

Academies

What is an academy?

Academies (previously known as “City Academies”) were introduced in 2000 by the government as “schools to make a difference in areas of disadvantage”. Academies are effectively owned by sponsors. (The DfES actually said “owned by sponsors” in their first briefing document on Academies) Sponsors are invited to contribute up to £2 million to the capital costs of building new schools or remodelling existing ones, with the remainder coming from the taxpayer. Each academy has a specialist subject.

Running costs are paid directly to the school by the Government, enabling the academy to operate independently from the Local Authority (LA) which is required to cede the land. Academies are expected to be established as companies limited by guarantee with charitable status. This arrangement also means that there is a special section of civil servants dealing only with academies.

According to the Department for Education and Skills (DfES), the academies’ independence will “allow them the flexibility to be innovative and creative in their curriculum, staffing and governance”.

Teaching staff are not employed within the framework of the School Teachers' Pay and Conditions Act 1991, so their pay and conditions are determined by the sponsor and negotiated on a school by school basis.

The majority of academies are secondary schools but a few are planned as 4-19 developments. 46 academies are already open; the Government aims to have 53 by September 2007 and 200 by 2010. These figures include 30 for London by 2008 and 60 by 2010. By January 2007, some 63 other academy projects were in development. In December 2006 Tony Blair announced a doubling of the target to 400, and it is now rumoured that this might increase to 800. There is much evidence of successful pressure being put on LAs to accept Academies as part of their BSF plans, although a very small number have resisted this pressure. (Lancashire, Barking & Dagenham, Tower Hamlets).

Who are the sponsors?

Sponsors can be corporate bodies or individuals from business, faith groups or the voluntary sector. There may be more than one sponsor and they need have no prior experience of

running schools. Despite this open door, there has been no stampede of local benefactors. In October 2004, Tony Blair met with private schools and American businessmen to encourage them to become sponsors.

One indicator of the low levels of interest from credible sponsors is that the list of academy sponsors maintained by the Specialist Schools Trust includes both Enron (the discredited energy company) and organisations with fundamentalist Christian philosophies.

Surprisingly in this context, the Secretary of State was reported by the Times Educational Supplement (TES) in October 2004 to have ruled out the vetting of potential sponsors.

Several sponsors have withdrawn, due to local opposition to the Academy, but in all cases have been replaced by existing multi-school sponsors such as the United Learning Trust (ULT) or Absolute Return for Kids (ARK). ULT is a subsidiary of the Church Schools Company and wishes to establish schools with a Christian Ethos.

Since the ‘cash for honours’ scandal new individual private sponsors have been slow to come forward. Increasingly now Local Authorities are entering partnerships to become sponsors of their own schools as Academies, e.g. Manchester, Birmingham. It should be remembered that although this means that the LA can have more say in the strategic planning of the Academy, the new school is still an independent state school, not a maintained school, so not subject to most education law or bound to work with other schools in the LA in a collaborative manner. Another consequence of lack of new individual sponsors is the growing prominence of groups running a number of Academies in different parts of the country, such as the C of E, RCs, ULT, Oasis, and ARK and Lord Harris in London. There is also encouragement for private schools to form Academy Federations with ‘failing maintained schools’. (e.g. Haberdashers Aske and Malory in Lewisham).

Decision-making

In the case of new academies, the decision is made between the DfES and the sponsor. Once



Campaign for State Education – Briefing

detailed plans and documentation are submitted by the sponsor, the DfES must formally consult the LA where the academy is based (and other LAs where a significant proportion of potential pupils are resident).

Where a sponsor is seeking to take over an existing school, the LA must consult locally and the initial decision was made by the School Organisation Committee (SOC) to close the existing school. However, SOCs were abolished with effect from May 2007 in the School Standards and Inspections Act 2006, and this decision will now be left to local authorities. We have yet to see how open to public scrutiny negotiations between DfES and LAs over new Academies will be as a result of the abolition of SOCs, but current experience in Westminster and Camden suggests a lack of transparency. This makes the pressure being put on LAs to accept Academies as part of their BSF plans difficult to challenge. There are as yet no clear guidelines on how other school stakeholders could be involved in the decision making. The provision in the 2005 Act that there must be a competition between potential providers for any new school further complicates and confuses the role of public consultation in decisions about what type of school is wanted. (e.g. Haringey) An existing non-denominational school may be replaced by a faith-based academy, leaving parents with little or no choice on the issue. Parents at Abbey Wood School in south-east London opposed replacement of their local comprehensive with a faith-based academy and the School Organisation Committee also voted against the proposal, but was overruled by a Government-appointed official known as the Schools Adjudicator.

Governance and accountability

As independent state schools, Academies are not part of the local “family of schools”. As such they are funded directly by the government and get all their government funding in this way. All other state funded schools are ‘maintained’. This means that their government funding comes through the Local Authority on the basis of a Local Funding Formula agreed locally by the Schools Forum, on which schools and other interested parties are represented.. Part of the government grant for schools is retained by the LA to pay for central services, (about 12%) Where one or more LA schools become Academies, this LA portion of their government funding is clawed back by Government from the LA. This may have the effect of making some LA services to all maintained schools unviable and lead to cuts. In some areas, other local schools have raised concerns about the impact of academies on them.

One fear is that nearby academies are to have new buildings and resources denied to other schools and this may make academies more attractive to local parents.

Governance: It has to be recognised that as independent schools, Academies do not have a governing body with the powers and responsibilities of the GB of other state funded schools. This means that legislation, regulation and guidance in Education law which governs all maintained schools, does not apply to Academies. In practice this means that it is the ‘proprietor’ or sponsor of an Academy who makes all the key decision, such as appointing the Headteacher, and determining the budget. The sponsor appoints the majority of the governing body for ever, with individual sponsors like Lord Harris often choosing members of their own family. The minimum requirement is for just ONE elected parent governor. Similarly, the DfES recommends that only one Local Authority nominated governor and one staff governor are to be appointed.

Regulations are published for the governing bodies of all other types of publicly funded schools on the DfES website. However, those for Academies are contained within an individual Funding Agreement that Ministers described in November 2004 as “confidential” between them and the sponsor for each school. After considerable pressure these became available on the DfES website, but parents and other stakeholders have no right to see them whilst they are being negotiated.

This confidential Funding Agreement sets out the details of the contract, including the funding, staffing, and admission arrangements. It also covers the arrangements for the transfer of the site and property to the sponsor and arrangements for these assets in the event of the sponsor pulling out. The DfES has published a model Funding Agreement, but, since all Academies amend this to fit their individual circumstances it is not clear how far this corresponds to actual agreements.

There have also been disturbing reports in the TES that the flow of money is not one-way from sponsor to academy. The West London Academy paid £180,964 to a charity with strong connections to the chairman of the sponsor. The King’s Academy in Middlesbrough was billed for £290,214 by organisations and companies with close links to its sponsor, Peter Vardy. The academies admitted these contracts had not been put out to tender.

Campaign for State Education – Briefing

Admissions

The DfES describes Academies as “fully inclusive all-ability schools”. However, their admissions arrangements are part of the Funding Agreement as approved by the Secretary of State. So although they are required to comply with the revised DfES Code of Practice on Admissions (effective from 28.02.07.) and with guidance on exclusions it is as yet unclear what happens if these conflict with the Funding Agreement. Academies are represented on local Admission Forums and “must have regard to advice” given by it. Academies can select 10% of their applicants according to 'aptitude' for their specialism.

Curriculum

Academies are not required to teach the National Curriculum but only to provide a “broad and balanced curriculum with a particular focus”. In 2004, the Bexley Business Academy was teaching the National Curriculum in 4 days with the fifth day devoted to business studies. Elsewhere, concerns have been expressed about faith-based academies teaching Creationism as a valid scientific theory.

The sponsor can choose the school's specialist subject and is not obliged to consult beforehand. There is no mechanism for ensuring parents have a choice of specialisms in a given area. It should be no surprise that about half of the 46 academies opened to date offer Business and/or Enterprise as their specialism, given the number of sponsors from private companies, although half of these offer additional specialisms such as Performing Arts (3) or Sport (5). Technology and Sport are also popular. Shortage subjects such as Modern Foreign Languages (1), Maths (1) and Science (4) are rather less well served.

Costs

Academies are costing far more than Ministers promised. In September 2000, David Blunkett, the then Secretary of State said each new school would cost about £10m and that about a fifth of that would come from sponsors (i.e up to £2 million). By June 2002, the average capital budget was £20.5m and by September 2004, the first 17 academies were costing £25 million each. Although the Government still quotes £25-£30m as the capital cost of a new Academy, the Thomas Deacon Academy in Peterborough, Cambridgeshire is quoted as costing £46.4m for a Norman Foster designed building with no playground. (Observer, 6.5.07.)

Yet, there are continuing reports that many Academies have not yet received their sponsors' promised £2 million.

Evaluation?

The DfES has established a research programme to evaluate the Academies. They have appointed Price Waterhouse Coopers (PwC) to perform this evaluation and they are due to report September 30th 2007 – long after many academies will have been established. There have been three annual PwC reports on Academies and The National Audit Office (NAO) report on Value for Money was published on 23rd Feb 2007. CASE considers that the NAO Report contained significant bias and quantifiable inaccuracies and has filed a request for clarification under the Freedom of Information Act. CASE will publish both the questions raised and the responses when they become available. Even allowing for the bias the NAO report identifies that Academies are much more expensive and less effective than similar schools enrolled in the Excellence in Cities Programme.

THE NAO does identify a particularly interesting example of joined up government. Under current VAT regulations, academies cannot open their facilities to the local community beyond 10 per cent of total usage, otherwise they would incur substantial liabilities for VAT payable on the academy construction cost.

Any evaluation must examine the impact on the educational opportunities of all children in the locality, not just on those attending the academy. It must also establish whether there are any gains directly attributable to the school's qualities beyond the predictable benefit of spending extremely large amounts of money on the school and excluding more “difficult” children.

What you can do

Although the arrangements for a new academy are mainly agreed between the sponsor and central government, the Local Authority is entitled to be consulted. Experience has already shown that a local Council determined to get the best possible deal for local people can exert real influence. Where it owns the land required for the academy, the Council has a very significant role and disposal of a public asset may also draw in other local interests apart from those concerned with the schools, e.g. where leisure facilities may be involved.

Any campaign should target local councillors to ensure that they are fully aware of local feeling and impress upon them the need to consult properly. Effective campaigns will link parents, teachers and other school staff, governors and other local schools and groups who will all have an interest in the outcome.

Campaign for State Education – Briefing

Sponsors vary in their motivation and stance but may wish to avoid bad publicity. They should be pressed to spell out their intentions in detail on a range of topics including the curriculum and specialism, admissions arrangements, school hours, discipline and uniforms, with failure to do so resulting in bad publicity

The initial decision to close an existing school to allow it to be replaced with an academy was taken by a local body known as the School Organisation Committee (SOC), but even before the SOCs demise in May 2007 some decisions seem to be being taken without any local consultation or democratic involvement. (e.g. Pimlico school in Westminster.). We know of no cases where the Adjudicator confirmed a SOC decision not to close a school to make way for an Academy

Getting hold of vital information should now be easier with the passage of the Freedom of Information Act, but this is as yet an untested area.

Having heard any proposals, if you are opposed to a new academy in your area, you should campaign against it. At least one high-profile no-campaign has been successful (in Doncaster and Isle of Sheppey parents are leading a long running campaign,)

The Anti Academies Alliance website provides a full list of current campaigns.

What CASE thinks

CASE is opposed to sponsors being able effectively to “buy” a school and control everything, including who is admitted, what is taught, who is employed, how much they should be paid, and how, if at all, community access to what was a community asset is arranged, as well as the values and ethos of the school.

CASE sees no good reason for the secrecy surrounding the funding and governance of academies. We believe it is wrong for so much control to be exercised by the sponsor in appointing governors and for there to be only one elected parent governor. We believe this is undemocratic and also devalues the role of parents in the running of the school.

Local people have been offered little choice about academies in their area and in many areas they are presented as the only option. CASE believes in community based comprehensive schools that are locally accountable. Although some current sponsors are well-intentioned, it is difficult to see how central Government can continue to guarantee that the interests of a community will be served. Governors appointed by a sponsor are

not accountable to local communities and may well have no links with that community.

Whatever their shortcomings, Local Authorities and school governors are subject to re-election and direct lobbying by parents. They can thus be held to account while sponsors and Whitehall civil servants cannot be.

We are committed to a fully comprehensive education system that would make capital available to all schools on a fair basis. We are concerned that a big investment in one school is likely to have a detrimental effect on neighbouring ones deprived of a comparable injection of resources.

Finally, while government reaffirmed its commitment in its 5 Year Strategy to have 200 academies by the end of the decade, increased to 400 by Tony Blair in December 2006, there is no evidence presented that this programme is educationally desirable or represents a good use of public money.

Where to go for more information:

CASE website -

<http://www.campaignforstateeducation.org.uk/>

Anti Academies Alliance

<http://www.antiacademies.org.uk/>

Official government sources

DfES - www.standards.dfes.gov.uk/academies

National Audit Office-The Academies Programme

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL | HC 254 Session 2006-2007 | 23 February 2007

House of Commons Library (for admissions arrangements)

Trade unions

National Union of Teachers “Academies - Looking Beyond the Spin” www.teachers.org.uk

Unison www.unison.org.uk

Feedback on this document will be gratefully received. You can contact CASE by post

c/o 98 Erlanger Road, London, SE14 5TH, by phone on 07932 149 942, or by email at

contact@campaignforstateeducation.org.uk

Our website is: www.campaignforstateeducation.org.uk

CASE has been campaigning on education issues for over 40 years and relies entirely on membership fees to fund its activities.