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Governing the Governors: a case study of college governance in English Further Education

Key words: Further Education, Governors, Creativity,

Abstract

This paper addresses the nature of governors in the governance of further education colleges in an English context (1). It **explores** the complex relationship between governors (people/agency), government (policy/structure) and governance (practice), in a college environment. While recent research has focused on the governance of schooling and higher education there has been little attention paid to the role of governors in the lifelong learning sector. The objective of the paper is to contribute to the debate about the purpose of college governance at a time when the Learning and Skills Council (LSC) commissioning era ends, and new government bodies responsible for further education and training, including local authorities, arrive. The paper analyses the nature of FE governance through the perspectives and experiences of governors, as colleges respond to calls from government for greater improvement and accountability in the sector (LSIS, 2009a). What constitutes creative governance is complex and controversial in the wider framework of regulation and public policy reform (Stoker, 1997; Seddon, 2008). As with other tricky concepts such as leadership, professionalism and learning, college governance is best defined in the contexts, cultures and situations in which it is located. College governance does not operate in a vacuum. It involves governors, chairs, principals, professionals, senior managers, clerks, community, business and wider agencies, including

external audit and inspection regimes. Governance also acts as a prism through which national education and training reforms are mediated, at local level. While governing bodies are traditionally associated with the business of FE - steering , setting the tone and style, dealing with finance, funding, audit and procedural matters – they are increasingly being challenged to be more creative and responsive to the wider society. Drawing on a recent case study of six colleges, involving governors and key policy stakeholders, this paper explores FE governance in a fast changing policy environment.

Introduction

The nature and purpose of college governance is currently high on the lifelong learning policy agenda. This has been prompted by recent self-regulatory reforms in the learning and skills sector, that are changing the market and policy levers in which colleges operate (James and Biesta, 2007). Depending on interpretation, such reforms either reinforce or challenge the effects that two decades of centralism, compliance and micro-management, have had on the innovative potential of Colleges (Clarke, 2004). Increasingly the locus of FE governance is moving from colleges to the diverse communities that they serve. This paper examines key elements involved in this paradigm shift, from governors acting as ‘guardians’ of the college and community to becoming partners in a wider learning and skills market, where governance is distributed among competing stakeholders (Spillane and Diamond, 2007). The particular

focus of the paper explores how governors understand and interpret their changing role and purpose in an increasingly competitive learning and skills sector. In addressing this issue the study suggests that the transition from 'compliance to creativity' is not a straightforward process, and that the meaning of such terms is, in practice, keenly contested (Stoll, 2008; West-Burnham, 2008).

Background

Until recently FE governance has been something of a policy afterthought but is now high on the research and policy agenda (**DIUS, 2007; 2008**). While recent research interest has focused on management and leadership, the relationship with governance is now the subject of closer scrutiny (**Foster, 2005; Leitch, 2006**). The reasons for this are many and diverse, and include recognition of the influence of compliance and regulation on the sector's ability to respond to recession and fast changing policy initiatives (LSIS, 2009b). In an attempt to limit the worst effects of over regulation and micro management of public services, Gordon Brown recently advocated **self-regulation and demand-led initiatives** as a way of generating greater **market flexibility and improvement in the way public services are run** (Cabinet Office, 2008). These initiatives are **guided by a 'single voice' strategy designed to ensure that governance and accountability act as key drivers in the front - line delivery of skills and services** (LSIS, 2009a; NAO, 2008) (2). If, at one level, better interagency

governance and accountability has the potential to improve the quality of diverse learning and skills provision. At another, the nature and purpose of stakeholder partnerships – often dominated by employer, business and funding led priorities – remains controversial at college level (Murray 2009). What follows draws on a recent study by the authors of tensions that underline the ways in which college governors negotiate the changing conditions of governance practice in the contexts in which they operate. (Authors, 2009).

Methodology of the study

Commencing in late autumn, 2008, we embarked on a six month study designed to provide insight and analysis of how FE governance is understood and practised at college level. The primary focus was on six case study colleges, one of which is a sixth form college, selected on the basis of the diverse cultures and situations in which they operate. **The colleges represent a cross section of the sector in terms of size, location and provision some, of whom operated in partnerships and federations with other colleges, schools and providers.**

* All the colleges were considered to be successful on a range of indicators, including OFSTED inspection, that displayed elements of innovative governance practice across the sector. The study aims to explore the nature and purpose

* on balance it was agreed with the colleges involved to anonymise their geographical range in order not to reveal their institutional identities.

of governance through the perspectives and experiences of college governors, chairs, principals, senior managers, officers and clerks, that provide illuminative *vignettes* of governance practice. The study is complemented by interviews with lead organisations, agencies and policy bodies in the Learning and Skills Sector. All the interviews, **including those extracts cited in the text are** anonymised, in keeping with established ethical research guidelines (Hartas, 2010). In addition to sourcing policy and documentary data, we interviewed more than forty participants in the colleges, including ten representatives from the wider policy community. The methodology adopts a broadly triangular or mixed method approach (Cresswell, 2003), that interconnects three main facets of the study: the college case studies, policy perspectives, research literature and documentary sources relating to the field of governance. (Silverman, 2001; McCulloch, 2004).

The research was undertaken in a period of turbulence in FE surrounding the effects of recession on colleges in their communities, including funding restrictions on their plans for expansion. Though not new to FE the uncertainty surrounding cuts in college funding defines the pressurised climate in which the research was conducted. Such turmoil encapsulates a diverse range of responses reported in the study, including confusion at the bewildering range of external agencies involved in managing the sector (Coffield, et. al. 2007). In this respect the case study provides insight into a 'moving target,' in the way college governance operates in testing times. For this reason the study accentuates the

significance of context, culture and situation in understanding the ways in which college governance responds, at local level, to national policy agendas. Three key research questions guide the research approach:

1. What is the nature and purpose of college governance in a contemporary context?
2. What is meant by the term *creative governance* and how is it situated and understood in the conditions of college practice?
3. What factors and processes limit or enhance creative governance and with what outcomes?

In addressing these questions the study adopts a broadly triangular methodology as a means of juxtaposing complementary and contrasting themes derived from case study material. The data was drawn from three main sources: the six colleges (**interviews, observation, and documents**), **policy perspectives (official reports, think tank and agency sources)**, and **wider academic research in the field of governance and accountability (public policy and management)**. The methodology involved is not straightforward and combines different levels of analysis that address obvious tensions between policy and practice, located **within and across different college sites**. (Authors, et. al., 2009).

Changing policy and practice

In recent years leadership, management and workforce reform has focused mainly on college staff. Greater attention is now being placed on governor recruitment, training and development (Schofield, 2009). According to OFSTED, some of the most improved colleges visited were significantly influenced by governing bodies raising achievements and standards. The colleges involved:

“... recognise that governors need to supply high level, constructive challenges, not only in relation to strategic direction and mission, but aimed at assuring achievements and standards, and the quality of provision.” (Ofsted, 2008).

In a wider policy context Carver (1997) argues that:

“....framing the governance challenge more effectively can go far beyond merely eliminating common problems; it can provide a clearing in which Boards can be strategic leaders.” (Carver, 1997:10)

Both observations, including recent research by Hill and James (2007), and Ranson (2008), point to the ways in which governance now constitutes a ‘governance field’ (Sen, 2008), through which colleges can more effectively

contribute to leadership and institutional improvement in market driven environments (Nuffield Review, 2008). Changes in funding that were previously brokered by levies, local authorities and government departments have been gradually replaced by market levers, direct funding to employers, agencies, consultants and third sector engagement (Hodgson and Spours, 2008). One consequence of this is a natural shift from a unitary to a differentiated state that relocates governance from the centre to the local level (Langlands Report, 2004). As a corollary, the 'problem' with conventional governance is that it lags behind and interrupts progress. Another view suggests that the post modern ideal of distributed governance is little more than a reworking of the state's neo-liberal ambitions designed to exert greater central control of service delivery - through governance networks that favour market hegemony, at local level (Ball, 2008). While the tensions that exist between centralised-decentralised policy models are well known, the idea of governing without government ('steering not rowing') is, according to Rhodes (1997), influenced by at least six different competing definitions of governance:

- " as the minimal state
- as corporate governance
- as the new public management
- as 'good governance.'
- as a socio-cybernetic system
- as self-organising networks" (Rhodes, 1997:47)

As one of the most market tested areas of public management reform, FE incorporates most if not all of these characteristics. The sector's voluntaristic and entrepreneurial legacy has made it both accessible to market capture and highly innovative while, at the same time, protecting its identity through established legal statutes and procedures of governance. While colleges have never been squeamish about wheeling and dealing in local labour markets, they now operate in a quite different market place where the 'rules of the game' have shifted toward multiple stakeholder partnerships, offering similar services at a lower price. Though not new such partnerships are seen, by some participants in the study, as both an opportunity and a threat, exemplified in the following interviews:

“I think we are now in a phase where everything is up for grabs due to market and policy failure....what's happening is not clear cut. What we are living through now will have an effect on governors and governance....there is a time lag into governance. We face the issue of what form of governance is going to be appropriate for a changing world where many believe the ideology of market forces is discredited. How does FE governance cope with that and three million unemployed?” **(trade union official)**

“If colleges are left alone they know what to do but they have been blown around by different funding and audit streams. They are adept at dealing

with it but if they can't get funding for adult provision or for what they define as their priorities...if it doesn't meet with funding council or government approval....there's an issue. What is the governor's role in such circumstances? In my view governors are expected to challenge what is going on: asking what are we doing about this...supporting the college in defining its curriculum, values and priorities, and being actively engaged and informed about quality and improvement. Governors are charged with this responsibility. Creative governance is about making things happen: it involves working in partnership with communities, generating open working and learning practices... finding ways around problems.” (college governor)

These and other narrative accounts that follow – mainly from governors unless otherwise stated - suggest that creativity and compliance have different meanings and interpretations, depending on context and situation (Grint, 2005). Neither term is separate or immune from external regulation and internal practices that range from legal and financial accountability to personalised notions of creative thinking and 'strategic compliance', for example, in the way individuals and institutions accept, challenge or 'work the system' (Gleeson, 2006). Simplistic notions of moving from compliance to creativity tend to ignore the ways in which college governing bodies are bound by established instruments of governance and procedures that that are publicly accountable. At the same time there is a need to recognise that creative governance in FE is not

constrained by formal instruments of governance *per se*, but by established cultures of everyday practice that are often, though not exclusively, linked to funding and audit regimes, often beyond their control. Thus, within its existing remit what can be reasonably expected of governance and governors in the changing context of their work?

In addressing this question a key issue concerns how colleges creatively position themselves in an uncertain market place, and the strategic role governance plays in this process. The official assumption appears to be that colleges are not very good at this, despite their entrepreneurial track record. Through its recent emphasis on 'creativity,' government has initiated various reforms designed to reconfigure the learning and skills sector, aimed at streamlining funding, governance and self improvement, across the lifelong learning sector (Foster, 2005; Leitch, 2006). However, the proliferation of different agencies, harbouring competing agendas and understandings of creative governance, suggests that such streamlining is more complex than it appears. (Audit Office, 2008; House of Commons, 2008, Cabinet Office, 2008).

During the period of this research a raft of new reforms are slowly percolating through a sector that is only just recovering from the effects of earlier audit, funding and inspection regimes (Authors, 1999). **While such regimes have** rendered much of the FE sector compliance weary, it is not just a problem confronting FE. According to Coffield et. al. (2007) there are significant numbers

of employers, training providers, local authorities, community organisations and policy makers, who are equally bemused by the fragmented state of education and skills policy. At regional level there remains concern surrounding the transition from the Learning and Skills Council to the new Skills and Funding Agency - including the role of local authorities - in driving the emerging reform agenda. In the words of a recent Parliamentary Select Committee Report (2009):

'We conclude that while the Leitch review was produced during a period of economic optimism, the climate has now changedThe current economic situation has raised the stakes: skills policy could be the key factor which determines how and when the economy recovers and grows. Government must accept this and drive the agenda forward.' (House of Commons Select Committee: Re- skilling for Recovery, 2009: 3)

This study was conducted during such a transition period that has impacted on the colleges in different ways. Whether in times of economic growth or recession, college governance (creative or otherwise) is bound by statutory powers of law and instruments of incorporation. While the purpose of college governance is not predefined, and is left to each college governing body to address for themselves this should, in theory, be the driving force for creativity and change. However, most governors interviewed in this study are clear that responsiveness tends to mean doing what government wants, whereas creativity is about encouraging debate and ideas that include ways of putting ideas into

practice. Thus a balance or 'trade off' between the two is required if governance is seen to be successful. In the sections that follow we consider further what is meant by creative governance and leadership in this context.

Defining Creativity in Leadership and Governance.

One of the essential ingredients of high performing individuals, teams and organizations is creativity (Basadur, 2004). To be creative means releasing talent and imagination, the ability to take risks which, in some cases, necessitates standing outside the usual frames of reference (Harris, 2009). Creative people push the boundaries: they seek new ways of seeing, interpreting, understanding and questioning (Hoyle and Wallace, 2005). They thrive in circumstances which others might see as chaotic and disorderly (Montuori and Purser, 1999). However, governance does not sit easily with circumstances considered to be chaotic and disorderly. Indeed, for some, governance may be considered to be a necessary antidote to such organizational behaviour.

The context for college governance starts with the statutory framework for the powers of further education corporations, that constitutes the legal remit of college governing bodies. The Learning and Skills Act 2000, building upon the Further and Higher Education Act 1992, provides the powers of a further education corporation. These powers include the running of an educational

institution for the provision of secondary, further and higher education. In support of primary legislation, there are Instruments and Articles of Government that define the responsibilities and practice of college governing bodies. Specifically, the Articles of Government (DIUS, December 2007) for further education corporations in England state:-

The Corporation shall be responsible for the following functions

- (a) the determination and periodic review of the educational character and mission of the institution and oversight of its activities;*
- (b) approving the quality strategy of the institution;*
- (c) the effective and efficient use of resources, the solvency of the institution and the Corporation and safeguarding their assets;*
- (d) approving annual estimates of income and expenditure;*
- (e) the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk...,*
- (f) setting a framework for the pay and conditions of service of all other staff.*

It is significant that the 'purpose of college governance' is not pre-defined and is left to each college governing body to address themselves. From this perspective it is only possible to explore creativity in college governance by reference to achievements approved by the governing body, rather than use of a governance framework for colleges that explicitly espouse and expect creativity. The LSC, in

its relatively short existence, has expected colleges to be responsive, but only to the 'learning and skills' priorities which the LSC considers to be important. 'Responsiveness' and 'creativity' share a common theme of change. However, the majority of governors interviewed in this study are clear that responsiveness tends to mean 'doing as the college is required,' without reference either to statutory procedures or their *raison d'être* as governors in implementing change at college level.

Despite incorporation(3) and the many changes in funding and control that have since followed, the colleges in this study maintained strong and growing links with their local authorities and communities. These links were varied and included supporting federation, urban-rural regeneration, school and work based initiatives in their communities. While operating in challenging circumstances, associated with the onset of recession, all the colleges involved were engaged in working with a range of business, employer and work related partnerships, including 14-19 provision. Increasingly such 'multi-agency' working practices raise questions about the ways in which diverse partners, operating with different funding regimes, regulatory and governance arrangements, work together co-operatively. In a demand-led and market driven environment where partners have allegiances to different audiences, profit and not for-profit organizations, shareholder, client, community and learner constituencies, there is tension in the way governance and accountability works in such conditions. As the boundaries

between public and private become blurred, issues relating to ethics, equality, and diversity surrounding the 'business of education,' are brought into sharp relief. While issues of enterprise, equity and ethics are not new to FE, market governance is placing quite different professional and strategic demands on FE governors and governance, in terms of who they are accountable to. In the everyday world of governors' work and training, their engagement with and impact on such matters remains unclear, as the sections which follow illustrate.

Themes and Issues

A recurring theme identified in interviews with governors and other participants concerns the tension between external issues of funding and policy, and the internal dynamics involved in colleges responding to initiative overload and their market position. Rather than celebrating creative governance as shaping and developing colleges, governors from all participating colleges expressed frustration about the perceived limitations of their role. The level of governor frustration varied from the deeply disillusioned to the mildly annoyed. The reported reasons for such disenchantment usually included the amount of paperwork and audit conditioning that surround formal meetings, which stifle space for debate and discussion. A number of governors pointed to limitations and frustrations that prevented them from exploring ideas and possibilities, relating to students, learning and local communities. This according to one governor was due to:

'the internal barriers to creative governance are: heavy and non-sympathetic paperwork, college bureaucracy and procedural interpretations, senior staff attitude, and assumptions about governance by some governors'.

For another it was rooted in target based government that:

"... was taking creativity away from college boards. Without a legitimated planning role governing bodies were struggling to get beyond the dominating compliance issues."

However, views on the impact and influence of internal-external factors vary considerably. For some governors the statutory **procedures** of college governance are **responsible** for encouraging inward looking thinking. For others, it is a matter of interpretation whether statutory responsibilities are responsible, or external audit factors are to blame. While the Articles of Governance focus specifically on the college as an institution, they are not solely confined to internal matters. Custom and conventional practice at board level, including issues of equality and diversity (selection, recruitment, training, gender and race) significantly impact on governance cultures. As one governor observed:

" At times it's a bit of a clique – an old boys club. Sometimes people are unwilling to contribute, especially women."

In the words of a recently appointed governor:

'...There isn't enough time to be creative; we don't debate anythingit's one hell of a bureaucracy; when do we get to talk about students?.....we seem blocked up with procedures...management is in charge of the governing body and the purpose of the governing body is to rubberstamp the proposals from college management.'

One explanation for these views is that the main preoccupation of board members is with finance, audit and human resources, rather than the core business of teaching, learning and the student experience. This partly reflects the immense complexity of further education in the current climate, but equally the membership of governing bodies that are, in the words of one governor, short of *'educationists who know about such things.'* In his view:

"...getting beyond the routine stewardship of the college by the board would be difficult without cultural change and the development of a new governance agenda."

Crucial to such cultural change is how, and from what source, cultural shifts can be implemented at college level. Given the onerous yet voluntary and part-time

status of governors, this suggests that the degree of cultural change required of them is considerable. One suggestion from a minority of governors centered on the introduction of remuneration to chairs and governors, (prevented by the current Instruments of Governance), in line with some other areas of public sector management. The case for payment was based on issues related to:

- the workload;
- the role and responsibility;
- the possible loss of good chairs and governors to other parts of the public sector where payments are made.

The case against payment was based on:

- the danger that the motivation of the chair or governor could be influenced by payment by results;
- professional chairs could become 'presidential' and problematic;
- a potential breach of trust.

While the debate remains live in a broader policy-practice context, the extent to which there was any consensus on this matter in the study was not in evidence.

In the view of two governors:

“...you have to remember that we have other jobs and lives and we can only do so much.”

“..the voluntary approach works well. I would want anything other than the payment of governors.”

Far more important to governors was the focus on the dynamics of creative governance within existing *non formal* parameters of governance practice. These include the work of sub-groups, staff–student-governor forum, workshops, conferences and stakeholder networks. It was argued by governors that in these groupings their *personal* contribution and expertise is valued. Central to facilitating this process is the relationship between the Principal, Chair, governors and clerk. In the *realpolitic* of college governance, participants acknowledge the crucial role played by the principal in leading college policy:

“ The key figure in the college is the principal .The committee structure can get into the detail of the organization, but at times the status of the Corporation is marginal. The principal and his senior team are the key to what a college can do.”

“The principal has a standing paper on the future of the college (and) will bring this to the Corporation who will discuss it, and big issues will go to the strategy conference. However it’s the principal and his team who take the lead on things.

We can ask ,is it good for the college, but it's the principal who leads and directs things... of course the chair will be involved and the chair and principal meet before each full governor's meeting and they obviously give a strong steer to where the college is going."

Some governors were aware of the domination (though others would say leadership) of senior managers, and the lack of opportunity to do anything other than to agree with the management line. Irrespective of the external pressures of funding, audit and inspection constraints, there was a strong sense of college bureaucracy and systems, preventing access to the bigger possibilities of governance – a view also shared by senior managers.

Principals in the study defined creative governance in different ways ranging from *"helping the board to do a better job..."* to *"embracing and responding to the ideas of others, particularly the ideas of students, communities, employers, funding bodies and agencies."* Without exception, governors acknowledged the role played by the principal, including their relationship with the chair:

"The relationship between principal and chair is vital. It has to be an open relationship because who does the principal have to talk to? He has to feel supported. It shouldn't be a cosy relationship, it has to have an edge, but there has to be support. "

In this relationship the role of the chair has significant influence in brokering the decision making and communication process between principal and board. However, there are limitations in the way that a board's performance objectives for a principal can be narrowing, rather than releasing or challenging. The employment relationship between the principal and the board, through the setting of performance criteria, linked to college improvement, is often opaque and undeveloped. In this respect boards often follow the principal's lead. One governor, for example, described the performance scheme for the principal and vice-principal in the college as 'loose' rather than formal, in the way information was presented to the board. In contrast, principals leading on 'high risk' partnership ventures with consortia, public-private partnerships and federations, were highly commended by governors for their leadership and were trusted and expected to take such a lead.

While governing bodies are often forced to be more reactive than proactive, a college Clerk believed a good chair, principal and clerk working together, could overcome the limitations of a compliance agenda. According to one governor, creativity from governance is achievable in situations where the expertise of governors and senior staff are shared on a personal basis - in this case through the college's Educational Standards committee. Such creative processes are also facilitated through other channels, such as strategy days, sub committees and working groups, that involve senior managers, staff, students and governors, including business and community stakeholders. Examples of governors

operating in such wider contexts ,beyond formal board meetings, often goes unnoticed. In one college, for example, it was possible for governors to influence the shape of the college through a learner voice forum, involving staff, student and governor participation. In a similar example, creative governance was seen to be achieved through, what one governor referred to, as '*a more student centered governing body*'. This involved a Student Experience and Student Life Committee, that reported to the board. An interesting distinction was made by one governor who considered that the board was well informed, but added '*we're not driving.*' Similarly another governor spoke of the supporting and facilitating role of governors, rather than leading the decision making process. While views varied, most governors in the study supported this line of argument. However, as a number of external policy participants outside a college context, noted :

"... the acid test of governance is when a college is in trouble," referring to such crises as '*audit and inspection failure.*'

"... governors find it hard to exercise the burden of their executive responsibilities in terms of what is expected of them."

"... there are difficulties in the way governors can hold the executive accountable and how independent they can be."

Echoing such sentiments, many governors feel that their role is defined by budgets, procedures and paperwork and see themselves as acting as a buffer,

between college, market and community. While rightly concerned about funding, audit and inspection, this can lead to defensive thinking about the bottom line , that invariably places teaching and learning lower down the agenda. In such circumstances governors do not readily identify with notions of creative governance, preferring the term *strategic*, to describe what they do. In human capital terms this is often interpreted as :

“...getting the right people as governors and then building around common values and a shared sense of purpose.”

Personal issues to do with *‘calibre and chemistry’* were also judged to make a difference, in the way the board performed and contributed to the leadership of the college. The ideal type governor was described as someone who:

- has a sense of responsibility;
- possesses a good intellect;
- has personal confidence;
- has excellent communication skills;
- provides emotional commitment;
- has a strong value position on people, education and community.

At the same time, the role involves *“checks and balances that challenge college leadership,”* as one governor put it. However, governors from diverse

backgrounds have different priorities, perceptions and expectations of their role. For example, a governor recruited for his business expertise demanded *'more speed,'* while the student governor wanted *'more open agendas... there is little room for my issues.'* At the same time, there is recognition that the degree of creativity provided by a governing body varies according to circumstances.

Reflecting on his period of office, one governor concluded that creativity characterized the formative stages of what was then a new college. He commented that the relationship had since shifted to a more formal one, of *'...monitoring college performance through senior staff leadership,'* once the college was established. This according to another governor is more than just a case of risk aversion. In his view the limitations of creative governance are directly related to government policy and public management practices, of target setting, audit and inspection:

"... target-based Government (is) taking creativity from college boards. Without a legitimated planning role governing bodies (are) struggling to get beyond the dominant compliance agenda issues."

In support of this view, a majority of governors believed that external audit expectations on colleges affected the way in which governance agendas were formed and presented. There is a connection made between the amount of 'paper' received by governors for board and committee meetings, and the assumed requirements of audits and inspections. It is certainly the case that the

reports into college failure of the 1990s, in the early post-incorporation years, highlighted inadequacies in governance (partly induced by government de-regulation) and, in particular, the accountability, scrutiny and compliance functions of governing bodies (2). Following the demise of the Further Education Funding Council (FEFC), the template for the Learning and Skills Council's audit, financial management and governance of colleges, is full of over 'compensatory' recommendations for tougher governance practices. These recommendations followed a spate of 'failed colleges' at the time – including Derby Wilmorton, Stoke on Trent, Cricklade, Halton, Bilston and Gwent – whose governance systems were seen to have contributed to their demise at the time. The aftermath of such crisis turned the spotlight on governors and governance in ways that permeate the cautious climate of college governance today. A cursory glance at periodisation shifts in college governance since 1993, indicates the degree to which audit and policy conditioning has affected the internal operations of colleges. These power shifts are heuristically represented as follows:

- **1993/97** - *de-regulation*, whereby business governors dominated the culture of governing bodies and operated boards on business lines, moving away from local authority control to market place freedoms;
- **1997/2000** - *re-regulation*, when community dominated governors and stakeholders returned to the boards of colleges;

- **2000/08** - *centralized-regulation* and marginalization, whereby the planning role of the board was replaced by the Learning and Skills Council;
- **2008 +** - *self-regulation* and *single voice*, whereby boards are encouraged operate in a multi-agency framework (sector and employer led) involving stakeholder partners/competitors represented on the board.

As colleges make the transition to new forms of stakeholder–market governance, the effects of continuous policy reform, involving tensions between creativity and compliance, will continue for some time. This is not a new phenomenon as we have observed. However, in dealing with these tensions, participants in the study appear reluctant to ignore the statutory frameworks of financial management, compliance and accountability that colleges, as publically funded bodies, are required to have in place, to meet the needs of the communities they serve.

Conclusion

A key finding of the study is that notions of compliance and creativity have different meanings, depending on context . This is not to say that in this study expansive and innovative governance practices are not in evidence, or that restrictive cultures of practice do not exist. On balance we argue that ‘creative governance’ is best understood in the contested conditions of its practice – as

strategic - in the way colleges seek to mediate contradictions in national policy, at local level (Collinson and Collinson, 2005). This is variously interpreted by governors as resisting 'being told what to do' and battling with external agendas that are at odds with local priorities. In such circumstances what constitutes the purpose of college governance takes on a pragmatic meaning, linked to pressing community and labour market conditions. Such internal - external tensions run throughout the study and are part of a recurring debate. On the one hand, there is recognition that the principles of good governance and accountability are closely associated with the *agreed* mission of the college, and the communities it serves. On the other there is limited understanding among governors of their role in establishing the mission of the college in a wider stakeholder community, including the management of the principal and senior staff. At the same time governors express confidence in the leadership provided in their respective colleges. However, wider research suggests that mainstream staff in colleges perceive leadership and governance as increasingly remote in terms of the contested conditions of their work (James and Biesta, 2007). While principals, chairs and clerks to the corporation have a significant role to play in facilitating and brokering FE governance and accountability, the nature of such practice is mainly management led. Depending on which perspective one takes, this either confirms or challenges the view that FE governance is inward looking and self serving, in the way it reacts rather than responds to a diverse stakeholder market. Proposals for smaller, more mobile boards with paid chairs and selected expert governors, it is argued, will bring greater efficiency, flexibility and creativity

to the FE system. The study indicates strong resistance to such proposals from governors, on grounds that the stakeholder model both privileges market interests, and by passes community priorities (Guardian, 2009). At the same time there is evidence to suggest that the way governors are currently recruited, selected and inducted, lacks transparency and diversity (Schofield, 2009). The evidence from this study suggests, however, that governors are at their best when actively engaged in non formal activities with students, professionals, community and work-related activities, rather than embroiled in paperwork, audits and loaded board meetings. It is also evident that that the further education sector has now entered a deeper crisis. With £200m being wiped from the adult learning budget in 2010, and further estimated cuts of £300m over the next three years, the impact on job losses and adult learning places are likely to be significant (UCU, 2010). In this context the process of encouraging FE colleges to engage with their communities is perhaps more important than requiring them to respond to market rhetoric ('demand-led,' 'self regulation' 'single voice'), that appears distant from the main issue of improving the quality of FE provision - especially at a time when colleges are absorbing 'on a more for less basis, ' wider cohorts of jobless learners displaced by market and policy failure.

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Notes.

1. Further education institutions in England are similar to Institutes of Technical and Further Education (TAFE) in Australia and, to a lesser extent, Community Colleges in America. Different systems of further education exist in Scotland, Wales and Northern Ireland. This paper refers exclusively to the English context.
2. 'Single Voice' should not be confused with 'learner voice.' It is a company limited by guarantee whose task is to transform FE into a more self-regulating sector alongside its competitor-partner providers. The Single Voice, as it is known, is seen to have a key role in developing the capacity for self regulation and improvement in the sector. It is charged with setting up a new representative body, that includes all public-private sector training providers in the lifelong learning sector. Single Voice is tasked with ensuring consistent interagency standards of accountability and

- governance across the sector to ensure quality assurance, self-regulation and effective governance and accountability.
3. Incorporation refers to legislation (FE-HE Act 1992) that freed institutions from local authority control, granting the FE sector powers of self-regulation and independence.

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