

SPICe Briefing

Administration of school education: international comparison

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There has been a long standing and often heated debate on the appropriate roles of central, regional and local government, of school managers, of parents and of private or charitable companies in running schools. This debate tends to reflect deep seated ideological differences. Democratic accountability, choice and competition are key elements in the debate. Over the last thirty years there has been an international trend (reflecting other areas of public policy) towards increasing school autonomy and parent choice (Eurydice, 2007). This paper summarises a survey of the level of school autonomy in 31 education systems and gives examples focusing on countries with the most autonomous systems before briefly considering effectiveness issues.



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EXECUTIVE SUMMARY

School autonomy does not have a long history in European education, but, since the 1990's, there has been a growing trend towards devolving more decision making powers to schools. Over the past few decades, there has been great diversity in the reforms implemented in different countries but in many countries, there have been moves towards greater autonomy in the areas of teaching, human resources, and the management of property and finances.

There is no common model of school autonomy across Europe. However, schools are most likely to have full autonomy in relation to seeking donations and sponsorship, acquiring movables and setting the duties and responsibilities of non-teaching staff. Schools are least likely to have autonomy in relation to capital expenditure and the employment and management of the head teacher.

There is a great deal of variation in the role of different tiers of government in education. In some countries, such as Ireland and New Zealand, local government has little or no role. In others, Finland, for example, local government has a strong role. Sometimes, primary and upper secondary education are run by different tiers of government, as in Iceland, Norway and France. In other countries, such as England and the United States, the relationship with local government varies according to the type of school.

England, New Zealand, Sweden, the United States and the Netherlands have had a high profile in debates about the appropriate role of central or local government in providing school education and also in related debates about parental choice and competition between schools. In particular, the idea of publicly funded independent schools has attracted renewed interest since the UK government brought forward proposals to extend this type of provision in England. Academies have been controversial and, like charter schools in the United States and independent schools in Sweden, there has been a vigorous debate about their merits and impact on pupil attainment.

It seems to be a common theme that some schools are able to flourish under a highly decentralised system where others flounder. While this can be related to management structures Fiske and Ladd (2000) highlight how it can also reflect entrenched structural issues such as area deprivation. Decentralisation may be a common policy direction over recent years, but it varies enormously in its degree, type and context. In a number of countries - such as Sweden and New Zealand, decentralisation of operational matters has been accompanied by tighter central monitoring of outcomes.

It can be hard to disentangle decentralisation reforms from wider reforms to promote school choice. However, it appears that similar challenges need to be addressed including those of avoiding segregation, supporting poor performing schools while allowing successful ones to flourish, of ensuring the right skills and representation on the governing body and of balancing local innovation with national policy.

INTRODUCTION

The first section of this paper sets out general trends across Europe. Although not the norm, the more radical systems involving publicly funded private education, self governance and very high levels of parental choice have attracted a great deal of interest and debate. The paper therefore moves on to look at England, Netherlands, the United States, Sweden and New Zealand. Finland is also included as a contrary example because of its high performance in PISA¹. The effects of these different structures are highly contested – and this is considered in the final section.

GENERAL PATTERN IN EUROPEAN COUNTRIES

While the role of local and central government in the management and running of schools varies, a useful starting point is the level of operational autonomy which a school has from whatever the ‘higher authority’ happens to be. This first section summarises a survey of the general pattern of school autonomy carried out by Eurydice in 2007. Again, drawing on material from Eurydice, it goes on to consider the role of parents’ representative bodies and the respective roles of central and local government.

SCHOOL AUTONOMY

School autonomy does not have a long history in European education, but, since the 1990’s, there has been a growing trend towards devolving more decision making powers to schools. Over the past few decades, there has been great diversity in the reforms implemented in different countries but autonomy has been developing in the areas of teaching, human resources, and the management of property and finances. The Eurydice survey looked across 36 education systems in relation to areas such as operational and capital expenditure, fundraising, appointment and management of staff. It did not consider issues such as admissions policies or responsibility for the curriculum.

The research identified three main aims of recent reforms: achieving school and local democracy, improving the working of the state machinery and improving the quality of education.

“The development, implementation and in particular, the degree of political will attached to these policies resulted from an intermingling of various structural factors and circumstances: history, geography and political structures (centralised or federal state) and, in addition, the political opportunities which prompted governments to adopt policies which would lead to such profound changes in schools”

The researchers comment that granting freedom to schools to manage their affairs has been balanced by centralised control through accountability measures.

“School autonomy has a dual edge, increased freedom for schools as a result of the transfer of responsibilities and, on the other hand, increasing national control through the

¹ [PISA](#) is an international survey of science, maths and reading literacy run by the OECD.

monitoring of results rather than through national norms. As in other sectors, schools have therefore crossed the boundary from a system of prior control through procedures to a system of post control through the scrutiny of results.”

The research results show huge diversity in arrangements across different countries and between different areas of decision making. For example, schools in Cyprus have no autonomy whereas schools in Dutch speaking Belgium have full or relative autonomy. Schools have most autonomy in Belgium, England and Wales, Northern Ireland, Latvia, Sweden and Estonia. Relatively little autonomy is found in Liechtenstein, Germany, Malta, Austria and Denmark. Others, such as Scotland, have very mixed arrangements where schools have full autonomy for many types of decision areas but no autonomy for others.

It is relatively common (i.e. pertains in more than 10 countries) for schools to have full autonomy with regard to:

- operating expenditure
- purchase of computer equipment
- seeking donations and sponsorship
- leasing arrangements for community use of schools premises
- use of private funds to acquire movables
- selection of substitute teachers
- use of salary supplements to provide overtime or payments for stipulated duties and responsibilities
- setting the duties and responsibilities of non-teaching staff.

Schools are most likely to have full autonomy in relation to seeking donations and sponsorship, acquiring movables and setting the duties and responsibilities of non-teaching staff. School decisions which are relatively autonomous can sometimes be subject to a predetermined general framework. This was most likely in relation to the setting of the duties and responsibilities of teachers (11 countries). This type of arrangement was particularly common in England and Wales in relation to the appointment and management of teaching staff.

It is relatively common for there to be no autonomy with regard to:

- capital expenditure
- raising loans
- use of private funds to employ staff
- employment and management of head teacher

There is far less consistency in the arrangements for other decisions. Ten or more countries have full autonomy for the following decisions, and another 10 or more have no autonomy. These decisions relate to:

- selection of teaching and non-teaching staff,
- dismissal of teachers and non-teaching staff
- disciplining teaching and non-teaching staff
- setting the duties and responsibilities of teachers

Finland and the Netherlands stand out as countries where the ‘organising body’ (local authority or private organisation) has a large degree of discretion in the amount of autonomy it grants to

schools. In the Netherlands, all 25 measures were subject to discretion and, in Finland, 11 measures were discretionary whereas for 10 measures there was no autonomy for schools.

Annex 1 includes tables and graphs showing the results for each country and each decision making measure.

ROLE OF PARENTS

Parent representative bodies tend to have consultative rather than decision making powers over the way the school is run. It is very unusual for a parent representative to be able to define teaching content or to recruit or dismiss a teacher. The table below shows, by areas of responsibility, the number of countries in which parent representatives have decision making powers, the number in which parents are consulted on these decisions and the number in which they have neither decision making powers nor are consulted. Of these countries, England gives the greatest decision making powers to parent representatives as members of governing bodies. These have powers in relation to all the areas listed in the table with the exception of buying textbooks. Other countries which allow some parent decision making are Ireland, Spain, Denmark, Germany, Austria and Portugal. These powers tend to be mainly limited to school plans, school rules and exclusions.

Table 1: Number of countries where parent representatives have decision making powers

	Decision making power	Consulted	Neither decision nor consulted	Varies by school concerned
School action plan	11	15	5	3
Everyday rules	11	15	5	3
Exclusions	7	6	20	1
Teaching content	1	7	24	2
Optional lessons	3	12	16	3
Buying textbooks, software	4	12	16	2
Teacher recruitment	4	1	25	3
Dismissing teachers	3	1	28	1

n.b.: where primary and lower secondary differ, the data for lower secondary has been used.

Source: Eurydice 2009a

CENTRAL AND LOCAL GOVERNMENT ROLES

The following gives some brief examples illustrating different arrangements for the division of responsibilities between central or regional and local government. A common theme is to have different arrangements for compulsory schooling compared to (non-compulsory) upper secondary schools.

In many European countries, teachers are civil servants employed by central government. However, in the Nordic countries, in Hungary and the Netherlands teachers are employed by the local authority. Schools are responsible for employing teachers in Bulgaria, the Czech Republic, the Baltic countries, Ireland, Poland, Romania and Slovakia. Finally, responsibility for the employment of teachers can vary depending on the category of school concerned. This arrangement pertains in Belgium, Sweden and the United Kingdom (England, Wales and Northern Ireland). Even if a teacher is employed by a higher tier of government, in some countries, such as Sweden, the Netherlands and Finland, schools still have full autonomy to recruit them (Eurydice, 2009a).

In general, central or regional government takes decisions on the funding of teaching staff, while decisions about operational matters are shared with local authorities. There is a general tendency to decentralise resource allocation unless it is directly related to teaching (Eurydice 2009a). It is also common for church schools to provide a relatively independent sector with their own governance and funding arrangements, although the precise relationship between such schools and the state varies between countries reflecting different development histories. The next section looks at the relative responsibilities of different levels of government in different countries in relation to schools.

France is divided into 30 administrative departments known as academies. The head of each academie is responsible directly to the Minister. Education policy is pursued in partnership with the communes for primary education, department for colleges and regions for lycees. Local area authorities have responsibility for construction and maintenance of school buildings (Eurydice, 2009b).

Norway has 19 counties and 430 municipalities. Counties are responsible for upper secondary education and municipalities for primary and lower secondary education. This includes responsibility for running schools, pupil intake and the appointment of teachers. Local government in Norway has considerable autonomy and finance is provided through a block grant (Eurydice, 2008a).

Iceland has 78 municipalities which run compulsory education via an elected school board. Upper secondary education is run by central government, although there is municipality representation on their school boards (Eurydice, 2009c).

Ireland does not have formalised local structures of education. Local government plays little if any role in education in Ireland. At primary level, most schools are owned and managed locally, mainly by Churches but the bulk of the funding comes from central government. The situation is more complex at secondary level with four types of secondary schools each with different ownership, financing and management structures, but private ownership remains important. There are vocational, community and comprehensive schools. In most cases the trustees are religious communities or boards of governors. Vocational schools are established by the State and administered by vocational education committees. Community and comprehensive schools are managed by boards of management of differing compositions. The Department of Education

and Science has a key role at both primary and secondary levels in curriculum development, teacher qualifications and overall administration (Oireachtas library, 2010).

Germany places responsibility for education with the Länder (the directly elected regional states within the Federal Republic) and schools are either under the Länder or the municipalities. In general, the Ministry of Education in the Länder is mainly responsible for developing the curriculum and the local education authority (Schulamt) supervises education at local authority level (Eurydice, 2008b).

EXAMPLES OF STRUCTURES AND REFORMS

The following section gives some examples of school structures in England, Sweden, the Netherlands, Finland, New Zealand and the United States. Finland is included partly because of its reputation for high student attainment in the international PISA survey and because, with the Netherlands, there is considerable flexibility in the amount of decision making which is devolved to school level. The other examples have had a high profile in debates about the appropriate role of central or local government in providing school education.

ENGLAND

There is a great diversity of school structures in England although most pupils still attend Community schools maintained by the local authority. There are just over 12,000 'community' schools compared to 1,200 'foundation' schools and 203 Academies. The current statutory categories of schools and key differences between them are set out in the table on p.13.

Central Government

Central Government sets the statutory national curriculum and Ministers have powers to intervene in 'failing' schools and set up management bodies to replace the existing governing body. Central government pays a schools grant to the local authority and regulations set out the formula to be applied in allocating this to schools. The local authority tends to retain responsibility for high cost special educational needs and 'pupil referral units.' Although in many respects the system is decentralised, central government maintains significant powers through regulation (e.g. curriculum), guidance, inspection, funding and powers of intervention in 'failing' schools.

Maintained schools

Most schools are maintained by the local authority, but there is a variety of different arrangements for doing so. In decreasing order of local authority control, schools can be: community, voluntary controlled, voluntary aided or foundation/trust schools.

The legal duty to ensure sufficient school education for all children in an area sits with the local authority. However, even in Community Schools, governing bodies in England have significant powers. (See annex 2.) The duties and responsibilities of school governors in the various types of maintained schools are set out in [A Guide to the Law for School Governors](#) (DCSF, 2010) This describes the general relationship between the Governing Body and the Local Authority as follows:

“The LA should support the school's efforts to achieve continuous improvement. The relationship between schools and LAs is based upon intervention in inverse proportion to success, and maximum delegation of funding and responsibility to schools. These principles enable schools to operate largely autonomously. However, the governing body is accountable to the LA for the way the school is run.” (ch.3, para 24)

In all maintained schools a large degree of management responsibility is delegated to Governing Bodies including: staff appointments and some discretion on staff pay and staff appraisal. The staff of community and voluntary controlled schools is employed by the Local Authority whereas the staff of foundation and voluntary aided schools is employed by the Governing Body.

Governing Bodies can also make a proposal to change the statutory category of a school (for example convert to Foundation or Trust status) or propose to enlarge the school by, for example, adding a sixth form. Governors of Foundation or Voluntary schools can also propose to close a school but only a local authority may propose to close a Community school.

Structures for improved partnership working

A key theme in English education policy over the last ten years has been increasing collaboration between schools and between schools and related services (see for example, Ranson and Crouch, 2009). The ability of schools to form companies, federations and collaborations are examples of how this has affected structures.

Governing Bodies can join with other schools or other parties to form companies. These companies are legal entities separate from the Governing Body, and can be used to allow a number of schools to collectively purchase goods and services or to take on services which the local authority contracts out.

Federations are the amalgamation of Governing Bodies of maintained schools. They do not have to be from the same local authority. The existing governing bodies are dissolved and all land and assets transferred to the new federation governing body. The governing body of the federation continues to receive individual delegated budgets for each of the federated schools. It can use these budgets across the schools in the federation, but must maintain an audit trail for each school budget. The decision to become a federation is for the governing bodies involved although they must notify the Local Authority. In practice the term 'federation' has also been used to describe the looser 'Collaboration.' Collaboration does not require legal changes – rather it includes activities such as joint meetings and formation of joint committees of different Governing Bodies (DCSF, 2010).

An [evaluation of federations](#) (Lindsay, G. et al 2007) found that, given the choice, schools value autonomy, collegiality and equality, and wish to work together as separate schools that have chosen to collaborate. As mentioned, the programme led to different degrees of collaboration, from informal joint working to creation of a single governing body. The evaluation recommended that:

“The DCSF should continue to support schools that seek to improve standards by joint activity, recognising a continuum of possible types of federation, namely:

1. Statutory: hard governance federation (single governing body)
2. Statutory: soft governance federation, (joint governing body)
3. Non-statutory, soft federation and (e.g. joint committees)
4. Non-statutory informal, loose collaboration.”

Foundation and Trust Status

Foundation schools are maintained schools, funded by the local authority. These schools set their own admission arrangements, have control over their land and buildings and employ their own staff. Trust Status is a particular type of Foundation school, and describes a school which has formed a trust with an outside partner under the Education and Inspections Act 2006. As with other types of school trust, this transfers ownership of land and buildings to the trust but also enables the foundation to appoint the majority of a school's governors and to establish a partnership with another organisation. The school governor guidance describes how Trust status is intended to raise standards:

There is no single blueprint for how Trust schools work. Trusts can involve one or more partners and can support an individual school or groups of two or more schools. Acquiring a Trust is a way for schools to raise standards through strengthening collaboration and drawing on the expertise and energy of their partners to support their strategic leadership. It is for each school's governing body to decide whether to adopt Trust status and, if it does, to decide who it wants to work with – and how – in order to support the school's particular needs and aspirations.

The governing body of a Trust school (which retains the stake-holder model involving parents, staff, community and LA governors, as with any other maintained school) remains responsible for all major decisions about the school and its future. However, Trust schools benefit from a long-term relationship with external partners and their involvement in the school's governance and leadership. The skills and experience of Trust-appointed governors will strengthen the whole governing body and make a contribution to the school's ethos. (DCSF, 2010)

Academies

Academies have been controversial and, like charter schools in the United States, there has been a vigorous debate about their merits and impact on pupil attainment. Publicly funded independent schools were first established under the Education Act 1988 as 'City Technology Colleges' but their numbers increased dramatically with the Academies Programme. In total, 400 Academies² have opened since 2002. The new UK Government introduced a Bill in May 2010 to expand this type of provision further and it intends to 'fast track' applications from schools rated as 'outstanding' in OFSTED inspections. The description below relates to the situation at May 2010 and proposals for change are summarised on p. 11.

Governance

Academies are set up through a Funding Agreement between the sponsor and the Secretary of State. Once the Secretary of State has given approval for an Academy, an Academy Trust is formed which is responsible for the building and running of the Academy and has control over the land and other assets. The Trust is a charitable company. Members of this Company include the sponsor, the chair of the governing body and a representative of the Secretary of

² The Learning and Skills Act 2000 made provision for City Academies and the Education Act 2002 removed the focus on urban areas and changed the name to Academies.

State. Sponsors can include individual philanthropists, businesses, faith groups, charities and universities. The Governing Body must include parent and local authority representatives.

Funding

Currently, Academies are set up with a contribution from a private or charitable sponsor who appoints the majority of the school Governors. Generally, sponsors must provide £2m funding via an endowment fund. This is to be paid over five years. However, if a sponsor has an established record in running an educational institution (such as a university) there is no specified funding contribution. The proceeds of the endowment are to be spent on measures to mitigate the effect of deprivation on the education of children in the area.

Academies are funded via a direct grant from the Secretary of State. This is worked out on the same basis as the local authority school funding formula with an additional allowance to cover the activities that, in a maintained school, are undertaken by the local authority. It also includes a per pupil allowance related to the Academy's specialism. Some other central government grants – such as the leadership incentive grant and the standards grant are routed through the local authority.

Policy and Regulation

All academies have to follow the national curriculum for English, maths, science and ICT. They also have a specialism in one or more curricular areas. As with other specialist schools, they can admit up to 10% of pupils on the basis of aptitude. Their admissions policy is agreed with the Secretary of State as part of the funding agreement. In addition, they are bound by the School Admissions Code, the Code of Practice on Special Educational Needs and guidance on exclusions. Academies can set the length of the school day and the number of sessions taught and can establish their own pay and conditions for staff³ (DFES on-line).

The Academies Act 2010

The Academies Bill was introduced in May, passed in July and the first new Academies are expected to open in September 2010. The Act extends the Academies programme by allowing any maintained school to become an Academy – including primary and special schools for the first time. It removes the requirement to consult the local authority before opening an Academy, although a governing body must consult those it thinks appropriate. In addition, it gives the Secretary of State power to require a school to convert to an Academy if it requires significant improvement. Although established as a charity, Academies will be regulated by the Young Person's Learning Agency rather than the Charity Commission. If a school is rated as outstanding by OfSTED its conversion to an Academy will be fast-tracked (Gillie and Bolton, 2010).

Free Schools

Free Schools in England will be a type of 'Academy' with the key difference being that an existing school cannot apply to become a 'Free School'. Instead, they will be new schools set

³ Subject to TUPE (transfer of undertakings and protection of employment regulations)

up where there is parental demand. Proposals must be approved by the Secretary of State and will be judged on criteria relating to educational aims and objectives, evidence of demand, potential premises and suitability of provider. The Government expects the first free schools to open in September 2011 and has allocated £50m start up capital funding. The free schools web site refers to renting property and the government intend to simplify planning regulations in order to allow a wider range of sites to be used as schools without the need for 'change of use' consent (Gillie and Bolton, 2010 and DFE online).

Table 2 overleaf summarises the different types of school in England, setting out arrangements for funding, governance, admissions, curriculum, teacher employment, ownership of land and buildings and provision of support services.

Table 2: English schools by statutory type

	<i>Funding</i>	<i>Governance</i>	<i>Admissions Authority</i>	<i>National Curriculum</i>	<i>Who employs teachers?</i>	<i>Who owns land and buildings?</i>	<i>Support services</i>	<i>Number Jan 2010</i>
Maintained:								
Community schools	Local authority	Governing body	Local authority	Yes	Local authority	Local authority	Local authority	12,024
Voluntary controlled	Local authority	Governing body (charitable status)	Local authority	Yes	Local authority	Charity, often a church (playing fields often with LA)	Local authority	2,618
Voluntary aided	Local authority/governing body/charity	Governing body (charitable status)	Governing body	Yes	Governing body	Charity, often a church	Local Authority	4,246
Foundation schools and Trusts	Local authority	Governing body (charitable status)	Governing body	Yes	Governing body	Charity (the foundation or trust)/ governing body	Bought in and administered by governing body	1,210
Non maintained:								
Independent	Pupil fees and trusts/ private sponsorship	Charitable company	Head teacher /governing body	Not required	Proprietor	Charitable company	Bought in and administered by head teacher	2,376
Academies	Central government and some private sponsorship	Charitable company under agreement with central government	Governing body	core subjects only	Governing body	Charitable company	Bought in and administered by governing body	203
City Technology Colleges	Central government and some private sponsorship	Charitable company under agreement with central government	Governing body	Focus on particular subjects	Governing body	Charitable company	Bought in and administered by governing body	3

Source: CAB online. Source for numbers of schools. National Statistics (2010) table 2a-c

Notes:

- Voluntary aided and controlled schools came into the state sector following the Education Act 1944. Voluntary aided schools are normally Catholic and Voluntary Controlled are normally Protestant.
- City Technology Colleges are generally converting to Academy status. The proposed Free Schools will have Academy status.
- Currently, Academies need local government approval for their establishment. The current Academies bill proposes removing this requirement although the school governing body is to consult such persons as it considers appropriate.

UNITED STATES

School education in the United States is more decentralised than in most countries, although there have been moves over the last 10 years to increase the level of central direction following the No Child Left Behind Act 2001. Policies encouraging school choice, competition and diversity of structures have also developed over the last 20 years and include: charter schools, voucher programmes, open enrolment (similar to placing requests) and private schools (Lubienski 2008).

Constitutional responsibility is at the state level; although federal involvement has been growing since the mid 1990s (for example the Goals 2000 Act and the Improving America's Schools Act 1994 established a broad framework supported by federal grants). Within each state, powers may be delegated to very small districts. In 2009, 8.5% of funding for schools in America came from the federal government, 47.6% from the state government and 43.9% from private and local sources. (Table 172 National Centre for Education Statistics, 2009).

Around three quarters of pupils in the US attend public schools in their catchment area. Others attend public schools in other areas, private schools and charter schools. (Lubienski 2008). Although Charter Schools have received a great deal of international attention, they form a small minority of America's schools. In 2007/08 there were 98,916 public schools (table 5, NCES 2009) enrolling over 49 million pupils (table 3, NCES 2009). As of 2009, there were around 4,700 charter schools enrolling over 1.4 million children (CREDO, 2009).

Public Schools

State governments set minimum standards, although, as mentioned above, federal government is playing an increasing role in this respect. Public schools are mainly controlled by school districts but can also be directly controlled by either state or local government. The division of geographic areas into school districts is determined at state level but there is no universal relationship between a school district and local government. In some cases they may cover the same geographical area, but a school district may serve students from several different local governments/counties. There could also be more than one school district within a local government/county area. (Congressional Research Service, 2010). Functions vary, but districts can generally set school budgets, decide on the curriculum and on teaching policies. There is also a school board at district level which is usually elected, but in some cases appointed. The United States Census Bureau reported the following numbers of school systems in 2007:

- 13,506 school district governments
- 178 state government dependent school systems
- 1,330 local government dependent school systems
- 1,196 education service agencies (agencies providing support services to public school systems)

Charter Schools

Charter schools have attracted considerable international interest and a fierce academic and political debate about their effect on student attainment. They are technically described as public schools in the US because they are publicly funded. Generally, charter schools are funded from federal funds and only in a minority of states is a state grant also available. In a few states, the state provides a loan (table 1.10 National Centre for Education Statistics, 2008).

The first charter schools were established in Minnesota in 1991 and, in the beginning, many were set up by groups of parents or teachers, often as small school alternatives to larger high

schools. They have been described as: “at once, educators, innovators, entrepreneurs, reformers and agents of community change” (CREDO, 2009) and survive on the basis of attracting enough students. Although they provide education to only a very small proportion of pupils they are “the most rapidly growing form of public school choice” (Lubienski 2008) and in some areas provide a large proportion of school education (for example, 2/3rd of pupils in Washington DC attend charter schools according to the [Washington Post](#)). They are often smaller than conventional schools and are more often found in urban than rural areas.

There is huge variation both in the legal framework in different states and in the detailed arrangements for each school. However, they are all authorised by a public governing body, receive funding on a per-pupil basis and get some degree of exemption from regulations applying to conventional public schools. They must, however, meet the terms of their charter and, if they fail to meet certain accountability targets, they can be closed down more easily than a conventional public school (Congressional Research Service, 2010). They are usually managed on a not for profit basis but in some states they can be run by profit-making businesses.

Charter laws are different in each state. The diversity of arrangements is illustrated by the table below on whether teachers are required to hold the standard certificate for teaching.

Table 3: variation in teacher requirements in charters

Certification required?	Number of states
Yes	13
No	3
some teachers must have certification (varies from 50% to 90%)	13
Required, but can be waived	4
Specified in each charter application	2
Alternative test accepted	4
Other	2
Total states where info provided	41

Source: table 3.3 National Centre for Education Statistics, 2008

The Centre for Education Reform (2010), which supports charter schools, publishes an annual report on progress in the development of charter laws. Their methodology identifies the key provisions which they consider make a successful charter law. They identify four key elements which support the expansion of Charter Schools:

1. entities other than traditional school boards are able to create and manage charter schools independently.
2. schools have freedom to operate, including freedom from collective bargaining

3. schools receive money that is the same amount as and received in the same manner as traditional public schools
4. growth is not limited by caps on the number of charters, amount of finance or levels of enrolment

SWEDEN

Like Charter Schools, Sweden's 'free schools' are often cited as an example of publicly funded independent schools and have inspired plans to extend the Academies model in England. However, education reforms in Sweden were more far reaching than this. In 1992, Sweden's education system changed from a highly centralised, state run system to a far more decentralised system with the emphasis on parental choice and competition between schools. Initial reforms devolved much of education from central government to the 290 municipalities. Further reforms introduced a universal voucher system and enabled the establishment of publicly funded independent schools (often referred to as 'free schools').

"The state has moved from a rule and resource-based management system to one based on target and results." (Skolverket, 2005)

At around the same time the curriculum was reformed giving schools more discretion; teachers' pay and conditions were deregulated and the National Agency for Education (Skolverket) was established. This is the central administrative authority for the Swedish public school system. Among other things, it is responsible for national tests and for distributing various government grants.

While municipalities are funded through a block grant, they are also legally obliged to provide per pupil funding to schools based on parents' preferences expressed through the voucher system. Parents have a 'virtual voucher' to choose any school – either public or independent. Where there is competition for places they are generally allocated based on residence and, on a 'first come first served' basis. There were 677 independent schools in 2008/09 compared with 424 in 2003/04. Independent schools vary:

"from small parental co-operatives whose start-up may have been fuelled by the closure of a municipal school, to schools with a particular educational approach or subject specialism, and schools which are run by large for-profit education companies." (Skolverket, 2005)

Independent schools tend to be in urban areas. There are no restrictions on the ownership structure. While municipalities fund the independent schools, they have no veto over their establishment – applications are made to the School Inspection Agency (Skolinspektionen) who also control the quality of work in all schools, whether public or independent (Bunar, 2010a). Conditions for approval are that the education provided fulfils the general goals of the compulsory school, that the school has at least 20 pupils (unless there are specific reasons why there should be fewer) and does not charge fees (Eurydice, 2008c). The curriculum taught in Independent schools must: "essentially match the knowledge and skills and comply with the general objectives and values expressed by these national documents" (Skolverket, 2005). Although the first schools opened were those promoting a certain educational approach (religious, Steiner, Montessori etc), the most common type now are those established by profit-making corporations (Bohlmark and Lindahl, 2008).

Table 4: Schools by type, 2009

Municipal	4,073
Sami	5
Independent	677
total	4,755

Source: Skolverket 2010a

The table below shows that per pupil costs are slightly lower in independent compared with municipal schools.

Table 5: Per pupil costs in municipal and independent schools (2008)

Per pupil cost SKD	Municipal	Independent
<i>Total</i>	<i>81,300</i>	<i>77,000</i>
of which:		
Tuition	42,100	40,800
Premises, fixtures and fittings	16,100	15,800
School meals	4,900	5,700
Teaching materials, equipment and school libraries	3,000	4,200
Pupil welfare	2,050	1,400
Other	13,300	9,200
Income from Fees	n/a	700

SKD 800 = £69.

Source: table 2A, Skolverket 2010b

n.b: Grant-aided schools as a general rule are not allowed to charge fees. Exceptions are made for the International schools (Internationella skolor) and boarding schools with national admissions (Riksinternat). (Eurydice, 2008c)

NETHERLANDS

While publicly funded private schools form a small part of the school systems already discussed, the Netherlands are unusual in Europe in that nearly 70% of children attend publicly funded independent schools. Public and private schools are treated equally under the constitution. Anyone can set up a school if they are approved by the Ministry of Education, although they cannot be run for profit. Although it is easy to open schools, they are still subject to national regulation and have to develop their curriculum within the framework of the 58 national objectives for education.

This structure is a result of the settlement reached following the struggle between church and state over school education in the Nineteenth Century. Freedom of education was established in the constitution and the state agreed to subsidise denominational schools. Education responsibilities at each of the four levels of national, provincial, municipal and schools are set out below.

Central government responsibility includes:

- the types of school that may exist, the norms for their establishment and closure
- the length of courses in each type of school and arrangements for examinations
- staff salaries and most terms and conditions

There are 12 provinces in the Netherlands and each has responsibility for:

- ensuring adequate numbers of publicly run primary and secondary schools
- hearing appeals from private bodies against decisions of the municipal authority

There are 431 municipal authorities and these constitute the local authority for all schools in their area – whether publicly or privately run. Their responsibilities include:

- annual plans for both public and private primary and secondary schools
- allocating budget resources to ‘eliminating educational disadvantage’
- pupil transport
- monitoring compliance with the Compulsory Education Act

Each school has a ‘competent authority’. For public schools, this is the municipality, although they can delegate these tasks to another public body. A province cannot be a ‘competent authority’. The competent authority for private schools is an administrative body governed by private law. The duties of competent authorities are the same for both and include:

- the curriculum (within the national framework)
- school timetable
- personnel matters - appointment, dismissal of staff
- admission of pupils
- rules of conduct for pupils
- deciding whether third parties may use the school building
- managing the school’s financial resources
- deciding whether to close a school or a department within it

Some of the powers of the competent authority may be delegated to the school head (Eurydice, 2009e).

NEW ZEALAND

In the 1980’s and 1990’s, New Zealand transformed its school education from a highly centralised, bureaucratic system to a highly decentralised one. The Tomorrow’s Schools reforms, introduced between 1989 and 1991 brought in competition, parental choice and self-governance. All schools are run by self-governing, locally elected boards of trustees and receive funding directly from central government. The majority of board membership is made up of parents.

The reforms sought to introduce parent choice and create competition between schools. Fiske and Ladd (2000) believed that this did not always occur, particularly for low income parents and

in situations in which schools were oversubscribed. Subsequent legislative amendment re-introduced 'home zones' (catchment areas) for schools.

School buildings remained under the ownership of central government and, in most cases, although teachers were employed by the school board, their salaries were set by central government. Whereas previously, ten regional boards had been involved in detailed operational management, this was now left to individual schools. When the regional boards were abolished, the support function they had provided was also removed. While Fiske and Ladd found "literally no-one" who missed the old bureaucracy, they did find that some schools had relied on the support it had provided:

"some schools took full advantage of their new independence to strike out in bold new directions [but] a substantial number of schools found the burdens placed upon them to be heavy and, in a few cases, crushing."

The reforms gave operational autonomy to schools, but the Ministry of Education still controlled key aspects of the system, such as funding and the curriculum framework (with the detail left to schools). It also increased public accountability through the establishment of the Education Review Office. Whereas the previous inspection system had been quite informal and not public, the Education Review Office took more of a public audit approach albeit within a more strictly defined mandate.

"The Ministry of Education relinquished control of functions such as picking staffs [sic] and determining discretionary expenditure, but it continued to exercise tight control of the all important area of level of funding, curriculum and accountability." (Fiske and Ladd p.52)

The New Zealand reforms are summarised in the table overleaf:

Table 6: Summary of Tomorrow's Schools Reforms

Area of change	Before	After
Central authority	Dept. of education made policy and had operational authority over schools	A smaller Ministry of Education primarily provides policy advice to the minister
Governance/management	Dept. tightly controlled primary schools through regional education boards. Secondary schools had elected boards and somewhat more operational autonomy	Primary and secondary schools are run by locally elected boards of trustees, a majority of whose members are parents.
Funding	Dept. of Education ear-marked operating funds for specific purposes and paid teachers	Ministry of Education provides block grants to schools for operating expenses and pays teacher salaries directly for most schools. Some schools have opted to receive a block grant for teacher salaries.
Accountability	Inspectors from the dept. visited schools, rated teachers and enforced accountability largely behind the scenes. They also provided advice on pedagogical and other matters	Review officers from the independent Education Review Office monitor school performance and publicise their findings. They do not provide advice and assistance.
Enrolment policy	Most students attended schools in their home zone	Parents can choose any school, but oversubscribed schools decide which applicants to accept
Collective bargaining	Centralised bargaining	Centralised bargaining
Physical property	Owned by the government. Integrated (faith) schools retained title to their physical assets.	No change
Curriculum	Dept of Education set the Curriculum	Ministry of Education sets a framework and generates curriculum statements

Reproduced from Fiske and Ladd table 3.1

The general theory behind the reforms was that a decentralised competitive market, in which autonomous schools competed for students, would motivate improvements in quality across the whole system. One political difficulty was how to deal with schools that failed to attract sufficient students. Closing these schools was unpopular. This has led to the Ministry of Education intervening to support such schools, leading to slightly less decentralisation than was originally intended.

FINLAND

In line with the international trend, the Finnish education system is less centralised than it used to be, although the local authorities have a strong role. Since the 1980's there has been a continuous increase in the level of decision making at a local level.

At central government level, the main agency is the Finnish National Board of Education which draws up the national curriculum, sets qualification requirements and evaluates learning. It advises the Minister on policy and is managed by a board including education experts, local authorities, teachers and social partners.

Finland is divided into six Regional State Administrative Agencies and the State Department of Aland. Below this regional level are the 342 local authorities. The local authorities are responsible for organising primary and secondary education and are partly responsible for financing it. Recent reforms mean that funding is now provided to local authorities as a block grant and have encouraged local authorities to merge or increase co-operation with each other.

Every child has a right to attend their nearest local school and almost all schools providing basic education are maintained by local authorities. While local authorities have no statutory duty to provide upper secondary education, they are obliged to contribute to its financing.

Local authorities can either provide services directly or can form partnerships with private companies or other local authorities, or purchase services from other local authorities. However, there are some restrictions. For example, any provider of basic education must be licensed by the Government.

Education funding is decided by a formula which takes into account issues such as rurality, demographics and the proportion of pupils with special educational needs. Central government provides around a third of the funding for operating costs.

Local authorities have a great deal of flexibility about the amount of decision making they delegate to schools. At a school level, a managing board includes teachers, non-teaching staff, pupils and parents. Its functions include developing co-operation between the school and the community and it is possible for different schools to share a joint board (Eurydice, 2009f).

Independent schools, whether fee paying or state subsidised, are very rare. Schools within the public system do have considerable freedom, including flexibility within the national curriculum. There is no inspection system and no examinations or tests until age 19. The system relies on high trust of well qualified teachers rather than accountability measures (Wrigley 2010).

THE DEBATE ABOUT EFFECTIVENESS

This briefing has illustrated the huge diversity in school systems across different countries. One common theme has been that reforms over that last few decades have tended to devolve greater responsibility to school level decision makers. Changes to the structure of the school system might be intended to improve administrative efficiency, raise pupil achievement, increase the involvement of parents and the local community and encourage innovation. Whether any particular arrangements achieve any of these aims is highly contested. As reforms often also include provision for 'school choice' (such as allowing placing requests or introducing a voucher system) it is difficult to disentangle the effect of allowing competition between schools from the effects of their relationship with local or central government.

In New Zealand wholesale reform of the school system in the early 1990's introduced parental choice, self-governance and competition. While Fiske and Ladd found few who wanted to go

back to the previous highly bureaucratic system, they pointed out that the new decentralised system worked well for the schools which had the capacity to make the most of it, but did not work for others. They found that improving management did not appear to be sufficient to tackle all low performing schools. Self governance combined with parental choice and market competition can be detrimental for some schools and they concluded that there are no panaceas:

“New Zealand’s experience with Tomorrow’s Schools demonstrates that reformers in other countries who are tempted to put their faith in simple governance solutions to complex questions of educational quality are likely to find them wanting. It also demonstrates that overreliance on simplistic salutations can cause considerable harm to both individuals and schools unless policy makers are willing to anticipate from the outset the limitations of such salutations and to build in appropriate safeguards” (Fiske and Ladd p.313).

Reflecting on the reforms after 20 years, recent comment in the New Zealand Education Review (2009) was that decentralisation was generally positive. The main criticism was that school boards of trustees do not receive sufficient support, either financially or in terms of knowledge and expertise. There was also some perceived lack of clarity in the division of responsibilities between individual schools and central government.

The effect of publicly funded private schools on student attainment has been controversial in the US, England and Sweden. A key difficulty is in taking proper account of background factors that could skew results – such as pupil background. Often, the controversy surrounding the different results can stem from technical differences in the method used. (See for example the ‘CREDO-Hoxby Debate on the [CREDO website](#)). An additional complication is that one of the arguments for developing diversity of provision is that the presence of a dynamic, privately run school will push up attainment in the surrounding schools.

Effectiveness of Charter Schools in the USA

While there have been many reports on attainment in Charter Schools, the largest scale study found huge variability between schools. CREDO (2009) looked at the difference in learning gains compared with traditional public schools. The study matched individual students according to independent factors such as family background. This large scale, longitudinal study found that while some Charter Schools led to improved attainment, “in aggregate, charter students are not faring as well as their traditional public school counterparts.” The research found that: “Tremendous variation in academic quality among charters is the norm not the exception” resulting in “a disturbing and far reaching subset of poorly performing charter schools.”

- 17% do better than public schools
- nearly half are the same as public schools and,
- 37% did significantly worse

Charter Schools tended to perform better for students in poverty and for English language learners, but worse for Black and Hispanic students. The research noted that some Charter Schools had been established with a particular focus on improving outcomes in areas of economic disadvantage and that they have developed expertise in this area. It also found that Charter Schools tended to perform worse in their first year, but improve in subsequent years and where there is more than one body acting to authorise Charter Schools in the state.

The researchers recommended that: “when schools consistently fail they should close [but] authorisers find it difficult to close poorly performing schools.” This reflects the findings of Fiske and Ladd in their research on New Zealand’s reforms.

Swedish independent schools

Statistics on school attainment in Sweden show that, on a straightforward comparison, independent schools have better results than municipal schools. However, Bunar (2010b) notes that as: “students in independent schools in general come more from families with academic backgrounds, this has been used as a key explanation for their better achievements.”

The debate on achievement in Sweden seems more focused on whether the existence of independent schools causes attainment to improve in municipal schools. This was one of the underpinning ideas of proponents of school choice but has produced contradictory results. Research from conservative researchers has found a positive effect (Bergstorm and Sandstrom quoted in Bunar 2008), but this is contradicted by research from more left leaning researchers (Lindgren quoted in Bunar 2008).

A recent, large scale study looked at the effect that independent schools had on municipal schools in the same areas. Bohlmark and Lindahl (2008) found a small, short term effect. “An increase in the private school share moderately improves short-term educational outcomes [...] but we do not find any impact on medium or long term educational outcomes.”

A study by Skolverket (2005) looked at the effects of independent schools in the period 1999 – 2004. They noted that:

“The changes imposed over time have led to the conditions under which independent schools operate having become increasingly similar to those of municipal schools

The results show that independent upper secondary schools are more successful at improving pupils’ attainment, measured as grades, for academic programmes. For vocational programmes there is no statistically significant difference between independent and municipal schools.”

The changes did not reduce costs for local authorities:

“One conclusion which can be drawn is that increased competition in education does not automatically lead to lower costs. Much indicates that a shifting pupil base makes planning more difficult which increases the municipalities’ costs in the short and the long term”

While they found some evidence of better attainment in independent schools they conclude that the administrative structure is not the most important factor in improving the quality of education:

“As far as can be judged, schools’ work to improve quality, their size, the population structure in the area in which they are located, the type of municipality and other factors, are more significant to the quality of education they provide than whether they are municipally or independently run.”

A more recent report by Skolverket (2009) found that increasing differentiation of levels of attainment coincides with the period of school reforms.

“Research findings largely concur in that the within school composition of pupil cohorts has become more homogeneous, while differences in attainment between various groups of pupils and between different schools have increased.”

However, the report - on what affects school attainment, highlights the difficulties of disentangling the effects of any reform:

“Generally speaking, it is difficult to ascribe any reform impact, either in space or time, especially since reforms often do not have a clear beginning or end. Any reform, as its impact filters through, meets a schooling process with its own particular history that, in turn, has been formed by earlier school reforms and social traditions and changes. Another difficulty is how to ascribe the impact of a specific reform where several other reforms have been put in train at approximately the same time. There is also the complication of separating out the effects of several reforms in relation to other social changes.”

Academies in England

The effectiveness of the Academies programme in England has also been highly controversial. The Government commissioned PriceWaterhouseCoopers to evaluate five years of the programme. In their last annual report in 2008, they found that:

“Taking account of the generally lower level of prior attainment and the adverse background of much of the pupil intake, many Academies performed better than the national average for progress from Key Stage 2 to GCSE. This was, however, less true for progress from Key Stage 2 to Key Stage 3.”

However, the improvement is not consistent:

“There was considerable diversity across individual Academies in the levels and improvements achieved against many performance measures.”

The report also raised concerns about the level of exclusions and the possibility that some Academies focused on ‘easier’ courses.

“Some Academies have used vocational courses to secure higher and faster improvements in attainment. When English and Maths are taken into account, rates of progress are less substantial (though still ahead of comparator schools and the England average).”

Echoing some of the findings on Charter schools and Swedish independent schools, there is an emphasis on variability between different Academies.

“The diversity across individual Academies suggests that, rather than a simple uniform ‘Academy effect’, there has been a more complex and varied process of change taking place. There is consequently scope for mutual learning and sharing of experience across the Academy network to ensure a more consistent pattern of achievement.”

However, many have welcomed the flexibility offered. The report found that:

“Principals and sponsors were unequivocal and unanimous in their view that independence offered both real and symbolic flexibilities and freedoms that contributed to school improvement.”

On the other hand, Academies' results have been questioned and the concept of private sponsor involvement has been heavily criticised. Wrigley (2010) argues that the way different types of courses are matched to GCSEs and the effect of having less disadvantaged pupil populations than in the predecessor schools, creates a skewed impression of attainment.⁴

Of the 203 established academies, five have failed inspections (TES, 2010). The PWC report found that:

“Ofsted inspection reports support the mixed picture that emerges from our data. A review of available Ofsted inspection reports suggests that the quality of teaching continues to be variable across Academies, and that there is an ongoing challenge at all levels, including sixth form, to increase the number of lessons rated good and outstanding.”

⁴ Results are reported as 5 GCSEs 'or equivalent'. GNVQ intermediate was considered equivalent to 4 GCSE A*-C passes.

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ANNEX 1: SCHOOL AUTONOMY ACROSS EUROPE

The table below amalgamates the results for all the education systems studied and shows whether particular decision-making areas are more likely to be at school level or not. The results are very mixed, although there is a clear tendency for schools to have autonomy over some decisions about non-teaching staff and operating expenditure but not over managing the head teacher or capital expenditure.

Table A1: Number of countries where schools have autonomy in various areas of operational management

<i>measure</i>	Full /relative	Limited	None	Discretion
Use of Public Funds				
Capital expenditure	5	7	18	2
Operating expenditure	17	5	3	2
Computer equipment	13	2	7	3
Fundraising and Private Funds	0	0		
Seeking donations and sponsorship	25	2	3	2
Leasing premises	17	5	7	1
Loans	4	3	23	1
Acquire immovables	8	2	18	1
Use of private funds to:	0	0		
Acquire movables	20	4	7	1
Employ teachers	7	0	20	1
Employ non-teaching staff	9	1	17	1
Teaching Staff	0	0		
Selection for teaching vacancies	14	4	14	2
Selection for substitute teachers	20	2	7	3
Dismissal of teachers	15	0	18	1
Duties and responsibilities of teachers	16	3	12	1
Disciplining teachers	15	1	13	1
Salary supplements for:	0	0		
Stipulated overtime	11	7	9	2
Stipulated duties and responsibilities	11	7	8	2
Head teacher	0	0		
Selection of school head	3	4	22	1
Dismissal of school head	6	1	25	1
Duties and responsibilities of head	7	0	23	1
Disciplining head	6	0	26	1
Non-teaching staff	0	0		
Selection for non-teaching staff	16	2	12	2
Dismissal of non-teaching staff	16	1	13	2
Duties and responsibilities of non-teaching staff	20	1	7	2
Disciplining non-teaching staff	16	1	11	2

Based on Eurydice, 2007

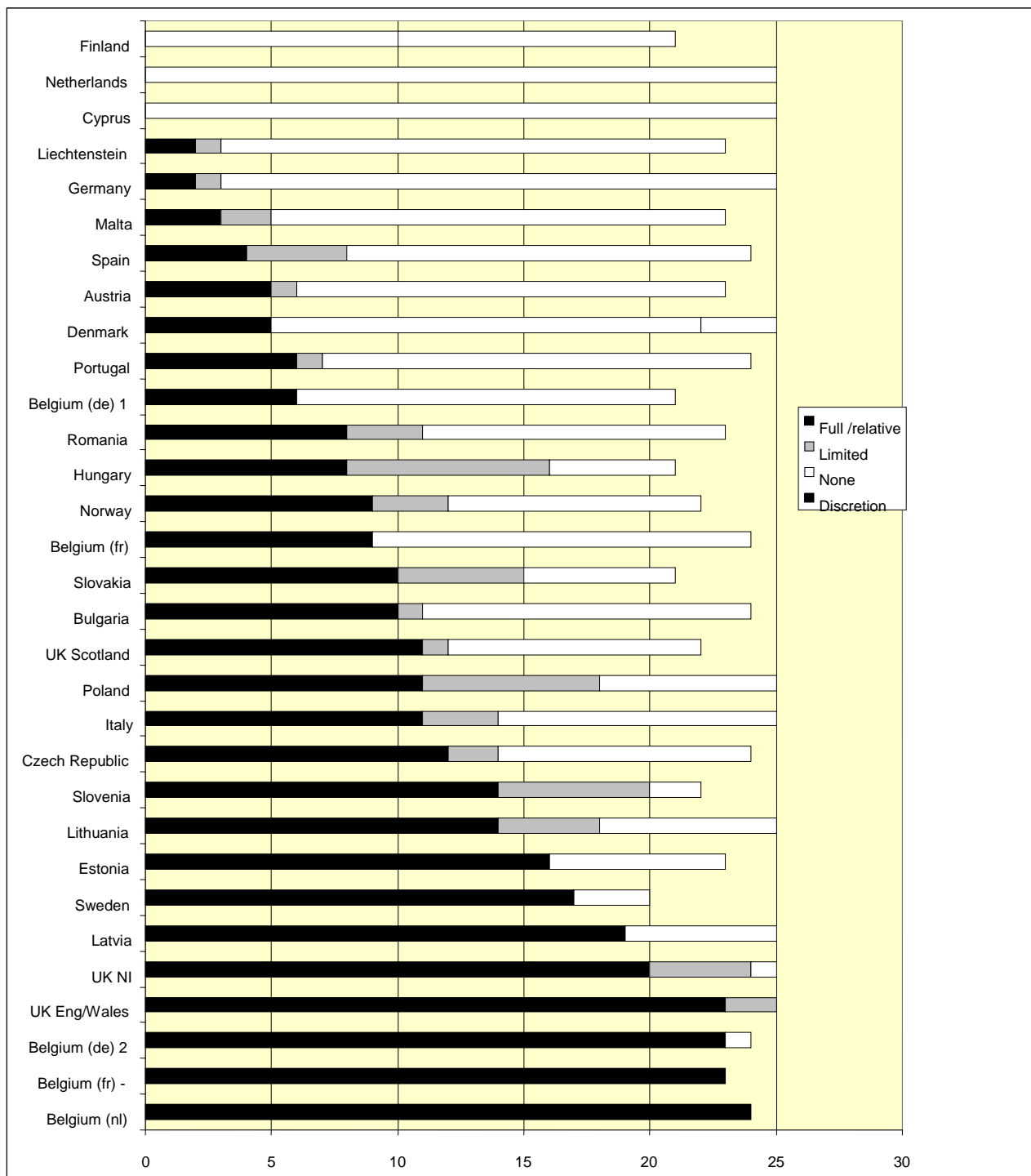
The table below shows the same information as Table A1 but by country. This illustrates the balance of autonomy with no autonomy in operational decision making in schools in each country. For example, it can be seen that schools in Belgium have autonomy over all areas of operational management that were considered, whereas school in Cyprus have none. The country which has the highest for each column is highlighted. Schools have full autonomy in Dutch speaking Belgium, no autonomy in Cyprus and in the Netherlands it is up to the managing body whether to grant autonomy to schools. It can be seen that Scotland has a mixed pattern where as England and Wales tend towards granting schools autonomy.

Table A2: Number of areas in each country where the school has full, limited or no autonomy

	Full /relative	Limited	None	Discretion
Belgium (fr)	9	0	15	0
Belgium (fr) -	23	0	0	0
Belgium (de) 1	6	0	15	0
Belgium (de) 2	23	0	1	0
Belgium (nl)	24	0	0	0
Bulgaria	10	1	13	0
Czech Republic	12	2	10	0
Denmark	5	0	17	3
Germany	2	1	22	0
Estonia	16	0	7	0
Greece	0	3	13	0
Ireland	0	0	2	0
Spain	4	4	16	0
France	0	0	6	0
Italy	11	3	11	0
Cyprus	0	0	25	0
Latvia	19	0	6	0
Lithuania	14	4	7	0
Luxembourg	0	0	15	0
Hungary	8	8	5	0
Malta	3	2	18	0
Netherlands	0	0	0	25
Austria	5	1	17	0
Poland	11	7	7	0
Portugal	6	1	17	0
Romania	8	3	12	0
Slovenia	14	6	2	0
Slovakia	10	5	6	0
Finland	0	0	10	11
Sweden	17	0	3	0
UK Eng/Wales	23	2	0	0
UK NI	20	4	1	0
UK Scotland	11	1	10	0
Iceland	7	4	5	
Liechtenstein	2	1	20	0
Norway	9	3	10	0

Arrangements are not counted if they are different between ISCED 1 and 2. For example Ireland, primary schools tends to have no autonomy and secondary schools have relatively full autonomy. Similarly in France. None of these scores are included. In addition, the level of autonomy can be different for the same measure in the same country and there are some measures where there is no information for some countries. For these reasons the totals across the rows do not always sum to 25 (which is the number of areas over which autonomy was measured). Countries with results for fewer than 20 of the 25 measures have not been included in the graph. These countries are: France, Iceland, Greece, Ireland and Luxembourg.

Level of school autonomy over 25 areas of operational management



based on Eurydice, 2007

ANNEX 2: STATUTORY ROLE OF SCHOOL GOVERNORS IN ENGLAND

Governors have statutory duties relating to:

- the constitution, functions and membership of governing bodies (sections 19, 20, 23 and 34 of the Education Act 2002);
- the conduct of the school and to promote high standards of educational achievement: promoting the wellbeing of pupils at the school and promoting community cohesion (section 21 of the Education Act 2002 as amended by section 38 of the Education & Inspections Act 2006);
- the control of school premises (section 40 of and Schedule 13 to the School Standards and Framework Act 1998);
- the determination of school session times (section 32 of the Education Act 2002);
- the right to a delegated school budget and expenditure for community use (sections 50, 51 and 51A of the School Standards & Framework Act 1998);the provision of religious education (section 69 of and Schedule 19 to the School Standards and Framework Act 1998);
- the employment and dismissal of staff (sections 35-37 of the Education Act 2002, and additional provisions for staffing at foundation or voluntary schools with religious character – sections 58 and 60 of the School Standards & Framework Act 1998 as amended by section 37 of the Education & Inspections Act 2006);
- the primary legislation also places requirements on governing bodies concerning their relationship with stakeholders, for example, by providing parents with an annual report (maintained nursery schools only), having a process in place for dealing with complaints (section 30 and 29 respectively of the Education Act 2002) and having regard to the views expressed by parents of registered pupils (section 21(5) of the Education Act 2002 as amended by section 38 of the Education & Inspections Act 2006);
- the provision of a broad and balanced curriculum (sections 78 & 79 of the Education Act 2002) and to exercise their functions so as to implement the National Curriculum, including any tests (section 88 of Education Act 2002);
- the behaviour, discipline and welfare of pupils (section 88 of the Education & Inspections Act 2006 and section 175 of the Education Act 2002), including home-school agreements (section 110 of the School Standards & Framework Act 1998);
- admissions (Part 3 of the School Standards and Framework Act 1998, as variously amended), and further functions in the case of governing bodies who are the admissions authority for the school (Part III, Chapter 1 of the School Standards & Framework Act 1998 (as variously amended);
- consultation with pupils (sections 176 of the Education Act 2002);
- the preparation of a post-Ofsted inspection action plan (section 39 Education Act 2005);
- religious worship (sections 70 School Standards & Framework Act 1998, as amended);

- charging (section 457 of the Education Act 1996);
- the setting of targets for pupil attainment (section 19 of the Education Act 1997);
- foundation governors of a VA school with a religious character must preserve and develop this character and ensure compliance with the trust deed (The School Governance (Constitution) (England) Regulations 2007)

Complementing and supporting these core responsibilities and requirements, governing bodies also have powers relating to:

- innovation in schools (section 1 of the Education Act 2002, with sections 2-5 of the same setting out administrative arrangements);
- the formation of companies (sections 11-13 of the Education Act 2002);
- governing body collaboration or federation, including collaboration with Further Education Institutions (sections 24-26 of the Education Act 2002, section 116 of the Education and Inspections Act 2006);
- the provision of community facilities (section 27 of the Education Act 2002);
- publishing proposals to make prescribed alterations to the school (including to change category). Voluntary and foundation school governing bodies have additional powers to publish proposals to close the school (Part 2 of the Education and Inspections Act 2006).

2.11 These lists of duties and powers of governing bodies are not exhaustive but indicate the key areas of governing body functions. This may seem like a daunting set of responsibilities but governing bodies should not get involved in the day to day management of their schools. That, rightly, is the province of the head teacher and senior leadership team and governing bodies have wide powers of delegation to governing body committees, individual governors and the head teacher.

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