

# CASE briefing

A Briefing from Campaign for State Education

## WHO REALLY CONTROLS OUR SCHOOLS?



Journalists and politicians are apt to say that when schools become academies they have been 'freed' from the 'control' of their Local Authorities (LAs). Here are some important facts about who *really* controls our schools and academies.

### Local Authority 'control' ended 28 years ago!

Legislation passed in 1988 transferred a huge range of powers from LAs directly to schools. *Governors (including Parent Governors) and Headteachers have direct and unfettered control of the following:*

- **Whole school budgets** - to allocate and spend as they see fit and according to their own identified needs and priorities – LAs do however audit schools' budgets, to ensure public money is being spent legally and competently (*see overleaf for the consequences of not doing this*)
- **Staffing** – advertising for and appointing the school's Headteacher, teachers, assistants, administrators and caretakers

Originally, LAs retained a percentage of the money allocated to education by Central Government to pay for a range of support services to schools (such as an inspectorate, second language support, legal advice, HR, building maintenance etc.).

At Central Government's direction, almost all of that money now goes directly to schools, which are expected to pay for all of these services out of their devolved budgets.

Schools are completely free to choose where they buy their services and support, either from the LA (though LAs increasingly can no longer afford to offer very many) or from anywhere else in the country.

### LAs retained some powers to influence four essential areas

- **Pupil Admissions** - with the aim of ensuring as fair and balanced an intake as possible in each school, while also providing the maximum number of parents with their preferred choice of school
- **Pupil Exclusions** - to ensure schools' compliance with the law in the procedures they adopted to exclude pupils
- **Staff Dismissals** - to ensure schools' compliance with the law in the procedures they adopted to dismiss staff
- **Early Retirement and Redundancy of Staff** - to ensure that public money is spent efficiently and in the interests of the education service as well as those of the individual staff concerned

*CASE believes in a fully comprehensive, locally accountable and democratic education system.*

## The curriculum in Local Authority schools is controlled by Central Government - not by the Local Authority

For Local Authority schools, what children are taught is subject to rigorous control - by *Central Government in Westminster*. It is called the 'National Curriculum'. The Secretary of State has even got involved in choosing children's set books!

This 'national' curriculum, however, does not apply to Academies and Free Schools. Presumably the Government intends to rename it, since its stated aim is to free all schools from the need to teach it.

## Are Academies really 'free'? (And is that a good idea?)

- Academies sign a funding agreement with the Government which, among other things, determines what they will teach.
- They are free from Local Authority oversight of their financial management.
- One result of this is that, in 2016, the *Education Funding Agency* (part of the Department of Education) issued 30 Academy Trusts with a '**Financial Notice to Improve**' - requiring them to improve their financial management, control and governance.
- They often refuse to accept children who have complex special needs.
- They regularly exclude more pupils on average than Local Authority schools.
- They increasingly do not feel the need to have Parent Governors - or Governors with any real influence. A *Multi Academy Trust* (MAT) is a business, run by a Chief Executive and a small group of Trustees who determine how the school's money is spent. Some MATs insist that their schools use services provided by the MATs.
- Ofsted has criticised seven MATs (running hundreds of schools) for manifesting "the same weaknesses" as the worst performing local authorities.
- They are unfortunately often 'free' from local identity or influence. MATs can cover a very wide geographical area, with schools sometimes hundreds of miles apart.
- Schools may be passed from one MAT to another, whether they agree to go or not. (There were (82 such instances in one year, at a cost to taxpayers of some £6 million).

## The National Audit Office says financial supervision of Academies by Central Government is poor

**In April 2016 the Head of the National Audit Office reported to Parliament on the failure of the Department for Education to effectively oversee academy finances, saying:**

*"Providing Parliament with a clear view of academy trusts' spending is a vital part of the Department for Education's work - **yet it is failing to do this**. As a result, **I have today provided an adverse opinion on the truth and fairness of its financial statements**. The Department will have to work hard in the coming months, if it is to present Parliament with a better picture of academy trusts' spending through the planned new Sector Account in 2017."*

**If this is the case when, as now, there are fewer than 6,000 Academies for the Government to oversee, what will happen when there are 24,000 of them?**

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