



## CASEnotes 99

### AT LAST A NATIONAL NEWSPAPER RAISES QUESTIONS ABOUT ACADEMIES

After many years of media silence, a national newspaper has queried the “academy” model of school provision. In a leading article of March 15<sup>th</sup> occasioned by the resignation of an academy headteacher fed up of having his budget “top sliced” by the academy trust to which his school belonged, *The Guardian* pointed out that the introduction of academies by Labour and the massive expansion of the programme by the Conservatives since 2010 had not brought about any rise in standards: **“Academy trusts, it was thought, would harness a wider range of expertise, crucially bringing on board the private sector. Their schools were meant to outperform the old maintained ones with their local authority ties. The hope turned out to be false...Trusts have not lived up to expectations. While some of their schools are very successful, they are overrepresented at the bottom as well as the top of league tables...The excessive pay of some trust executives and poor outcomes of some chains, as well as tensions over funding, require policymakers’ focused attention.”**

*The Guardian's* article produced a number of responses to the Letters page. Former teacher John Mariott described the meddling with school governance, first introduced by the Major government and culminating (so far) in the “academy” programme, as **“putting the children in charge of the tuck shop”**; former Chief Education Officer Max Hunt pointed out that in his own LEA (Stockport) administrative costs had never risen above 2%, compared with the average of 7.5% in academy trusts; reader Timothy McQuay deplored the failure of OFSTED to inspect academy trusts themselves (as opposed to individual schools within trusts) and argued that this had benefited **“the lucky few who run the academy trusts and not the education of our children”**; Professor Colin Richards rejoiced that the school of which he is a governor had avoided **“being taken out of the community’s hands and being given over to a distant, undemocratic multi-academy trust out of touch with our parents and students.”**

In a letter which was not printed CASE wrote to *The Guardian* as follows:

*The Guardian* is to be congratulated on drawing attention to the misuse of public money that characterises the "academies" model of school governance but are any of our politicians taking notice?

In 2018 the Public Accounts Committee (PAC) complained that, within the academies programme, "unjustifiably high salaries use public money that could be better spent on improving children's education and supporting frontline teaching staff" but six years later we have a headteacher of an academy school resigning for exactly this reason.

Last year the Campaign for State Education commissioned journalist Warwick Mansell to investigate the extent to which money that should be spent on children's education is being diverted into the pockets of senior management staff within academy trusts. His findings, published last May, completely support the PAC's charge. Among these findings are that in 2021/22 the 50 largest academy trusts, collectively responsible for around the same

# CASE

number of learners as the ten largest local authorities, spent seven times as much as the latter on managerial salaries in excess of £130,000 and that the chief executives of the largest academy trusts are all paid more than those of even the largest LAs, in spite of the fact that no single academy trust is responsible for anything like the number of learners to be found within a large LA. The full report can be read at [www.campaignforstateeducation.org.uk/casereport](http://www.campaignforstateeducation.org.uk/casereport).

As your leading article points out, there is no evidence at all that diverting money into the pockets of academy managers results in better outcomes for children, but neither is there any sign of politicians on either side being willing even to acknowledge what is actually a moral scandal, let alone deal with it.

There are small signs that, where academies are concerned, the tide may be beginning to turn. Until recently, any school receiving a poor OFSTED report was forced into “academisation” but, in what amounts to an admission of failure, the government has now abandoned this policy. Less encouraging is the continuing policy of BBC News and Current Affairs to go straight to the boss of a multi-academy trust when seeking a comment on any issue of state education other than that of teachers' pay and conditions. As far as the BBC is concerned, Local Authorities may as well not exist and yet they are still responsible for educating almost half the school population.

*Note: as this issue of CASEnotes was being prepared for publication, The Guardian returned to the attack with an article by Sally Weale reporting the findings of the Education Policy Institute that larger multi-academy trusts have higher rates of teacher turnover, higher rates of absence and suspensions and poorer academic outcomes than either smaller trusts or Local Authorities. The high salaries paid to administrators and managers in large MATs are obviously not bringing success.*



## THE TIME IS UP FOR THE ENGLISH ACADEMY EXPERIMENT

Carl Parsons

Since the turbocharging of what might be termed “the academies cult” in 2010, we have seen the wholesale application of a marketised, anti-democratic experiment applied to English schools, a policy which Scotland, Wales and Northern Ireland have shunned. Despite sharp publicity, colourful branding and self-promotion delivered with all the suaveness of the private sector, and despite the cover-ups, massaging of results and removal of pupils “not suited to our schools”, this experiment has been an expensive and damaging experience with no discernible benefit to the public good.

One would think from the media coverage that academies were the only show in town, and they are certainly the DfE’s favoured organizational option. However, we need to be reminded that the majority of schools are still local authority schools, happily, insofar as funding allows, ploughing on. 28,371 schools are community schools, run by local authorities while 10,559 are academies (as of Nov 2023).

Some LA schools, especially primary schools, have formed federations to enable them to pool resources. A headteacher leading a primary federation in the Midlands, when asked why the federation had not decided to become a multi-academy trust (MAT) responded that neither he nor his governors would wish to throw in their lot with a system that allows and possibly encourages the misuse of public money and the dishonest presentation of achievements. Among other objections, the head in question listed the following: the inflated salaries of MAT CEOs; the “massaging” of results; the regulating of intake and selective retention of pupils; the lack of improvement in results; a restricted curriculum provision, and no better “turn-around” record for schools in difficulties than that achieved by the LA.

The federation headteacher went on to describe how one of their schools had been judged “inadequate” by Ofsted and would, as a consequence, receive an “academy order”, an instruction to join a MAT, with the expectation that the new management would improve the school. Before the order could be enforced, the federation had undertaken the improvement measures itself: sharing teachers, revising policies, chasing up poor attendance and seeing the school through a re-inspection, which now found it “good” and so no longer subject to an “academy order.” \*

The dismantled system we now have in England is no way to run a state service. Fragmented across 2,500 academy trusts with 160 Local Authorities left as a diminished, underfunded presence, it is a “wild west”, chaotic, unreliable arrangement which needs to be realigned to a system of school provision that is both national and locally accountable.

Two illustrations of this ‘designed disorganization’ country-wide will be enough: Bromley Council decided at an early stage to throw in its lot with the academy system and cut back its own education and children’s services. Now its 53,000 learners are educated by **23 different providers**. Two of these are single academy trusts; Nexus and Harris MATs run ten and nine schools respectively, and one special school and one secondary school are still run by the LA. By contrast, Lancashire, with a pupil population of 173,000, has held on to 78% of its 630 schools, the rest of which are spread across 27 MAT providers.

There are big government budgets on which independent providers have cast covetous eyes. The budget for the NHS for 2022-23 was £182bn and for school education a more modest but still substantial £29.8bn. Independent providers in both sectors have grasped the opportunities,

# CASE

forever wriggling further from public scrutiny and control. The freedom which was supposed to be a boon has resulted in waste, a regressive curriculum and less inclusive schools.

In support of this system, the current government has appointed nine regional directors of education (doing what?) and established the National Institute of Teaching (NioT) taking Teacher Training - note, not "Teacher Education" - away from the university sector. Founded in 2020, the Oak Academy, is a new independent arm's-length body with plans to spend £43 million on new curriculum resources, off-the shelf lesson plans, materials and assessment modules. Both NioT and the Oak Academy are deprofessionalising developments, out-sourcing, commercialising and standardising the business of educating our children.

The whole private enterprise ethos, towards which these developments collectively lead, shows best at the annual Schools and Academies Show (SAAS), held at the Excel Centre in London and the National Exhibition Centre in Birmingham. Hundreds of stalls and multiple mini- seminars are promised, such as "Mapping the Future of Your School: Plan, Procure, Prosper", and the organisers boast that "our exhibitions have created cutting-edge solutions to help schools thrive, and the SAASHOW is your opportunity to meet them all! Save your school valuable time and money sourcing solutions across our exhibition floor .... Groundbreaking solutions to your most pressing challenges". All impressively hyped-up marketing.

Call it neoliberalism, financialization, part of the Global Education Reform Movement or just a plain, free-for-all rip-off masquerading as a responsible national education service. Private sector CEO salaries, way beyond those paid to local authority Directors of Education, are shamelessly on offer to leaders of MATs and the squeals of protest from the House of Commons Public Accounts Committee are brushed aside. Last year, Twenty-seven Multi Academy Trusts paid £220k or more to senior executives. Sir Dan Moynihan is the stand-out top earner with an annual salary of £485,000 for "running" 52 schools. Sir John Coles of United Learning Trust is in the £120k - £130k band, but a further 15 senior executives are in the £110k - £120K band (89 schools). These large salary allocations reduce sums available to pupils (just google "Academy trusts wasting millions" for Warwick Mansell's horrifying revelations). The Public Accounts Committee has railed against MATs awarding contracts to friends and relations, with no discernible result.

The arguments are strong for education to be provided as a public service, run by public servants for the benefit of local people and accountable through local democratic structures. Over half of England's schools are still run by local authorities and while a mixed, transitional state may be tolerated in the short-term, the *Where Next?* question remains. Necessary changes would be:

1. A common rule book should apply across academies and LA maintained schools to include salary scales for "Executive Heads" and other senior leadership positions.
2. Academies within (MATS) should be enabled, where they wish, to return to their independent legal status and rejoin their LA with each school having its own governing body with parent and LA representation.
3. Local authorities should be enabled to build new schools and manage the supply of school places.
4. Funding currently allocated within the Academy sector including the Condition Improvement Fund should be available to all schools, federations and local authorities.
5. Local and regional oversight of education should be shared initially via the current nine Regional DfE Directors and Local Authority Directors of Children's Services.

These initial transformations would potentially leave MATs as "shells", continuing to offer services

# CASE

to schools or LAs should they be commissioned. These changes address both the democratic deficit by placing education again as a public service in public control, rather than within a private entrepreneurial sector, *and* they address the disorganisation, dysfunctional and scandal-ridden state that academisation has brought to the English school system.

Carl Parsons is Emeritus Professor of Education at Canterbury Christ Church University and is a member of CASE NEC.

*\*Since this article was first written, the government has finally conceded that “academy orders” do not result in school improvement and has abandoned the policy.*



## The Road Ahead for State Education - part 2

Trevor Fisher

The shape of education in the next government has become a little clearer, with indications that Labour's offer will be a continuation of the New Labour policies of the past. According to Andrew Marr, writing in *The New Statesman* in mid-March, there is a battle inside the Leader's Office between two factions, one of which is linked to Tony Blair. Marr wrote in his article that the Tony Blair Institute – "... has been described as the ultimate public sector consultancy, a McKinsey for World Leaders... technology obsessed, it can feel like the whirling government of a country that doesn't actually exist".

The other faction, Labour Together, was once a family and community-oriented group but is now a rival think tank to the Tony Blair Institute. Labour does not apparently make its own policy, so taking note of Marr is important.

Marr argued that, "in the biggest areas of difficult social policy, health and education, there are arguments about the extent to which AI-driven reform can get Labour out of a spending hole. No one thinks that technology doesn't matter- it's more about the extent and price of what is ahead - who you deal with, how eager you seem.

"In education, companies selling allegedly AI enhanced learning programmes promise a dramatic uplift in grades and the TBI is enthusiastic. More traditional Labour people are sceptical about the claims and the high-pressure marketing, and more focused on using AI to reduce teacher workloads and crack the data on pupil absenteeism".

Marr's sketch of education policy was limited but I have been advised by someone formerly associated with *Labour Together* that the article was accurate and that technology is key to thinking in the Leader's Office.



For a government coming to power in late 2024 or early 2025, a key educational issue will be pupil absence: teachers cannot teach students who are not in class, While the data is not fully complete, it is clear that one significant contribution to increased pupil absence from school is the rise in pupil suspensions. The Daily Mirror on February 26<sup>th</sup> showed a rise in every region of England since the academic year 2016-17:

Region	Rate per 100 Pupils	% Increase in Suspensions per Exclusions Since 2016-17
<b>ENGLAND</b>	5.9	92.5
<b>East Midlands</b>	7.1	123.4
<b>East of England</b>	5.0	90.1
<b>Inner London</b>	3.4	24.1
<b>North East</b>	10.1	136.0
<b>North West</b>	6.5	100.1
<b>Outer London</b>	2.8	13.3
<b>South East</b>	4.7	85.7
<b>South West</b>	7.5	142.8
<b>West Midlands</b>	5.2	84.5
<b>Yorkshire &amp; Humber</b>	9.1	70.8

Suspension and exclusions are the result of school level decisions in response to bad behaviour, and the figures show that they are rising alarmingly. This raises questions that, so far, the government has been disinclined to recognise: why is behaviour in schools deteriorating and why is the rate of suspensions and exclusions rising so rapidly?

So far, the government's only response to increasing absenteeism has been to imply that parents are to blame. It has doubled down on its punitive attitude to term-time holidays and is threatening more severe fines for parents of habitually absent children. However, this approach misses the point and appears only to have weakened parental support for schools.

In a *Daily Mirror* article of February 26<sup>th</sup>, Chris Zarraga from Schools North East stated that “a lot of schools are reporting that (before the pandemic) you would largely have the support of the parents if the child was misbehaving. Post-pandemic, they refuse to accept the school’s view and take the child’s side”. This view gained support from data offered at the ASCL conference on March 8<sup>th</sup> following a survey of teacher and school leader views on reasons for absence other than illness:

<b>Family holiday in term time</b>	87%
<b>Pupils attending family events</b>	76%
<b>Pupil anxiety about school</b>	66%
<b>Exhaustion after a previous night’s event</b>	51%
<b>Parental dispute with the school</b>	32%
<b>Pupils wishing to work online from home</b>	8%

The ASCL President noted that, among head teachers, parental disputes provided almost half the responses. It is also worth noting that the low number of absences attributed to working online at

# CASE

home is not exactly a ringing endorsement of computer assisted learning.

8,411 respondents took part, and the data, albeit limited, does support ASCL President John Camp's contention that there has been a "deterioration in the sense of an 'unwritten social contract' between families and schools". It is notable that in a recent press report on fines for unauthorized holidays in term time there was reference to "a drop in attendance after the pandemic and a rise in home schooling." This suggests that parents may now feel that schools no longer are providing what their children need.

The current concern over absences is justified: teaching and learning require attendance. It is not completely clear how the absence problem is developing, and why post-pandemic trends have not been reversed but some explanations are emerging that the new government will have to deal with.

Many educationists will now argue that, for a growing number of pupils and parents, schools are not offering satisfying experiences and they will also argue that the environment in many schools, thanks to the current obsession with "driving up standards", along with a major increase in authoritarian regimentation and "zero tolerance" attitudes to minor infringements of rules, itself now induces hostility and aggression, along with a growing tendency to skip lessons while remaining on the premises.\* This may be among a small minority of pupils but the trend is clear.

Very few details have so far emerged of Labour's approach to education, and there is little evidence of education professionals being involved in the process of policy formation. It is to be hoped that this does not lead to Labour's policies being based upon ministerial prejudices derived from their own schooling – a very obvious error that the Conservatives have made since 2010.

In the first year of a new government there have to be clear priorities focused on the needs of pupils in disadvantaged areas. Those who have a bad experience of education must be the priority, notably those suspended and excluded, children with SEND and those who have failed to obtain appropriate GCSEs. Calls for a return of Sure Start, the most successful by far of the last Labour government's education policies, are entirely justified.

From day one Labour has to be on the side of those whose needs have been neglected, and this will require the targeting of limited funds. There is no "one size fits all" solution and no role for "top down" politics. We might note that the figures for exclusions are remarkably good for both inner and outer London and are much the best in England. This may be a result of London Challenge, the Tim Brighouse led programme which improved results two decades ago. Standards CAN be raised, of course they can. But it is vital to have co-operative approaches - not top-down imposition.

Is this on the agenda?

*\*The government does not publish figures for internal truancy but the mass of anecdotal evidence is too great to ignore.*



# CASE

## COMMENT

The legal victory won by Michaela Community School against one of its own pupils who had brought a case of religious discrimination against the school when it banned the practice of Islamic ritual prayer during the lunch hour has exposed the contradictory nature of current schools legislation where religion is concerned. The judge based his ruling on the view that, in a school that was not a “faith” school, whether or not ritual prayer should be allowed was entirely a matter for the Head and her senior colleagues and that their decision to impose a ban did not breach a pupil's right to religious freedom.

The Head, Katharine Birbalsingh, had introduced the ban when a group of around 30 pupils began praying in the playground during lunch hours, using their blazers as prayer mats. Ms Birbalsingh stated that this had caused division among the pupils, of whom more than half are of Muslim background, and that Muslim children who did not wish to take part had come under strong peer pressure to do so. It had also led to the school being accused of Islamophobia by some members of the local community and to a great deal of online abuse, including death threats. Ms Birbalsingh also stated that Michaela is a “secular school” and that this is made quite clear to all prospective pupils and their parents. The judge accepted this characterisation.

Reaction to the judgement has ranged from wholesale condemnation from some Muslim organisations to wholesale approval from secularists. The Church of England, predictably, has taken a pragmatic view: this case was about “a particular school in its own circumstances.”

However, as a number of commentators have pointed out, it is surprising that the judge upheld the right of Michaela School to promote itself as having a “secular” ethos because, strictly speaking, there is no such thing. Absurdly, the law is still in place that requires every state school to hold a daily act of worship that is “broadly Christian” in character. This must be the least observed law of any on the statute book and it is high time that it was repealed. In the meantime, teaching *about* religion and the enormous influence it has had on our history and cultural development has been described by OFSTED as often “limited and of poor quality.” In one example given by OFSTED a child wrote that (according to Christian belief) God sent Jesus into the world “to be King, to be kind and to pick up litter.”