

Education: who runs our schools?

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Introduction

The Coalition government announced in 2010 that it intended to achieve change in compulsory education by reducing and stripping out regulation, and giving schools and head teachers more autonomy. Supply-side measures were to be put in place to 'set education free' by introducing new providers and new choices, and wresting schools from local authorities by creating many more academies, cutting excessive red tape, scrapping unnecessary quangos, and creating a streamlined funding model where government funding follows the learner and is dispensed directly to schools from central government:

'We will change the laws – on planning, on funding, on staffing – to make it easier for new schools to be created in your neighbourhood, so you can demand the precise, personalised, education your children need . . . The money currently wasted on red tape and management consultants instead invested in books and teachers' (Gove, 2009).

In all of this, the relationship between educational quality and social deprivation was to be addressed by the proliferation of academies and free schools and plans for a 'Pupil Premium' (a LibDem policy commitment) first suggested by American pro-marketeters Chubb and Moe (1990) – that is extra money per head where pupils come from 'poorer homes', 'making schools work harder' for pupils in these circumstances.

Recent developments

The Academies Bill, laid before Parliament just 14 days into the Coalition government and passed in July 2010, enables secondary schools, primary and special schools classed as 'outstanding' to become academies without a requirement to consult local authorities. In November 2010,

the possibility of schools applying for academy status was extended to those deemed 'satisfactory' by Ofsted, if partnered by an 'outstanding' school. Michael Gove, then Secretary of State for Education, said that he expected that academies would become the norm among English schools. The Academies Act also authorised the creation of Free Schools. A Free School is a type of Academy, a non-profit-making, independent, state-funded school, which is free to attend, but which is not controlled by a Local Authority. The Free School concept is based on similar schools found in Sweden, Chile, New Zealand, Canada, and the United States. In both the US and Canada they are known as charter schools. The first 24 Free Schools opened in autumn 2011 including five proposed by faith groups, two involving ARK Schools (an academy chain), and one each The Childcare Company, King's Science Academy, and Discovery New School. In December 2013 after a series of inspections the Discovery New School was closed. By Oct 2014, 111 Free Schools were opened or approved; by December 4,344 academies were open or had been approved – in addition 42 Studio schools have opened or been approved (<http://www.studioschoolstrust.org>), and there are 30 University Technical Colleges (<http://www.utcolleges.org>).

The Academies programme is both imposed on 'failing' schools and is self-generating – ambitious chains and individual sponsors wanting to run more schools, and head teachers and governors looking for budget maximization – 'failing schools' are handed over to existing chains or 'brokered' by DfE consultants to new sponsors. 'Outstanding' schools are encouraged to form relationships with less well-graded schools and *superheads* are parachuted in to 'save' under-performing schools. At the same time, Local Authorities, Trades Unions and Universities are marginalized or their participation in educational work is fundamentally reworked – although some Universities act as Academy

sponsors. The Conservative, New Labour and Coalition governments have all been keen to get new actors into service delivery in response to a continuing 'discourse of derision' that constructs public sector schooling as dysfunctional. As a result the distribution of responsibility for the solution of educational problems is changing and philanthropy and business are now essential parts of the policy process, redefining policy problems and constructing and enacting new 'market-based' solutions.

One further intention of these reform moves, both those of New Labour and the Coalition, is a whittling away of the national agreements on teachers' pay and conditions, the introduction of fixed term contracts and performance related pay and opening up new routes of entry into teaching – most recently for ex-service personnel. Increasingly schools themselves (Teaching Schools) and Teach First are taking over the responsibility for teacher training and entry into teaching and some University based preparation routes are being closed down. Teach First is a social enterprise registered as a charity. It coordinates an employment-based teaching training programme whereby participants achieve Qualified Teacher Status through the participation in a two year training programme that involves the completion of a PGCE along with wider leadership skills training. Its focus is on schools in areas of social disadvantage.

The new governing space of education in England is an incoherent, ad hoc, diverse, fragile and evolving network of complex relations. It contains possibilities, inconsistencies and contradictions – both business and religion, localism and corporatism, equity and privilege. It rests on new relations of regulation, competition, funding and performance management. The process of public sector 'modernization' or transformation involved here is both creative and destructive, a process of attrition and reinvention. Although the transformation process may sometimes appear to be disjointed it has an internal logic, a set of discernible, if not necessarily planned, facets.

The process of transformation is both recreating the difficulties and inconsistencies it was meant

to address and creating new ones. Both academies and free schools were created as responses to what was presented as the low standards of performance of some state schools, especially in areas of social disadvantage. These schools, it is argued by their sponsors (see for example <http://www.arkschools.org/>) will bring creativity and energy to bear upon entrenched social and educational inequalities. In fact, a number of Academies and Free Schools have been deemed by Inspection and performance outcomes as 'under-performing'; some chains of academies have been found to be unable to manage their schools effectively; some chains and academies and free schools appear to be indulging in dubious financial practices; the free schools were supposed to be targeted at areas of social disadvantage but recent research by Rob Higham (2014) indicates their distribution does not reflect this aim; and indeed DfE figures indicate that the majority of the 24 free schools that opened in 2011 have a lower proportion of children eligible for free school meals than the local average (Guardian, 2012); 18 Academy chains are now 'paused' – that is concerns related to their performance and management abilities mean they cannot take on further schools (the list includes AET, the largest academy chain with 77 schools, and E-ACT which runs 25); furthermore 68 academies have received pre-warning letters and 7 warning letters from the DfE about their poor performance.

The Ofsted assessment of E-Act academies reported 'overwhelming proportion of pupils ... not receiving a good education'. Inspectors visited 16 of E-Act's 34 academies over a two-week period – one was judged Outstanding, four were Good, six were judged as Requires Improvement and five, including Hartsbrook E-Act Free School, were Inadequate. Hartsbrook has now been closed twice and has its third sponsor. Key weakness in the 16 academies inspected included:

- 1 Poor quality teaching
- 2 Work not matched to pupils' abilities
- 3 Weak monitoring
- 4 Poor use of assessment data

5 Insufficiently challenging lessons for more able pupils.

Inspectors also discovered E-Act had deducted a proportion of pupil premium funding from each academy until 1 September 2013. Ofsted was unclear how the deducted funding was being used to help disadvantaged pupils.

Of the 41 that have had judgments published as of April 2014 four free schools have been rated 'inadequate' by the inspectorate – this is 9.7% compared with the national average for all schools of 3%. Overall, 79% of state schools are rated good or outstanding compared with only 68% of free schools (watchsted.com 2014).

In December 2014 the Chief Inspector of Schools, Sir Michael Wilshaw, a one-time academy super-head, stated in his annual report that struggling schools are 'no better off' under academy control and said there could be little difference in school improvement under an academy chain or a council. Imagining the position of a head teacher of a newly converted academy, he said: 'In fact, the neglect you suffered at the hands of your old local authority is indistinguishable from the neglect you endure from your new trust' (The Guardian, 10 December 2014).

Finally, a report for the House of Commons Select Committee on conflicts of interest in academy trusts (Greany and Scott, 2014) identified a number of dubious practices and inappropriate financial arrangements and concluded 'that the checks and balances on academy trusts in relation to conflicts of interest are still too weak. In the course of the research we came across a significant number of real or potential conflicts of interest that we found concerning' (p. 3). There have been a number of high profile examples of financial malpractice.

Conclusion

As noted already Academies and Free schools are specifically intended to break the local authority monopoly of school provision, indeed to residualise LAs. However, evidence indicates that many academy trusts are unable to manage their schools effectively, that many acad-

emies and free schools are underperforming compared with their LA counterparts, but that many recruit a more socially advantaged intake than their LA counterparts. In all of this there is a lack of oversight and transparency. The response to these problems by the previous Secretary of State, Michael Gove was to reinvent a geographic system of school 'authorities' – Regional Commissioners (all appointed by him) and Regional Boards, elected by school head teachers. The majority of those elected to the Boards are school head teachers. The new Schools Commissioners are now formally charged with both managing and growing the Academy sector. Local democratic oversight has been almost totally displaced. Our relationship to schools is being modelled on that of the privatised utilities – we are individual customers who can switch provider if we are unhappy, in theory, and complain to the national watchdog if we feel badly served – but with no direct, local participation or involvement.

Putting all of these policy moves together, we are moving back towards a pre-universal 19th century 'system' of education that is messy, patchy and diverse, involving a variety of providers – voluntary, philanthropic, faith, self-help (parents), trusts of various kinds and, on a small scale so far, private; although at this point in time, public sector providers remain as the main providers.

So what should the incoming government do?

- ✓ Establish a framework for an ethical audit of educational providers.
- ✓ Require much greater accountability and transparency from providers – including the Inspection of academy chains.
- ✓ Consider ways in which outsourced services might be brought back 'in-house' – as inspections are to be – and/or replace for-profit providers with mutuals.
- ✓ Commission and publish a systematic review of evidence on the relations between profit, performance and equity.

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