to develop the Sports Governance Academy and we would be happy to discuss how this model works effectively with the DfE team.

How can a co-operative governance approach support the Government's ambitions around community and collaboration and all schools being in an academy trust?

A co-operative governance approach can support the Government's ambitions by embedding democratic participation within a trust-led system while maintaining clear board-level accountability. It strengthens community voice by giving parents, staff and local stakeholders structured routes into decision-making, aligning with the White Paper's emphasis on schools as community anchors, mandatory local governance structures and direct mechanisms for boards to hear from communities. Co-operative values of transparency and mutual responsibility reinforce the new Trust Standards on inclusion, collaboration, community engagement and public-benefit reporting, helping trusts demonstrate legitimacy and ethical oversight at trust-level inspection. Because co-operative trusts tend to operate in coherent local geographies, they are well placed to participate in place-based partnership work with local authorities, ICBs and other services on SEND planning, attendance, safeguarding and early help, as envisaged in the White Paper's new local accountability model. Their established forums also provide ready-made mechanisms for delivering the minimum expectations on parental engagement, monitoring inclusion strategies and supporting trust-wide commitments on curriculum breadth and enrichment. The co-operative ethos of shared responsibility complements the SEND reforms by supporting early identification, ISP oversight and the collaborative culture required for the Experts at Hand model. Ultimately, values-driven governance can help build public trust in the academy system by promoting fairness, strengthening safeguarding and behaviour cultures, and ensuring decisions remain grounded in the interests of local communities.

How could we improve the current model to encourage co-op schools in the maintained sector to join or form academy trusts?

To encourage maintained co-operative schools to join or form academy trusts, the co-operative model needs to become clearer, more scalable and better aligned with the governance expectations of a trust-led system. The articles should be modernised to clarify the distinct roles of members, forums and trustees, remove unnecessary complexity and ensure full alignment with charity-law duties, Trust Standards and trust-level inspection. Co-operative forums and constituencies should be redesigned to meet statutory expectations for local governance structures, annual parental forums and direct community-voice mechanisms, while providing reliable,



auditable insight for trust boards. The model also needs to support growth by offering standardised schemes of delegation, operational templates and guidance that enable co-operative trusts to scale while retaining their community ethos and delivering consistent safeguarding, SEND, behaviour and attendance oversight. To meet the demands of SEND reform, the model must explicitly support Inclusion Strategies, ISPs, pooled SEND group working and collaboration with Experts at Hand. Co-operative trusts will also require clear expectations and training on digital governance, including the data spine, AI-supported analytics and cyber-security. Finally, smaller co-operative schools will need transition funding, governance professionalisation and leadership development so they can meet trust-wide responsibilities sustainably and participate confidently in a more regulated, data-rich and accountability-driven trust system.

How do academy trusts currently use the clauses relating to forums and constituencies? Where they don't use the clauses, what alternative approaches do they use? Please provide examples.

Academy trusts use forum and constituency clauses in varied and often inconsistent ways, largely because the provisions are difficult to scale and lack clear accountability lines. Where used, trusts typically draw on parent, staff and community forums, constituency-based panels and wider stakeholder assemblies to inform local governance and provide qualitative insight into community priorities. In practice, many trusts favour alternatives that offer clearer reporting and stronger alignment with charity-law duties and trust-level inspection, such as link-trustee models, advisory councils with defined terms of reference, structured parental-engagement forums and survey-based feedback integrated into performance dashboards. These approaches allow trusts to meet the White Paper's expectations for consistent, auditable community-engagement mechanisms and to generate actionable intelligence on inclusion, engagement and behaviour. Trusts tend to avoid the traditional co-operative clauses because they are administratively burdensome, difficult to operate in multi-school structures and prone to confusion about the status of stakeholder advice within formal governance, making streamlined, accountable alternatives more practical and reliable within a trust-led system.

Do you produce any guidance for academy trusts in this area? Please provide links

The Institute provides a variety of guidance on academy trust governance, which can be found at www.cgi.org.uk. We also offer a Level 4 Certificate in Academy Governance.

Should the 19.9% cap on local authority associated people (LAAP) on the member group and trust board also apply to LA-established trusts? Would it be appropriate to change this , for example to allow up to 60% LAAPs on the member group?

The 19.9% cap should remain for trustee positions because trust boards must operate with clear independence from local authorities, particularly as LAs now hold expanded statutory duties for SEND commissioning, admissions, attendance, safeguarding and place-based partnership leadership. Allowing a higher proportion of LA-associated people at member level may be acceptable, potentially up to 60%, but only where strong safeguards ensure impartiality. These include the presence of at least one fully independent member for all decisions, strict conflict-of-interest rules, transparent registers and clear restrictions on statutory officers whose regulatory roles in SEND, admissions or exclusions create unavoidable conflicts. Additional protections are necessary to guard against political influence, preserve fairness in the wider trust landscape and maintain public confidence, particularly as the system adopts more data-intensive governance through the national data spine and expands trust-level accountability for attendance, behaviour and safeguarding.



Should the members' group require the presence of at least one independent member, who is not a LAAP, for all decision-making? i.e. the board will only be quorate if at least one independent member is present.

Yes. Requiring at least one independent member is essential to safeguard impartial decision-making and preserve trust integrity within a system where local authorities hold expanded statutory duties for SEND commissioning, admissions, attendance, safeguarding and place-based partnership leadership. An independent presence ensures a clear separation between the LA's regulatory and system-leadership functions and the trust's provider responsibilities, reducing the risk of conflicts that could arise if LA officers influence governance decisions. It also strengthens compliance with the new Trust Standards on transparency, inclusion and value for money, supports the credibility of trust-level inspection and public-benefit reporting, and protects against real or perceived political influence. Independence is particularly important for decisions affecting vulnerable pupils, including those relating to behaviour, exclusions, pupil movement and safeguarding, where LAs exercise parallel statutory powers. Ensuring at least one independent member is present for all decisions also provides continuity beyond political cycles and reinforces parental and community confidence in the fairness and neutrality of LA-established trusts.

What conflicts of interest do we need to consider in relation to increasing the members LAAPs or across LA-established trusts? How could these conflicts be mitigated or managed? Should we consider including any additional safeguards?

Increasing LA-associated people within member groups or across LA-established trusts creates significant conflicts because local authorities now hold statutory responsibilities for SEND commissioning, EHCP decisions, admissions, attendance, safeguarding and wider place-based system leadership. These dual roles risk influencing decisions on placements, exclusions, resource allocation and AP commissioning, and could compromise impartiality in areas where LAs also act as regulators. They also raise concerns about political influence, particularly where councillors or senior officers participate in governance, and introduce data-governance risks given the expansion of digital SEND systems and the national data spine. To mitigate these conflicts, trusts must enforce strict separation between LA system-leadership functions and trust-provider responsibilities, prohibit statutory officers whose roles directly affect school oversight, and require independent members with genuine decision-making influence to preserve neutrality. Additional safeguards should include strengthened conflict-of-interest registers, transparent reporting, fixed-term appointments independent of political cycles, competitive procurement processes, external audit of high-risk funding decisions and robust data-sharing protocols with role-based access controls. These measures are important to maintain public confidence, ensure fairness across the trust landscape and protect the integrity of decisions affecting vulnerable pupils.

Do you see any additional conflicts arising if senior LA officers sit on the member group?

Yes. Senior local authority officers inevitably create additional conflicts because their statutory responsibilities directly intersect with decisions taken by the member group. Their roles in SEND commissioning, EHCP decisions, admissions, Fair Access, safeguarding partnerships, attendance improvement and place planning mean they could influence, or appear to influence, trust decisions on placements, exclusions, AP commissioning and the distribution of resources. Their simultaneous leadership of new local partnership boards for attendance, behaviour, early help and safeguarding further blurs the boundary between regulator and provider and risks compromising impartial system oversight. Allowing senior officers into member groups also creates significant data-governance risks, as they would access trust-level information while overseeing data flows within the national data spine and multi-agency safeguarding frameworks. These dual roles heighten the risk of political or



strategic influence being exerted on trust direction, undermine neutrality in decisions affecting vulnerable pupils, and may produce real or perceived bias favouring LA-established trusts in local planning, SEND sufficiency and commissioning. Such risks require strict separation of statutory functions from trust governance, reinforced independence and clear data-handling safeguards to maintain trust integrity and public confidence.

What do you see as the pros and cons of DfE requiring academy trusts to have local governance structures?

Requiring trusts to have local governance structures strengthens community accountability and aligns the sector with the White Paper's ambition for schools to act as community anchors operating within shared local outcomes frameworks. It ensures parental and community voice genuinely informs trust-level decisions and supports statutory expectations for parental forums and direct engagement mechanisms. Local governance also enhances inclusion and SEND oversight by providing school-level insight into early identification, ISP delivery and the trust's wider Inclusion Strategy, while improving the flow of intelligence into multi-agency work on attendance, behaviour, safeguarding and early help. This helps address transparency gaps and reduces the democratic-deficit criticism often directed at a trust-led system. However, mandatory local governance also introduces risks, particularly for large or geographically dispersed trusts, where maintaining consistency and coherence is challenging. Without clear national expectations and model schemes of delegation, role boundaries between local bodies and trust boards may blur, complicating accountability under the new Trust Standards and trust-level inspection. Local governance may also drive community-specific preferences that conflict with trust-wide policies on curriculum, behaviour, inclusion or safeguarding. The model requires substantial training and capability, including understanding digital dashboards and new SEND requirements, which may stretch trust resources. Finally, without defined reporting lines, data-governance protocols and adequate funding, local governance risks duplication rather than meaningful oversight.

We recognise the diversity of the academy trust landscape. Can you share examples of different approaches to local governance structures, which enable academy trusts to understand and be responsive to their local communities?

Trusts use a variety of local governance approaches that enable them to remain responsive to their communities while meeting the White Paper's expectations for strong local voice, inclusion and place-based accountability. Many trusts rely on local governing bodies with defined scrutiny roles, which provide granular insight into safeguarding, attendance, behaviour, curriculum breadth and SEND delivery, supporting compliance with emerging Trust Standards and trust-level inspection requirements. Others use cluster or regional councils to coordinate geographically coherent groups of schools and engage effectively with local authorities, Integrated Care Boards and wider services, reflecting the White Paper's emphasis on place-based partnership working and shared accountability frameworks. Parent and community advisory boards and co-operative-style assemblies offer structured mechanisms for hearing directly from families and stakeholders, satisfying new statutory expectations for parental forums and local governance routes into trust decisions. Some trusts strengthen specialist oversight through SEND, safeguarding or attendance panels, which provide school-level intelligence essential for Inclusion Strategies, ISP monitoring and multi-agency safeguarding processes. Link-trustee models and digital governance approaches, including dashboards linked to the Pupil Engagement Framework, safeguarding and attendance analytics, help large or dispersed trusts maintain oversight and ensure early identification of risk. Virtual forums and online engagement platforms further widen participation and improve responsiveness. Collectively, these models reinforce the White Paper's ambition for trusts to combine consistent standards with meaningful community engagement and clearer alignment between local insight and system-level accountability.



Additional comments

The reforms are ambitious and well aligned with national priorities, but their success depends on resolving significant structural and implementation risks that the White Paper does not yet address. Funding remains the most serious constraint, as expanded duties in governance, SEND reform, digitalisation and local partnership working require a sustainable financial model that is not currently in place. Trusts will need far greater governance and workforce capacity to meet new Trust Standards, trust-level inspection and local governance requirements, with smaller, rural, faith and co-operative trusts particularly exposed. Delivering ISPs, Inclusion Strategies and the Experts at Hand model depends on specialist SEND and safeguarding capacity that the system does not yet have. The new local partnership architecture lacks clarity on roles, decision-rights and escalation routes, creating uncertainty about how trusts will interact with local authorities, ICBs and safeguarding partners. Digital reforms, including the data spine, digital SEND systems and AI-enabled analytics, introduce cyber-security, privacy and algorithmic-bias risks that require specialist governance capability. Trust growth and geographic coherence also need a national framework to prevent fragmented expansion and ensure trusts can meet the expectations of place-based accountability. LA-established trusts require clear statutory safeguards on conflicts of interest, data-sharing boundaries and protection from political influence before any pilots begin. Finally, reform sequencing matters: curriculum changes, SEND overhaul, digital transformation, attendance reforms and new Trust Standards cannot be implemented simultaneously without phased timelines and transitional support. Addressing these issues is essential if the reforms are to strengthen inclusion, deepen local accountability and improve outcomes for children.

If you would like to discuss any of the above comments in further detail, please do feel free to contact the policy department at policy@cgi.org.uk.

Yours faithfully,

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