



Socialist Educational Association

Educational Excellence Everywhere: a Commentary on the White Paper

Ten Reasons to oppose the White Paper proposals

1. Making all schools academies will take up time and money. It will do nothing to address the real problems facing schools, especially the growing shortage of teachers and school places.
2. There is no evidence to support the contention that overall academies perform better than local authority schools. The great majority of local authority schools are good or better. What problem is the government trying to fix?
3. The White Paper promotes academy chains as the preferred model. However many chains are performing badly – significantly worse than many local authorities. The performance of 7 leading chains has recently been savaged by Michael Wilshaw.
4. There have been too many examples of financial mismanagement verging on corruption in academy chains. The Education Funding Agency is widely recognised to be not up to the job of supervising even the number of academies we have now.
5. The government claims it is devolving power “to the front line” But actually schools in academy chains lose most of their autonomy – the chain controls their premises, budget, staffing curriculum. Chains have far more power over schools than local authorities do.
6. Academies will be controlled more closely by government in future. It is going to change academy contracts to give itself more power to tell schools what to do. It will control the curriculum by imposing more and more tests on pupils. It will be able to move schools between chains so creating more confusion and instability
7. Parents and local communities generally will have no say in how their schools are run. Schools will have no governing body of their own. Decisions will be taken by remote trusts and by ministers, often in secret with no supporting evidence published. Parents will find it harder to ensure children with special needs get the right support.
8. The academy system is designed to undermine the position of trade unions in schools and to end national agreements on pay and conditions for school staff.
9. Academies involve more bureaucracy not less. Every school has an individual legal contract with the DfE and has to comply with charity law and company law with no back office support from local authorities.
10. Academies will still be able to employ people with no teacher training or qualifications.

1. What should Labour's position be?

There will be a great temptation for opposition to the White Paper to focus purely around the issue of compulsion. This is obviously important – schools and local communities should absolutely be able to determine how their local education services will deliver comprehensive education for local children in line with agreed national standards – and may well attract cross-party support.

Tory councillor opposition to the White Paper is taking the line that “we’ve nothing against academies but schools should be free to choose”.

However SEA believes that, while Labour may want to work with Tory opponents of the White Paper to build cross party support against the proposals, the party should go further in developing its own position.

The starting point is that education is a public service that should be valued just as we value the NHS.

One thing the government is in fact right about is that having two systems competing to run schools is expensive, inefficient and a source of unnecessary conflict. Labour should be arguing for a new settlement that applies to all schools and:

- Gives local authorities the responsibility and the power to plan school provision in their area, to ensure fair access for all and to monitor both standards and compliance with the proper standards of public life.
- Empowers individual schools, frees them from the central control of academy chains and enables them to develop their own ways of working together while ensuring that all schools have the support that they need..
- Gets rid of the absurd bureaucracy of the Education Funding Agency, funding agreements, limited companies and charitable status, replacing it with a simple consistent model of public service governance and regulation
- Ensures that the voice of parents and local communities is heard in all schools.
- Gives schools as much freedom as possible consistent with meeting the needs of all their pupils and their whole community.
- Establishes a consistent structure of national regulation that applies to all schools.

Labour also needs to challenge the deprofessionalisation of teaching that is built into the document. There will be effectively no national framework for initial training, teaching qualifications and career development. Everything will be at the discretion of MATs – i.e. private companies. At the same time government control over curriculum, assessment and the details of pedagogy will be strengthened in line with the particular prejudices of ministers.

2. Background

Schools Week asked the key question: “What will it mean for pupils?” Its answer was

Almost nothing. Almost everything about the day to day running of a school can be done in one that is maintained or is an academy.
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At the heart of the White Paper is the decision to move to universal academisation by 2022. The document is however broader than that and includes some new material on other issues and restates a considerable amount of repetition of existing policy.

The paper builds on the assertion that there has been huge improvement since 2010 and that this is the result of government policies. It is important therefore to challenge this basic premise. When we do so we find that:

- It fails to recognise that trends of improvement go back well before 2010:

For example in 1997 67% of pupils gained a Level 4 in reading. In 2010 that figure was 83% and in 2015 it was 89%. In maths the comparable figures are 54% in 1997, 79% in 2010 and 87% in 2015.

Absence from school has been on a declining trend since at least 1997. In 1997-98 the overall absence rate was 7.46%. In 2009-10 the overall absence rate was 6.04% and in 2013/14 it was 4.5%

- Data is manipulated in ways that give a false impression

For example the paper says that:

“2015 results show that primary sponsored academies open for two years have improved their results, on average, by 10 percentage points since opening, more than double the rate of improvement in local authority maintained schools over the same period.” The proper comparison would be to compare sponsored primary academies with similar maintained primaries. It is then clear that maintained primaries improve faster.

“2015 GCSE results show that secondary converter academies are performing 7.2 percentage points above the national average, with 64.3% of pupils achieving five or more good GCSEs, including English and maths.” As converter academies were all good or outstanding, it is hardly surprising that their results are higher than average.

“Record numbers of children are now taught in good or outstanding schools”. However the vast majority of these are in maintained primary schools so this has nothing to do with academies.

There is a detailed analysis of these claims at

<http://www.localschoolsnetwork.org.uk/2016/03/the-white-paper-justification-for-academy-conversion-is-pathetic> and at <http://www.localschoolsnetwork.org.uk/2016/03/nicky-morgan-is-that-really-all-the-evidence-youve-got>

There is a lot more material on the LSN site by Henry Stewart on the relative performance of academies and maintained schools, both in exams and inspections.

- Emotive language is used to buttress arguments of doubtful validity.

For example it is asserted that *“1 in 3 young people left primary school unable to read, write and add up properly*. When this claim was first made, without the qualifying *“properly”*, the UK Statistics Authority told Morgan that she was wrong, pointing out that children who reached Level 3 were able to *“read a range of texts fluently and accurately. They are also able to write in a way that is “often organised, imaginative and clear” and they can “add and subtract numbers with two digits mentally and numbers with three digits using written methods”*.

- False statements are made.

For example it is stated that “we have raised the bar for entry into the teaching profession” whereas in fact teachers in academies are not required to have any particular qualifications at all.

3. Academies and Multi Academy Trusts

At the heart of the White Paper is the proposal to turn all schools into academies by 2022. This will *“empower great teachers and leaders”* and (in Osbourne’s words) *“set schools free from the shackles of local bureaucracy*.

SEA has always opposed the academy model. We opposed it not because we were against outside organisations supporting schools or because we were complacent about the need to improve school performance. Our position has always been that:

- Schools should be rooted in and accountable to their local communities. This is not just about *“throwing out the rascals”* at elections. It’s about taking decisions close to the communities that are affected and having schools governed by representatives of that community not by remote sponsors or civil servants.
- Local government has not controlled schools since 1988. Local structures such as Schools Forums enable schools to play the leading role in building and developing a local school system
- Academies involve more bureaucracy not less. Every school has an individual legal contract with the DfE and has to comply with charity law and company law. It has to manage its own HR, health and safety, accountancy, audit, purchasing and compliance with a myriad of regulations and instructions from government.
- The so-called academy freedoms are often illusory. All headteachers are free to manage their schools – including staffing and budgets - as they see fit within the law. All schools, including academies, are constrained in terms of the curriculum by the demands of testing and examinations. Increasingly governments have imposed through legislation additional duties and constraints on academies.
- Academy chains are private organisations concerned fundamentally about their own success and survival rather than the interests of pupils and families. So, schools are moved between chains and chains close down or merge without any reference to the communities they supposedly serve

- Central government can't supervise thousands of schools from the centre. This has become increasingly apparent and has been pointed out by both the select committee and the Public Accounts Committee.
- As a result the scope for abuse has been huge. We have seen financial scandals, excessive exclusions, abuse of curriculum freedoms, manipulation of admissions, refusal to accept pupils with SEN and self-aggrandisement by empire-building headteachers.

See just this week <http://schoolsweek.co.uk/perry-beeches-academy-trust-paid-1-3m-to-private-company-run-by-superhead-liam-nolan/>

This scandal, like many others, was discovered through whistle blowing not through the government's established monitoring system – the PAC warned explicitly that there was too much reliance on whistleblowing.

- There is no openness about how decisions about academies and free schools are made. The DfE has fought tooth and nail to resist FoI requests:

For example the Eastern Daily Press has just reported on the DfE's refusal to publish papers considered by the headteacher board. They were refused because it would "prejudice the conduct of public affairs and they were commercially sensitive". That material concerned with taxpayer funded schools can be described as "commercially sensitive" really says it all.

http://www.edp24.co.uk/news/education/government_under_fire_for_secretary_surrounding_key_decisions_about_academies_and_free_schools_1_4464209

The government has clearly understood some of these issues. That is why the multi academy trust (MAT) is now central to the government's plans. It is clearly anticipated that the great majority of schools will be in these trusts. They have clearly realised that more than 20,000 schools can't all have a direct relationship with the Department for Education.

There is a lot of rhetoric around how these trusts will enable "great leaders" to spread their influence across the system. It also imagines a future in which trusts will expand or contract according to their performance. They will compete with one another, thus offering parents and pupils a choice. Local authorities are described as "monopoly providers".

It is now apparent (see above) that academies can't be shown to be more effective than maintained schools. Nor is there evidence to show that MATs are more effective than local authorities – in fact quite the opposite. Even the Tory LGA education chair Roy Perry said that *"Only 15% of the largest academy chains perform above the national average in terms of progress made by pupils, compared with 44% of councils, while more than 80% of maintained schools are rated as "good" or "outstanding" by Ofsted.*

Sir Michael Wilshaw has been even more scathing. Not only did he say that *"the published letters to seven MATs highlighted serious weaknesses that were contributing to poor progress and outcomes for too many pupils"* but he also found that *"these trusts are failing their poorest children"*. He went on to get very personal in pointing out that *"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. This poor use of public money is compounded by some trusts holding very large cash reserves that are not being spent on raising standards.” (<https://www.gov.uk/government/publications/focused-inspections-of-academies-in-multi-academy-trusts>.)

Against this background, the constant assertions in the white paper that MATs represent the brightest and the best in English education ring very hollow. What is however less often recognised is that MATs involve a massive attack on the ability of individual schools to manage themselves and to exercise the kind of autonomy that ministers claim to think is so important. For example:

- Academies in these trusts have no legal independent existence. The funding agreement is with the trust and the trust has absolute discretion about what powers to delegate to individual schools.
- It is clearly implicit in the White Paper that individual academies will not have their own governing bodies. And of course parents will have no right to sit on governing bodies at any level.
- The land and buildings will be held by the trust and not by the school.
- Academies in trusts will have no right to any particular level of funding. Trusts will be free to ignore the proposed national formula and distribute funding as they see fit. This includes holding back funds for the central operations of the trust (and the salaries of their bosses).
- Trusts will control staffing in their schools. So for example, the White Paper in describing a teacher’s career path can say “after two years, the MAT moves her to a more challenging school”. Not only it seems do schools not appoint their own staff but the staff themselves can be moved at the whim of the trust’s leadership.(White Paper section 3.11)

Taken together, these proposals will take school autonomy back to the pre 1988 world

At the same time, the government is seeking to enforce its own ideas on academies despite all its rhetoric to the contrary. So:

- Academy funding agreements are to be re-written or even scrapped entirely (section 4.42) to ensure that the government can impose by regulations whatever policies it sees fit on academies.
- The government will be able to move schools from one trust to another
- The testing regime increasingly determines what schools can teach – from the insistence on almost all pupils following the full “English Baccalaureate” to Nick Gibb’s pronouncements on when he will allow pupils to use exclamation marks.
- The government will decide when and where new schools will open through the Free School programme.
- The government will take the freehold of all local authority land that is part of the site of an academy.

The key challenge will be how to find very many new sponsors. There is a hint that the government expects local authority staff to set up MATs in their areas something that could be an interesting way of subverting the process.

4. The Future of Local Authorities

The White Paper is somewhat less aggressive than usual about the performance of local authorities and maintained schools. Given the data, this is perhaps not surprising. Instead, it develops the argument that local authorities are monopolies and that MATs offer choice and competition.

It is of course obvious that within any local authority, there are schools of every kind with different specialisms, different cultures and different educational approaches. No local authority seeks to impose a uniformity of approach on its schools – whereas of course chains like Harris do exactly that.

Essentially the White Paper is arguing that market pressures as interpreted by Regional School Commissioners will address weaknesses. The answer is simply to replace Tesco with Sainsbury. And if that doesn't work, try Asda.

SEA's view is that constant structural upheaval is counter-productive. If local authorities or schools are not effective, they need support and challenge in order to improve. The "football manager" approach to school improvement is not appropriate.

The White Paper claims to be in line with the government's overall approach to devolution. But in fact, in many other areas of policy, local and combined authorities are being given greater control over their areas – albeit in a poorly funded, muddled and inconsistent way. What it is consistent with is the government's drive to hand over public services to private unaccountable bodies.

The residual functions for local government are seen to be:

- Ensuring there are adequate school places
- Provision for vulnerable pupils
- Championing children and families.

However their powers will be severely constrained. They will have no control over when and where Free Schools appear and no power to insist that academies expand or contract in line with local demand. If they perceive issues affecting children and families, they will have no power to take any action beyond ringing up the Regional Schools Commissioner. Complaints will go directly from governing bodies to the DfE. No one will be authorised to ensure that admissions criteria are fair and give all parents equal access to good schools.

Maintaining provision for vulnerable pupils will be a severe challenge for local authorities with little authority and few resources. Severe budget cuts will reduce the support available. Many academies have a shocking record in refusing to take more challenging pupils and in getting rid of them if they are forced to initially admit them. This is set out in detail at

<http://www.theguardian.com/education/2014/jan/21/gcse-pupils-disappearing-from-school-rolls>.

5. Parents

There is a lot of hot air about parental involvement in the White Paper. For example:

1.58 describes “an academised system, where schools will be more locally accountable to academy trusts with whom parents have a direct relationship”

4.49 says “Our approach puts parents and children first, not through symbolic representation on a governing board, but through engagement with schools, a voice in the key decisions about their child’s school”

Subsequently Lord Nash has rushed out a commitment to all schools being required to have a parents’ council – clearly the freedom for schools to manage their own affairs as they see fit has hit the buffers very quickly.

It is completely unclear how any of this will work. The record so far suggests that in reality ministers see parents as trouble-makers who need to be told what’s best for them.

There will no doubt be a range of talking shops where the powers that be will supposedly listen to parents. But decision making will continue to be by “professional” boards, civil servants and ministers behind closed doors. Any parents who become governors will have been selected by the ruling trust, not elected by fellow parents.

Parents will have no right to stop their school becoming an academy. They will have little or no say in which chain they are made to join. If things go wrong, they have to complain not to anyone local that they can actually talk to but to faceless civil servants at the DfE.

6. School Improvement

The White paper states that “We intend to legislate so that responsibility for school improvement will sit squarely with the best leaders and the best schools”. Quite what this means is unclear. But the description of the proposed school improvement structure involves:

- A key role for MATs in managing performance across their schools
- A network of teaching schools and National Leaders of Education across the country
- A network of private consultants and firms licensed by the DfE to provide school improvement services.

A huge level of expectation is to be placed on “great schools and great leaders”. Just one example illustrates how wildly unrealistic some of this is: “a Head of Subject in an MAT could lead that subject in 30 schools”. How anyone could do this while still running their own department is pretty baffling.

The expectation has to be that the staff of MATs and the Regional Commissioners will guide schools through the maze of options available to them. Quite how this is different from what local authority

school improvement advisers used to work is not obvious, except that it will be more expensive and open to every kind of conflict of interest and abuse of public money.

7. School Staff

Unexpectedly, the White Paper proposes significant changes to teacher qualifications. QTS will be scrapped and “full accreditation will only be achieved after teachers have demonstrated their proficiency over a sustained period in the classroom”. It is unclear what the status (and pay) of a teacher who has yet to be accredited will be. Nor is it clear how long a teacher can continue without being accredited or indeed how long it will take to become accredited.

This change is justified by comparison with other professions that require both initial training and a period of work before qualification is achieved. However, of course, this is currently the case for teachers who have to successfully complete an induction year in order to carry on teaching. This requirement goes completely unmentioned in the White Paper.

In the new system, heads will be responsible for accrediting new teachers with oversight from a teaching school. The role of universities in initial teacher training is to be further diminished as they are cut out of the accreditation process.

What there does not seem to be is any right for the teacher to ask to be assessed or to challenge the process. It means that teachers seeking accreditation will be at the mercy of their heads and senior staff. This will be a very unbalanced power relationship.

Despite all this however, it is clear that academies (ie all schools in future) can actually do anything they like – initial training will not be a requirement and they will decide individually how much attention to pay to the new accreditation system. Can we imagine financially pressed heads resisting accrediting teachers in order to save money?

A fully academised system will mean the effective end of national pay and conditions agreements as no school will be bound by them. This has to be seen as an important step in the government’s drive to undermine the education trade unions. The outcome will be a system where heads and MAT’s are able to impose any terms and conditions they see fit on issues ranging from pay to sickness arrangements, working hours and workload agreements. Some chains already require all salary details to be confidential so there is no way of ensuring all staff are treated fairly and equally.

8. The Curriculum and Testing

The curriculum section of the White Paper largely repeats familiar material about the revised National Curriculum which is promoted as “knowledge based” and “academically rigorous”. It will of course, in a fully academised system, be purely a recommendation.

But the White Paper confirms plans for a continuing expansion of testing, something which is becoming an obsession. Not only is this hugely damaging to pupils but it is also the way in which ministers will impose their views on teaching and the curriculum by the back door.

The current National Curriculum has been roundly derided by many experts. It is clear that ministers (notably Nick Gibb) are playing an entirely inappropriate role by imposing their particular whims on the system. But it is also the case that some of the examples in the White Paper actually undermine some of the government's own assertions:

6.4 states *"No matter how skilled they are as readers, children cannot fully understand what they are reading unless they know the meaning of the words and references in the text"*. Where does this leave the commitment to a phonics test that is purely about decoding?

6.39 describes very positively the approach of School 21 in Newham which breaks just about every government assumption about teaching – it focusses heavily on cross curricular projects and speaking and listening, something which Nick Gibb is reputed to have described as "idle chatter".

6.43 to 6.47 are about improvements to PSHE – but it is still not to be a compulsory element of the curriculum. And amongst all the pious talk of addressing mental health issues, there is of course no mention of the savage cuts in children's mental health provision.

6.22 claims that the new A levels – based exclusively on final examinations – prepare students for undergraduate study. Yet university courses are now commonly structured around modular assessment and value research far more than simple memorisation. As of course does the modern workplace.

Andreas Schleicher, of the OECD has recently been highly critical of England's maths curriculum. He said that much maths teaching is "superficial" focusing on memorisation and learning facts, rather than mathematical concepts. *"In fact, when you think about memorisation, rote learning, when I ask who comes out on top (in this)?, they will say China. But actually England comes out on top. There is a lot of emphasis on the memorisation of relatively shallow knowledge, where students have much less exposure to the deep under-pinning concepts."* So, of course, the government's latest brainwave is to test pupils' memorising of multiplication tables.

There is also a proposal to improve careers provision – somewhat ironic given that the coalition demolished independent careers advice after 2010.

9. Accountability and Resources

The final sections deal with how schools will be accountability and with funding issues. In large measure these repeat existing policy. They include more testing of pupils, changes to performance tables and the national funding formula all of which are already familiar. One small positive is the suggestion that some kind of data on MAT's will be published.

10. Other commentaries on the White Paper

<https://disidealist.wordpress.com/2016/03/20/the-mysterious-case-of-the-disappearing-schools-how-state-schools-will-be-privatised-without-anyone-noticing/>

<http://www.theguardian.com/education/2016/mar/20/michael-rosen-on-academy-schools-local-democracy-bites-the-dust>

<http://michaelrosenblog.blogspot.co.uk/search?updated-max=2016-04-05T21:10:00%2B01:00&max-results=7>

<http://www.bbc.co.uk/news/education-35863461>

<https://www.tes.com/news/school-news/breaking-views/eleven-odd-things-about-education-white-paper>

www.bera.ac.uk/blog/the-2016-education-white-paper-a-response (by Chris Husbands)

<http://www.naht.org.uk/welcome/news-and-media/blogs/warwick-mansell/the-white-paper-and-what-it-says-about-professionals/>

http://www.theguardian.com/education/2016/mar/24/conservative-councillors-angry-academy-plans-nicky-morgan?CMP=Share_AndroidApp_Email