Every School an Academy: The White Paper Proposals

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Budget Announcement and White Paper

Following an announcement by the Chancellor in his Budget statement, the Educational Excellence Everywhere White Paper was published on 17 March 2016. The paper sets out the Government's proposals to convert all state-funded schools in England to academy status by 2022.

Background and proposals

Academies are state-funded, non-fee-paying schools in England, independent of local authorities. They operate in accordance with their funding agreements with the Secretary of State. A large rise in the number of academies, including new 'free schools', was a major feature of education policy under the Coalition Government, following their introduction by the previous Labour administration.

The White Paper proposes that local authorities would no longer maintain schools, and an all academy system would be created.

The proposed system would include:

- Most schools becoming part of multi-academy trusts (MATs);
- A reformed role for local authorities, focusing on duties such as ensuring sufficiency of school places, supporting vulnerable pupils, and acting as a champion for parents;
- A new legal framework for an all academy system.

Other reforms, such as a move to a more skills-focused school governance system, and changes to the transfer of land when community schools convert to academy status, are included in the White Paper. Significant reforms to school improvement and accountability are also proposed.

Reaction

The proposals have proved highly controversial. In particular, questions have been raised about the desirability of such large-scale reforms in the context of other challenges, the impact on local democracy and teachers' pay and condition of an all academy system, and whether sufficient MAT capacity can be created to provide a high quality academised system. The question of whether academy status is in itself a boost to school standards has also been a key focus of the debate.

Legislation

The White Paper makes clear that the proposals would require legislation, for instance to alter the role of local authorities to fit within the new system. It has not yet been announced when legislation will be brought before Parliament.

This briefing

The White Paper is wide ranging and describes the Government's plans for education reform over a range of areas, including teachers' professional development, school funding reform, and changes to the curriculum. This briefing deals with the proposals as they relate to the creation of an all academy system.

Education is a devolved subject, and the proposals relate to England only.

1. Introductory note

The Chancellor of the Exchequer announced in his [Budget statement](#) on 16 March 2016 that the Government intended to convert all state-funded schools in England to academy status by 2022, with all schools converted or in the process of converting by 2020.[1]

The [Educational Excellence Everywhere](#) White Paper setting out details on how the Government planned to proceed was published by the Department for Education on 17 March. The White Paper also included significant reforms across a range of areas, such as teachers' professional development and qualifications, school funding, and school accountability. The Department also published its [2015-2020 strategy](#) on the same day.

The proposals represent a major reform of the English school system, and have proved controversial.

The Library briefing [Free schools and academies - frequently asked questions](#), CBP 07059, provides information on the academy system up to this point.

This briefing

This briefing provides an overview of the Government's proposals to move to an all academy system, and associated areas of the White Paper such as school accountability and curriculum reform.

The briefing also includes some initial reaction to the White Paper and concerns that have been raised about the Government's plans, as well as existing information about the performance of academies.

Not all of the measures proposed in the White Paper are covered; in particular, the reforms relevant to teacher development will be covered in a separate briefing.

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1   [HC Deb 16 March 2016, c963](#)

2. Every school an academy

> **Box 1: Every school an academy by 2022**
>
> The White Paper sets out the following proposals from the Government to convert all schools in England to academy status. It envisages that this process would be completed by 2022, with all schools either converted or in the process of being so by 2020. The Government proposes to:
>
> - Continue to encourage high performing maintained schools to put forward applications to become academies by 2020
> - Implement measures in the *Education and Adoption Act 2016* so that all inadequate schools become sponsored academies and coasting schools are tackled
> - Take powers to direct schools to become academies in underperforming local authority areas or where the local authority no longer has capacity to maintain its schools; or where schools have not yet started the process of becoming an academy by 2020
> - Build sponsor capacity, speed up the process of conversion to academy status, and work with the Church of England, Catholic Church and other faith groups to support Church and faith schools to become academies
> - Promote greater collaboration between schools, particularly through multi-academy trusts (MATs) which the Government expects most schools will join
> - Open 500 new schools by 2020
> - Create a legal framework for academies for the long term
> - Create a new Parent Portal to help parents to support their child's education and navigate the schools system
> - Ensure school complaints and admissions are clear and fair for parents and children
> - Define the role of local authorities in an all academy system: ensuring every child has a school place, that the needs of all pupils are met, and championing parents and the local community. Local authorities would step back from maintaining schools and school improvement
> - Review the responsibilities of local authorities in relation to children[2]

2.1 Academisation: aims and rationale

The White Paper sets out the Government's aim that by the end of 2020, all schools in England will be academies or in the process of becoming academies, with all schools to be academies by the end of 2022. After that date authorities would no longer maintain schools.

Academies: development since 2010

The first academies were established in 2002 by the then Labour Government as part of its programme to increase diversity in school provision and improve educational standards. Generally, these academies were established to replace poorly-performing schools in deprived areas, and had sponsors. A Library briefing note describes how the academies programme developed under Labour:

- Library briefing note, Academies under the Labour Government, published 20 January 2015

Immediately after the 2010 General Election, the Coalition Government announced its intention to allow all schools to seek academy status. The *Academies Act 2010*, as amended, allows the governing body of a school in England to apply to the Secretary of State to convert to academy status. It also provides for the establishment of 'additional

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2   Department for Education, Educational Excellence Everywhere, March 2016, p53

schools' under academy arrangements - e.g. free schools - and requires that the likely impact of any such schools on other local providers should be considered when the Secretary of State is deciding whether to enter into a funding agreement.

At the start of March 2016 there were 5,170 academies of all types open across England. Section 6.1 of this paper provides more detail on the rise in academy numbers.

Box 2: What is an academy?

Academies and free schools are state-funded, non-fee-paying schools in England, independent of local authorities. They operate in accordance with their funding agreements with the Secretary of State.

Free schools, as well as others including University Technical Colleges and studio schools, operate as academies in law.

The Library briefing Free schools and academies - frequently asked questions, CBP 07059, provides more information.

2.2 Numbers of academies

At the start of March 2016 there were 5,170 academies of all types open across England. 30% were sponsor led academies. 70% of current academies are converters – set up under the model introduced in 2010 by the last government. This model streamlined the process of converting to an academy for schools judged good or outstanding and also allowed primary and special schools to become academies for the first time. The Labour Government's sponsor led model focussed on poorly performing secondary schools in more deprived areas. The last Government also extended the sponsor led model to primary and special schools with an aim of improving the performance of schools which could not become converter academies.

The first chart opposite shows how the total number of academies has grown over time. The impact of the last Government's reforms is very clear. As well as the 5,170 academies open at the start of March a further 413 had been approved: Sponsored academies in the pipeline or approved converter 'projects'.

Cummulative number of academies in England to March 2016

Source: Open academies and academy projects in development, DfE

Current academies by date opened and type, England March 2016

Source: Open academies and academy projects in development, DfE
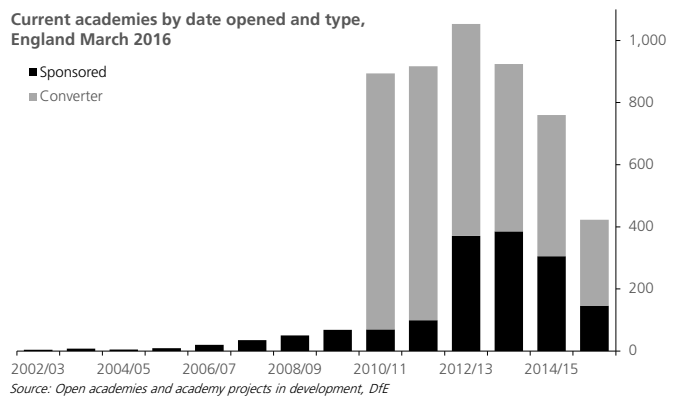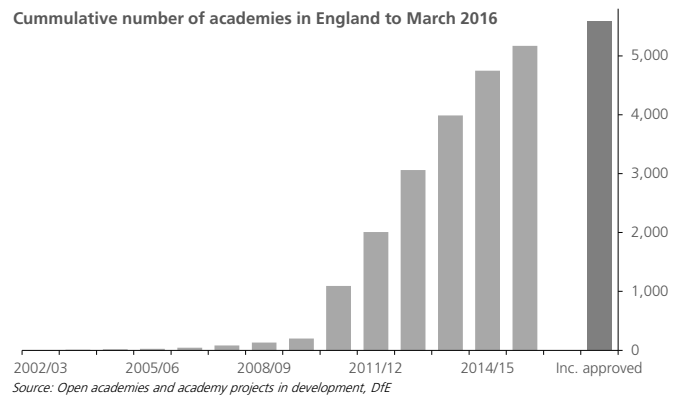
Trends in the annual number of new academies opening are illustrated opposite. Converters dominated new academies in the first few years of the last Government with more than 800 in both 2010/11 and 2011/12 compared to a total *stock* of just over 200 under the Labour Government.

The number of new converters has fallen in each year since 2011/12 to 455 in 2014/15 (the last full academic year). The number of new sponsor-led academies approached 400 in both 2012/13 and 2013/14. These new sponsor led academies have opened under the last Government's extension of the original sponsor led model. The third chart opposite shows that, after an initial flurry of secondary academies in 2010/11 and 2011/12, the increase has largely been in primary academies.

Current academies by date opened and phase, England March 2016

■ Primary
■ Secondary/all through
■ Other

2002/03 2004/05 2006/07 2008/09 2010/11 2012/13 2014/15

Source: Open academies and academy projects in development, DfE
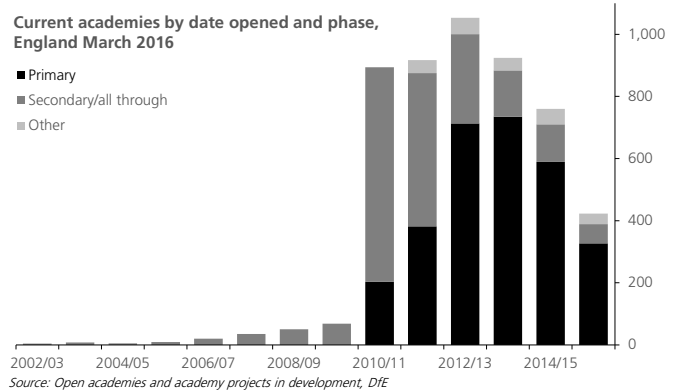
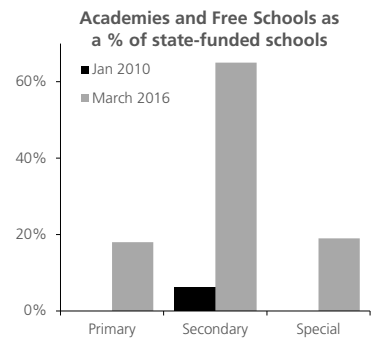The latest data on the academy rate by type of school is shown in the final chart opposite. Around two thirds of secondary schools were academies or free schools. This was almost four times the rate among primaries and special schools.

Academies and Free Schools as a % of state-funded schools

■ Jan 2010
■ March 2016

Primary   Secondary   Special

The proportion of schools which are academies varies across the country. As more and more secondaries become academies this variation tends to decline, but it is still substantial at primary level. The following table lists the 10 local authorities with the highest share of maintained schools that have converted to academy status by November 2014. There were four local authorities where at least 90% of maintained secondaries had converted. This indicator underplays importance of academies in local authorities with sponsored academies. The table therefore gives another rate which includes sponsored academies. 13 local authorities had a figure of 90% or higher on this measure. Overall conversion rates were much lower for primary schools. The rate was 20% or higher in 36 local authorities. Bury was the only local authority (out of 150 with secondary schools) at the time that had no secondary academies. 26 of 152 local authorities with primary schools had no academies.

Conservative Manifesto: 2015 General Election

In a speech on 2 February 2015, Prime Minister David Cameron suggested that under a Conservative Government schools graded 'requires improvement' which could not "demonstrate the capacity to improve" would be required to become sponsored academies.[3]

The Conservative Party's 2015 General Election manifesto contained a similar pledge:

> We will turn every failing and coasting secondary school into an academy [...]. [W]e will introduce new powers to force coasting

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[3]   'A Britain that gives every child the best start in life', speech by David Cameron, 2 February 2015

schools to accept new leadership. Any school judged by Ofsted to be requiring improvement will be taken over by the best headteachers – backed by expert sponsors or high-performing neighbouring schools – unless it can demonstrate that it has a plan to improve rapidly.[4]

The Conservative Manifesto also pledged to open an additional 500 free schools during the life of the next Parliament. This, it was estimated, would provide an extra 270,000 school places.

Education and Adoption Act 2016

The *Education and Adoption Bill* was introduced to the House of Commons on 3 June 2015. It received Royal Assent as the *Education and Adoption Act 2016* on 16 March 2016.

The Act's education provisions:

- Require every school judged 'inadequate' by Ofsted to be turned into a sponsored academy. The Government estimated that an extra 1,000 schools could be converted to sponsored academy status over the current Parliament
- Following a Government amendment in the House of Lords, academies would become subject to the same coasting definition as maintained schools, and could be transferred to a new sponsor if considered to be similarly underperforming
- Give new powers to the Secretary of State for Education to intervene in schools considered to be underperforming, and constrain local authorities from doing so in some circumstances.
- Expand the legal definition of the 'eligible for intervention' category to include 'coasting' schools, and enable (but not require) the Secretary of State to turn such schools into sponsored academies or intervene in them in other ways
- Allow the Secretary of State to issue directions, with time limits, to school governing bodies and local authorities, to speed up academy conversions
- Place a new duty on schools and local authorities in specified cases to take all reasonable steps to progress the conversion
- Require schools and local authorities in specified cases to work with an identified sponsor toward the 'making of academy arrangements' with that sponsor
- Remove the requirements for a general consultation to be held where a school 'eligible for intervention' is being converted to a sponsored academy.

A Library briefing on the Bill, CBP 07232, prepared for Second Reading in the Commons, provides more background.

2.3 White Paper: an all academy system

The Education White Paper, Educational Excellence Everywhere, was published the day after the *Education and Adoption Act 2016* received Royal Assent. This section provides an overview of the key aspects of the White Paper's proposals to move to an all academy system. Section

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[4]   Conservative Party Manifesto 2015, p34

2.4 discusses issues and concerns that have been raised since its publication.

Rationale

The White Paper sets out the Government's rationale for an all-academy system:

> 4.6. A system in which all state-funded schools are academies will deliver better results for all children through:
>
>> a. Empowering great teachers and leaders – autonomy and accountability will better position people to succeed and provide more effective leadership structures
>>
>> b. Better responding to changes in performance – the system will prioritise responsiveness and clear accountability over an arbitrary requirement for all schools in a local area to be run by the same entity, regardless of its effectiveness
>>
>> c. Sustainability – schools will operate in more sustainable groups, and we will end the dual system of running schools which is inefficient and unsustainable in the long term
>>
>> d. A new role for local authorities – local authorities will move away from maintaining schools and focus on championing pupils and parents.[5]

Transition

The White Paper sets out the Government's proposals on how transition to the reformed system would be managed, with new duties for Government and local authorities to accelerate the conversion of maintained schools to academy status. Under the proposals, by the end of 2020, all schools would be academies or in the process of becoming academies. By the end of 2022, local authorities would no longer maintain schools.

The Paper proposes that:

- High performing schools would continue to submit applications to become academy trusts to their Regional Schools Commissioner (RSCs) – following prior discussions with their local foundation, where relevant[6]
- Local authorities would have a new duty to facilitate the process of all maintained schools becoming academies
- The Government would take new powers to ensure schools become academies more quickly in local authority areas which are underperforming or where the local authority no longer has capacity to maintain its schools
- The Government would direct schools which have not converted or begun the conversion progress to do so by 2020.

A new role for local authorities

The move to an all academy system would end the local authority role in maintaining schools. The White Paper envisages a significant

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[5] Department for Education, Educational Excellence Everywhere, p55

[6] Regional Schools Commissioners (RSCs) are civil servants in the Department for Education with responsibility for approving new academies and intervening in underperforming academies in their area. Fuller information on their role is provided in section 3.4

restructure of the role of local authorities in education in the reformed system. It sets out three key areas where local authorities would retain a role:

- Ensuring every child has a school place, including that there are sufficient school, special school and alternative provision places to meet demand;
- Ensuring the needs of vulnerable pupils are met, including assessing and supporting children with special educational needs or disability (SEND), looked after children, and those in alternative provision; and also safeguarding responsibilities;
- Promoting and supporting the needs of parents, children and the local community, including a continuing role in admissions and, subject to consultation, coordinating in-year admissions and handling the administration of the independent admission appeals function.[7]

The Paper also describes local authorities' role as the system transitions:

> 4.73. In the short term, local authorities will continue to have responsibilities which include: employment of staff in community schools; ownership and asset management of school buildings; and responsibilities relating to the governance, organisation and curriculum of maintained schools. Those responsibilities will shrink as each school in their area becomes an academy; when every school has done so, they will fall away entirely.[8]

Multi-Academy Trusts (MATs)

The White Paper envisages that the reformed system would be dominated by Multi-Academy Trusts, with most schools forming or joining a MAT, although this would not be compulsory.

Box 3: Multi-Academy Trusts (MATs)

In Multi-Academy Trusts, all academies in the MAT are governed by one trust and a single board of directors.

The board of directors is responsible for decisions relating to how each academy is run, from the curriculum to staffing. The MAT can establish a local governing body for each of its academies, to which it can delegate some of its functions. The MAT remains accountable for these functions.

There is nothing in current legislation that prescribes how MATs must be composed.

The Paper states that to support the transition to this new model the Government will establish a MAT Growth Fund to create new MATs and support the expansion of existing MATs.[9]

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[7]   Department for Education, Educational Excellence Everywhere, p70
[8]   Ibid., p69
[9]   Ibid., p56

Multi-Academy Trusts: existing numbers

In January 2016 there were 3,490 academies that were part of 936 different MATs. This was 68% of all academies and included just over 2,200 primaries, almost 1,100 secondaries and around 170 non-mainstream schools.[10]

The MATs with the largest number of member schools are listed in the table opposite. The Academies Enterprise Trust is the largest and includes schools in eight of the nine English regions and 25 different local authorities across the country. It contains more schools than nine English local authorities.

233 schools were formally part of a MAT, but one with only a single 'member'. In total 748 MATs included fewer than five schools.

Rationale

The Paper sets out the Government's rationale for the primacy of MATs, stating that:

> MATs are the only structures which formally bring together leadership, autonomy, funding and accountability across a group of academies in an enduring way, and are the best long term formal arrangement for stronger schools to support the improvement of weaker schools.[…]

> The benefits of joining a MAT are strong both for high-performing schools and for those which need greater support – particularly small schools and primary schools, which can call on the expertise of the MAT for better governance and back-office arrangements, and to increase and improve the breadth of their curriculum and extra-curricular activities.[11]

It further states that:

> We know that on average MATs can begin to fully develop the centralised systems and functions that will deliver these benefits at a size of around 10-15 academies – although the real determinant of effective size is the number of pupils. Over time we expect there to be many more MATs of this size, and we will therefore encourage and support MATs to grow, ensuring that they can access the support they will need to expand sustainably.[12]

A MAT system vs a local authority system

The White Paper includes the Government's vision of how a MAT-dominated system would differ from a system centred on local authorities and what it sees as the relevant benefits. It states that MATs:

> a. Prevent geographic monopolies with different MATs operating in a given area, increasing diversity of provision and giving parents more choice and competition. If performing well, MATs can scale their success nationwide, taking effective models from one part of the country to the toughest areas in a way that no high-performing local authority ever could

> b. Provide opportunities to bring together educational expertise with business and financial skills in innovative and efficient

Largest MATs, January 2016	
Name	Number of schools
Academies Enterprise Trust	63
REAch2 Academy Trust	49
Oasis Community Learning	47
School Partnership Trust Academies	47
United Learning Trust	43
Kemnal Academies Trust, The	41
Harris Federation	36
Plymouth CAST	35
ARK Schools	34
David Ross Education Trust, The	34
Greenwood Academies Trust	30

Source: EduBase, DfE (downloaded January 2016)

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10 *EduBase*, DfE (Downloaded January 2016)
11 Ibid., p57
12 Ibid., p58

organisations that can deliver better outcomes from the resources available

c. Offer a clear, single point of accountability where the leader of the MAT has the powers and funding to bolster standards in the schools for which he or she is responsible, and is completely accountable for the results

d. Direct funding for the whole group of schools where it can do most good, commissioning support and services from a variety of providers, or developing the services themselves if they think they can perform better.[13]

Expanded support for MATs

The White Paper sets out that the Government would extend its support for the creation of MATs and the expansion of existing trusts, targeting funding in areas where there are few sponsors and weak support for them.

The Paper states that the Government plans to:

- Recruit new academy sponsors, including high-performing schools and more sponsors from business, charity and philanthropy, extending the success of programmes such as Academy Ambassadors
- Encourage more sponsors to expand. Regional Schools Commissioners would work with sponsors in their region to maximise growth
- Build capability and capacity, introducing a range of resources and support to help MATs grow sustainably
- Work with sponsors and MATs to meet the needs of individual local areas and schools.[14]

The Paper also sets out support for initiatives such as Future Leaders, which delivers leadership programmes for MATs, and the establishment a Sponsor Capacity Fund to which sponsors can apply to grow their MAT, pay for executive leadership training, or help to cover the costs of starting to sponsor schools.[15]

Moving Between MATs: parental petition

The White Paper states that the Government will "consider how parents may be able to petition RSCs for their school to move to a different MAT where there is underperformance or other exceptional circumstances."[16]

The position to date has been that an individual academy that is performing well may be able to leave a MAT by mutual agreement, but they may need to renegotiate a funding agreement with the Secretary of State for Education if they were intending to convert to being a stand-alone academy. It its response to an Education Committee report in March 2015, the Government stated that:

Where an academy needs to leave a chain in order to improve its performance, the department will consider intervening. Where

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13   Ibid., p59
14   Ibid., p83
15   Ibid., p83-84
16   Ibid., p18

schools are not underperforming, the department will generally facilitate a move where there is mutual consent. We are very aware that we need to be mindful of the impact that one academy leaving a MAT can have on the other academies in the MAT. It is for these reasons that schools cannot unilaterally elect to leave a MAT. We are considering further how we might support schools that wish to leave a MAT where it is in its and the MAT's best interest.[17]

Achieving Excellence Areas (AEAs)

The White Paper sets out that the Government will pilot 'Achieving Excellence Areas' from September 2016. These are described as:

> …programmes to secure sufficient high quality teachers, leaders, system leaders, sponsors and members of governing boards on these areas of greatest need, starting with the National Teaching Service.[18]

The White Paper provides an illustrative example of an isolated coastal town with poor school performance, which might be designated as an AEA and as a result receive priority in DfE programmes such as the National Teaching Service, and be prioritised for programmes bidding to the Excellence in Leadership Fund, alongside other measures designed to improve performance in that area.[19]

A new legal framework

The White Paper sets out that the Government wants to ensure that the legal framework behind a fully academised system is fit for purpose, and notes that "at present, the basis on which academies operate depends entirely on when they became an academy."[20]

As academies are bound by their funding agreement with the Secretary of State, the requirements on them often differ depending on when those agreements were signed. For instance, academies that opened from 2010 and agreed funding prior to June 2014 are not bound by the school food standards, while academies which opened prior to, or subsequent to, this period are bound by the standards.[21]

The White Paper states that the Government will engage with existing sponsors, academies, dioceses and the wider schools sector to redesign the legal framework for academies, to "strike the right balance of freedoms for and controls over academies," with the aim that the new framework:

> a. Protects and promotes autonomy, alongside robust and proportionate accountability
>
> b. Ensures that ministers are able to make and evolve policy that will apply equally to both past and future academies, particularly in urgent situations

17   Education Committee, Academies and free schools: Government Response to the Committee's Fourth Report of Session 2014–15, 23 March 2015, HC 1137 2014-15, p12
18   Department for Education, Educational Excellence Everywhere, p86
19   Ibid., p87
20   Ibid., p64
21   Information on school food is available in the Library briefing School meals and nutritional standards, SN04195.

    c. Facilitates a clear and transparent mechanism by which successful academy providers can expand, and unsuccessful ones can shrink or leave the system.[22]

Land

Who owns academy land?

The type of tenure of academy estates will vary from case to case and can be complicated. The basis on which an academy trust holds land will depend on a range of factors, including:

- What type of school it was before converting, in the case of a convertor academy
- The school's history
- Who owned the land and buildings of the predecessor school
- Any terms negotiated by the academy trust, or the Education Funding Agency on the trust's behalf

There are many possible tenancy types for academies, including where the academy trust:

- Leases the land on a long lease for a 'peppercorn rent'
- Holds a freehold interest
- Has a mixture of tenure types
- Rents on a commercial basis

Further guidance on land transfer issues for maintained schools converting to academy status is available in the Department for Education's *Land Transfer Advice* (updated April 2013). This advice explains that the usual model where a community school on publicly-owned local authority land converts to an academy trust is for the academy trust to be granted a leasehold interest in the land. The freehold would stay with the local authority. Usually the leasehold interest is for a long period (125 years) and is for a peppercorn rent.[23]

Rules relating to the disposal of school land

Information about the procedures and legislation governing the disposal of school land is set out in:

- Non-statutory advice published by the Department for Education: *Disposal or change of use of playing field and school land*.
- Guidance published by the Education Funding Agency: *School land and property: protection, transfer and disposal*.

Under Schedule 1 of the *Academies Act 2010,* academies are required to obtain the consent of the Secretary of State "where it is proposed to dispose of publicly funded land." This includes any transfer/sale of freehold or leasehold land and the grant/surrender of a lease. Publicly funded land includes land that was originally private but has been enhanced by public funds. Schedule 1 also applies to (among others) academy trusts, local authorities, governing bodies, and foundation trusts that hold land for academies.[24]

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[22]   Department for Education, Educational Excellence Everywhere, p64
[23]   Department for Education, *Land Transfer Advice,* April 2013, p9
[24]   Department for Education, *Disposal or change of use of playing field and school land,* May 2015, pp4, 7 & 16.

With regards to requests to dispose of publicly funded land, the Secretary of State has the power to "direct that the land is to be used for another educational purpose and what should happen to any receipts".[25]

In April 2014, the Minster, Edward Timpson, responded to a parliamentary question regarding whether academies can sell and profit from their holding of school title deeds which were formally held by the local authority:

> **Mr Godsiff**: To ask the Secretary of State for Education whether academies are permitted to (a) sell and (b) otherwise financially profit from their holding of school title deeds which were formally held by local authorities. [195447]

> **Mr Timpson**: When community schools convert to academies, the freehold is retained by the local authority and a lease is granted to the academy trust.

> There are strict rules protecting publicly funded land used by academies, regardless of who holds the freehold. This is set out in published guidance, which is available at:

> www.gov.uk/government/publications/protection-of-school-playing-fields-and-public-land-advice

> A copy of the guidance has been placed in the House Library.[26]

White Paper proposals

The White Paper proposes that when community schools convert to academy status, school land held by the local authority should transfer to the Secretary of State as part of the process of conversion; this would not apply to other types of maintained school:

> 4.12 […] To speed up the process of academy conversion and ensure that land issues do not get in the way of improving schools, when a local authority's community schools convert to academy status, land held by the authority for those schools will transfer to the Secretary of State, who will then grant a lease to the academy trust. We will also take steps to ensure that the wider education estate is safeguarded for future provision, and that the existing school estate can be used more easily for new schools and expansions where applicable.

> 4.13. Where a school converts to academy status, the government will not take ownership of any land owned either by schools themselves, or by any charitable trust. However, the ability for maintained schools to convert to foundation status will be removed.[27]

Maintained schools where a body other than the local authority may own the school's land and buildings include:

- Foundation schools: the school's land and buildings are owned either by the governing body or by a charitable foundation
- Voluntary-aided schools: The school's land and buildings (apart from playing fields which are normally vested in the local authority) will normally be owned by a charitable foundation. In

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25   As above, p7.
26   HC Deb 28 April 2014 c551W
27   Department for Education, Educational Excellence Everywhere, p56

the majority of cases this foundation will be the diocese (or religious order).

- Voluntary-controlled schools: The school's land and buildings (apart from the playing fields which are normally vested in the local authority) will normally be owned by a charitable foundation. The arrangements are very similar to voluntary-aided schools but it is more likely that any originally private land will meet the definition of publicly funded land.

Faith Schools

The White Paper sets out that the Government intends that faith schools' faith designation would remain in place in an all academy system, and that the Government is "agreeing new Memoranda of Understanding with the National Society for the Church of England and the Catholic Education Service for the Catholic Church" which will include:

- An acknowledgement that the Churches will expect their academies to remain part of a diocesan family of schools
- Key principles to underpin and develop the strategic relationship between RSCs and dioceses
- Clear protocols for agreeing the arrangements required when Church schools become academies.[28]

2.4 Reaction and Issues

The right priority?

The decision to turn all schools into academies has dominated reaction to the White Paper.

The Shadow Education Secretary, Lucy Powell, responded to the announcement by questioning the need for a reorganisation of the school system, particularly in the context of other challenges facing schools:

> The government's attempt to show it hasn't run out of ideas for education smacks of a costly, unnecessary re-organisation of schools which nobody wants. Most of the schools which will be affected by its forced academisation programme are highly performing primary schools. There is no evidence that this agenda will raise standards. Indeed, many of the schools and areas which require focused improvement are already academies. The government has no other agenda for school improvement.

> This White Paper does little to address the real issues facing education today: teacher shortages - particularly in the key subjects of maths, English and science, of a crisis in school places, of a widening attainment gap between the disadvantaged and the rest, and exam chaos with the new SATs and GCSEs not yet finalised with only weeks to go.

> In this challenging context, to ask school leaders to take time away from educating our children to spend time and money, mainly on lawyers, to convert to an academy is irresponsible.[29]

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[28]   Ibid., p57
[29]   Labour Party, The government has no other agenda for school improvement - Lucy Powell, 17 March 2016

The schools writer Fiona Millar had written prior to the announcement that it was "extraordinary" to make academisation the centrepiece of government plans in the context of other challenges.[30] The former Education Secretary, David Blunkett, questioned why "so many primary schools, already judged good and outstanding, will be forced to conform to new structures, at huge cost, when money is so scarce."[31]

Dr Mary Bousted, General Secretary of the Association of Teachers and Lecturers (ATL), wrote to question how the reforms would help schools face their existing challenges, stating that the evidence base for academies improving education was "mixed at best."[32]

The NASUWT condemned what it saw as a "futile and wasteful structural reform" when the White Paper did not address what it saw as the more pressing issues affecting schools and teachers, such as low morale, recruitment and retention, the erosion of teachers' pay, and cuts to school budgets.

The General Secretary of the National Association of Head Teachers (NAHT), Russell Hobby, wrote in the *TES* that the reforms risked being a distraction from other issues:

> I have no problem with schools choosing to become academies, but I wonder what problem universal academisation is designed to solve. If every school in the country were to become an academy tomorrow, our education performance would change not one jot. […] We will spend more time thinking about structures than teaching. I don't fear the ability of schools to make the most of the situation. I do fear the possibility of distraction.[33]

The head of education policy at the think tank Policy Exchange, Jonathan Simons, reacted more positively to the proposals, and stated that converting all schools into academies was the best means available to solve capacity issues through back office efficiencies in MATs, and that a fully academised system would remove unnecessary complexity of the current position where a dual system of maintained schools and academies is in place:

> Why are we distracting schools with this unnecessary structural change? The trouble is that this argument treats structural change as separate to this issue, rather than being, in fact, the best way to solve it. It's clear that schools need to work to recruit and retain teachers, to develop new leaders at all levels, to become more financially efficient and continue to improve their performance. That can best be done in an organisation which has sufficient scale to deliver back office efficiencies, to deliver effective teacher CPD, to train and nurture future leaders, to potentially run its own teacher training, and to be a hub for pedagogical expertise. […]
>
> At the moment, we have a dual running system for schools in this country. Two ways of allocating funding. Two ways of overseeing

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[30] Guardian, Turning all schools into academies: what exactly is the point?, 8 March 2016

[31] Guardian, School academy plan 'doomed to fail', warns Blunkett, 20 March 2016

[32] ATL, This Budget does nothing to make it easier to trust Government on education, 16 March 2016

[33] TES, Universal academisation: The burning platform approach to change management, 16 March 2016

performance. Two ways of legislation affecting schools. Two ways of ensuring that a high quality curriculum is taught. This dual running system is expensive – needlessly so, at a time when resources are tight. But perhaps more importantly, it's unnecessarily complex.[34]

MATs: capacity, autonomy, performance

Concerns have been raised about whether sufficient capacity can be created in new or existing MATs to fulfil the prominent role the Government envisages for them in an academised system. A *Financial Times* editorial, which described the reforms as "risky", particularly for primary schools, said that the Government should explain where the required MATs were going to come from:

> [The Government should] explain how such a rapid expansion can take place when there is a scarcity of competent academy chains. Simply asking successful chains to expand is unlikely to work: it is harder to maintain standards when overseeing a large number of schools scattered across the country.[35]

The education journalist Warwick Mansell has questioned whether the impact of academisation, if confined within a MAT, guarantees any meaningful autonomy for individual schools, with a MAT board controlling decision making for a number of schools, and being the real recipient of the autonomy the system provides.[36]

Jonathan Simons of Policy Exchange has argued that "more capacity for improvement exists within schools and existing Multi Academy Trusts [than in local authorities], reflecting the sustained shift of resources and people to the frontline since 1988, and especially since 2010."[37]

Earlier in March 2016, HM Chief Inspector of Schools, Sir Michael Wilshaw, had written to the Education Secretary following inspections of academies within large MATs that had been causing concern. Sir Michael described Ofsted's findings as "worrying" and that:

> Despite having operated for a number of years, many of the trusts manifested the same weaknesses as the worst performing local authorities and offered the same excuses... Given the impetus of the academies programme to bring about rapid improvement, it is of great concern that we are not seeing this in these seven MATs and that, in some cases, we have even seen decline.

Sir Michael also raised concerns about salary levels for chief executives at the MATs in question:

> Given these worrying findings about the performance of disadvantaged pupils and the lack of leadership capacity and strategic oversight by trustees, salary levels for the chief executives of some of these MATs do not appear to be commensurate with the level of performance of their trusts or constituent academies. The average pay of the chief executives in these seven trusts is

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[34] Policy Exchange, The case for universal Academisation, 21 March 2016
[35] Financial Times, A risky experiment with England's school model, 16 March 2016
[36] Cambridge Primary Review Trust, The end of primary education as we know it?, 4 March 2016
[37] Policy Exchange, The case for universal Academisation, 21 March 2016

higher than the Prime Minister's salary, with one chief executive's salary reaching £225k.[38]

Speed of conversion process

Fasna, a forum for self-governing schools such as academies, and also MATs, has raised concerns about the speed of the proposed universal academisation by 2022. Fasna's chairman, Tom Clark, was quoted by the BBC as stating:

> We broadly support the direction of policy and that includes the concept of system leadership by schools, but I am surprised at the speed and timeline.

> The White Paper depends on system leadership by the schools.

> Our question is whether there's the capacity to execute that policy effectively.[39]

An editorial in the *Guardian* raised similar concerns. While acknowledging the "incoherence" of the existing, divided administration of English schools, it stated that the pace of reform should be slowed, and that the Education Secretary should instead "build to last."[40]

Impact on local democracy of ending local authority maintained schools

Concerns have been raised about the impact of the end of local authority maintained schools on local democracy.

A joint letter published in the *Observer* on 27 March 2016, from the Conservative, Labour, and Liberal Democrat leaders of their respective groups in the LGA, urged that the Government rethink its proposals on these grounds:

> The wholesale removal of democratically elected councils from all aspects of local education, to be replaced by unelected and remote civil servants, has rightly raised serious questions around local needs and accountability, while the proposed removal of parent governors will further weaken vital local voices in our schools.[41]

London Councils' response to the White Paper also highlighted this issue:

> Forcing every school in England to become an academy will make schools more centralised, distancing them from the electorate and making them less accountable to parents. It will become harder to influence schools when important concerns need to be raised about standards, financial decisions and school places pressure.[42]

The Anti Academies Alliance described the change as "the final episode in the destruction of democratically accountable state education."[43]

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38 Ofsted, Focused inspections of academies in multi-academy trusts, 10 March 2016
39 BBC News, Speedy academisation plan risky, says school body, 22 March 2016
40 Guardian, The Guardian view on the education white paper: too important to rush, 17 March 2016
41 Observer, Making all schools become academies is sheer folly, 27 March 2016
42 London Councils, Budget 2016 - converting all schools to academies, 16 March 2016
43 Anti Academies Alliance, Missing the Point, 16 March 2016

Writing in the *Guardian*, Peter Wilby highlighted democratic accountability as the key concern of the reforms:

> What should concern us about the move to academies is not so much the effect on educational standards, which is marginal, as the effect on our democracy.[44]

Jonathan Simons, of Policy Exchange, was sceptical of this argument, stating that the extent of local authority accountability was overstated, and that academisation would also resolve a conflict of interest where local authorities champion the rights of children in schools which they run themselves:

> [E]vidence from local elections shows consistently that local councils aren't held accountable for poorly performing schools via a change in the party composition of councillors who are subsequently elected. […]

> The only way in which a council can exercise its role as champions for all children truly, is if it steps away from having any formal involvement in the provision of any schools in its area. [45]

Professor Chris Husbands, Vice-Chancellor of Sheffield Hallam University, however described the White Paper as "decisively centralizing, placing enormous power in the hands of the secretary of state." He added that:

> The localism of 1902 and 1944, with their belief in local government, and of 1988, with its belief in parents, have been replaced by a faith in the corporate leadership of MATs[46]

Local Authority duties
Sufficiency of places

The duty of local authorities to ensure sufficient school places in their area, without any accompanying ability to require academies to expand, has prompted comment in a system where local authorities will no longer have schools of their own.

The Local Government Association stated:

> Under these new plans, councils will remain legally responsible for making sure that all children have a school place, but it is wrong that neither they nor the Government will have any powers to force local schools to expand if they don't want to.[47]

Local authority-run MATs?

Jonathan Clifton, Associate Director for Public Services at the IPPR, also citing the speed of full academisation as a particular problem, stated that "Without local authorities being allowed to set up their own 'arms length trusts' [full academisation] will be almost impossible to deliver –

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[44]   Guardian, Parents out, chief executives in: our schools will be anything but free, 21 March 2016

[45]   Policy Exchange, The case for universal Academisation, 21 March 2016

[46]   British Educational Research Association, The 2016 Education White Paper – a response, 18 March 2016

[47]   Local Government Association, LGA Responds to Education White Paper, 17 March 2016

and there is a risk we could end up with a chaotic and distracting school reorganisation as a result."[48]

It has been reported in the *Financial Times* that councils including Camden, Liverpool and Hampshire were considering different ways in which local authorities could remain involved in schools.[49]

Teachers

Pay

The changes may also have a significant impact on teachers. Academies do not have to apply nationally agreed pay deals as set out in the School Teachers' Pay and Conditions document, but may instead, for new staff, set their own pay and conditions. Where teachers have transferred to an academy from a previously existing maintained school, the *Transfer of Undertakings (Protection of Employment) Regulations 2006* (TUPE) will usually apply.

Kevin Courtney, deputy general secretary of the National Union of Teachers (NUT) has stated that academisation is "bound to lead to more disputes over pay" if all schools arrange their pay individually,[50] and that the White Paper's move to an all academy system represented a "huge threat to teachers' pay and conditions."[51]

Qualified Teacher Status

Academies do not have to employ teachers with Qualified Teacher Status (QTS) unless this is required by their funding agreement, while in general maintained schools must. An academised system would therefore, end the requirement for QTS to teach in schools where an academy funding agreement did not specify it was required. In November 2014 6% of teachers at secondary academies were unqualified higher than in maintained secondaries (4.5%). Just over 4% were unqualified at primary academies, again above the level at in maintained sector (2.5%).[52]

The White Paper includes plans to replace QTS with a voluntary "stronger, more challenging accreditation based on a teacher's effectiveness in the classroom, as judged by great schools."[53]

Costs of Academisation

The Labour Party reacted to the announcements by stating that a £560million 'black hole' existed in the academisation plans:

- There are currently 15,632 schools in England which are not yet academies. The costs for conversion to academy status is £44,837.

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[48] Schools Week, White Paper: Erosion of local authorities could see a 'wild west' race to the bottom, 17 March 2016

[49] Financial Times, UK's local councils plot to keep control of schools, 31 March 2016

[50] Guardian, Academisation of schools will lead to more pay disputes, union warns, 16 March 2016

[51] TES, 'Academisation is a huge threat to teacher pay and conditions', 27 March 2016

[52] School workforce in England: November 2014, DfE (Table 3a)

[53] Department for Education, Educational Excellence Everywhere, p13

- The Budget allocated £140 million to academisation. This leaves a shortfall of £560 million.[54]

The Shadow Education Secretary, Lucy Powell, stated that:

> The Chancellor's plans for education are unravelling. Schools are already facing an eight per cent cut to their budgets, the first time education spending has fallen since the mid-1990s. This half a billion pound black hole in the education budget means that schools will be further out of pocket as a result. The Chancellor needs to come clean about where this money is going to come from.[55]

Subsequently, following a PQ response from the Government setting out that £323m had been spent on academy conversion since 2010,[56] Labour revised its calculations:

> Labour says this gives a figure of just under £66,000 for each conversion.
>
> Multiplied by the total number of schools to convert - 16,800, including special schools and pupil referral units - Labour says the total cost of the programme to the DfE will be £1.1bn.
>
> On top of this, separate figures highlighted by Labour suggest the legal costs to local authorities could amount to £206m, bringing the overall cost to over £1.3bn.[57]

The Government has disputed these figures.[58] The Department for Education published a series of tweets on 3 April stating:

> In response to claims on funding for academisation, it's completely untrue to suggest there will be a shortfall in funding.
>
> As set out in the Spending Review & Budget we have enough funding to support a high quality, fully-academised school system.
>
> We have over £500 million available in this parliament to build capacity in the system.
>
> Including recruiting excellent sponsors & encouraging the development of strong multi-academy trusts.[59]

The LGA also raised concerns about potential impact on local councils and taxpayers:

> Land currently owned by councils for schools will be transferred to the Government and then to the academy trust, and although schools will be funded to meet the costs of academy conversion, there is no funding for the costs to councils of the 18,000 conversions that will be needed. Academy conversions have already cost local authorities millions of pounds. At a time when councils are having to make further savings to plug funding gaps

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[54] Labour Party, £560 million black hole in Chancellor's plan for schools, 17 March 2016

[55] Ibid.

[56] PQ 31449, 24 March 2016

[57] BBC News, Academy plan could cost £1.3bn, says Labour, 3 April 2016

[58] Ibid.

[59] Published on the @educationgovuk feed as four tweets, 3 April 2016

over the next few years, local taxpayers should not be expected to foot the bill for this process.[60]

Neither the White Paper itself nor its impact assessment[61] included any estimate of the cost of academisation. Budget 2016 included funding for this alongside support for a national funding formula and while it is broken down by financial year, no detail is included on how this is split between the two policies, or the basis of the academisation figure.

Existing estimates of costs tend to focus on what has happened in the past which was much more focussed on secondary schools and at a slower pace than would be needed for all schools to be academies by 2020. This means they are unlikely to be an accurate guide to the cost of full academisation. The Department for Education was criticised in 2012 by the National Audit Office for its 'initial failure' to develop robust cost estimates for conversions and anticipate the number of schools that would apply for conversion.[62]

Primary schools

An [editorial] in the *Financial Times* raised the academisation of all primary schools as a particular risk:

> [Primary schools] tend to be smaller, making it essential to join a chain. Very few primaries have converted, so while there have been striking successes, there is less evidence of the effectiveness of the system. The need for change is also less clear cut, since primaries' standards have been improving.[63]

Around 2,950 primary schools had become academies by the start of March 2016. This was just over one in six state-funded primaries. The number becoming academies each year peaked at more than 700 in both 2012/13 and 2013/14, but fell to below 600 in 2014/15 and is expected to fall again in 2015/16. 535 primary academies were in the pipeline at the start of arch 2016.[64] A total of almost 13,800 primaries are maintained, the large majority of schools that would need conversion.[65]

Land

The Local Government Association stated in its briefing on the White Paper that it opposed the proposals "to strip councils of the ownership of school land and transfer ownership to the Secretary of State for Education and then to the academy trust."[66]

Privatisation or nationalisation?

The National Union of Teachers (NUT) said in its [response] to the announcement of full academisation that the move was a step towards privatisation of the school system in England:

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[60] Local Government Association, [LGA Responds to Education White Paper], 17 March 2016
[61] [Educational excellence everywhere: assessment of impact], DfE
[62] *Managing the expansion of the Academies Programme*, NAO November 2012
[63] Financial Times, [A risky experiment with England's school model], 16 March 2016
[64] *Open academies and academy projects in development*, DfE
[65] Edubase, DfE (downloaded January 2016)
[66] Local Government Association, [Local Government Association briefing Educational Excellence Everywhere White Paper], March 2016, p3

> Parents will be as outraged as teachers that the Government can undo over 50 years of comprehensive public education at a stroke. […]
>
> The Government's ultimate agenda is the privatisation of education with schools run for profit.[67]

The Association of Teachers and Lecturers (ATL) also raised concerns about the impact of full academisation on the use of public money:

> And taxpayers will want to know money that would have been spent on school books and buildings isn't going into the pockets of chief executives earning hundreds of thousands a year and consultants with close relationships to academy chains.[68]

Sir Tim Brighouse, the former Schools Commissioner for London, contended that the reforms would in fact be nationalising:

> If this White Paper becomes law she [Nicky Morgan] will complete the process, started in 1988, by which the Secretary of State has captured virtually all the educational powers that matter. In effect she controls everything. If parents have a complaint, she will decide if they are justified. She controls virtually everything she surveys. She controls what is taught, increasingly how it is taught, who should be a teacher, and she will hold contracts with all schools when, as the White paper proposes they become academies. In effect the process sees the 'nationalisation' of the schools.[69]

The conservative think tank The Bow Group opposed the measures on similar grounds, stating that "the forced conversion of all schools into academies contradict previous commitments made to localism through an increasing centralisation of power."[70]

Legal framework

In January 2016, the IPPR published a report, *A Legal Bind*, which discussed the changing school framework where schools were governed by funding agreements with the Secretary of State rather than legislation. The report recommended reconfiguring the framework in which academies operate, so that it was more grounded in legislation:

> A system based on legislation and common statute, by contrast [to the current position], would have the potential to allow all academies, regardless of the timing and circumstance of their creation, the optimal balance of autonomy and accountability.[71]

Small schools

Concerns have been raised about the position of small schools in a system dominated by MATs. Christine Blower, general secretary of the

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[67] National Union of Teachers, Schools in England to be forced to become academies, 15 March 2016

[68] Association of Teachers and Lecturers, This Budget does nothing to make it easier to trust Government on education, 16 March 2016

[69] British Educational Research Association, The 'nationalisation' of schools, 21 March 2016

[70] Bow Group, Bow Group Opposes Nicky Morgan's Academies White Paper, 28 March 2016

[71] IPPR, A Legal Bind: The Future Legal Framework for England's Schools, 15 January 2016

NUT,[72] and Dr Mary Bousted, general secretary of the ATL,[73] have respectively raised concerns about smaller and rural schools could be threatened with closure if they are perceived by a MAT to be financially unviable.

A *TES* article cited concerns from the Barbara Taylor, secretary of the National Association for Small Schools, that "schools that joined academy chains have contacted us to say they have been told they may close – not only primaries, secondaries as well."[74]

Jonathan Simons, of the think tank Policy Exchange, has also highlighted "how to handle what are, bluntly, less attractive schools", such as smaller schools, as an area which requires attention during the reform process.[75]

The Department for Education has stated that it was "irresponsible" to suggest the reforms could lead to the closure of small schools, stating that, in MATs, schools would be able share resources, staff and expertise, and better support the sustainability of smaller schools."[76]

Around 1,800 maintained primaries had fewer than 100 pupils in January 2015. Around 440 of these had fewer than 50 pupils.[77]

Admissions

There have been calls for local authorities to have a stronger role in admissions than is provided for in the White Paper, where their proposed responsibilities relate to a potential role in co-ordinating in-year admissions and appeals process, and also supporting parents in navigating the system.

Jonathan Clifton of the IPPR stated that putting local authorities in charge of admissions would enable them to champion parents and ensure the provision of school places, as well as being "simpler for parents and reduc[ing] an enormous amount of bureaucracy for schools."[78]

Jonathan Simons of Policy Exchange has said that in an all academy system, "ensuring that admissions to each and every school are fair, and that across an area the admissions are comprehensive in coverage for pupils and geography, is an obvious function to take away from schools and give to Local Authorities."[79]

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[72] Nursery World, School academy plans unveiled in education White Paper, 17 March 2016

[73] Schools Week, Small schools at risk of closure under academies plan, warns union boss, 31 March 2016

[74] TES, Mass academisation risks closure of small schools, 18 March 2016

[75] Policy Exchange, Universal Academisation – what needs to happen? Part 2, 30 March 2016

[76] Schools Week, Small schools at risk of closure under academies plan, warns union boss, 31 March 2016

[77] Edubase, DfE (downloaded January 2016)

[78] Schools Week, White Paper: Erosion of local authorities could see a 'wild west' race to the bottom, 17 March 2016

[79] Policy Exchange, Universal Academisation – what needs to happen? Part 2, 30 March 2016

Ballots on union strike action

The NUT voted during its conference in March 2016 to consider a one day strike in opposition to the plans to convert all schools to academy status. The ballot on strike action would be held during the summer term.[80]

The ATL unanimously passed a motion in opposition to the academisation plans and which calls on the union's executive to consider action. This could include strikes by its members, but does not include a commitment to a strike ballot.[81]

Petitions

Two Parliamentary petitions were opened in the immediate period after the White Paper's publication, opposing the establishment of an all academy system, both of which at the time of writing had over 140,000 signatures:

- Scrap plans to force state schools to become academies
- Hold a public inquiry and a referendum over turning all schools into academies

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80   BBC News, Teachers' union votes for strike ballot over academies, 26 March 2016
81   Schools Week, ATL conference: Union will consider industrial action against academies plan after unanimous vote, 5 April 2016

3. School-led improvement and Accountability

Box 4: Accountability proposals

The White Papers sets out the Government's plans to:

- Embed reforms to primary, secondary and 16-19 accountability that focus on the pupils' progress, and their destinations
- Work with Ofsted to ensure inspection is fair and increasingly focused on underperformance
- Launch new accountability measures for MATs, publishing MAT performance tables, in addition to existing school-level accountability
- Publish improved and more accessible school performance data
- Ensure Regional Schools Commissioners are able to commission support and intervention for schools identified as underperforming. Headteacher Boards, which would allow academy leaders to scrutinise and challenge the decisions of RSCs[82]
- Expand teaching school alliances to cover the whole of England
- Move to a more skills-focused culture in school governance

3.1 A progress-focussed accountability system

The White Paper sets provides an overview of the progress-focussed accountability system that has been developed in announcements over recent years, and will be coming into effect from 2016.

The new system emphasises pupil progress, meaning that rather than focussing on, for example, GCSE achievement, school accountability will include a strong focus on how schools help their pupils to progress; a school which took a cohort of pupils with below-average academic attainment and produced above average results should be judged better than a school which achieved similar results but with pupils who were stronger academically when they began at that school.

The White Paper states:

> 7.7. Our new accountability measures provide a fair reflection of progress, and measure outcomes while giving teachers professional autonomy to decide how those outcomes should be achieved:
>
> > a. At primary, a new floor standard will be introduced from 2016, including a new measure of the progress made by pupils from age 7 to the end of primary school. A school will be above the floor if at least 65% of pupils achieve the expected standard in reading, writing and mathematics or its pupils make sufficient progress in reading, writing and mathematics
>
> > b. At secondary, from 2016 we will introduce a new measure, Progress 8, showing pupils' progress from the end of primary across eight subjects. By comparing their progress to that of other pupils with the same starting point at the end of Key Stage 2, it will highlight schools

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[82] Department for Education, Educational Excellence Everywhere, p104

which are really helping their pupils to reach their full potential and those that are not. We will also publish Attainment 8, comprising average attainment across the same eight subjects. These measures complement the EBacc, which ensures that curricula include a strong core of academic subjects (English, mathematics, history or geography, the sciences and a language).[83]

3.2 Teaching school alliances

Teaching school alliances are led by a teaching school and include schools that are benefiting from support, as well as strategic partners who lead some aspects of training and development. Strategic partners may include:

- other schools from any phase or sector

- universities

- academy chains

- local authorities

- dioceses

- private sector organisations

A teaching school alliance may decide to work with other alliances to share knowledge and resources as a teaching school network.[84]

The White Paper sets out that the Government will aim to encourage leadership development to be delivered by successful schools, including MATs and also teaching school alliances, with aim of growing both in areas where they are most needed, to cover the whole country.[85]

The Paper says that:

> Teaching school alliances will also play a vital role as a source of support on which autonomous schools can choose to draw (see chapter 5). As centres of excellence, they will have an explicit focus on providing high quality leadership development activity. We will ensure that teaching school alliances grow to cover the whole country, driving more and better leadership development and boosting capacity in challenging areas.[86]

3.3 Ofsted inspections

The White Paper includes proposals to reform the existing system for Ofsted inspections. The most recent edition of the School Inspection Handbook, and the Common Inspection Framework provide details.

Box 5: Ofsted inspections

Ofsted inspects all maintained and academy schools in England, and around half of independent schools, using the relevant inspection framework.

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83 Ibid., p106
84 Department for Education, Teaching schools: a guide for potential applicants, 25 March 2016
85 Department for Education, Educational Excellence Everywhere, p40
86 Ibid., p42

Since September 2015, a new common inspection framework has been in place to cover early years providers, state-funded schools, some independent schools and further education and skills providers.

There are four overall judgements that Ofsted can reach about schools: 'Outstanding'; 'Good'; 'Requires Improvement'; and 'Inadequate'; inadequate schools may be either 'requiring special measures' or have 'serious weaknesses'.

Inspection outcomes have important consequences for schools – both in terms of the interventions the can expect and the frequency of future inspections.

The Library briefing Ofsted inspections of maintained and academy schools: FAQs, CBP 07091, provides more information.

At present, schools are graded on four areas, in addition to an overall grade. The four areas are:

- Achievement of pupils
- Quality of teaching
- Behaviour and safety of pupils
- Leadership and management

The White Paper proposes to consult on the removal of the 'Quality of teaching' grade:

> Ofsted will consult on removing the separate graded judgments on the quality of teaching, learning and assessment to help clarify that the focus of inspection is on outcomes and to reduce burdens on schools and teachers.
>
> High quality teaching is, of course, vital. Teaching, learning and assessment are a school's core business. However… we believe that it is for schools and teachers to decide how to teach – and that schools should be held to account primarily for the outcomes their pupils achieve. […]
>
> Inspectors will still report on the impact of teaching, learning and assessment through the other graded judgements, but will no longer separately grade the quality of teaching.[87]

'Improvement periods'

The White Paper says that the Government will work with Ofsted to introduce 'improvement periods' where a school will not face an Ofsted inspection when new leadership is in place to improve a school that has previously received an adverse Ofsted report:

> 3.15. […] where a school is judged to require improvement and a new headteacher steps forward to lead that improvement, the school will not face re-inspection until around 30 months after the previous inspection, unless the headteacher chooses to request an earlier visit. Similarly, when a poorly performing maintained school is replaced by a sponsored academy, a new school opens or a new sponsor is needed to drive further improvement in an academy, the school will not normally face inspection until its third year of operation.[88]

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[87] Ibid., p109
[88] Ibid., p47

3.4 Regional Schools Commissioners

Regional Schools Commissioners (RSCs) play a central role in intervention in failing or coasting academies.

Box 6: Regional Schools Commissioners

In September 2014, eight Regional Schools Commissioners (RSCs) were appointed as civil servants in the Department for Education (DfE) with responsibility for approving new academies and intervening in underperforming academies in their area. Their role was expanded from 1 July 2015 to additionally include responsibility for approving the conversion of underperforming maintained schools into academies and making the decision on sponsors.

RSCs take decisions on behalf of the Secretary of State and are supported in their work by a Headteacher Board comprising six to eight members. They report through the Schools Commissioner and a DfE Director to Lord Nash, the Parliamentary Under-Secretary of State for Schools.

The Library briefing Regional Schools Commissioners, CBP 07038, provides more information.

The White Paper proposes an expanded role for RSCs within an all academy system. It states that the Government "will ensure Regional Schools Commissioners are able to commission support and intervention for schools identified as under-performing,"[89] and also that in a fully academised system there would be a "clearer process for how the local community can get in touch and raise concerns about RSC decisions."[90]

The Paper also includes plans to establish a new Intervention Fund to enable RSCs to commission school improvement support, normally through a new academy sponsor, from within the system, for failing and coasting schools:

> As most intervention will take the form of bringing in a new sponsor for an underperforming school, this fund will include activity to identify and attract new sponsors and encourage existing sponsors to grow, particularly in the areas where they are most needed; match sponsors to projects; and provide start-up funding for new sponsored academies and re-brokerage. When RSCs want to commission support for underperforming schools, they will generally do so through the teaching school hubs, although RSCs will be able to commission different support where they see fit.[91]

3.5 Leadership measures

The White Paper includes discussion of the National Teaching Service announced by Nicky Morgan in November 2015. The Service is intended to deploy the country's best teachers and leaders to underperforming schools that struggle to attract and retain staff, with fast-track development opportunities for the teachers taking part.[92]

The White Paper states:

> We will start a pilot in the north-west from September 2016 with up to 100 participants. By 2020 the NTS will have placed 1,500

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89   Ibid., p112
90   Ibid., p113
91   Ibid., p80
92   Department for Education, Nicky Morgan: no tolerance of areas where majority of pupils fail, 2 November 2015

> high-performing teachers and middle leaders into challenging
> schools across the country.[93]

The White Paper announced an 'Excellence in Leadership Fund' for the best MATs and other providers to develop ideas to tackle significant leadership challenges "in areas where great leaders are most needed."[94]

The Paper also stated that the Government would fund activity to develop "great school and system leaders…[from] groups who are under-represented in leadership positions, like women and LGBT candidates and those from a BME background."[95]

The Paper includes plans to use a new approach to designate up to 300 more teaching schools and 800 more National Leaders of Education (NLEs) where they are most needed.[96]

3.6 Governance reforms

The White Paper provides the Government's view that effective governing boards would be vital to the operation of an all academy system. It sets out the intention to strengthen the skill requirements on boards in order to achieve this:

> We will create stronger expectations on governing boards to fill skills gaps, including through training, with help to recruit skilled people. We will also develop a new competency framework for governance in different contexts.[97]

The focus on skills includes the proposal that, while parents would be encouraged to serve on governing boards, it would no longer be a requirement for academy trusts to reserve places for elected parents on governing boards.[98]

The White Paper also sets out the Government's intention to establish a database of everyone involved in school governance, and to legislate so that unsuitable individuals can be barred from being governors of maintained schools (as is already possible in academies and independent schools).[99]

3.7 Accountability for MATs: league tables

As set out in section 2.2, the Government envisages that the all academy system will principally be constituted of MATs. The White Paper proposes new accountability measures for MATs, to reflect their centrality to the reformed system.

The White Paper sets out that MAT performance tables would be published, in addition to the existing accountability measures for individual schools.[100] In March 2015 the Department for Education

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93 Department for Education, Educational Excellence Everywhere, p80
94 Ibid., p48
95 Ibid., p49
96 Ibid., p78
97 Ibid., p50
98 Ibid.
99 Ibid., p51
100 Ibid., p110

published a statistical working paper proposing performance measures for MATs.[101]

3.8 Alternative provision

The White Paper proposes a significant reform to accountability in alternative provision (AP).

Local authorities are responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision. AP may be provided in local authority maintained pupil referral units (PRUs) or in AP academies or free schools.[102]

The White Paper states that:

> We will reform the alternative provision (AP) system so that mainstream schools remain accountable for the education of pupils in AP and are responsible for commissioning high quality provision.[103]

The Paper envisages that local authorities would retain a role in ensuring sufficiency of AP in their area.

Schools, however, would take the lead in ensuring AP, including responsibility for AP budgets:

> 6.77. Schools will be responsible for the budgets from which AP is funded. As they will also be responsible for commissioning and accountable for educational outcomes, they will have stronger incentives to take preventative approaches and to achieve value for money when identifying the best and most suitable alternative provision for any child that needs it. We will also:
>
>> a. Encourage high quality sponsors (including MATs) to meet the need for new AP through the free schools programme
>>
>> b. Establish a minimum curriculum standard and a clear expectation that all pupils in AP will have access to a broad and balanced curriculum
>>
>> c. Review accountability for AP and agree with Ofsted how providers will be inspected in future, establishing clear data to support commissioning decisions
>>
>> d. Support new research into how pupils arrive in AP and develop and disseminate new evidence on what works
>>
>> e. Launch an innovation fund to test new approaches to support pupils who move directly from AP to post-16 education, exploring opportunities for social impact bonds and other innovative funding models.[104]

[101] _Measuring the performance of schools within academy chains and local authorities_, DfE (March 2015)

[102] Department for Education, Alternative Provision: statutory guidance for local authorities, January 2013

[103] Department for Education, Educational Excellence Everywhere, p102

[104] Ibid., p103

3.9 Reaction and Issues

Parent governors

The removal of the requirement for parent governors on academy boards has been particularly controversial.

The Shadow Schools Minister, Nic Dakin, stated that this move would "reduce collaboration in local areas and partnerships between parents, schools and communities."[105]   Concerns were also raised in the press.[106]

The National Governors' Association expressed its disappointment at the move:

> NGA is disappointed to see that there will be no ongoing requirement for elected parents on the governing boards of academies. NGA thinks that parents of children and young people studying at a school bring an important perspective to the governance of schools that others are unlikely to bring. […] Recruiting a small number of board members from certain stakeholder groups and having a skilled board are not mutually exclusive.[107]

Jonathan Simons, of Policy Exchange, stated that while the White Paper did not change the existing position for MATs, in the context of an all academy system, parental governors should be required:

> All the White Paper does…is continue the status quo by saying multi-academy trusts do not need parental representation on local governing bodies (LGBs) (with the corollary, of course, that they can keep them if they want to, and which almost all MATs currently do). […]
>
> I think [the] principle of parental engagement at a formal governor level, and the need to counter the false fears of a school being taken away from its local community, outweighs the argument for MATs being given freedoms to construct their own governance arrangements.[108]

In an interview with the *Guardian*, Nicky Morgan, stated that trusts could have parent governors if they wished, but that the Government's emphasis was that governors should be recruited for their skills:

> We're not saying that there shouldn't be parent governors. What we're saying is that trusts can choose to have, if they want, a slot reserved for parent governors, but also to recruit people on the basis of the expertise they will bring. Many parents will have that expertise, and they are recruited on the basis of their skills as much as they are for being a parent.[109]

The Parliamentary Under-Secretary of State for Schools, Lord Nash, wrote that, in addition to encouraging parents to be on governing

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[105] Labour Party, This will further reduce collaboration in local areas and partnerships between parents, schools and communities - Nic Dakin, 18 March 2016

[106] See Guardian, Plans to scrap parent governors sparks row in schools shakeup, 17 March 2016; and Guardian, Axing parent-governors is a cynical move – and a disaster for schools, 17 March 2016

[107] National Governors' Association, NGA comments on today's White Paper, 17 March 2016

[108] Policy Exchange, Universal Academisation – what needs to happen? Part 1, 30 March 2016

[109] Guardian, Being a parent is not enough to be a school governor, says Nicky Morgan, 25 March 2016

boards, the Government intended to facilitate new ways for them to be involved in education:

> We will introduce a new expectation on every academy to put in place arrangements for meaningful engagement with all parents, so that they not only listen to but also act on their views and feedback. Many multi-academy trusts are already creating parent councils at each academy to engage meaningfully with parents while leaving the board of the MAT itself to focus on fully skills-based governance. This new expectation will compliment more regular surveys of parental satisfaction with their children's schools, which we will publish.[110]

Alternative provision

The proposals to make mainstream schools accountable for children in alternative provision have prompted concerns about schools being held accountable for the education of pupils who have spent little time at their school.

Malcolm Trobe, interim general secretary of the Association of School and College Leaders, was quoted in *TES*:

> There's a big difference between a youngster who has been in mainstream provision until the age of 14 or 15 before transferring to AP and a youngster who has been in AP from the age of 11 and has never really been to your school.
>
> If a youngster has been in your school for one term out of five years, you can ensure an AP provider is delivering high quality provision, but you're not able to have any direct impact on the education of that pupil.[111]

Capacity of a school-led improvement system

The education writer Kiran Gill was sceptical of the capacity of schools to lead improvement in the way the White Paper envisages:

> I think the self-improving school is a fantasy – in the current high-stakes, low-capacity context teachers don't have time to learn, the majority are simply trying to stay afloat. This is the case for schools too, and hence the school-led system. TSAs and lead schools in MATs haven't got time to focus on the process of learning; trial teaching interventions see some succeed and others fail and turn this into 'evidence-based' practice.[112]

Capacity of RSCs

The capacity of Regional Schools Commissioners to deal with an expanding workload has been raised regularly prior to the announcement of the proposed all academy system.

In a guide to RSCs, published in September 2015, the National Foundation for Educational Research stated that the recent and (then proposed) expansion to the remit of RSCs through the now *Education*

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[110] ConservativeHome, John Nash: Our school reforms. We want parents to be more involved in their children's education – not less, 4 April 2016

[111] TES, Heads fear being held to account for results of pupils they've barely taught, 24 March 2016

[112] Schools Week, Education white paper's 'policy fantasies' don't address the real issues facing schools, 30 March 2016

and Adoption Act 2016 meant that RSCs were "likely to need a corresponding increase in resources."[113]

In its report on RSCs in January 2016, the Education Committee acknowledged the capacity concern, while stating that it was "not yet convinced of the case for a significant increase in expenditure on the RSC offices themselves":

> Instead, the Department should consider whether the partners that the RSCs must work with to secure school improvement, such as Teaching Schools, have sufficient capacity to respond to their requests.[114]

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[113] National Foundation for Educational Research, A Guide to Regional Schools Commissioners, September 2015, p7
[114] Education Committee, Regional Schools Commissioners, 20 January 2016, HC401, p30

4. Curriculum

4.1 The end of a compulsory National Curriculum

Currently, all local authority maintained schools in England are required to follow the National Curriculum. The most recent review of the Curriculum was carried out in the Coalition Government and the relevant changes began to be phased in from September 2014. The Library briefing The school curriculum and SATs in England: Reforms since 2010, CBP 06798, provides more information.

Academies do not have to follow the National Curriculum but must offer a 'broad and balanced curriculum' and comply with any curricular clauses in their funding agreements. As a result, the move to a fully academised system would bring the compulsory National Curriculum to an end in its current form.

The White Paper states that the curriculum would remain in an all academised system as "an ambitious benchmark that autonomous academies can use and improve upon."[115]

4.2 Qualifications reform

The White Paper summarises the reforms the Government have or are in the process of implementing to qualifications:

* A phonics screening check at year 1 introduced in 2012
* More demanding key stage 2 assessments to reflect the new national curriculum from 2016
* From 2017, Ofqual is also introducing a new National Reference Test (sampling pupils in year 11) to support the setting of grades awarded at GCSE by providing additional evidence on changes in performance over time in mathematics and English language. On 24 March 2016 the Government published its response to a consultation on this change, which stated that new secondary legislation to enact this change will become statutory in time for it to be applicable to the first test, which is due to take place in March 2017.
* The Government has undertaken significant reform of GCSE, AS and A level qualifications, continuing work begun under the Coalition Government. A Library briefing on GCSE, AS and A level reform, SN06962, provides information.
* The Conservative manifesto for the 2015 General Election proposed that the English Baccalaureate (EBacc) be made a requirement for English schools. The Government has since published a consultation setting out the aim that at least 90% of pupils in mainstream secondary schools should be entered for the EBacc, and seeking views on implementation. The consultation was open until 29 January 2016. A Library briefing on the English Baccalaureate, CBP 06045, provides more information.

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[115] Department for Education, Educational Excellence Everywhere, p88

4.3 Other issues

The White Paper includes several other measures relevant to the curriculum:

- Extending the School Day: Funding to make it easier for 25% of secondary schools to extend their school day to include a wider range of activities, such as sport, arts and debating[116]
- For the curriculum to be "complemented by the development of the character traits and fundamental British values that will help children succeed"[117]
- Expanding the National Citizen Service – by providing it with £1 billion over four years, so that it will cover 60% of all 16 year olds by 2021[118]
- That the Government has established an advisory group to look at how to equip schools to set up effective peer support programmes to improve children's and young people's understanding of mental health[119]
- To work with a group of leading headteachers and practitioners to produce an action plan for improving personal, social, health and economic (PSHE) provision[120]
- That the Government had invested in eight projects to prevent and tackle homophobic, biphobic and transphobic (HBT) bullying in schools by improving school policies and training[121]
- To work on approaches to improve the attainment of the lowest-attaining and most academically able pupils[122]
- To review what is happening in practice for all children with SEND, not only those with statutory plans, and what more can be done to improve these children's attainment, outcomes and experiences[123]

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[116] Ibid., p95

[117] Ibid. See the Library briefing on Counter-extremism policy in English schools, CBP 07345, for more information on the teaching of British values in schools

[118] Ibid., p97

[119] Ibid.

[120] Ibid. The Library briefing Personal, social, health and economic education in schools (England), CBP 07303, provides information on PSHE.

[121] Ibid.

[122] Ibid., p98-99

[123] Ibid., p101

5. Funding reform

The Government has announced its intention to significantly reform school funding. The White Paper includes discussion of these proposals.

On 7 March 2016 Education Secretary, Nicky Morgan, announced the first two consultations on school funding reform. The first of these proposed a national school funding formula which will include a basic per-pupil amount, and factors reflecting pupil characteristics, school and areas costs. The precise composition of the formula, and weighting given to the different factors, will be the subject of a further consultation expected later in 2016. It is therefore difficult to say at this stage how particular areas or schools are likely to be affected.

Box 7: How English schools are currently funded

The Dedicated Schools Grant

The main source of revenue for state-funded schools in England is the Dedicated Schools Grant (DSG). In 2015-16 total DSG was worth £40.1 billion. This is notionally divided into three non-ringfenced blocks, the largest of which is the Schools Block at £32.2 billion, or 80 per cent of total DSG, in 2015-16. The Schools Block is intended to cover core provision for pupils in mainstream primary and secondary education up to the age of around sixteen.

For 2016-17, Schools Block allocations are largely calculated based on how much an area received per pupil in the previous year, subject to some adjustments. A key factor, therefore, in how much areas receive per pupil is how much they received historically.

Local funding formula

Local authorities apply a locally-determined funding formula in distributing school funding on to maintained schools. There is some variation between local formulas in terms of the relative importance given to different factors like prior attainment, deprivation and sparsity. The local formula is also used in part to determine academy schools' funding.

The Government is proposing a two-year transitional period to the reformed system. It is also proposing that most funding – with the exception of high need funding – will eventually be given directly to schools and not routed through local authorities.

On high need funding – largely, this is for special educational provision – the Government is also proposing the introduction of a national funding formula to allocate money to local authorities. However, for at least the next five years, funding allocations would continue to be calculated, in part, on the basis of LAs planned high needs spend in 2016-17 and not solely on assessed area needs, in order to ensure stability.

The Library briefing [School funding in England. Current system and proposals for 'fairer school funding'](#), CBP 06702, provides more information.

6. Academy performance

6.1 GCSE results

As most primary academies have only been opened for a few years there is limited scope for any impact of the change in status to have filtered through to the latest exam results. Pupils will still have spent the majority of their primary years in maintained schools. This section looks therefore looks at the GCSE results of secondary and all-through academies. And compares them to maintained schools.

The first table looks at headline results. Overall more pupils at converter academies achieved 5+ GCSEs at A*-C including English and maths than pupils in maintained schools. The difference was clear, 64.3% compared to 56.0%. Sponsored academies performed less well on this measure and again the difference was clear; 45.8% around ten percentage points below the maintained school average. There was a broadly similar pattern of results on the other headline attainment indicators set out below.

GCSE and equivalent results for selected school types, 2014/15

	% achieving at GCSE or equivalent:		English Baccalaureate		% achieving 5+ A*-C inc. English & mathematics by prior attainment		
	5+ A*-C grades	5+ A*-C inc. English & mathematics	% entered all components	% achieved	Below level 4	At level 4	Above level 4
All state funded mainstream schools	67.4	58.1	39.4	24.7	8.7	55.4	92.2
Of which:							
LA maintained schools	65.9	56.0	37.5	22.9	8.0	53.5	91.1
Sponsored academies	54.4	45.8	27.8	13.7	8.5	49.8	88.0
Converter academies	73.3	64.3	45.0	30.1	9.6	59.5	93.9

Source: Revised GCSE and equivalent results in England, 2014/15, DfE

Given that converters are generally better performing schools and sponsored academies were generally underperforming these results are not be surprising. Differences in pupil attainment by school type are still connected to the types of schools that have converted rather than just the impact of academy status on the improvement in results at these schools. This is reflected in the data on prior attainment of pupils who enter GCSE. In 2014/15 13% of pupils at the end of Key Stage 4 had a below average level of attainment at the end of primary school. This compares with 16% at mainstream and 23% at sponsored academies. Similarly 39% of pupils at converters had an above average level of prior attainment; higher than rates in maintained schools (34%) and sponsored academies (24%).[124]

The final columns of the table above breaks the headline results down by these broad categories. Results within each prior attainment band varied to a smaller degree, but were still somewhat higher in converters. Results were closer still for the proportion of pupils making the expected progress in English and maths broken down by prior attainment. Again they were better in converters, generally 3-4 percentage points higher

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[124] Revised GCSE and equivalent results in England: 2014 to 2015, DfE. (Table 6a)

than at maintained schools.[125] This type of analysis is an approximate way to compare like-with-like. There will still be variation in prior attainment within these broad bands.

Analysis of GCSE results in academies by the length of time they have been an academy shows no clear pattern. Within sponsored academies headline results were slightly better for those that had been opened the longest (5+ years), but differences were small and not consistent across the whole length of time open range.[126] Among converters there were clearly better results, both headline attainment and progress, among those open for 4 or 5+ years. However, these schools, the first to convert, were largely able to convert early because of their 'outstanding' Ofsted rating. Again, these results reflect the type of schools converting as well as any direct impact of academy status on performance.[127]

In the past academies have been criticised for relying too heavily on qualifications equivalent to a GCSE to improve their headline performance. Changes in the calculation of GCSE results since 2013/14 have limited the 'value' of equivalent qualifications. However, analysis of results by type still show that sponsored academies rely on equivalents – including applied GCSEs and BTECs- to a greater degree than converters and mainstream schools.[128]

The Department for Education relied on analysis of performance at sponsored academies for much of the evidence in favour of its 2010 reforms. These were academies created under the Labour Government's model. Their analysis particularly focussed on the change in results at academies. An assessment of this evidence can be found in the (2012) briefing paper Sponsored Academies: Statistics[129] and in the Research Paper on the Academies Bill (2010)[130]. Changes to GCSE results from 2013/14 make this type of analysis much more difficult to interpret.

Research for the LSE Centre for Economic Performance comparing pre- and post-2010 academies found substantial differences in types of schools becoming academies and 'significant' improvements in ability of students at pre-2010 academies, but not in post-2010 ones. The authors concluded "Altogether this suggests that simple extrapolation from the evidence on the effects of the first batch of conversions to the second batch is clearly not warranted and potentially very misleading."[131]

Recent Department for Education analysis of performance at academies can be found in the *Academies Annual Report 2013/14* and in Local Government Association commissioned research by National Foundation for Educational Research *Analysis of academy school performance in GCSEs 2014: Final report.*

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[125] ibid.
[126] For instance headline and progress results were better at those open for a year than those open two or three years.
[127] ibid. Tables 3c and 3d
[128] ibid. Table 5a
[129] Especially pages 4-9
[130] Section 4.2
[131] Eyles, A. et al, *Academies 2: The New Batch*, CEP Discussion Paper 1370, Sep 2015

6.2 Ofsted inspection judgements

The table opposite looks at the Ofsted ratings of different types of academies and maintained schools. There is a very clear pattern *within* academies with converters much more likely to be rated as outstanding and sponsored academies more likely to be rated as inadequate or requires improvement. This reflects the nature of the two academy 'models'.

When all types of academies are combined there was a higher proportion of academies rated outstanding, but more maintained schools rated as good at primary and secondary level and overall. The overall outstanding or good (combined) total was somewhat higher among maintained primaries and secondary academies. In all phases academies were more likely to be rated as 'inadequate'.

Latest Ofsted inspection judgements by phase and broad status at 29 February 2016

	Outstanding	Good	Requires improvement	Inadequate
Primary				
Academy Converter	28%	62%	9%	1%
Academy Sponsor Led	7%	54%	35%	5%
Maintained	17%	69%	13%	1%
Secondary				
Academy Converter	32%	53%	12%	3%
Academy Sponsor Led	12%	43%	35%	10%
Maintained	14%	59%	24%	4%
Special				
Academy Special Converter	52%	43%	3%	1%
Academy Special Sponsor Led	0%	100%	0%	0%
Maintained	37%	56%	6%	1%

Note: All includes nurseries, PRUs and alternative provision

Source:
Monthly management information: Ofsted's school inspections outcomes

6.3 Academy funding and financial indicators

The nature of how academies are funded mean that comparisons with maintained schools are largely meaningless. Academies are paid by academic rather than financial years; with no local authority they have different financial responsibilities; and for most academies, some financial data are only reported at a (multi-academy) trust level rather than individual schools.

The latest detailed data on funding and spending can be found at: Income and expenditure in academies in England: 2013 to 2014 which was published in Summer 2015. This includes detail of around spending at single academy trusts and individual schools within MATs and some partial returns. In 2016-17 a total of around £12.5 billion is expected to be recouped for academies from the initial local authority Schools Block allocations within Dedicated Schools Grant. This is almost 40% of the total.[132] This is revenue funding only and excludes early years and high (special) needs funding, sixth forms and the Pupil Premium.

Payments to academies are made via the Education Funding Agency (EFA). Their most recent accounts are for 2014-15 and include some analysis of academies financial position at the time. Some key findings for the end of the financial year:

- Academy trusts' land and buildings were valued at £33.3 billion, up by around £3 billion on the end of 2013-14. This was mainly due to £2.7 billion from schools converting to academies in year.
- Cash balances totalled £2.9 billion or an average of just over £0.6 million for each of the 4,900 academies included. The average was very similar to figures for the previous two years, but well above the £0.2 million for 31 March 2012
- Pension deficits were £4.0 billion.

[132] *Dedicated schools grant (DSG): 2016 to 2017*, DfE

- On average academy trusts held enough cash to fund 97 days of spending at the end of 2013-14 (this was not given in the 2014-15 accounts), up from 73 days at the end of 2012-13.
- 27% of trusts had enough cash to fund more than 100 days of spending at the end of 2013-14, 12% less than 30 days.

The consolidation of academy trust accounts into the Department for Education's accounts is a complex and lengthy process. The 2013-14 accounts consolidation was said to be one of the largest such exercises undertaken in the world. With more academies the 2014-15 consolidation was even larger. The NAO gave an 'adverse' opinion on the both the 2013-14 and 2014-15 accounts indicating they are not true and fair and "…the level of error and uncertainty in the statements to be both material and pervasive." This was due to adjustments and hypothesizing needed to 'fit' the large number of academy trusts' accounts and the rapid growth in the number and variety of academies.[133] [134] The length of the consolidation process delayed the publication of the accounts. The 2014-15 publications was not produced until April 2016. The EFA group's financial statements received adverse opinions in 2013-14 and 2014-15 for the same reasons.

The Department for Education has received approval in principal for a different approach to its accounts from 2016-17. This would remove academy's trusts from the consolidation process and only include the grant paid in each financial year to academies in the accounts. A separate academic year publication would report on the financial performance of academy trusts.[135]

6.4 Education Committee report (January 2015)

In its report on *Academies and Free Schools*, published in January 2015, the Commons Education Committee stated that there was not currently sufficient evidence for or against academies as in themselves a driver of stronger standards:

> There is a complex relationship between attainment, autonomy, collaboration and accountability. Current evidence does not allow us to draw conclusions on whether academies in themselves are a positive force for change. […]

> There is at present no convincing evidence of the impact of academy status on attainment in primary schools. […]

> We agree with Ofsted that it is too early to draw conclusions on the quality of education provided by free schools or their broader system impact. […]

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[133] Comptroller and Auditor General's Report on the Department for Education financial statements 2013-14

[134] Comptroller and Auditor General's Report on the Department for Education's financial statements 2014-15

[135] ibid.

Academisation is not always successful nor is it the only proven alternative for a struggling school.[136]

The report did, however, highlight the particular benefits to primary schools of collaborative structures:

The primary sector benefits most from collaborative structures, whether these are facilitated by academy status or otherwise.[137]

The Government responded to the report in March 2015, and highlighted positive evidence about academy and free school performance:

Recent results show the impact the academies and free schools programmes have had. The first wave of primary sponsored academies that opened by September 2012 has seen the proportion of pupils achieving level 4 or above in reading, writing and maths increase by nine percentage points since opening. This is double the rate of improvement seen across all schools.

Academies and free schools also perform well against the new tougher Ofsted framework. They are more likely to retain an 'outstanding' rating, and they are more likely to improve from 'good' to 'outstanding'. The great majority of free schools are performing well. 68% of those free schools inspected were rated 'good' or 'outstanding' by Ofsted under its tougher new inspection framework.[138]

The response raised what the Government saw as benefits of academisation at primary level:

We have set about the task of maximising the potential of primary schools, and recent KS2 results show the impact we have had at primary level. The first wave of primary sponsored academies that opened in September 2012 has seen the proportion of pupils achieving level 4 or above in reading, writing and maths increase by nine percentage points since opening. That is double the rate of improvement across all schools (four percentage points). We also know that primary converter academies also do better against the new tougher Ofsted inspection framework. Department analysis (2014) shows that primary converters are more likely to retain their 'outstanding' rating, and are more likely to improve from 'good' to 'outstanding' than LA-maintained schools.[139]

6.5 Sutton Trust 'Chain Effects' report (July 2015)

The Sutton Trust published its most recent *Chain Effects* report, on the impact of academy chains on low-income students, July 2015:

- Overall, in comparison with the national figures for all secondary schools and academies ('mainstream schools'), the sponsored academies in this analysis have lower inspection grades and are twice as likely to be below the floor standard. In 2014, 44% of the academies in the

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[136] Education Committee, *Academies and Free Schools*, 27 January 2015, HC 258 2014-15, p3-4

[137] Ibid., p3

[138] Education Committee, Academies and free schools: Government Response to the Committee's Fourth Report of Session 2014–15, 23 March 2015, HC1137 2014-15, p1

[139] Ibid., p14

analysis group were below the government's new 'coasting level' and 26 of the 34 chains that we have analysed had one or more schools in this group.

- The contrast between the best and worst chains has increased in 2014. Some chains with high attainment for disadvantaged pupils have improved faster than the average for schools with similar 2012 attainment. In contrast, the lowest performing chains did significantly less well over the period 2012-14 than schools with similarly low 2012 attainment.

- Although results for young people with *low prior attainment* have generally fallen across all school types, on average the fall was less dramatic for chains than for other types of school, and a few chains succeeded in significantly improving the attainment of this group, an important demonstration of value.

- When analysed against a range of Government indicators on attainment, a majority of the chains analysed still underperform the mainstream average on attainment for their disadvantaged pupils. As in 2012, while some of those below the average are continuing to improve, others are not.[140]

6.6 National Foundation for Educational Research: Guide to the evidence (April 2015)

The National Foundation for Educational Research (NFER) published A Guide to the Evidence on Academies in April 2015, which collected a wide variety of evidence on academies, in particular whether they improve results and their impact on other schools.

The guide noted that the evidence was complex, in particular because of the different types of academies (it highlighted the split between pre and post-2010 academies) and their intakes, and stated that "it would be simplistic and misleading to draw firm conclusions and make a singular assessment of academies as a whole."[141]

The report did, however, highlight some findings:

- There is no conclusive evidence of the impact of academy status on attainment in primary schools;
- There is some evidence that sponsored secondary academies have had a positive effect on pupil performance;
- Ofsted inspection ratings were more likely to increase in schools that became sponsored academies 2002-2009 which corroborated Key Stage 4 performance gains.[142]

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140 Sutton Trust, Chain Effects 2015, 24 July 2015
141 National Foundation for Educational Research, A Guide to the Evidence on Academies, April 2015, p1
142 Ibid., p1-2

6.7 Policy Exchange report on the impact of free schools (March 2015)

On 9 March 2015, the think tank Policy Exchange published a report claiming that the opening of free schools was associated with improvements in neighbouring schools. Free schools are entirely new state schools, which operate in law as academies.

- [Policy Exchange March 2015 report, *A Rising Tide. The Competitive Benefits of Free Schools.*](#)[143]

Key findings from the report included:

- The competitive effect created by a Free School leads to improved academic standards in nearby underperforming schools. In every year apart from 2010, the opening of a Free School is associated with substantial improvements of the lowest performing primary schools nearby. At secondary level, the opening of a Free School is associated with improvements for all secondary schools with below average results.

- Competition leads to bigger gains in higher poverty schools and schools with empty places. Primary schools with surplus places show a bigger increase in results than schools which are oversubscribed in every year apart from those approved in 2013. High poverty primary schools which have a Free School next to them improve faster than more affluent primary schools.[144]

Policy Exchange's findings have been challenged by others. Henry Stewart of the Local Schools Network has questioned the analysis. An article on LSN's website gives more details of his critique:

- Henry Stewart/ LSN website article, *[Free Schools: Policy Exchange report finds no positive effect for nearby schools](#)*, 8 March 2015[145]

6.8 National Foundation for Educational Research report (October 2014)

In October 2014, the National Foundation for Educational Research (NFER) published the findings of research commissioned by the Local Government Association (LGA).[146] The research aimed to establish how performance in sponsored and converter academy secondary schools compared to performance in similar maintained schools, in an attempt to find out whether academisation had led to better progress for pupils.

Key findings included:

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[143] Policy Exchange, [A Rising Tide. The Competitive Benefits of Free Schools](#). March 2015.
[144] Policy Exchange [report synopsis, A Rising Tide. The Competitive Benefits of Free Schools](#), 9 March 2015.
[145] Henry Stewart/ LSN website article, *[Free Schools: Policy Exchange report finds no positive effect for neigbouring schools](#)*, 8 March 2015
[146] Worth, J. [Analysis of Academy School Performance in GCSEs 2013](#), NFER, July 2014

Progress between Key Stage 2 and Key Stage 4 outcomes on a range of performance measures, is higher after two years in sponsored academies compared to similar non-academy schools.

There was no significant difference in attainment progress after two years between converter academies and similar non-academy schools. Converter schools tend to be higher performing schools already, and have been open for a shorter period of time.

Attainment progress in sponsored academies compared to similar non-academies is not significantly different over time when the outcome is measured as GCSE points, excluding equivalent qualifications such as BTECs. This suggests that sponsored academies either use more equivalent qualifications, or that their pupils do better in them.[147]

6.9 Other reading: reports and articles

- OECD, School autonomy and accountability: Are they related to student performance?, 2011
- Policy Exchange, Primary Focus: The next stage of improvement for primary schools in England, September 2014
- Cambridge Primary Review Trust, The end of primary education as we know it?, 4 March 2016
- Local Schools Network, Forcing schools to become academies will mean more "inadequate" schools and worse results, 15 March 2016
- TES, 'It will soon be untenable for the government to argue that autonomy is the answer to school improvement', 16 March 2016
- Sunday Times, Please miss. Are we better as an academy?, 20 March 2016
- TES, 'How is the new world of corporate schooling likely to fare?', 29 March 2016

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[147] NFER news release, *New research looks at performance in academy schools,* undated