



House of Commons  
Education Committee

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# Academies and free schools

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**Fourth Report of Session 2014–15**

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## The Education Committee

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## Summary

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The landscape of schooling in England has been transformed over the last five years. Academy sponsorship has encouraged and facilitated the contribution of individuals not previously involved in education provision and laid down a challenge to maintained schools to improve or face replacement by the insurgent academy model. The development of outstanding Multi Academy Trusts like Ark and Harris offers an alternative system to the one overseen by local authorities while the unified Ofsted inspection regime and published performance data generally allows fair judgement of comparative performance.

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. This is partly a matter of timing but more information is needed on the performance of individual academy chains. Most academy freedoms are in fact available to all schools and we recommend that curriculum freedoms are also extended to maintained schools.

We welcome the appointment of the regional schools commissioners as a step towards making oversight more local again, but any lasting solution will need to be more local still and develop effective working with local authorities. Local authorities cannot embrace their new role as champions of local children, families and employers, rather than of school themselves, without codification of their roles and responsibilities in relation to academies.

The Education Funding Agency must enhance the transparency and accountability of its monitoring of academy funding agreements. Together with the RSCs, it must deal effectively with parental complaints about academies. We also recommend that its regulatory and funding roles should be split in order to restore public confidence.

Our report examines concerns regarding the oversight of sponsors and chains. The DfE should publish data on the performance of individual schools and trusts. It should set out the process and criteria by which sponsors are authorised and matched with schools, as well as the process and criteria for reviewing and renewing funding agreements. The length of these agreements should also be reviewed, with a view to reducing the model agreement to five years. Conflicts of interest in trusts are a real issue and the DfE should take further steps to strengthen governance in trusts.

The DfE should be more open and transparent about the accountability and monitoring system for chains and the criteria used to pause their expansion. It should create a mechanism for schools to be able to leave academy chains where appropriate, and it should publish a protocol for dealing with the failure of a large chains and for how individual schools will be treated when a chain can no longer run them. Ofsted should be given the power to inspect academy chains.

There is at present no convincing evidence of the impact of academy status on attainment in primary schools. The DfE should commission such research as a matter of urgency. The primary sector benefits more from collaborative structures, whether with or without academy status. Maintained schools in federations should be eligible for funding to assist

collaboration through the Primary Chains Grant.

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. The DfE should make clear how the competition for free school funding is decided and the relative weight it gives to each of innovation, basic need, deprivation and parental demand. The DfE should ensure that local authorities are informed of any proposal to open a free school in their area. It should also collect statistical information on the intake of free schools and monitor the effect of newly created schools on the intake and attainment of neighbouring schools.

Academisation is not always successful nor is it the only proven alternative for a struggling school. Both academies and state maintained schools have a role to play in system-wide improvement by looking outwards and accepting challenge in order to ensure high quality education for all children. Of the 21,500 state-funded schools in England, 17,300 are maintained schools and 4,200 are academies. The Government should spell out its vision for the future of schools in England, including the structures and underpinning principles that will be in place in the next five to ten years. Any future government will have to examine whether the existing dual system of oversight and intervention is beneficial.

The DfE needs to be far more open about the implementation of the academies programme: it has much to gain from transparency and clarity over its processes. The conversion of schools to academy status has been exceptionally fast by international standards. We recommend that the DfE review the lessons of the wholesale conversion of the secondary sector to inform any future expansion.

# 1 Introduction

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## Our inquiry

1. Academies are independent state schools that are funded directly by the Government and not through a local authority. The academies programme began under the last Government as a means to address chronically underperforming schools, with the first such schools established in 2002. Their number grew slowly: in July 2010 (the end of the academy reporting year) there were 203 academies in England.<sup>1</sup> The Coalition Government made the extension of the academies programme a flagship policy, increasing the numbers by encouraging and sometimes compelling underperforming schools to become sponsored academies and enabling all schools to convert to academy status, either on their own (for schools judged by Ofsted to be outstanding or good) or as part of a wider academy trust or with a sponsor. As a result of this policy change, by December 2014 there were 4,344 open academies, including over half of all secondary schools in England.<sup>2</sup>

2. A second major policy priority at the Department for Education (DfE) from May 2010 was the creation of free schools, which are a specific type of academy set up and run independently of local authorities, based on proposals by groups of educators, parents, charities and others. Twenty-four free schools opened in September 2011. By 28 October 2014 there were 252 open free schools, with a further 111 opening in 2015 and beyond. Of those already open, 107 are secondary schools, 94 primary schools, 37 'all through' and 14 for those aged 16-19 years.<sup>3</sup>

3. The growth in the number of academies and free schools and the significance of their impact on the educational landscape in England led us to decide that it would be timely to undertake a major inquiry into this area. We therefore put out a call for evidence on the following aspects of the academies and free schools programme:

- The effectiveness of academisation in narrowing the gap for disadvantaged children, and what further steps should be taken within the academies system to bring about a transformational impact on student outcomes;
- The process for approving, compelling and establishing academies and free schools, including working with sponsors;
- The role of the Secretary of State in intervening in and supporting failing academies, and how this role will work as the programme expands;
- The functions and responsibilities in relation to academies and free schools of local authorities and other organisations operating between the Secretary of State and individual schools; what these functions and responsibilities should be; and what gaps there are in support for schools at this level;

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1 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721

2 DfE academy release December 2014

3 List of all free schools: open or in pre-opening stage, DfE, 28 October 2014. Academies also include two further types of new schools, University Technical Colleges and studio schools, which we do not examine in this report but which are explained in footnote 7 below.

- What role academy chains play or should play in the new school landscape; how accountable they are; and what issues they raise with regard to governance arrangements;
- The appropriateness of academy status for primary schools and what special factors apply; and what evidence there is that academy status can bring value for money either for individual primary schools or for the system as a whole;
- What alternatives to sponsored academy status should be offered to failing primary schools.

4. We received around 140 written submissions from a wide range of witnesses and held ten sessions of oral evidence, hearing from nearly fifty individuals, representing many different organisations. The memorandum submitted by the DfE failed to address our terms of reference and instead presented a sustained paean of praise to the success of the policy. In consequence, we called DfE officials as witnesses to put on the record facts about the programme and how it was run. We supplemented these formal procedures with an informal seminar with experts which helped shape our inquiry, and with visits to Hull and to Boston and New Orleans in the US to learn more directly from the experiences of those involved in transforming schools. Outline programmes for the visits are annexed to this Report.<sup>4</sup>

5. We have benefitted from the expertise and assistance of two special advisers appointed specifically for this inquiry (Professor Becky Francis and Professor Stephen Machin) and of our standing adviser on education matters (Professor Alan Smithers).<sup>5</sup>

6. The DfE Permanent Secretary, Chris Wormald, told the Committee of Public Accounts (PAC) in November 2014 that “In the early days of [the expansion of the academy programme], the Government was taking the view that what it needed to do was get a lot of things going and then evaluate what was happening, and build on what was good and stop what was not so good”.<sup>6</sup> Our inquiry set out in a positive spirit to examine the current situation with regard to academies and any need for change. We agree that many good things are happening but now is the time to take stock and make any necessary adjustments. We expect the DfE to engage positively with our report in that spirit.

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4 See Annex A and Annex B

5 Professor Becky Francis, Professor of Education and Social Justice, King’s College London, declared interests as a member of the Labour party, as a member of Amnesty International and in the form of consultation with the Sutton Trust on potential research project on academies. Professor Stephen Machin, Professor of Economics at University College London and Research Director of the Centre for Economic Performance at the London School of Economics, declared an interest as a member of Low Pay Commission (BIS) until April 2014. Professor Alan Smithers, Director of the Centre for Education and Employment Research, University of Buckingham, declared no interests relevant to the inquiry.

6 Oral evidence taken before the taken before the Public Accounts Committee on [17 November 2014](#), HC (2014-15) 735, Q171



## Background

7. Academies can be divided into two types: sponsored and converters. There is a separate, smaller category of newly established schools which includes free schools, University Technical Colleges and studio schools.<sup>7</sup>

8. Sponsored academies are typically previously underperforming schools which have been compelled to convert: of the 1,112 sponsored academies in August 2014 93% had been formed from underperforming maintained schools.<sup>8</sup> The process involves a sponsor setting up an academy trust which then signs a funding agreement with the Secretary of State for Education on how the academy must operate. Sponsors are responsible for the finances and performance of their school or schools, selecting the governing body and recruiting the headteacher. They are not required to provide additional funding of their own and will receive a grant from the DfE for pre-opening costs of up to £150,000 for a sponsored secondary school or up to £110,000 for a primary or special school.<sup>9</sup>

9. An academy trust may operate a single school but may also be responsible for a chain of schools. The DfE uses the term academy chain to describe groups of three or more schools. In June 2014, there were 192 chains of three or more academies with a single sponsor.<sup>10</sup> In June 2014, the largest chain had 74 schools, meaning that it oversaw more schools than some local authorities, but the majority are much smaller.<sup>11</sup> Dominic Herrington, then Director of the Academies Group, DfE, told us in February 2014:

A really interesting thing that has happened in academies over the last year is that the fastest growing type of academy sponsor is a school. We have 557 academy sponsors. The majority of those are schools—outstanding converters sponsoring other schools. The number of sponsored academies in the largest 10 chains is actually quite small as a proportion of the total number of academies. It is only about a third of the proportion of all sponsored academies. The picture that is emerging for us is not one of lots of big chains but one of lots of small [chains] sponsored by other schools.<sup>12</sup>

10. Chains of schools may operate as multi-academy trusts (MATs), where the trust has a single funding agreement with the Secretary of State and supplementary agreements for the individual schools within the trust. All academies in the MAT are run by a single board of directors. Although the MAT may decide to delegate some functions to school-level governing bodies, the MAT remains accountable for the schools and can take all decisions on how the schools are run.

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7 University Technical Colleges are academies offering 14 to 19 year olds technical education in one or two specialisms; studio schools are also aimed at this age group and are small institutions emphasising skills needed for employment.

8 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p30

9 <https://www.gov.uk/sponsor-an-academy> (accessed on 19 January 2015)

10 Chain effects: the impact of academy chains on low income students, Merryn Hutchings, Becky Francis and Robert De Vries, Sutton Trust (July 2014).

11 Hutchings, Francis & deVries (2014)

12 Qq 10, 103

11. It is possible for academies to enter into a different type of grouping known as an umbrella trust, whereby each school converts separately to academy status, with its own funding agreement, but they then come together to share governance and services.

12. Information supplied by the DfE in January 2014 shows the number of schools in England in a MAT or an Umbrella Trust.<sup>13</sup> It can be seen that the majority of MATs and UTs are very small (fewer than five schools) but well over half the academies in MATs are in a chain of more than five schools.<sup>14</sup>

Multi Academy Trusts			Umbrella Trusts		
Number of schools in MAT	Number of MATs	Number of schools	Number of schools in UT	Number of UTs	Number of schools
1	187	187	1	0	0
2	243	486	2	5	10
3	111	333	3	3	9
4	65	260	4	1	4
5+	137	1356	5+	5	47
Total		2622	Total		70

Source: DfE

13. The NAO found that the rate at which maintained schools are becoming sponsored academies has increased: “the Department opened over three times as many sponsored academies in 2012/13 as 2011/12 [... and] opened a further 376 sponsored academies by the end of 2013/14”.<sup>15</sup> From the start of academic year 14/15 to December 2014, an additional 154 sponsored academies had opened.<sup>16</sup>

14. Nevertheless, the rapid growth in the number of academies over the last four years has been fuelled mainly by converters: schools voluntarily becoming academies. These schools also have a funding agreement with the Secretary of State and are formally established as academy trusts. Unlike sponsored academies, they are previously outstanding or good schools, typically with low numbers of disadvantaged children amongst their intakes. Twenty-nine schools converted in September 2010. By the end of July 2011, 529 converter academies were open, followed by a further 1,058 between August 2011 and July 2012 and 731 between August 2012 and July 2013.<sup>17</sup> By 1 December 2014 a total of 3,062 schools had converted to academy status as part of the Coalition programme.<sup>18</sup> This is greatly in excess of the DfE’s prediction at the time of the Academies Bill in 2010 that 200 schools would convert each year in the first few years of the programme.<sup>19</sup>

13 Department for Education ([AFS01.12](#)) para 8

14 The DfE supplied a similar table in February 2013 which showed over 200 schools in UTs. Since then the DfE has adopted a tighter definition of umbrella trusts for the purposes of its management information.

15 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p30

16 DfE academies update December 2014

17 Academies Annual Report 2012-13, DfE

18 DfE academies update December 2014

19 Academies Bill- Impact Assessment, DfE (May 2010)

15. Whilst secondary schools led the way in adopting academy status, the number of primary schools which are academies (2,299) now exceeds the number of secondaries (1,884).<sup>20</sup> As a proportion of all schools in England, however, academies constitute 13% of primaries compared to 60% of secondaries.<sup>21</sup>

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20 Information supplied by the DfE. Figures correct as of 1 December 2014.

21 Report of HMCI of Education, Children's Services and Skills 2013/14: Schools (hereafter Ofsted Annual Report on Schools 2013/14), p.7

## 2 Evidence of effect of academy status on standards and closing the gap

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### Government policy

16. The DfE's long-term vision, as set by its board, is that of a "highly-educated society in which opportunity is more equal for children and young people, no matter what their background or family circumstances".<sup>22</sup> To achieve this, the Department has identified five "mutually reinforcing strategic aims":

- raising standards of educational achievement;
- closing the achievement gap between rich and poor;
- reforming the schools system;
- supporting all children and young people, particularly the disadvantaged; and
- improving the effectiveness and efficiency of the Department.<sup>23</sup>

The Department considers that the academies programme is central in achieving these aims and has therefore been restructured to support it. The DfE's latest Annual Report states that "As part of that drive for improvement, the Department has substantially expanded its Academies programmes. These are the most resource-intensive of the Department's discretionary work, driven by Ministerial priorities."<sup>24</sup>

17. Reiterated statements by Ministers, most markedly the previous Secretary of State, Rt Hon Michael Gove MP, attest to the strength of the belief within the DfE that academisation can and will lead to school improvement and to the narrowing of the attainment gap between advantaged and disadvantaged children. It is therefore appropriate that the effectiveness of academy status should be measured by means of Ofsted ratings, general progress of all students and improved outcomes for disadvantaged students in particular. These different elements have often been conflated in analysis and even 'spun' by both supporters and detractors of the academies programme. It is important to recognise from the start that sponsored academies have usually replaced struggling schools; starting from a low base, they could be expected to improve at a faster rate than the national average. Likewise, converters largely represent those schools rated Good or Outstanding by Ofsted and so could be expected to have higher than average attainment. Statistically, both could be expected to revert to the mean. It is therefore imperative that these different indicators of success are distinguished and addressed if analysis of impact is to be meaningful and robust.

18. Given the very different nature of sponsored and converter academies, it is also appropriate to examine the evidence for effectiveness separately for the two groups.

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22 DfE Annual Report and Accounts 2012-13, para 2.1

23 Ibid, para 2.2

24 Ibid, para 2.3

Evidence for the latter is very sparse, because of the short time that they have been in operation in any number. Evidence for the former is often drawn from examination of the impact of the pre-2010, Labour Government sponsored academies programme, which differed from the Coalition programme in terms of scale and funding.<sup>25</sup>

## Link between school autonomy, collaboration, accountability and attainment

19. The DfE stated that “autonomy and accountability are the two key pillars of academies reform” and that “International evidence shows that greater autonomy drives up educational standards, and is most effective when coupled with accountability”.<sup>26</sup> A third factor is how far improvements spread throughout the system. The DfE cited research from the Organisation for Economic Co-operation and Development (OECD) which found that “At the country level, the greater the number of schools that have the responsibility to define and elaborate their own curricula and assessments, the better the performance of the whole system, even after accounting for national income”.<sup>27</sup> The DfE also referred to research into the effectiveness of charter schools in the United States in closing the gap between disadvantaged students and their peers,<sup>28</sup> and further US work showing that “the improved performance of autonomous schools can improve the quality of schools in the neighbouring area”.<sup>29</sup>

20. Andreas Schleicher, the Deputy Director for Education and Skills at the OECD, expressed his strong support for the principle of the value of autonomy. He told us: “What our data do show is that school systems which offer a greater deal of school autonomy tend to have higher performance, but they do not say anything about trends”.<sup>30</sup> He also told us: “I view the trend towards academies as a very promising development in the UK, which used to have quite a prescriptive education system, if you look at this through international comparison”.<sup>31</sup> He cited a number of caveats to the link between autonomy and raising standards, explaining that “We cannot say that increasing school autonomy will necessarily yield an increase in outcomes because autonomy always operates in a context”.<sup>32</sup> He later added that, in creating a high-performing education system, “there are many aspects that are at least as important [as autonomy]: the level of standards, the level of people you get

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25 See p22 of the report of the Academies Commission, *Unleashing greatness* (January 2013), for further details on policy changes and the different types of academies

26 Department for Education ([AFS0066](#)) pp1, 2

27 Department for Education ([AFS0066](#)) para 7, citing OECD (2013) – PISA 2012 results: *What Makes Schools Successful? Resources, Policies and Practices* (Volume IV).

28 *Ibid*, citing Dobbie W., and Fryer R. (2011) *Getting Beneath the Veil of Effective Schools: Evidence from New York City*. NBER Working Papers, No. 7632; Hoxby, C.M., Murarka, S., and Kang, J. (2009) *How New York City’s Charter Schools Affect Achievement*, The New York City Charter Schools Evaluation Project 2009

29 Department for Education ([AFS0066](#)) para 10, citing Bettinger, E. (2005) *The effect of Charter Schools on Charter Students and Public Schools*, *Economics of Education review*, 24 133-147; 5 Hoxby, C.M. (2002) *School Choice and School Productivity (or Could School Choice be a Tide that Lifts All Boats?)* National Bureau of Economic Research Working Paper 8873; Booker, K., Gilpatric, S.M., Gronberg, T. and Jansen, D. (2008). *The Effect of Charter Schools on Traditional Public Schools in Texas: Are Children who stay behind left behind?* *Journal of Economics* 64, 123-145.

30 Q178

31 Q180

32 Q178

into the teaching system and the investment countries make in their teachers”.<sup>33</sup> Far from criticising the extent of autonomy, Mr Schleicher argued that the UK’s increased managerial autonomy should be extended to curriculum and teaching. He judged that “With regard to resource management [...] there are a very few countries with such a high level of discretion in schools’ capacities to manage their resources, make funding decisions and so on” as England but he was “not so sure” that English schools had high levels of autonomy with regard to “curriculum and instructional policies and practices”.<sup>34</sup>

21. Andreas Schleicher stressed the importance of accountability and inspection in ensuring that autonomous schools achieve results. He told us: “the more autonomy you provide to schools, the more discretion schools have, the stronger the system you build around it to share good practice and knowledge and make sure you have effective ways to deal with underperformance”.<sup>35</sup> The OECD rated England “very strongly on the accountability system”, with “a good combination [of ...] internal evaluation, external evaluation, inspection and the testing regimes”.<sup>36</sup>

22. Mr Schleicher also told us that “the only area of decision-making that has a measurable impact on outcomes is the level of decision-making at the school”.<sup>37</sup> One paradox of the academy programme is that for schools in chains it may well lead to less autonomy at the school level than in maintained schools. Decision-making within a chain is a matter for the trust and, as David Wolfe QC pointed out, is “subject to how much it decides to delegate down to a local governing body”.<sup>38</sup>

## Sponsored academies

### *Improvement in attainment*

23. The DfE painted a very positive picture of the impact of academisation upon schools which had become sponsored academies, stating that:

In 2013, in secondary sponsored academies, the percentage of pupils achieving five or more good GCSEs rose by 1.8%. As academies mature, they continue to improve. Sponsored academies that have been open for three years have improved by 12% since opening (to 48.2%), compared to a 5% increase in maintained schools over the same period.<sup>39</sup>

24. The latest data from Ofsted shows that there has been a “positive and sustained impact on attainment” achieved by sponsor-led academies, although it also shows that “improvement in those that have been open the longest is beginning to slow as they reach national levels of attainment and results are declining in some individual sponsored

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33 Q198

34 Q183

35 Q188

36 Q222

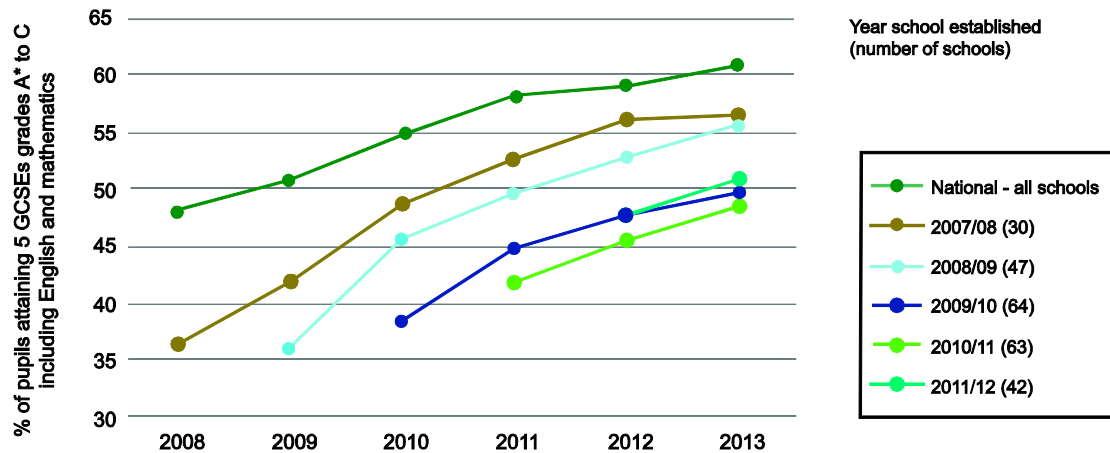
37 Q189

38 Q944 [David Wolfe QC].

39 Department for Education ([AFS0066](#)), para 25, based on DfE analysis of 2013 performance tables data (KS4 provisional and KS2 revised)

academies” (see figure 1 below).<sup>40</sup> Overall, the level of attainment in sponsored academies (on average) remains below the national average for all schools.

**Figure 1: GCSE attainment in sponsor-led academies over time**



Notes: Schools details based on Edubase at 3 September 2014.

Source: Ofsted

25. The more mature sponsored academies (those open for more than four years) are schools established under the previous Labour Government programme. Inevitably, because of the timelag, the DfE’s own analysis referred to academies open prior to 2010, rather than those opened as part of the post 2010 academies programme.<sup>41</sup> Ofsted agreed that this group of academies had improved attainment, albeit from a very low baseline. For schools established in the academic year 2007/08:

In the first year of establishment, the performance of these schools was 11 percentage points below the national level for the key GCSE benchmark of 5 or more GCSE passes at A\* to C grade, including English and mathematics. This was exceptionally poor and reflected the weak educational performance of the previous schools. Five years later, these schools had narrowed the gap by eight percentage points.<sup>42</sup>

26. An analysis of the early sponsored academies by Andrew Eyles and Professor Stephen Machin also found that student outcomes rose at a statistically significant rate, even after controlling for change in intake.<sup>43</sup> Within this average overall improvement, there was a lot of variation in the estimated effects, with some big improvers and some not improving.

27. Eyles and Machin stressed that the effects they detected should not be extrapolated to the Coalition academies.<sup>44</sup> In a 2012 article, Professor Machin expressed surprise that his work was “used extensively by supporters of the coalition’s policy on academies”, since “translating the evidence over from the old programme to the new, without appropriate

40 Ofsted Annual Report on Schools 2013/14, p.31

41 Ibid

42 Ofsted ([AF50088](#)) para 8

43 Eyles and Machin, *The Introduction of Academy Schools to England’s Education*, June 2014

43 Ibid

44 Ibid

reservations about whether the findings can be generalised, is, at the moment, a step too far.”<sup>45</sup>

28. Witnesses, including Lucy Heller, CEO of ARK, considered that that it was too early to judge whether Coalition sponsored academies have been a success,<sup>46</sup> but some research is now beginning to emerge on the post-2010 schools. Taking the 2013 GCSE results, the NFER found that “progress between Key Stage 2 and Key Stage 4 outcomes [...] is higher after 2 years in sponsored academies compared to similar non-academy schools”. However, when outcome was measured in GCSE points, excluding equivalent qualifications such as BTECs, the NFER concluded that “Pupil progress in sponsored academies compared to similar non-academies is not significantly different over time”.<sup>47</sup> This reflects an established trend for sponsored academies to make greater than average use of equivalent qualifications.<sup>48</sup> The Government has been concerned at the extent to which equivalents are taken, and has significantly reduced the number of equivalent qualifications that count for the 2014 league tables.<sup>49</sup>

29. The DfE dismissed the NFER’s research as “limited, particularly as it considers change over only a two year time period when we know from our own published analysis, that the longer sponsored academies are open, the better they do”.<sup>50</sup>

### ***Closing the gap***

30. Sponsor-led academies are often concentrated in disadvantaged areas: Ofsted told us that half of all such academies were located in the most disadvantaged communities compared to just over 10% of converters, with “well above the national average” proportions of students eligible for free school meals.<sup>51</sup> The DfE told us that “sponsored academies do better for the most deprived”, on the basis that “In 2012, the proportion of FSM pupils gaining five or more good GCSEs (including English and mathematics) increased by 2.4% in sponsored academies, compared to 0.9% in similar LA schools”.<sup>52</sup>

31. Not all witnesses agreed with the DfE’s conclusions on the beneficial effect of sponsored academies on disadvantaged students. Several cited work by Henry Stewart of the Local Schools Network, who has compared data from schools with similar proportions of FSM students.<sup>53</sup> Based on the same 2012 GCSE results, Mr Stewart found that “Academies do better in the 2 least disadvantaged bands but worse in the others”.<sup>54</sup> The Sutton Trust examined the impact on low income students of academy chains operating

45 <http://www.theguardian.com/education/2012/apr/09/labour-academies-research-coalition-programme>

46 Q405

47 Analysis of academy school performance in GCSEs 2013: Final report, NFER (July 2014), p4

48 DfE 2012, cited in Academies Commission, 2013; Hutchings, Francis & DeVries; Wrigley and Kalambuka, 2012

49 DfE (2012b) press release, 30 January 2012

50 DfE, supplementary evidence November 2014 - Department for Education ([AFS0137](#)) p2

51 Ofsted ([AFS0088](#)) para 10

52 Department for Education ([AFS0066](#)) para 30, based on DfE (2013): Attainment by pupils in academies 2012: supplementary analysis to the academies report 2011/12

53 Eg. Socialist Educational Association (AFS0020); Save Downhills campaign (AFS0055); Q1069 [Kevin Courtney]

54 Local Schools Network ([AFS0054](#)) p1



from at least September 2010 to July 2013 and found a more varied picture.<sup>55</sup> The Trust's research concluded that:

On average, the improvement for disadvantaged pupils in 5A\*CEM in sponsored schools in the analysis group was greater than the average for all mainstream schools between 2011 and 2013. However, there was enormous variation between chains, with only 16 out of 31 exceeding the figure for all mainstream schools in 2013.<sup>56</sup>

32. Looking at schools that converted between 2002 and 2007 and from 2008 to 2009 (again pre-Coalition academies), Machin, working with Dr Olmo Silva, examined the impact of sponsored academies on the attainment of pupils in the bottom tail of the achievement distribution.<sup>57</sup> Machin and Silva concluded that “the effects of academy conversion are insignificantly different from zero—and possibly negative for later conversions—in the bottom 10% and 20% of the ability distribution, suggesting no beneficial effects on tail students in academies”.<sup>58</sup> They hypothesised that this was due to the influence of the accountability framework, which concentrates on final attainment rather than educational progression.<sup>59</sup> If this is the case, the introduction of the new Progress 8 measure may have a positive effect on the achievement of disadvantaged students in academies, as indeed it is designed to do in all schools.

33. Ofsted pointed out that sponsor-led schools have higher than average proportions of students from ethnic minority backgrounds and that those schools with high proportions of such students are “the most successful in terms of the end of Key Stage 4 attainment of disadvantaged students and reducing the size of the ‘attainment gap’”.<sup>60</sup> As our recent report on *Underachievement in education by white working class children* has shown, the challenge for these schools is to address the comparatively poor performance of all their disadvantaged students, including white British pupils.<sup>61</sup>

### **School improvement**

34. Ofsted ratings may be taken as a measure of the overall effectiveness of a school. Again, it is important to remember that sponsored academies are starting from a low base and it might take time for improvements to show in inspection results. According to Ofsted in December 2013 56% of sponsor-led academies were good or outstanding, compared to 78% of all schools. This proportion “varies widely across the country”, with 85% of sponsor-led academies in London rated good or better compared to 33% in the East of

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55 Chain effects: the impact of academy chains on low income students, Merryn Hutchings, Becky Francis and Robert De Vries, Sutton Trust (July 2014). 5A\*CEM means gaining five GCSEs at grades A\* to C, including English and Maths, which is the standard performance measure for secondary schools.

56 Ibid, p.4. 5A\*CEM means gaining 5 GCSEs at grades A\* to C, including English and Maths (the standard performance measure for schools)

57 School structure, school autonomy and the tail, Stephen Machin and Olmo Silva, Centre for Economic Performance Special Paper no. 39 (March 2013)

58 Ibid, p9

59 Ibid, p12

60 Ofsted ([AF50088](#)) para 11

61 Education Committee, First Report of Session 2014-15, [Underachievement in Education by White Working Class Children](#), HC 142

England.<sup>62</sup> Of the 159 sponsor-led secondary academies inspected by Ofsted between 1 September 2013 and 31 August 2014, the national picture showed 7% were outstanding, 23% were good, 45% required improvement and 25% were inadequate.

35. There is some evidence that the change in status might lead to improved standards. Eyles and Machin found that for city academies, the trend amongst schools that had been judged to be inadequate prior to becoming an academy was generally positive, and many such schools moved out of the bottom Ofsted categories. On average, the pre-2010 sponsored academies moved up more in Ofsted inspection rankings than comparable schools.<sup>63</sup>

### **Differences between chains**

36. A key finding, whether examining attainment, improvement or closing the gap, is that there is significant variation between the performance of different chains. Ofsted's Annual Report on Schools for 2013/14 found that several MATs had succeeded in raising GCSE attainment above the national average in 2013, including the Harris Federation where attainment had risen to 73.3% (five GCSEs at A\* to C) for all pupils and to 67.6% for children eligible for free schools meals.<sup>64</sup> The Sutton Trust also found that there were several high-performing chains. On the other hand, the Trust researchers pointed out that "most [chains] are not achieving distinctive outcomes compared to mainstream schools; and there are actually more that perform significantly worse, than there are chains that perform significantly better".<sup>65</sup> The Sutton Trust concluded that "The very poor results of some chains—both for pupils generally and for the disadvantaged pupils they were particularly envisaged to support—comprises a clear and urgent problem" and that there was "a pressing need for further monitoring and transparent provision of publicly available data in order to ensure accountability".<sup>66</sup>

37. It is worth noting that, notwithstanding this warning, the Sutton Trust found that sponsored academies in chains on average outperform solo sponsored academies.<sup>67</sup>

### **Converter academies**

38. Converter academies have been operating during an even shorter timeframe which makes evidence on their effectiveness even more sparse. Dr Olmo Silva of the Centre for Economic Performance, London School of Economics, told us that "we need at least to wait four or five years in order to be able to see something meaningful". This would allow a

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62 Ofsted ([AF50088](#)) para 6

63 Machin and Eyles

64 Ofsted Annual Report for Schools 2013/14

65 Hutchings, Francis & deVries (2014)

66 Hutchings, Francis & deVries (2014)

67 Hutchings, Francis & deVries (2014)

cohort of students to go through the full course of secondary education.<sup>68</sup> Other witnesses agreed.<sup>69</sup>

### **Attainment**

39. Converter academies are likely to have been previously high attaining schools, since they required a good or outstanding rating from Ofsted in order to convert. It is therefore not surprising that, according to the more recent DfE Academies Annual Report, covering reporting year 2012/13:

In 2013:

- 81% of pupils in primary converter academies achieved level 4 or above in reading, writing and mathematics, compared to 76% in LA maintained schools;
- 25% of pupils in primary converter academies were above the expected standard at age 11 compared to 21% across all LA maintained schools;
- In secondary converter academies, 68% of pupils achieved five or more A\*-C grades at GCSE including English and mathematics, compared to 59% in LA maintained mainstream schools.<sup>70</sup>

40. The issue for converter academies is therefore whether they can raise attainment still further. Several witnesses highlighted the potential for autonomous schools with affluent intakes to become “coasting” schools or to “go off the boil” and “lose their edge”.<sup>71</sup> In looking at school performance in the 2013 GCSEs, the NFER found that while “Analysis of 2013 exam results appears to show more progress amongst converter academies than all non-academy schools [...] A more robust longitudinal analysis shows no significant difference in attainment progress after two years between converter academies and similar non-academy schools, suggesting the school performance benefits are limited, at least in the short term.”<sup>72</sup>

### **Closing the gap**

41. Ofsted told us that “Although the attainment of disadvantaged students is highest in converter academies [46% 5 GCSEs at A\*-C in 2013, compared to 40% in sponsored academies and 42% in maintained schools], it is still well below that of students from more advantaged backgrounds”.<sup>73</sup> The gap at the end of Key Stage 4 in 2013 was 27 percentage points in converters and 20 percentage points in sponsored academies.<sup>74</sup> There was regional variation again in these results, with London schools of all types cited as examples

68 Q298

69 Q298 [Henry Stewart, Dame Sally Coates, Gabriel Sahlgren]

70 Academies Annual Report: Academic year: 2012/2013, DfE (July 2014)

71 Q844 [David Blunkett]; Q403 [John Clarke]

72 Analysis of academy school performance in GCSEs 2013: Final report, NFER (July 2014), p4

73 Ofsted ([AF50088](#)) para 13

74 Ibid, para 14

of where attainment had been raised for all children at the same time as the attainment gap had been narrowed significantly.<sup>75</sup>

42. The percentage of disadvantaged children in converter academies is also lower than in other types of schools: in 2013 22% of children in converter primaries and 20% in converter secondaries were eligible for free schools meals, compared to 51% in sponsored primary academies and 44% in sponsored secondary academies. The figures for local authority maintained schools were between the two, at 27% and 30% respectively.<sup>76</sup>

### **School improvement**

43. A higher proportion of converter academies than other types of schools are good or outstanding for overall effectiveness: according to Ofsted, “As of 31 August 2013, 88% of converter academies were good or better with over a third outstanding”. Ofsted suggested that this could be because “these schools in the significant majority of cases are good or better when they convert”.<sup>77</sup> Ofsted also pointed out that “there are variations in the overall effectiveness of converter academies across different regions”, ranging from 94% good or better in the North West to 80% in Yorkshire and the Humber.<sup>78</sup>

44. The DfE suggested that academy conversion led to higher school quality for these schools:

Converters do better than LA maintained schools against the new tougher Ofsted framework. Converter academies in both phases are more likely to retain their ‘Outstanding’ rating from Ofsted, with 33% of primaries, and 35% of secondary academies maintaining their rating, compared to 25% and 33% respectively, in maintained schools. Converter academies are also more likely to improve from ‘Good’ to ‘Outstanding’ than LA-maintained schools, with 27% of primary academies, and 16% of secondary academies, compared to just 12% of maintained primaries and 10% of secondaries improving to an ‘outstanding’ rating.<sup>79</sup>

45. Ofsted raised the “concern that some converter academies, albeit a minority, struggle to maintain their previously high performance”.<sup>80</sup> In 2013/14 Ofsted found that 89 converter academies had declined since their previous inspection to requires improvement or inadequate. Of these 66 were stand-alone schools, underlining a general concern about these schools becoming isolated.<sup>81</sup> Ofsted has changed its inspection arrangements to give

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75 Ibid, para 16 and 17

76 Ofsted ([AFS0088](#)) para 10

77 Ofsted ([AFS0088](#)) para 4-5

78 Ofsted ([AFS0088](#)) para 4

79 Department for Education ([AFS0066](#)) para 28

80 Ofsted ([AFS0088](#)) para 5

81 Ofsted, Annual Report of HMCI of Education, Children’s Services and Skills 2013/14, HC841, Session 2014-15, p18, and Annual Report on Schools 2013/14, p6

more frequent attention to those schools at risk of coasting or declining in their overall effectiveness”.<sup>82</sup>

### Raising standards across the local area

46. The aim of a self-improving school system is that as one school improves its own position, it will also raise standards across the local area, either through competition or through collaboration. Dr Silva told us that:

In terms of the systemic improvements an academy might bring about, I had to say that I had very strong hopes to be able to detect a competition-of-choice effect in the UK education system when I started analysing these data a number of years ago. Unfortunately, I was not able to detect any benefit brought around by having more autonomy in the system, at least within the London area, which we analysed a number of years ago, with one exception: the schools that have slightly more autonomous governance tend to respond more to competition incentives.<sup>83</sup>

47. This points to competition being seen as a more significant driver than collaboration in system improvement under current structures. The Secretary of State cited an example from the head of a free school which supported this view:

Since opening our school, the enhanced competition has resulted in standards in the local area rising. A head of another school has openly stated that the opening of our school made him re-evaluate his provision and raise attainment at GCSE by 25%.<sup>84</sup>

The OECD, however, has concluded that collaboration is the key to successful systems.<sup>85</sup>

### Academy freedoms

48. Part of the autonomy of academies arises from the package of ‘academy freedoms’ which comes with the change in status. Academies receive funding direct from the DfE and so have more control over their budgets than state maintained schools. They are required to teach a broad and balanced curriculum including English, mathematics, science and religious studies, but otherwise have the freedom to develop their curriculum to suit their needs. Academies can also set their own term dates and their own school hours. Finally, they can set teacher pay and conditions which differ from those in maintained schools and can employ unqualified teachers.

49. Taken together, the freedoms available to academies create new opportunities for teachers in academies, especially those in chains. Andreas Schleicher suggested that “the potential of academies lies” in the ability to “offer [great] teachers a work organisation that

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82 Ibid

83 Q312 [Dr Olmo Silva]

84 Q1198

85 See, for example, Collaborative culture is key to success, Andreas Schleicher, Times Educational Supplement, 9 March 2013

is simply a lot more attractive to be in”.<sup>86</sup> Dr Silva argued that chains “are particularly attractive for young people who are highly motivated and talented, partly because they promise within-chain careers”.<sup>87</sup> Dame Sally Coates agreed that “in a network you can grow leaders; you can share teachers; you can grow expertise; there is good CPD [Continuing Professional Development]”.<sup>88</sup> She considered that people saw working for ARK academies “as a charity; it is philanthropic; it is making a difference”.<sup>89</sup>

50. Evidence available so far suggests that academies are making limited use of the freedoms available to them. A DfE report in July 2014, *Do academies make use of their autonomy?*, found that few of the ‘headline’ freedoms are being used by academies. Of the post 2010 academies, 14% had changed or planned to change the school day and 9% had changed or planned to change school terms. Sixteen percent had hired unqualified teachers but only 5% currently had on their staff unqualified teachers of whom none were working towards QTS. More than half of those who converted in 2010-12 have changed their curriculum, but that figure falls below half for those schools that have changed status after 2012.<sup>90</sup>

51. SSAT (formerly the Specialist Schools and Academies Trust, now The Schools’ Network) gave evidence that in 2012 “just 31 per cent of sampled academies had made changes to the curriculum following academisation”.<sup>91</sup> Theodore Agnew suggested that the slow take-up of freedoms was only to be expected: “because it is so early in the programme, people are having to get used to these new freedoms”.<sup>92</sup> He added: “There are little pin-pricks of activity happening across the system, and it is really important to remember that and not become frustrated just because there is not this wholesale gallop”.<sup>93</sup>

52. Two thirds of the academies which have made changes reported to the DfE that the change was linked to improved attainment.<sup>94</sup> SSAT concurred that “Those schools that do use the freedoms they have gained are often those that perform most highly and are most successful in closing the gap. It is therefore imperative that academies are encouraged, where appropriate, to use their freedoms and do not feel constrained by accountability measures”.<sup>95</sup> Ofsted told us: “All types of academies must utilise their autonomy to innovate and raise standards. From January 2014, inspectors will pay particular attention to the ways in which these schools are using their additional freedoms to improve outcomes for all types of students.”<sup>96</sup> The DfE is also looking at how to increase the use of freedoms. Among its research priorities as issued in March 2014 are questions on “How do academies/chains use their new freedoms to encourage and unleash innovation?”, “Is there

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86 Q217

87 Q302 [Dr Olmo Silva]

88 Q302 [Dame Sally Coates]

89 Ibid

90 DfE, *Do academies make use of their autonomy?* Research report (July 2014)

91 SSAT ([AF50067](#)) para 7

92 Q893

93 Q893

94 DfE, *Do academies make use of their autonomy?* Research report (July 2014)

95 SSAT ([AF50067](#)) para 7

96 Ofsted ([AF50088](#)) para 20

a risk of particular models hampering innovation?” and “Are there any additional freedoms or accountability measures that would further drive improvement?”<sup>97</sup>

53. The vast majority of academy freedoms are also available to maintained schools, if they choose to exercise them, including performance-related pay and setting up weekend/after school clubs. Dr Silva argued that academies were not doing “anything radically different from what the best schools are doing in a normal system” but that “It is their autonomy with incentives that very often are set in place that allows them to do this, because these incentives bring around this motivation to do it”.<sup>98</sup> He believed that in maintained schools, “this potential for making the school flourish and the pupils have a better experience often relies on individuals who are intrinsically motivated and not incentives that are built into the system”.<sup>99</sup> Sir Daniel Moynihan agreed. After listing measures that Harris had put in place to assist disadvantaged children, he argued that “The local authorities could do any of this, there is no question, but the fact is, for the schools we have, for long periods of time they did not and would not”.<sup>100</sup> Theodore Agnew argued that “the academy programme and the way it is structured allows innovation to happen more easily than in a traditional model”.<sup>101</sup>

54. Anastasia de Waal told us that “I would like to see the autonomy that has been granted to academies granted to all schools”, making clear that she was discussing “professionalism when it comes to teaching”, rather changing pay scales or pay and conditions.<sup>102</sup> David Blunkett MP suggested that one freedom which should be given to all schools was over the curriculum: “there should be a light-touch National Curriculum that provides an entitlement for all children, whichever school they go to, whatever the status, and they can innovate and be really creative on the back of that, so we are not preventing; we are enabling”.<sup>103</sup>

## Academy status and improved performance

55. A number of witnesses argued against the existence of a causal link between academisation and improved performance, highlighting other factors which affect achievement. For example, the National Association of Head Teachers (NAHT) set out to “Reinforce the point that it is the quality of teaching and leadership and the support that is in place for a school in terms of parental support, capital and human resources, etc.–that are the greater determinant of success than school type. We would warn strongly against seeing structural reforms as a panacea for school improvement, despite their seeming simplicity to track and manage from the centre; structural change is at best a means to an end and at worst a distraction.”<sup>104</sup>

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97 Academies: research priorities and questions, DfE (March 2014)

98 Q322 [Olmo Silva]

99 Ibid

100 Q924

101 Q808

102 Q525

103 Q895

104 National Association of Head Teachers ([AFS0091](#)) para 6

56. This view was echoed by the Church of England, which described the turnaround in fortunes of one of their academies, which had been underperforming and was now getting excellent results with a very deprived intake, before detailing the journey from failure to success for another church school which had not converted to academy status. The Church was keen to emphasise that, while academisation offered one route to school improvement, “it would be misleading to conclude that this is the only, or even the most effective way of securing such improvement.”<sup>105</sup> Sir David Carter, Regional Schools Commissioner for the South-West, commented that, “Academies have some fantastic practice, but they do not have a monopoly on best practice.”<sup>106</sup>

57. Christine Gilbert told us that the Academies Commission had “found no evidence at all that academisation did anything unless you did a number of things at the same time”.<sup>107</sup> Henry Stewart suggested that “The data appears to indicate [...] that it is not structures that determine school success but other factors (such as leadership, teacher development, high expectations).”<sup>108</sup> Others agreed strongly that the most important factor is the quality of teaching and leadership.<sup>109</sup>

58. We heard evidence that academy status has served, in some cases, to energise schools and headteachers. Dr Olmo Silva explained the potential benefits of new school structures:

There is the potential in effect for becoming an academy, which is just like shedding some old habits that might have made the school crystallise into underperformance and left it wondering about what to do. Just by turning itself into an academy, it potentially frees some new spirit that seems to bring about change. It might simply be an enabling effect that enables some motivated leaders to use some of the freedoms that were already available.<sup>110</sup>

59. The Secretary of State concurred, telling us that:

When I visit academies up and down the country, it is that sense of excitement about being able to really do what is right for the school, the pupils and the area. There is a huge sense of energy.<sup>111</sup>

60. Dame Sally Coates, Head of Burlington Danes Academy (part of the ARK chain), pointed to the importance of a high quality chain in challenging and supporting practice in schools:

In a well-run chain of academies, intervention is much quicker. As soon as the data seems to show that progress is going down, there is an issue and intervention takes place [...] Academies bring the scrutiny of data and the monitoring that comes from the chain. I did not do anything particularly I

105 Church of England ([AF50080](#)) para 1

106 Q566

107 Q366 [Christine Gilbert]

108 Local Schools Network ([AF50054](#)) p4

109 Q302 [Gabriel Sahlgren]; Q365 [Mike Cladingbowl and Sam Freedman]; Q299 and Q329 [Dame Sally Coates]

110 Q341 [Olmo Silva]

111 Q1167



could not have done before, but the scrutiny and monitoring have made the difference.<sup>112</sup>

## Conclusions and recommendations

**61. The evidence indicates that there is a complex relationship between attainment, autonomy, collaboration and accountability. PISA research does not support a straightforward relationship between attainment and the academy model of autonomous schools but it suggests that, together with other factors (including notably strong accountability), autonomy can work in the interests of raising attainment. There is less evidence of the impact of autonomy on closing the gap. The OECD is also clear that decision-making must also be delegated to the appropriate level if school-leaders and teachers are to be able to apply their professional skills to gain the best results.**

62. The Sutton Trust pointed out that “The level of complexity and fluidity [in the English school system] has made it notoriously difficult to analyse the impact of academies (and academy chains) on educational outcomes for young people”.<sup>113</sup> The Trust also identified “a trend for proponents of the academies programme to highlight sponsored academies’ faster-than-average improvement (when of course, this is to be expected given that so many sponsored academies start at a low base); whereas opponents cite their lower-than-average attainment (when again, this is to be expected given their low starting points and pupil demographic).”<sup>114</sup> The Trust cited the DfE as regularly using improvement as a measure for sponsors rather than attainment and attainment for converters rather than improvement.<sup>115</sup> This is exemplified by the evidence presented by the DfE to our inquiry which makes comparisons difficult and leads opponents to dispute the assumptions of success. It has led to criticism that the Government embarked upon an academisation programme in 2010 without the evidence to support the pace and scale of change.

**63. Current evidence does not allow us to draw firm conclusions on whether academies are a positive force for change. According to the research that we have seen, it is too early to judge whether academies raise standards overall or for disadvantaged children. This is partly a matter of timing. We should be cautious about reading across from evidence about pre-2010 academies to other academies established since then. What can be said is that, however measured, the overall state of schools has improved during the course of the academisation programme. The competitive effect upon the maintained sector of the academy model may have incentivised local authorities to develop speedier and more effective intervention in their underperforming schools.**

**64. Some chains, such as Harris, have proved very effective at raising attainment, while others achieve worse outcomes than comparable mainstream schools. What is clear is that the picture is highly variable across the country and in the case of sponsored academies, across chains. More information is needed on individual groupings.**

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112 Q309

113 Hutchings, Francis & deVries (2014), p11

114 Hutchings, Francis & deVries (2014), pp11-12

115 Hutchings, Francis & deVries (2014), p12

*65. We recommend that the progress and results of each Multi Academy Trust (of more than three academies) be published on a chain by chain basis as well as by individual academy.*

66. The majority of academy freedoms are available to all schools. One of the few that is not available—but equally one of the most widely used and important—is the freedom to vary the curriculum (whilst still being required to offer a broad and balanced curriculum to all pupils).

*67. We recommend that curriculum freedoms be made available to all schools.*

68. The limited use of their freedoms by academies suggests that more needs to be done to encourage them to innovate and explore the opportunities open to them. We note the inclusion of ‘use of academy freedoms’ in the Ofsted inspection framework, but consider that a box-ticking exercise could be misdirected.

*69. We recommend that Ofsted look for evidence of effective innovation rather than name-checking use of specific freedoms.*

## 3 Oversight and monitoring

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### Role of central Government in oversight

70. The Government holds academies to account through performance measures, as for maintained schools, but also through monitoring the funding agreements reached between the DfE and each academy trust. The model funding agreement includes a requirement for the academy to abide by the conditions of the Academies Financial Handbook and of the Independent Schools Standards which can be amended or updated. The Education Funding Agency (EFA) has day to day responsibility for monitoring the compliance of academy trusts with the agreement, including the Handbook.

71. Throughout our inquiry concern was frequently expressed about the impracticality of the system of central Government oversight of individual schools on a daily basis. The National Audit Office (NAO) released a report on *Academies and maintained schools: Oversight and intervention* in October 2014 which was critical of the DfE's level of knowledge about the cost-effectiveness of its interventions.<sup>116</sup> In the evidence session that followed, Russell Hobby of the NAHT told the PAC that “One of the flaws in our current system of oversight is that because we have so few people monitoring such large numbers of schools from such a distance, we are forced to rely on data”.<sup>117</sup> This has the dual disadvantage that problems are not picked up until after the event, on the basis of poor exam results, and that “non-measurable aspects of school performance”, such as safeguarding, may not be picked up at all.<sup>118</sup> He argued that there was no “substitute for having someone locally who knows what is going on inside that school”.<sup>119</sup>

### Regional Schools Commissioners

72. In response to the concerns about central oversight, in the course of 2014 the DfE created eight new Regional School Commissioners (RSCs), accountable to the Schools Commissioner, Frank Green. The core role of the RSCs is to oversee academies and free schools in their area. Their responsibilities include:

- monitoring performance and prescribing intervention to secure improvement in underperforming academies and free schools;
- taking decisions on the creation of new academies and making recommendations to ministers about free school applications.
- ensuring that there are enough high-quality sponsors to meet local need; and

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116 NAO, *Academies and maintained schools: Oversight and intervention*, HC (2014-15) 721

117 Oral evidence taken before the taken before the Public Accounts Committee on [17 November 2014](#), HC (2014-15) 735, Q24

118 Ibid

119 Ibid, Q31

- taking decisions on changes to open academies, including changes to age ranges, mergers and changes to multi-academy trust arrangements, as well as changes to admission arrangements.<sup>120</sup>

73. The RSCs are supported by Headteacher Boards (HTBs), the members of which are partly elected by academy heads in each region and partly appointed. The National Governors Association expressed reservations about the composition of the HTBs and raised questions about the skills and expertise represented on the Boards, especially with regard to the appointed members role.<sup>121</sup>

74. The full complement of RSCs was only in place from September 2014, so it was not surprising that our inquiry heard some confusion over their role and scope. In October 2014 the Secretary of State was able to clarify that each Commissioner would have six staff and would be responsible for the oversight and monitoring of those academies which are in special measures, currently 112 schools across the country.<sup>122</sup> The RSCs have no responsibility in respect of maintained schools at the moment but the Secretary of State confirmed that the “direction of travel for the Conservative Party” is for Regional Schools Commissioners to oversee all schools: academy and maintained.<sup>123</sup> It remains unclear whether the RSCs have any responsibility for promoting school-to-school support, which is one of the duties of the Schools Commissioner which perhaps could be expected to be delegated.<sup>124</sup>

75. The RSCs were welcomed by some witnesses as providing a more localised service than was possible before. John Readman of Bristol City Council told us that, from the local authority perspective:

You have DfE, civil servants, sometimes quite junior, making major decisions around education business a long way away from London and sometimes it feels that, so the role of the regional schools commissioner to really improve and increase that level of local knowledge is crucial.<sup>125</sup>

76. Concern focussed on the size of the regions covered by each RSC and how they have been designed. Witnesses argued that the regions covered by each Commissioner were too big to be manageable and that there should be more localised oversight. Sir Michael Wilshaw told us “They have large responsibilities—a large number of local authorities to look after [...] it looks to be a very big challenge to have oversight of academies and free schools in a large number of local authorities and a large number of schools”.<sup>126</sup> The regions were criticised by some witnesses for not recognising natural geographical boundaries,<sup>127</sup> and by representatives of the Church of England for creating difficulties for

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120 Department for Education ([AFS0122](#)) para 1

121 National Governors Association ([AFS0133](#))

122 Qq1301, 1310

123 Q1282

124 <http://www.gov.uk/government/people/frank-green#current-roles>

125 Q1041 [John Readman]

126 Oral evidence taken on [9 July 2014](#), HC (2014-15) 473, Q28-9

127 Q828 [David Blunkett]

academy chains where their schools spanned different RSC regions.<sup>128</sup> The lack of alignment with Ofsted's eight regions was also raised as a lost opportunity for closer working between central bodies with responsibility for oversight and monitoring of academies. Emma Knights described the lack of commonality as “daft”, whilst Sir David Carter, RSC for the south west, felt that “it would be very helpful for the system” for the RSCs and Ofsted regional directors to work together.<sup>129</sup>

77. David Blunkett MP has prepared a report for the Labour Party arguing that many more such regional officials would be required and they would need to be responsible for all schools.<sup>130</sup> Frank Green acknowledged that, as the number of academies increased, the regions may need to be divided up and the DfE “will need more [RSCs].”<sup>131</sup> Theodore Agnew defended the current number on the ground that “there are not that many underperforming academies” in each region but he accepted that “if all schools are to become academies [...] then I would see there being maybe 30 regional school commissioners”.<sup>132</sup> The Secretary of State herself was firmly of the view that “I don't think we will have more regional schools commissioners”, but rather that there would be more support staff for the RSCs in the future.<sup>133</sup>

## Role of the local authority in strategy and monitoring

78. The role of the local authority with respect to education has been changing for many years. Several witnesses reminded us that “Local authorities have not run schools for 25, 30 years”, since the reforms initiated by Kenneth Baker in the 1980s.<sup>134</sup> The main responsibility of local authorities is now to ensure good provision for all children in their area. In this context the academies programme is part of a long-term development, but the speed of conversions and the possibility of a fully academised system in the future require a major adjustment on the part of local authorities in relation to the schools in their area. This is true of all authorities despite the uneven distribution of academies across England, with some local authorities almost fully academised while others are still almost fully maintained.

79. Evidence to our inquiry indicates that many local authorities now see their role as regulator and overseer of education, rather than provider. Ofsted told us:

The most successful local authorities are those that engage with all the schools in their areas, regardless of whether they are fully maintained, academies or free schools. They typically view themselves as the ‘commissioner of education for the children and young people in their area’.

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128 Q974 [Rt Rev John Pritchard]

129 Q451 [Emma Knights]; Q604-6 [Sir David Carter]

130 Review of education structures, functions and the raising of standards for all: putting students and parents first, Labour Policy Review, April 2014

131 Q539

132 Qq829, 830 [Theodore Agnew]

133 Q1306

134 Q1047 [John Readman]; see also Q789 [David Blunkett]

If the local authority believes that provision isn't good enough for the children then it challenges schools to do better, irrespective of status.<sup>135</sup>

80. John Readman of Bristol City Council told us that: “the local authority’s role clearly is as champion, as commissioner and as convenor of partnerships welcoming the diversity of the education landscape”.<sup>136</sup> Later he added that “where [the new system] is working best [...] is where the director and the local authority [...] sees itself very clearly as that champion of children role and builds that relationship between the DfE, Ofsted, the local authority and academy sponsors within an area”, with the local authority aiming at providing “advocacy and influence”.<sup>137</sup> Jon Stonehouse of York City Council agreed that the role “is changing massively”:

The traditional model of intensive school improvement resources within the local authority is no longer the case. We are much more in a place where we are quality assuring the school improvement, the peer to peer support that schools give one another. This gives us a much better basis on which to challenge how those arrangements are working and to what extent they are improving outcomes for children.<sup>138</sup>

81. We heard first-hand in Hull how the local authority had worked with schools to develop a multi-academy trust and how heads continued to maintain “a very good relationship” with the local authority.<sup>139</sup> This was echoed in evidence elsewhere. The local authority officials from whom we took evidence were unanimous, however, that it was not the role of the local authority to sponsor academies directly as this would create a conflict of interest to their role as “a champion for all children”.<sup>140</sup>

82. Not all local authorities have embraced this change. Sir Daniel Moynihan described his experience where local authorities used the idea of “protecting the local family of schools” to resist the academisation of failing schools.<sup>141</sup> John Readman acknowledged that “There are some local authorities where they have not necessarily grasped that role and there is work to do”.<sup>142</sup>

83. It is also the case that the role of the local authority in working with academies can be a difficult one. Kent County Council expressed concern that “one of the biggest challenges in the current school system is that LAs are legally responsible for the education performance of all children, but have powers to intervene locally in maintained schools only”.<sup>143</sup> David Whalley of Calderdale Council told us that his authority challenges academies where they see underperformance and “to date, academies have responded”. However, he also acknowledged that “there has been some tension” where chairs of governors have

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135 Ofsted ([AF50088](#)) para 26

136 Q1020

137 Q1032 [John Readman]

138 Q1023 [Jon Stonehouse]

139 Q25

140 Q1050 [John Readman, Martin Pratt, Jon Stonehouse, David Whalley]

141 Q976 [Sir Daniel Moynihan]

142 Q1022

143 Kent County Council ([AF50049](#)) para 4.10

questioned the power of the council to enforce cooperation. The Calderdale response to this was to “have another dialogue with DfE and with Ofsted”.<sup>144</sup> The new statement was published on 20 January 2015.

84. The Local Schools Network suggested that “A local education authority should be able to prompt an Ofsted inspection if it is concerned about the progress of a school in its area”.<sup>145</sup> Sir Michael Wilshaw agreed that “If they do not have the powers to intervene themselves, they should ensure that they telephone the sponsor, write letters, talk to the Department about their concerns, and they can write to Ofsted to do an inspection.”<sup>146</sup> That does not, however, resolve the difficulty that the authority can be held accountable for the performance of schools over which it has influence but ultimately no control. It also does not address the position of those stand-alone converter academies which do not fall below intervention thresholds but which may be declining from their previous positions. In evidence to us, Ofsted identified a gap in support for these schools, of whom only some will seek support from the local authority.<sup>147</sup>

85. In addition, the dialogue between the local authority and the DfE is not always easy. Some local authorities expressed concern that issues raised with the DfE about particular academies in their area were not addressed. Calderdale Council considered that there was “very little stability” at the DfE with the result that that “we are constantly meeting new people and it has been very difficult to establish a working relationship”.<sup>148</sup>

86. The NAO found that the confusion over the responsibilities of local authorities in relation to academies extended to safeguarding. 15% of local authority directors of children’s services told an NAO survey that they were not monitoring safeguarding in academies and the same percentage would not intervene directly in academies if pupils’ safety were threatened.<sup>149</sup> The NAO attributed this to “the very strong messages that have been sent to local authorities more generally about not overseeing and meddling in academies”.<sup>150</sup> They concluded that “The Department has not clearly articulated some of the roles and responsibilities of external oversight bodies” and both the DfE and Ofsted have sent “mixed messages” to local authorities<sup>151</sup>:

with academies, local authorities have no powers to intervene and the Department only expects them to maintain constructive relationships and raise concerns about performance with itself. The Department’s policy is that local authorities do not need to monitor academies proactively and should not require academies to report performance data to them. However, Ofsted has interpreted local authorities’ statutory duties differently, and has

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144 Q1031

145 Local Schools Network ([AFS0054](#)), p5

146 Oral evidence taken on [9 July 2014](#), HC (2014-15) 473, Q108

147 Ofsted ([AFS0088](#)) para 31

148 Q1038

149 Oral evidence taken before the taken before the Public Accounts Committee on [17 November 2014](#), HC (2014-15) 735, Q119

150 Ibid

151 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p8

criticised authorities for not working effectively with local academies to improve performance.<sup>152</sup>

87. The NAO found that there was no single up to date document that sets out the roles and responsibilities of oversight bodies.<sup>153</sup> The DfE told the NAO that this was the purpose of the Accountability System Statement, which has not been updated since 2012, despite a commitment to update it annually. In June 2014 the DfE announced that it was working on a revised statement.<sup>154</sup> The NAO recommended that “The Department should update its framework for oversight and intervention” and that “future iterations of its Accountability System Statement should set out: the responsibilities and accountabilities of oversight bodies, and how they interact with schools’ own responsibilities”.<sup>155</sup> The statement was published on 20 January 2015.

88. Apart from the disputed area of oversight, local authorities still hold statutory responsibilities in relation to place-planning and admissions, the exercise of which duties has been complicated by the academisation process. Local authorities can compel maintained schools to expand, if necessary, but have no power to force academies to take additional children if there are insufficient school places in the local area. Academies can also set their own admission arrangements (subject to the Admissions Code). Comprehensive Future, a group which campaigns on the issue of school admissions, warned us that: “As more schools become academies i.e. own admission authority schools able to set their own admission criteria, decide which applicant meets them and carry out appeals, we are likely to return to the confusion and unfairness of the past.”<sup>156</sup> Children who do not find places in academies must be allocated a place elsewhere by the local authority, putting further pressure on place-planning.

89. David Whalley from Calderdale Council called for a “more robust process [within the DfE] in working with local authorities when agreeing to expand free schools and academies”, to take into account the impact on the local authority and their ability to plan future pupil places.<sup>157</sup> The Secretary of State told us that under the new system the DfE would “continue to work with [local authorities] in the way that we have done”, recognising that there was a need for liaison on “a variety of different issues”, including safeguarding.<sup>158</sup> With regard to underperforming schools, she argued that local authorities “should be passing that information on”, either to the Regional Schools Commissioners or to the DfE itself.<sup>159</sup>

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152 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p19

153 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p16

154 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p.8

155 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p11

156 Comprehensive Future ([AFS0026](#)) para 3

157 Q1066 [David Whalley]

158 Q1314

159 Q1192



## Parent voice

90. The DfE's original written submission to our inquiry did not mention parents except in relation to free schools.<sup>160</sup> Other witnesses raised concerns about the accountability of academies to parents, both collectively and as individuals with complaints. Warwick Mansell described the structure of Regional Schools Commissioners appointed by the Secretary of State and assisted by Head Teacher Boards as “a very top-down paternalistic system” and questioned why the Government was not “trying to get the pupil and the parent very much to the fore”.<sup>161</sup> On governance within academies, one parent wrote that “parents are sidelined from all important decisions, both over whether schools convert in the first place, and over how they are run once they become academies”.<sup>162</sup> Anastasia de Waal argued that “Because it is a changing landscape, it is difficult for parents [...] to find out what the accountability mechanisms are. There needs to be much greater clarity around that.”<sup>163</sup>

91. An important part of the accountability mechanism for parents is knowing how to raise issues of concern with particular academies. If the parents of a child at an academy have a complaint, the first port of call is the headteacher. If a complaint is not dealt with satisfactorily by the head, a panel of governors is convened, which must contain one member who is not a governor, but is appointed by the governing body. One parent told us:

Complaints against an Academy heard by Governors of the Academy with no further recourse, is a very good example of how self-regulatory accountability will fail. The Governors cannot be expected to be self-critical to the degree that might be required and there is a real danger that children are not adequately safeguarded by this system. Complaints against an Academy should be heard by a wholly independent body with no involvement of the Governors where the complainer feels this to be necessary. Headteachers who are confident of the backing of their Governors (often people they might personally have persuaded to become Governors) can act towards parents and children pretty much as they wish—unless there is evidence of criminality. This is a very uncomfortable state of affairs.<sup>164</sup>

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160 Department for Education ([AFS0066](#))

161 Q831 [Warwick Mansell]

162 P Goddard ([AFS0017](#)) para 2.1

163 Q511

164 Trevelyan Evans ([AFS0116](#)) para 1

92. The DfE told us that:

all schools, including academies, are required to have a complaints policy and procedure in place. In the first instance, parents who have concerns can follow the school's process by raising their concerns with the head teacher and the governing body. Local authorities are responsible for working with and acting on complaints referred for state maintained schools. The Education Funding Agency is responsible for handling complaints about academies (and free schools) where complaints have been referred to the academy and these have not been addressed through that route.<sup>165</sup>

93. From September 2013 to August 2014, the EFA received 1955 complaints from all sources. Of these, only 68 were deemed to be the responsibility of the EFA to investigate because the academy's complaints procedure had been exhausted. 51 of the 68 complaints were from parents.<sup>166</sup> Other routes of redress were proposed during our inquiry. Sir Michael Wilshaw, for example, suggested that Ofsted's regional offices were a further port of call for parents concerned about academy performance and he highlighted the role of parents in the Trojan Horse allegations.<sup>167</sup> In addition, the Schools Commissioner argued that "parents should have [...] accessibility to the Regional Schools Commissioner and their teaching board, if needs be, for resolution of an issue between the dean of an academy and a parent".<sup>168</sup>

94. Robert Hill suggested that "there was weakness and confusion for parents in the system" and that "there is a case for a proper regulator that is independent of the Department".<sup>169</sup>

## Regulatory function of the EFA

95. The EFA is responsible both for funding academies and for monitoring their financial performance and probity. In particular, one of the EFA's objectives is to ensure the proper use of public funds through financial assurance undertaken by the EFA itself, or by others.<sup>170</sup>

96. As part of this inquiry, we commissioned independent research from the Institute of Education into potential conflicts of interest in academy sponsorship arrangements. The resulting report noted that there was a sense amongst those interviewed that "the academy system lacks transparency, is heavily politicised and prone to favouritism".<sup>171</sup> One interviewee told the researchers:

165 DfE, supplementary evidence to the Extremism in schools inquiry

166 Supplementary evidence from the DfE to the inquiry into Extremism in schools

167 Oral evidence taken on [9 July 2014](#), HC (2014-15) 473, Q73

168 Q577 [Frank Green]

169 Q577 [Robert Hill]

170 EFA Annual Report and Accounts 2012-13

171 Conflicts of interest in academy sponsorship arrangements, Professor Toby Greany and Jean Scott, London Centre for Leadership in Learning, Institute of Education, University of London (September 2014), p22

Civil servants in the EFA have become very politicised. Transparency needs to go right to the top; ministers and senior figures at DfE are still associated with or on boards of trusts. Although they have tried to build Chinese walls and avoid accusations of impropriety this involvement could still contribute to a wider culture in which it seems that some Heads are favoured by ministers. Human behaviour is such that civil servants and Ofsted might give these schools preferential treatment, even if they haven't been asked to.<sup>172</sup>

97. The research suggested that there was a real or perceived conflict of interest in one body both allocating funds and ensuring that they are spent appropriately. It recommended that we should consider whether the regulatory powers of the EFA should be split from its funding role, positing as an alternative a requirement that the EFA becomes a Non-Departmental Public Body rather than an Executive Agency, thereby giving it greater independence from Ministers as it conducts its regulatory work.<sup>173</sup> David Wolfe QC considered that splitting the functions “would be a very good idea”: “parents often perceive, rightly or wrongly, that the EFA is an apologist for the academy, trying to paper over things rather than independently investigating on the parents’ behalf”. He added: “That may be a wrong perception but the fact that they are a single organisation certainly reinforces that sense”.<sup>174</sup>

## Conclusions and recommendations

98. *The evidence to our inquiry supports the need for a middle tier between Whitehall and individual schools. The Regional Schools Commissioners are intended to fill that gap but their role is still evolving. There are differing views, including amongst postholders themselves, as to how the functions of RSCs will develop. We recommend that the Government clarify what that role is and how it will develop in the near future.*

99. The RSC regions are too large as currently devised. We do not believe that an increase in staff numbers, as envisaged by the Secretary of State, would allow the RSC offices to be sufficiently in touch with local information, given the number of schools potentially involved. The number of Regional Schools Commissioners will need to increase from the current eight if they are to perform an effective oversight role for the academies in each region, and even more so if they are to be extended to cover maintained schools as well.

100. *We recommend that the Government review and increase the number of schools commissioners.*

101. Local authorities cannot embrace their new role in education without a clear and unambiguous codification of their role and responsibilities. These should include the championing of the interests of local children, families and employers in ensuring high quality, accessible local provision, rather than championing the schools themselves.

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172 Ibid

173 Ibid, p6

174 Q1015 [David Wolfe QC]

102. As local authorities adjust to their new role, the Department should also adjust and ensure that local authorities can play a constructive role in challenging all schools, including academies, to be effective. If local authorities perceive themselves to be marginalised and ignored, they will not fulfil their role in holding schools to account.

103. *We recommend that the DfE, as a matter of urgency, clarify the respective roles of local authorities and RSCs in relation to academies.*

104. *The voice of parents can be marginalised in some academies. We recommend that the DfE work with academies and local authorities to ensure parents know how they can make representations and that these are meaningfully heard.*

105. *We also recommend that the Education Funding Agency and the Regional Schools Commissioners establish protocols so that parental complaints are dealt with effectively and information from the process is shared between the authorities.*

106. *Many witnesses have complained about the lack of transparency at the EFA. We recommend that the DfE and EFA further enhance the transparency and accountability of the monitoring process to ensure that academies comply with the terms of their funding agreement.*

107. *Public confidence in the academy process is undermined by having the EFA as both regulator and funder. We recommend that its regulatory and funding roles be split and that the DfE carry out a review about how that can best be achieved.*

## 4 Collaboration and partnership in a school-led system

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### Role of collaboration in a self-improving system

108. Andreas Schleicher told us that “You can have great autonomous schools, but that does not necessarily affect the system as a whole [...] building a strong system around [local discretion] is where I see the greatest challenges are, so that knowledge and good experience spreads through the system”.<sup>175</sup>

109. In November 2013 we published a report on *School Partnerships and Cooperation*, which examined how best to promote collaboration and ensure that it continued to drive improvement in the education system.<sup>176</sup> We also recognised the increasingly important part academies will play in a self-improving system.<sup>177</sup>

110. In evidence to this inquiry the DfE wrote that:

Collaboration is a defining feature of the academies programme. As academies have been freed from local authority control they are leading a developing system of school-to-school support: sharing expertise, providing challenge and improving standards across the education sector.

Academies sit at the heart of teaching school alliances. 185 of the 357 teaching schools are academies (52 primaries, 124 secondary and 9 special academies). Teaching schools provide outstanding initial training, robust teacher development and strong leadership—all based around a sound understanding of “what works”. They establish a network of alliances that drive significant improvement in the quality of professional practice, improving the attainment of every child. 1,100 academies are part of these teaching school alliances.<sup>178</sup>

111. In an autonomous system, collaborative partnerships are seen as essential in order to provide challenge, expertise and economies of scale. MATs are one form of such partnerships but a number of witnesses expressed the view that federations offer the same benefits. Frank Green, the Schools Commissioner, felt that there was little distinction between an academy MAT and a hard federation (which exist in the maintained sector), stating that “The multi academy trust is a hard federation [...] by another name. They are the same thing, and that is the greatest strength you have in getting school to school improvement.”<sup>179</sup> This view was supported by the headteacher of Sleaford Primary, Helen

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175 Q180

176 Education Committee, Fourth Report of Session 2013-14, [School Partnerships and Cooperation](#), HC 269

177 Ibid, para 101

178 Department for Education ([AFS0066](#)) para 37-8

179 Q580 [Frank Green]

Fulcher, who was in a federation brokered by the local authority; she stressed that it was the partnership that is effective, rather than the structure of the school or trust.<sup>180</sup>

### Monitoring collaboration

112. In our report on collaboration, we raised concerns about the monitoring of the commitment given by converter academies to assist other schools.<sup>181</sup> Evidence given to us at the time indicated that converters were not fulfilling their obligations and that the DfE was not doing enough to ensure that they should.<sup>182</sup> Since then, the DfE has surveyed academies asking whether they support other schools and found that 91 per cent of converters say they do so.<sup>183</sup> We note that they have not taken our advice to survey the recipients of the support rather than those supposed to give it. Of 250 academies surveyed by Ofsted in the summer of 2014, less than a quarter (most of whom were in a MAT) mentioned partnerships as a benefit of conversion. Ofsted inspectors found very few cases where schools in the requires improvement category had used school-to-school support, whilst 90% of them had received support from the local authority.<sup>184</sup>

113. The DfE confirmed that because “collaboration is not a formal part of the funding agreement it is not monitored through formal academy accountability systems”.<sup>185</sup> In evidence to the PAC, Russell Hobby of the NAHT made the point that funding agreements do not define “engaging with other schools, so it can include a wide range of practices, from taking over another school to offering advice now and again”.<sup>186</sup> There is still therefore no formal monitoring of a converter academy’s collaboration with other schools, nor is it formally set out in the funding agreement how deep or extensive that engagement should be.

### Incentives to collaborate

114. In February 2014 the DfE told us that “48% of all academies are in some form of group”,<sup>187</sup> which implies that more incentives may be needed to encourage all schools to collaborate. One possibility raised with us was making collaboration obligatory. Sir Michael Wilshaw argued that:

In a school to school improvement system, I think the future is ensuring that all schools, whether they are academies or not, join a cluster, a federation, a collaboration of some kind or another. If they are already in an academy chain, fine. However, if they are not, I think an element of compulsion is necessary—to say, "You have got to join a cluster of schools." The

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180 Q800

181 Education Committee, Fourth Report of Session 2013-14, [School Partnerships and Cooperation](#), HC 269, para 101, 97

182 Ibid, paras 95 to 98

183 Department for Education ([AFS0137](#)) page 2

184 Ofsted Annual Report on Schools 2013/14, p34

185 Ibid

186 Oral evidence taken before the taken before the Public Accounts Committee on [17 November 2014](#), HC (2014-15) 735, Q22

187 Q9 [Dominic Herrington]

"outstanding" leaders within that cluster will monitor the performance of those schools. I see the future for Ofsted as inspecting the cluster rather than individual institutions.<sup>188</sup>

115. Sir Michael suggested the introduction of a new grade for outstanding headteachers based on their collaboration with other schools.<sup>189</sup> The Academies Commission recommended that evidence of collaboration in support of other, local schools should form part of the Ofsted inspection criteria and that schools should provide evidence on effective partnerships in order to retain an outstanding rating.<sup>190</sup> This was supported in evidence to us by Warwick Mansell, who argued that converter academies will only be compelled to collaborate if they are held accountable for it.<sup>191</sup>

116. There was not universal agreement on this. Jay Altman warned that prescribing collaboration did not create effective partnerships, but instead led to "people collaborating for the sake of collaboration, without it being focused on creating better schools."<sup>192</sup> Lucy Heller of Ark agreed that effective collaboration must be voluntary, and that schools must want to work together if benefits are to be felt across all schools in the partnership. She told us:

The problem is that collaboration works and is important; conscription generally doesn't in these cases. In order for there to be school improvement, you have to have two willing partners: a school that has the capacity to help to drive improvement in another; and a school that is willing to be helped. I see nothing in the system that stops that from happening, but I am sceptical about whether enforced powers from the local authority or anybody to insist that schools collaborate will generate the results that you want.<sup>193</sup>

117. The Secretary of State was against forced collaboration, professing that "I would prefer to incentivise, whether through specific funding mechanisms or just by people seeing that collaboration absolutely works".<sup>194</sup> This chimes with the evidence we heard from heads who were in collaborative structures and who spoke of the importance of "shared vision" and the head of a primary Multi Academy Trust identified "shared accountability" as the motivation for all in the trust to contribute to the collective good of the schools involved.<sup>195</sup>

## Brokering collaboration

118. During the inquiry we heard from a number of witnesses that effective partnerships were made possible only through effective brokerage. Dame Sally Coates told us:

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188 Oral evidence taken on [9 July 2014](#), HC (2014-15) 473, Q30

189 Ibid, Q32

190 Academies Commission, *Unleashing greatness: getting the best from an academised system* (London, 2013)

191 Q876

192 Q815

193 Q446

194 Q1201

195 Q743; Q695

I have learned more from visiting schools and talking to other school heads than anywhere else or any course I have ever been on. Unfortunately, you need someone to broker it. If it is a network chain, they will broker that collaboration and get it going. I am very happy to collaborate with anybody but, if nobody brokers it, then it does not happen.<sup>196</sup>

119. In our report on collaboration we recognised the critical role of local authorities in creating an enabling environment within which collaboration can flourish.<sup>197</sup> In Hull we heard further support amongst witnesses for the local authority as an effective broker with knowledge of local educational needs and provision.<sup>198</sup> Local authority witnesses agreed that they had “a key role in being a broker”, involving academies as well as maintained schools, and that they were “doing huge amounts around brokering”.<sup>199</sup> John Clarke from Hampshire County Council explained that it was the detailed local knowledge that was key: local authorities could “identify issues that are particular to geographical areas” in order to “help the schools locally to work together”.<sup>200</sup>

## Conclusions and recommendations

120. *Collaboration is essential in a self-improving school system in order to provide challenge, support and economies of scale. Harnessing the effectiveness of partnerships to raise school performance is particularly important where schools are autonomous. More needs to be done to encourage collaboration and ensure that it happens. We recommend that Ofsted include evidence of collaboration in its inspection criteria and that a school must demonstrate effective partnership with another school in order to be judged 'outstanding'.*

121. Evidence to the inquiry suggests that collaboration is much more likely to occur and be effective if it is brokered by a third party, such as a trust or local authority. Effective brokering of collaboration between schools must be planned and considered, to ensure that the partnership is advantageous to both parties, rather than cumbersome, and real rather than cosmetic.

122. *We have heard evidence that local authorities can be effective at brokering school partnerships. We recommend that the Government set out how it will incentivise the spread of this best practice, including through Ofsted. The codification we have recommended of the responsibilities of local authorities with regard to academies should include their role in ensuring effective collaboration between all schools.*

123. *We recommend that the DfE strengthen its monitoring of the collaboration of converter academies with other schools. We also recommend that the Secretary of State seek to renegotiate all existing funding agreements to introduce a requirement for*

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196 Q339 [Dame Sally Coates]

197 Education Committee, Fourth Report of Session 2013-14, [School Partnerships and Cooperation](#), HC 269, rec 16

198 Qq756, 757

199 Q1056 [David Whalley; John Readman]

200 Q440 [John Clarke]



*collaboration for school improvement purposes and that all future agreements include this requirement.*

## 5 Sponsorship and regulation of academy chains

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### Effectiveness of academy chains and sponsors

124. In May 2014 the DfE produced a briefing report for sponsors on “What does a high performing academy sponsor look like?”. The analysis looked at a sample of 88 sponsors who had a chain of at least three schools that were open by November 2012. From this, the DfE drew out common principles for high performing sponsors (defined in terms of improvement in results and overall for schools in the chain):

- High performing sponsors grow carefully, understanding their own capacity, the challenges they take on and **navigating key transition points** well. [Moving from] 5-10 [schools] is a particularly challenging growth period.
- In terms of **school mix**, high performing sponsors are more likely to have a blend of sponsored and converter projects—those with 90% sponsored do not tend to perform as well.
- High performing sponsors plan growth in terms of developing **geographical clusters** of schools and maximising opportunities for collaboration.
- High performing sponsors have strong and determined **CEOs** with a clear moral purpose that is well transmitted to all staff.
- High performing sponsors value **commercial skills** and invest in financial leadership beyond 5-6 [schools]. FD [Finance Director] and COO [Chief Operating Officer] appointments are often external.
- Most high-performing sponsors provide cross-group **progression and CPD**. They hire senior teachers to work across more than one school and nurture future leaders in-house.
- High performing sponsors are more likely to have visibly **clear and accountable governance arrangements** and small boards.
- High performing sponsors have a **middle or ‘regional’ management tier** led by educationalists when they grow to 5+.
- High performing sponsors understand the importance of **financial planning** and invest in this.
- High performing sponsors have protocols for **taking control of failing schools**. Their action is always swift and assertive.
- High performing sponsors usually describe their approach to sustaining school improvement in terms of ‘earned autonomy’.

- High performing sponsors usually have strong **partnerships with schools in the wider system.**<sup>201</sup>

125. Others have also tried to isolate the characteristics that make some chains more effective than others. The Sutton Trust research into the impact of academy chains on low income students identified key factors in successful chains as being “a measured approach to expansion, and the importance of building up strong experience of strategies for improving schools”.<sup>202</sup> In addition, Robert Hill has produced two reports on academy chains for the National College of Teaching and Leaderships and concluded that the core determinant is a shared ethos.<sup>203</sup> He explained in a blog that

All organisations—be they individual schools, academy chains or commercial organisations—need a strong driving vision of what they want to achieve and a coherent strategy for realising their ambitions. It is a basic principle and obvious starting point but one which too many chains have overlooked or undertaken superficially.<sup>204</sup>

126. Ofsted’s 2014 inspections of failing chains led it to similar conclusions. Its inspectors found the four MATs inspected “shared the same basic problems” which were: not enough challenge, ineffective leadership, weak middle leadership, a prevalence of low quality teaching and children not ready for secondary school.<sup>205</sup>

127. The NAO in examining the DfE’s oversight of schools concluded that “The Department does not yet know why some academy sponsors are more successful than others”.<sup>206</sup> It found that “The Department challenges sponsors when it has concerns, but does not routinely collect information from sponsors on the types of support they give schools” and that the inability of Ofsted to inspect academy sponsors or multi-academy trusts means that “there is no independent source of information about the quality of their work” (see further below).<sup>207</sup> The NAO acknowledged the DfE’s ongoing research into effectiveness of sponsors and its intention to “use the new regional schools commissioners and headteacher boards to strengthen its understanding of successful sponsorship”<sup>208</sup> but still recommended that “The Department should ensure that it has an independent source of information for assessing the quality, capacity and performance of academy sponsors.”<sup>209</sup>

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201 What does a high performing academy sponsor look like? Report for sponsors, DfE analysis (May 2014)

202 Chain Effects; The impact of academy chains on low income students, Merryn Hutchings, Becky Francis and Robert De Vries, Sutton Trust (July 2014)

203 <http://dera.ioe.ac.uk/14536/1/the-growth-of-academy-chains%5B1%5D.pdf>

204 <https://roberthilleducationblog.com/academy-chains/>

205 Ofsted Annual Report on Schools, 2013-14, p.33

206 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p10

207 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p10

208 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p10

209 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p11

## Importance of geographical coherence

128. Frank Green, Schools Commissioner and previously CEO of Leigh Academies, told us of the importance of academy chains having a geographical base:

I have seen the evidence from lots of sources and I have seen the evidence from the Department, which shows that geographical base, right across the piece. I could take the Cabot Learning Federation in Bristol that Sir David Carter has been running. Again, that is about groups of schools within a locality and the impact that is having across the whole region.<sup>210</sup>

129. Sir Daniel Moynihan of Harris agreed that “There is clearly coherence in geographical proximity”, with particular benefits for enabling experienced heads to coach less experienced ones.<sup>211</sup> He suggested that “if not compulsory, [geographical clustering] should be advisory”.<sup>212</sup> The managing director of Prospects, which is divesting itself of its academies, accepted that the geographical spread of their schools had created “difficulties and vulnerabilities”.<sup>213</sup> Clustering can also be beneficial to the relationship between the MAT and the local authority. David Whalley from Calderdale District Council told us: “It is much easier to have a dialogue with a trust board who meet within your local authority than somebody from a considerable distance away”.<sup>214</sup>

## Expansion of chains and approval of new sponsors

130. Neerav Kingsland of New Schools for New Orleans, advised us that the pace of change was important; in order to ensure high quality schools and sponsors, the optimum rate of growth in charter schools should not exceed 5% per year.<sup>215</sup> In England the push to expand the academies programme has resulted in a growth rate far in excess of this. Given that the DfE itself identified expansion rates of chains as a key risk factor affecting effectiveness, it is perhaps hardly surprising that a number of high profile chains have been found to be failing in the last year.

131. Witnesses agreed that rapid expansion was at the heart of the problem. Lucy Heller, CEO of ARK, told us that “It is undoubtedly the case that some of the chains grew too fast”.<sup>216</sup> She speculated that the reason some chains expanded rapidly was due to “a financial imperative that if you are going to build resource at the centre, that is expensive. They were partly growing in order to spread their overheads.” Sir Daniel Moynihan of Harris Academies agreed that “some academy chains have grown [...] too quickly, and that growth has not been controlled”.<sup>217</sup> He attributed this to any business growing at a fast rate, rather than a problem specific to academies, and suggested that what was needed was

210 Q555

211 Q965

212 Ibid

213 Q966 [Vincent McDonnell]

214 Q1061

215 Information from visit to US

216 Q423

217 Q906

“sensible, steady growth that is well paced to match your resources to improve the schools that you have”.<sup>218</sup>

132. Evidence to the inquiry suggests that the pressure to expand the academies programme rapidly, and the associated need to identify an increasing number of sponsors has led in the past to inadequate vetting by the DfE of potential sponsors prior to authorization. Robert Hill told us that the original accreditation scheme had been “torn up” because it “was too bureaucratic” and had been replaced by a scheme that “was almost too light-touch”.<sup>219</sup> The extremely high rate of sponsor approval (only 25 out of 704 applications to become a sponsor have been declined; 35 were undecided, as of November 2014)<sup>220</sup> appears to support this view. At the same time, it appears that the DfE urged existing sponsors to take on new responsibilities even where it should have been clear that they were not in a position to do so. We heard evidence from the managing director of Prospects, a chain which had been capped and yet was asked by the DfE to transfer an academy into the trust just weeks before going into administration.<sup>221</sup> He told us “[the DfE] thought it was going to be a better solution, but by the very nature of that transferring in that put Prospects Academies Trust into a more vulnerable position”.<sup>222</sup>

133. It has been argued that some of these difficulties may be in the past. Robert Hill considered that “we are now moving to a position where there is proper assessment of all sponsors”.<sup>223</sup> However, it is hard to judge the effectiveness of DfE assessment, given the scant information published by the DfE on the performance of academy chains as opposed to the individual schools. It has published profiles of five sponsors but it has not released similar analysis which it is known to undertake on other sponsors.<sup>224</sup> One journalist has been pursuing the DfE through Freedom of Information requests to release the grades awarded by the DfE to each academy trust/sponsor and the guidance on how these grades are allocated.<sup>225</sup> The DfE has consistently refused to disclose the information on the ground that disclosure would prejudice the effective conduct of public affairs.<sup>226</sup> This does little to improve public confidence in the system.

## Appointment of sponsors

134. Although the beauty parade where a number of potential sponsors visited schools has now ended, we received much written evidence critical of the consultation process undergone before a school is transferred to a particular sponsor. At the moment, the DfE invites the potential sponsor to run the consultation. This was felt to be problematic by many, with David Wolfe QC telling us that “the process almost seems calculated to create friction” because “it is not at all clear to parents who is making what decisions, whether it is

218 Q906

219 Q604 [Robert Hill]

220 Department for Education ([AFS0137](#)) p3

221 Q956

222 Q956

223 Q604 [Robert Hill]

224 Q570

225 Fol request to DfE from Laura McInerney, 7 April 2014 ([www.whatdotheyknow.com](#))

226 Response to Fol request to DfE, 3 June 2014 ([www.whatdotheyknow.com](#))

really a decision to be made or whether they are just being told [who the sponsor will be]”.<sup>227</sup> The chief executive of Harris, Sir Daniel Moynihan, suggested that “it may well be better if somebody independent runs the consultation and then presents that to the Secretary of State for the Secretary of State to make his or her decision”.<sup>228</sup>

## Capped or paused chains

135. The DfE has a policy of halting the expansion of chains temporarily by pausing or capping them. The NAO described this as the DfE’s “main lever for influencing sponsors”.<sup>229</sup> The number of chains on the capped list has varied throughout our inquiry: 25 were listed as paused in evidence submitted on 25 February 2014 but by October, there were 18 sponsors who had been paused.<sup>230</sup> Frank Green explained that when chains are ‘paused’:

It is not necessarily because performance is an issue; it is because the structure of the trust is not appropriate. It is not just a performance issue. It is frequently about the structure of the trust and ensuring they are robust enough to continue to develop.<sup>231</sup>

136. The criteria by which academy trusts are monitored and capped are not in the public domain. Chris Wormald of the DfE confirmed to the PAC that “We take a case-by-case view” with “no hard and fast answer” to what are the circumstances in which the DfE would pause a chain.<sup>232</sup> Nick Weller, representing the Independent Academies Association, recommended that there should be “more tie-up between Ofsted and the DfE in terms of the judgments made about sponsors, and about who can and cannot sponsor, because there are gaps there”.<sup>233</sup> Anastasia de Waal of Civitas agreed that “There needs to be more Ofsted involvement” in decisions on capping, telling us: “It seems odd that Ofsted is essentially removed from the equation, and that this is between the academy or the other school and the Department”.<sup>234</sup>

## Conflicts of interest

137. Potential conflicts of interest can arise in academies through the procurement of services from parent companies, key management personnel or their friends and families or associated organisations or individuals. These are known as related party transactions and they are permitted under the Academies Financial Handbook, provided that they have resulted from open and transparent procurement procedures and that potential conflicts of

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227 Q950 [David Wolfe QC]

228 Q950 [Sir Daniel Moynihan]

229 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p39

230 Q1257

231 Q543

232 Oral evidence taken before the taken before the Public Accounts Committee on [17 November 2014](#), HC (2014-15) 735, Q190

233 Q526 [Nick Weller]

234 Q471

interest are adequately and appropriately managed.<sup>235</sup> They must be disclosed in the accounts of the academy trust. The EFA state that the most common types of related transactions disclosed are the purchase, sale, lease or donation of goods, services, property, or money.<sup>236</sup> Since November 2013, the DfE has adopted a policy that all related party transactions in an academy trust must be at cost only, with no profit allowed.<sup>237</sup>

138. Speaking to the PAC, Emma Knights of the NGA observed that “our perception is that schools do not [handle conflicts of interest] as well as the rest of the charitable sector”, first because “there are probably more opportunities for conflicts” and “Secondly, there is less understanding about what constitutes a conflict”.<sup>238</sup> She also considered that the policy of “at cost” exacerbated the situation by encouraging interested parties to put in lower bids than others.<sup>239</sup> In particular, she wanted to see “a much bigger warning bell about relationships” because fraud reports “almost invariably” covered circumstances where “somebody is related to somebody else”.<sup>240</sup>

139. We commissioned research from the Institute of Education which concluded that “conflicts of interest are common in academy trusts... [and] the checks and balances on academy trusts in relation to conflicts of interest are still too weak”.<sup>241</sup> This echoed the Academies Commission, the National Audit Office and the PAC in questioning the capacity of the EFA to monitor funding agreements and hold academies to account for the use of public funds. In June 2014, for example, the PAC concluded that the EFA needed to do more to address potential conflicts of interest in academies, expressing concern that “individuals with connections to both academy trusts and private companies may have benefitted personally or their companies many have benefitted from their position when providing trusts with goods and services”.<sup>242</sup>

140. Witnesses to our inquiry raised similar issues with regard to transparency over the allocation of resources and the potential for the misuse of public funds.<sup>243</sup> Henry Stewart identified “one of the problems” of academy chains as the amount of money “that has gone to companies of which the trustees of the academy or the chain are directors”.<sup>244</sup> Kevin Courtney of the NUT recommended that to increase transparency each individual school within a trust should publish its accounts [currently, accounts are published at the trust

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235 See EFA, Review of related party transactions in academies, November 2014

236 Ibid.

237 Ibid

238 Oral evidence taken before the taken before the Public Accounts Committee on [17 November 2014](#), HC (2014-15) 735, Q36

239 Ibid, Q36

240 Ibid, Q37

241 Conflicts of interest in academy sponsorship arrangements, Professor Toby Greany and Jean Scott, London Centre for Leadership in Learning, Institute of Education, University of London (September 2014), para 1 and 2

242 Committee of Public Accounts, Sixty-first Report of Session 2013-14, HC1063, Education Funding Agency and Department for Education Financial Statements

243 Q871 [David Blunkett]; Q886 [Warwick Mansell]

244 Q327 [Henry Stewart]

level] and that related-party transactions should be banned.<sup>245</sup> Jay Altman agreed that there “should be total transparency” on how money is spent within a trust.<sup>246</sup>

141. The EFA has refused to ban related-party transactions. It published a review in November 2014 of how such transactions are monitored, concluding that of the 976 academy trusts (43.3% of all trusts in 2012-13) which disclosed related party transactions, only 54 had transactions which required further investigation and only 17 trusts had transactions that were then deemed irregular or improper.<sup>247</sup> The EFA has recently issued new guidance on auditing “at cost” transactions (although an NAO study found that “auditors remain concerned that this will be difficult to apply”<sup>248</sup>) and has firmly stated that the guidance and the package of measures set out in its review represents “an unprecedented level of transparency, accountability and scrutiny, to parents, the public, EFA and to Parliament”.<sup>249</sup> The EFA was equally robust in defending its position in a letter to us from Peter Lauener, its Chief Executive, in October 2014.<sup>250</sup>

### Termination of funding agreements

142. The model funding agreement for academies and free schools runs for seven years. There have been several iterations of the model agreement which have given progressively more control to the DfE but many academies have been set up on earlier agreements which restrict the DfE’s ability to intervene. The NAO has pointed out that “In particular, it is difficult for the Department to terminate an agreement signed before December 2012, even when there is underperformance, without giving 7 years’ notice, unless a mutual agreement can be reached with the trust”.<sup>251</sup> Only where a school is in ‘special measures’, and where a monitoring visit has found progress to be ‘inadequate’, can the DfE terminate the agreement without notice.<sup>252</sup> The DfE has amended older funding agreements to strengthen its intervention powers for 240 academies but this can only be done through negotiation with individual academy trusts.<sup>253</sup>

143. Several witnesses questioned the length of the funding agreement and the process for reviewing it in individual cases prior to renewal. For example, United Learning suggested that funding agreements could “take a different form—something like renewable licences”: “Agreements need to be long enough (e.g. at least five years) to allow continuity but their renewal would be automatic only if the agreed aims are achieved”.<sup>254</sup> The charter model used in the US, which has been, in some ways, a blueprint for academies in England, gives more control to the authorities. A charter is issued for a fixed period of typically three to

245 Q1089

246 Q902 [Jay Altman]

247 EFA, Review of related party transactions in academies, November 2014

248 NAO, Investigation into the Education Funding Agency’s oversight of related party transactions at Durand Academy, HC782, Session 2014-15, p6

249 EFA, Review of related party transactions in academies, November 2014

250 Letter from Peter Lauener to Chair of the Education Committee, 14 October 2014

251 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p26

252 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p26

253 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p26

254 United Learning ([AFS0096](#)) para 25



five years, and if the school does not meet the proportion of students reaching pre-set outcomes in that time, the charter is cancelled and the school closed. Jay Altman of FirstLine Schools, New Orleans told us that quality was maintained by a ruthless imposition of the charter:

There have been low performing charters where there is accountability, and they are not allowed to continue performing. The charter gets revoked from them and given to someone else, and so it is not unlimited license to run a school if it is failing. I think that is why it has worked.<sup>255</sup>

144. Chains may unilaterally decide to terminate the sponsorship arrangement with an academy in the chain without consulting the school but sponsored academies are not allowed to leave the chain without the agreement of the sponsor, even in cases where a chain has collapsed. The Independent Academies Association suggested that an outstanding school should have the option to leave its group and set up as a sponsor, “providing that doing so will demonstrably not impact negatively on the capacity of the existing sponsor”.<sup>256</sup> This condition could answer concerns such as those expressed by Theodore Agnew (CEO of Inspiration Trust) and Sir Daniel Moynihan (CEO of Harris Academies) who were both broadly against granting good and outstanding schools the autonomy to leave a sponsor voluntarily because of the value of good schools as a resource to help bad schools,<sup>257</sup> and the investment made in them.<sup>258</sup> Sir Daniel put forward the compromise that there could be an appeal system for schools wishing to leave a chain.<sup>259</sup>

145. The Secretary of State recognised the concern that allowing a school to leave might undermine other schools in the chain that were relying on it for support and collaboration, but she also acknowledged that “we do not want to see unhappy relationships continue; that does not benefit anybody”.<sup>260</sup> She did not give a commitment to examine this question but assured us that “the system is continually evolving and kept under review”.<sup>261</sup>

## Failure of chains

146. The DfE can intervene in an academy trust if there are concerns about its performance or about the management or governance of an academy. This is done through a pre-warning notice letter, followed if necessary by a warning notice and then the termination of the funding agreement. The most high profile instance of a chain being required to terminate sponsorship arrangements with the academies in its chain is E-ACT, which was ordered to dispose of ten academies. Robert Hill highlighted the problems facing some chains and criticised the lack of transparency of the process of oversight by the DfE. He told us that:

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255 Q889

256 Independent Academies Association ([AFS0090](#)) para 4.18

257 Q862

258 Qq934-5

259 Ibid

260 Q1260

261 Q1260

While some chains are doing really, really excellent work [...] some are struggling and some are not coherently configured [...] In the last two years we have had 58 pre warning letters sent to academies since April 2012 up to 1 May this year. Some of those academies have been established for some considerable time. We also have letters being sent by the Department to academy chains about the nature of their performance where there are serious concerns. There are quite significant challenges.<sup>262</sup>

147. Although some chains have failed, these have been of a size that has not destabilised the whole system. Given the expansion of some chains, the DfE needs to prepare for a failure on a wider scale. During our visit to the Netherlands in 2013, we heard about the serious impact caused by the collapse of a school board. It is not at all clear what would happen here in a similar situation. Frank Green told us that a protocol was being developed on the process to be followed with regard to individual schools when a chain failed, with the DfE learning lessons from the experience with E-ACT.<sup>263</sup> He undertook to submit the protocol to us once it had been completed, although we have yet to receive it.

### Ofsted inspection of chains

148. In our report on *School partnerships and collaboration*, we recommended that Ofsted be given the power to inspect academy chains in the same way that they inspect local authorities.<sup>264</sup> In the last year, Ofsted has begun coordinating the inspection of schools within a chain in some of the weaker academy trusts but Her Majesty's Chief Inspector of Schools has made it clear that he would like to be able to inspect the chains themselves, right up to head office. During this inquiry, the issue was raised with several witnesses, all of whom—except those from the DfE—supported the granting of such powers to Ofsted. For example, Sir David Carter, the new Regional Schools Commissioner for the South West and former academy chain chief executive, told us:

I have always been in favour of Ofsted inspecting the chains, because you are absolutely right: the ethos and the tone of how the federation supports its schools and academies is set by people like me in that position. It only gives you a one dimensional view of the federation if it is only an inspection of the schools.<sup>265</sup>

149. Sir Michael Wilshaw explained to the PAC the kind of questions asked about a local authority to “test whether it has got the right strategies in place”.<sup>266</sup> These would also apply to academy chains. Sir Michael argued that one of the reasons that some chains had failed was that “the quality of leadership at the centre of the chain has not been good enough and the trusteeship has not been good enough”, leading to head teachers in the individual schools feeling “unsupported, unchallenged and unclear about the general direction of

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262 Q535

263 Qq602-3 [Frank Green]

264 Education Committee, Fourth Report of Session 2013-14, [School Partnerships and Cooperation](#), HC 269, rec 20

265 Q565

266 Oral evidence taken before the taken before the Public Accounts Committee on [17 November 2014](#), HC (2014-15) 735, Q174 [Sir Michael Wilshaw]

travel” which was “the responsibility of the central team”.<sup>267</sup> It was therefore essential that the central team formed part of the inspection.

150. The arguments in favour of inspection of chains by Ofsted are strengthened by the evidence we have received about governance in multi-academy trusts. As David Wolfe told us,

the power of decision-making is all concentrated within the trust and no longer really with local governing bodies unless it is delegated down. That concentrates the power up to a large trust and then the trusts are not under any great direct scrutiny. They are not subject to direct observation from Ofsted and they are not subject to the sorts of public pressures that come from either democratic accountability or a wider public transparency.<sup>268</sup>

151. Emma Knight of the National Governors’ Association told the PAC that the failure of “a lot of MATs [... to] lay out their scheme of delegation well, or in some cases [...] at all”, was leading to “an awful lot of confusion” amongst members of local governing boards as to their duties and powers.<sup>269</sup> She suggested that there was a lack of expertise in some MATs in determining which schools deserved earned autonomy and which did not.<sup>270</sup> The intention of the DfE to remove the requirement for individual schools within trusts to have even advisory boards at the local level further emphasises the centrality of the trust and the need to ensure proper scrutiny of its activities.<sup>271</sup>

152. The Secretary of State has made it clear that she does not intend to extend Ofsted’s powers in this way. She argued that “Ofsted is about inspecting outcomes—school outcomes, school results and what is happening in schools”<sup>272</sup> and that “I am clear from looking at these four Ofsted reports [on batch inspections of schools in chains] that it has the powers to ask to look at the support that the sponsors are offering to the schools in their chain”.<sup>273</sup> The Secretary of State also disputed the analogy between local authorities and chains, stating that “Academy chains are not school improvement services”.<sup>274</sup> Informally, we have also heard concern that Ofsted inspection would stifle innovation within chains by introducing a model of how they should be run.

153. After our evidence session, the Secretary of State copied to us a letter to Sir Michael Wilshaw, setting out her position.<sup>275</sup> Subsequently, Sir Michael explained to the PAC his concern that, under the approach set out by the Secretary of State, it was possible that the

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267 Ibid, Q181

268 Q914

269 Oral evidence taken before the taken before the Public Accounts Committee on [17 November 2014](#), HC (2014-15) 735, Q4

270 Ibid, Q7

271 National College of Teaching and Leadership, *Governance in Multi-Academy Trusts*, 2014

272 Q1208

273 Q1216

274 Q1208

275 Letter from Secretary of State for Education to Sir Michael Wilshaw, October 2014

chief executive of a chain might question the framework under which Ofsted was operating<sup>276</sup> implying that inspectors were going beyond their remit.

## Conclusions and recommendations on chains

154. *The DfE has begun looking at what makes chains effective but more needs to be done and the results of this work need to be better disseminated. We recommend that the DfE build on its existing analysis of the characteristics of academy chains by examining best practice and the operation of effective chains, in order to inform the active promotion of best practice across all Multi Academy Trusts.*

155. *We recommend that the DfE analyse and monitor the performance and other data relating to academy chains, and publish the results broken down by school and trust, in the interests of transparency and accountability.*

156. *Greater transparency is also needed regarding the process and criteria by which sponsors are authorised and matched with schools. This information should be clearly set out and be in the public domain. The process of authorisation and approval has improved but could still be sharpened. Greater transparency over DfE decision-making will help in encouraging new sponsors to come forward and to understand what will be required of them. We recommend that the Government outline the process and criteria by which sponsors are authorised and matched with schools.*

157. *Conflicts of interests in trusts are a real issue, as shown by the cases which have come to light so far, and they are magnified in the public eye by the latent potential for the misuse, apparent or actual, of public money. It is essential that academy trustees act as trustees and on the Nolan principles of conduct in public life. We acknowledge that the DfE has responded and strengthened the system but we believe that the Department should go further. We recommend that the DfE take further steps to strengthen the regulations for governance in academy trusts and that the EFA revise its guidance on at cost transactions to make expectations of academies clearer.*

158. *Our evidence suggests that the oversight of chains needs to be improved in several areas. We recommend that the accountability and monitoring system for chains, and the criteria used to 'pause' their expansion, be made more transparent and open. The DfE should publish the process and criteria that will be used in reviewing and renewing academy funding agreements.*

159. *Lessons should be learned from the US experience of charter schools with regard to oversight arrangements. We recommend that the Government reconsider the appropriate length of funding agreements, with a view to reducing it to five years, and publish its assessment.*

160. *We recommend that the DfE create a mechanism for schools to be able to leave academy chains where the relationship is no longer appropriate.*

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276 Oral evidence taken before the taken before the Public Accounts Committee on [17 November 2014](#), HC (2014-15) 735, Q101

161. *We also recommend that the DfE develop a failure regime for chains, as in the Netherlands, and publish a protocol for dealing with the failure of a large chain as well as how individual schools will be treated when a chain indicates that it can no longer run them.*

162. We have listened carefully to the arguments put forward by the DfE against inspections of chains by Ofsted but we remain unconvinced. We believe that an Ofsted inspection judgement for each academy chain would improve Multi Academy Trusts in the same way as it has schools and local authorities. We also believe that, given the failure of some high profile academy chains, the grading of academy chains and corresponding report information would help Regional Schools Commissioners monitor chain performance, and would give parents important information about the academy chain that stands behind their school.

163. *We recommend that Her Majesty's Chief Inspector of Schools be given the powers he has called for in respect of inspecting academy chains.*

164. *We recommend that all academies and chains publish in their annual accounts the salary and other remunerations of senior leaders within bands.*

## 6 Effective structures for primary schools

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### Impact of academy status at KS1 and KS2

165. A far smaller proportion of primary schools than secondary schools have converted to academy status, but the number of schools involved is greater. Most of this growth has been very recent: the DfE announced in 2012 that it would match 400 underperforming primary schools with sponsors, double the number then already open. The NAO reports that the DfE overshot this target to achieve a further 445 primary sponsored academies by the end of 2013.<sup>277</sup>

166. Evidence on the effect of academisation on primary schools is not yet available, although the DfE is strongly of the view that the impact is beneficial. Officials told us that looking at Ofsted inspection results for converter academies:

For primary schools, 33% of academies were more likely to retain their outstanding judgment, as against 25% of all local authority-maintained schools. For primary schools, 27% of academies were more likely to go from good to outstanding, as opposed to 12% of local authority schools. For those that were satisfactory, 71% of primaries as academies had improved versus 58% of local authority schools.<sup>278</sup>

167. Lord Nash, the academies minister, has also stated that primary converters achieve higher results for their pupils: “in 2013–25% of their pupils were above the expected standard at age 11 compared to 21% across all state-funded schools”.<sup>279</sup> For both these claims, it is important to remember that converters are more likely to be strong, high-achieving schools and so start from a firmer base than the average local authority school. We have been unable to locate any evidence, either way, of a relationship between primary academy status and raised attainment.

### Suitability of the academy model

168. There is a widely-held view that the smaller size of most primary schools and their greater reliance on local authority support may make academy status more problematic for them. Typical of evidence to us was that of the NAHT, which argued that: “Primary schools are small organisations coping with heavy workloads.”<sup>280</sup> While some primary schools have converted to stand-alone academies, the requirements in terms of support staff, including business managers to ensure value to money for services previously supplied by the local authority and human resources, mean that the number of primary academies adopting this model remains low.

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277 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p30

278 Q6

279 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300343/DfE\\_PA\\_Magazine\\_Guide\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300343/DfE_PA_Magazine_Guide_Final.pdf)

280 National Association of Head Teachers (AFS0091) para 30

169. The DfE accepts the validity of these concerns and its favoured model for primary academies is a MAT or an umbrella trust.<sup>281</sup> Despite this, we heard some evidence that the particular challenges for primary schools within the academy system are not sufficiently recognised. Concerns ranged from the low levels of representation of the primary sector on the new headteacher boards to fears that cross-sector MATs could view their primary schools merely as feeders for the more important secondary schools or, more broadly, might lack knowledge of the primary sector and its importance in its own right.<sup>282</sup> Forced conversion of primary schools has triggered most of the high profile protests against academisation such as at Downhills in Haringey, Roke Primary School in Croydon or Cavell Primary School in Norwich.

### The effect of collaborative partnerships at primary level

170. A number of primary heads told us that, whilst becoming an academy had improved their practice and their school, this was primarily because of the advantages generated by the collaborative framework of a multi-academy trust. Katie Beal, Headteacher of Eastfield Primary School in Hull and member of a MAT, explained:

We have made a faster rate of improvement because of the collaborations we have made with the other schools in our MAT—that ability for us to challenge each other and support each other to improve even further in a way that we possibly could not have done if we had not had those links that make us absolutely responsible for each other’s successes. We are accountable for each other, and therefore it is imperative we support each other to improve.<sup>283</sup>

171. There is a range of models of primary partnerships in operation, not all of which involve academisation. Evidence submitted to us regarding various locally-based partnership initiatives indicates that primary collaboration can be effective in raising standards. The model and structure of the partnership appears to be less important than the level of commitment of heads and teachers and the depth of collaboration. Wendy Marshall of the David Ross Academy Trust told us:

joining with groups of like-minded schools, whether in collaborative clusters or in multi-academy trusts, opens up a number of benefits, not only financial benefits but educational opportunities and economies of scale. Our smallest primary school has 55 children; our largest has 600 children and, equally, our smallest secondary is 150. So there are ways that smaller schools can be presented with the same opportunities of working in groups, clusters, collaborations or academy trusts.<sup>284</sup>

172. The DfE offers financial aid to primary schools who convert to academy status. The Primary Chains Grant is a lump sum available to groups of three schools (including at least one primary) wishing to convert to academy status. In our report on *School partnerships*

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281 Q8

282 Eg. National Governors Association [AF50133], Q1114 [Chris Keates], Q1116 [Kevin Courtney]

283 Q694

284 Q697 [Wendy Marshall]

*and collaboration, we recommended that the grant be made available to schools looking to collaborate in other ways.*<sup>285</sup>

## **Conclusions and recommendations on primary schools**

*173. We have sought but not found convincing evidence of the impact of academy status on attainment in primary schools. We recommend that the DfE commission, as a matter of urgency, research into the relationship between academy status and outcomes at KS1 and KS2 so that sponsors and RSCs can be clear which models and characteristics are most strongly correlated with improved performance.*

*174. The primary sector benefits most from collaborative structures, whether these are facilitated by academy status or otherwise. We reiterate the recommendation in our report on school partnerships and collaboration that the additional funding available to schools through the Primary Chains Grant be extended to primary schools forming maintained federations, as well as Multi Academy Trusts. Such funding is particularly important to encourage collaboration between small schools in rural areas.*



## 7 Creation of free schools

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### Free schools and need

175. Rob Higham of the Institute for Education told us that:

the agenda [for free schools] has shifted and it is quite a complicated, multiple policy agenda. Originally we were told there would be hundreds of thousands of new schools in order to create competition ... Now it seems the discourse is much more about need.<sup>286</sup>

176. The Secretary of State suggested that free schools were unique because they provided an “opportunity to respond to demand, whether for more places or for a different or better kind of education than is on offer”.<sup>287</sup> Her comments illustrate the number of different ways in which words like ‘demand’ or ‘need’ have come to be categorised dependent upon the argument that the Government is trying to make when discussing free school policy. The DfE told the PAC that:

it had looked at the need for extra places, but that this was not the only aspect of need that it had considered. It justified opening free schools on the basis of a wider definition of need which included, for instance, the need for new quality places in areas where education standards had historically been low, the need to introduce new providers, and the need in areas of deprivation.<sup>288</sup>

177. Natalie Evans of the New Schools Network added a further element of parental need, telling us that “Any free school that wants to set up has to have significant demand from local parents”.<sup>289</sup> This in itself is a distinct change in policy from the original vision of free school enterprises directly created and led by parents to a model of “partnership with parents”, where most proposals come from professional groups.<sup>290</sup>

178. Rob Higham analysed data on free schools and found that 35% of the first four waves of free schools were in districts with no forecast need and 52% were in districts with either no forecast need or only moderate need.<sup>291</sup> In December 2013 the National Audit Office found that most primary schools had opened in areas where there was a need for extra school places, but this was not the case for secondary school and the picture was mixed for areas of high or severe need:

Around 70 per cent of estimated primary and secondary places from open or approved Free Schools are in districts forecasting some need for places. Free Schools already open are expected to provide an estimated 27,000 primary places in districts forecasting high or severe need (87 per cent of all primary

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286 Q641

287 Q1347

288 Committee of Public Accounts, Fifty-sixth Report of Session 2013-14, Establishing free schools, HC941

289 Q625

290 Q84

291 Q641

places in Free Schools) but only 19 per cent of secondary places in Free Schools are in such areas. [...] The Department has received no applications to open primary Free Schools in half of all districts with high or severe forecast need.<sup>292</sup>

179. Natalie Evans explained that this picture had changed more recently:

This September [2014 ... ] 90% of free schools are in areas where there is a need for primary places, so there are primary schools setting up. In areas like London, where the issues are really problematic, 100% of the primary schools are in areas of need. We are also seeing free schools in areas where there are low standards—75% of secondary schools are in the two-thirds lowest performing areas of the country for GCSEs, and 89% of primary schools are in areas with the two-thirds lowest key stage 2.<sup>293</sup>

180. The relationship between free schools and local authorities has been problematic in some cases, with difficulties over sites and co-operation. London Councils told us:

Within boroughs and across London, like all regions, engagement with academies to expand and liaison with Free School applicants before they submit a bid to government vary significantly. There is no systematic approach in place and many local authorities only find out about plans to expand or create new Free Schools once they have been approved by Government. This makes it difficult for local authorities to be able to include these new places in medium to long term place planning.<sup>294</sup>

181. Research by the Institute of Education in 2014 showed that while free schools are opening in areas of high deprivation, as measured by the numbers of pupils eligible for free school meals, the schools themselves did not reflect this in their intakes, having a lower proportion of free school meals (FSM) pupils than the area average:

the government's anticipation that free schools would emerge in disadvantaged neighbourhoods is, on average, vindicated: looking at the neighbourhoods of free schools, one can see that there is a slightly higher proportion of children entitled to FSM when compared to the rest of England: 22% compared with 17% at secondary level, and 18% compared with 16% at primary level.

However, critics' concerns that the schools might become socially selective are also supported. Within the neighbourhood, fewer pupils actually attending the free schools were eligible for FSM—only 17.5% for secondary schools and 13.5% in primary schools.<sup>295</sup>

182. There was also a difference, at primary level, in prior achievement of pupils:

292 NAO, Establishing free schools, HC881, Session 2013-14

293 Q627

294 London Councils ([AFS0036](#)) para 3.6

295 Research Briefing Summary: The Social Composition of Free Schools after Three Years, Francis Green, Rebecca Allen and Andrew Jenkins

In terms of prior achievement, there is a marked difference at primary level: the free schools children have a distinctly higher mean score (0.33) than elsewhere in the neighbourhood and the rest of England where it is close to zero.<sup>296</sup>

183. The Secretary of State considered that free schools were “part of the answer” in addressing the shortage of school places.<sup>297</sup> After our evidence session, she clarified that recent changes had been made in the way the DfE considers need for free schools. These are: first, to strengthen the criteria to assess whether there is a need for a new school, drawing on “information on school capacity [...], intelligence from local authorities about emerging need in their areas and an assessment of the standards in other local schools”; and secondly, to change the way basic need is assessed and to assess it on much smaller areas, publishing a report setting out how newly approved free schools meet basic need.<sup>298</sup> Information published by the DfE now includes an impact assessment of how new free schools will affect other schools in the area.<sup>299</sup>

### Quality of free schools

184. By 31 March 2014, Ofsted had conducted 43 inspections of free schools. Seven were judged outstanding, 23 good, nine as ‘requires improvement’ and four were found to require special measures. Ofsted felt that “[t]his is still a small number of inspections, so it is too early to draw firm conclusions about the effectiveness of these types of schools.”<sup>300</sup> This message was re-enforced by Mike Cladingbowl, then Director of Schools at Ofsted, who told us that “we would not want to use our evidence to support a view, one way or the other, that free schools were doing a great job or not overall, as a system change”.<sup>301</sup> By the time of the Annual Report on Schools 2013/14, published in December 2014, Ofsted was still of the view that “It is too early to judge the overall performance of free schools”, although “those inspected to date have a similar profile of inspection judgements to other schools and our inspections indicate that free schools succeed or fail for broadly the same reasons as all other types of school”.<sup>302</sup>

185. In contrast to this cautious approach, in July 2014 DfE Ministers cited Ofsted inspection figures to support the view that free schools were more likely to be rated outstanding than other state-funded schools. Nick Gibb MP, the minister for school reform, told the House of Commons:

There are currently 174 free schools up and running, of which 40% have already had a section 5 Ofsted inspection, in addition to their pre-opening inspection. Of those, 24% are graded outstanding, which is a staggering achievement for a school that has been open for just four or five terms. This

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296 Ibid

297 Q1348

298 Department for Education ([AFS0137](#)) p4

299 Available on gov.uk website

300 19 June 2014 <http://www.ofsted.gov.uk/resources/latest-official-statistics-maintained-schools-and-academies-inspections-and-outcomes>

301 Q361

302 Ofsted Annual Report on Schools 2013/14, p.6

represents a higher proportion than other schools. Some 71% of free schools are graded good or outstanding.<sup>303</sup>

186. The figures cited show that the number of free schools inspected had increased to approximately 70 schools, of which 17 schools had been graded outstanding. The following week Lord Nash told the House of Lords that the “overwhelming success” of the programme was “unarguable”.<sup>304</sup>

187. Witnesses suggested that the DfE needed to be more open about the fact that free schools were experimental and so by their very nature risked failure. Anastasia de Waal argued that “There is a sense that a lot is being done behind the scenes to protect any indication of there being failure—a mistake, to my mind, because if the idea is a project of innovation and trying new things in the education system, then clearly it is preferable to be very transparent about that and honest about teething issues”.<sup>305</sup> Nick Weller, Executive Principal of Dixons Academies which also runs free schools, agreed that that “the Government should have been more up front about it being experimental”.<sup>306</sup> He suggested that the DfE should prepare for problems with new free schools by granting them interim funding agreements at the first stage, with final agreements signed off after a successful Ofsted inspection in the first year or two of operation.<sup>307</sup>

## Conclusions and recommendations on free schools

188. *Free schools are a flagship policy of the Government, designed to allow experimentation, but it appears that the policy has been altered so that these schools are also intended to meet basic need for places. The DfE needs to be clear and transparent about how the competition for free school funding is decided and the relative weight it gives to each of innovation, basic need, deprivation and parental demand, and to publish the number and type of applications it receives, from whom and the criteria it uses to make decisions on applications. We also recommend that the Government examine carefully any applications for free schools in areas where there are surplus places and a large proportion of existing schools which are good or outstanding.*

189. *Free schools are unlikely to be more than a small part of the strategic plan to create more school places where they are most needed. This does not remove the imperative to ensure that the body with overall responsibility for place planning in an area is aware of plans to establish new schools which will affect their calculations. We recommend that the DfE ensure that local authorities are informed of any proposal to open a free school in their area.*

190. *The DfE publishes impact assessments on how it is predicted that free schools will affect schools in their area but similar information is not published to assess what has happened after the school has been established. We recommend that the DfE collect and*

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303 HC Deb, 21 July 2014, c1136

304 HL Deb, 28 July 2014, c1417

305 Q464

306 Q465 [Nick Weller]

307 Q465 [Nick Weller]

*publish statistical information on the intake of free schools, and monitor the effect of newly created schools on the intake and attainment of neighbouring schools.*

191. 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.

## 8 Future schools landscape and implementation of education policy

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### The future schools landscape

192. Frank Green, the Schools Commissioner, told us that he envisaged a fully academised system in the next six years, explaining that “my view is that it needs to move to one system or another, and I think it is more likely to go down that pathway”. He clarified that that he meant “a trust-based system, where all schools are linked together in groups, many of which would be the current version of academies and then perhaps new versions of trust-based systems that are developed”.<sup>308</sup>

193. While this support for a fully academised system has been echoed by think-tanks such as Policy Exchange (who advocate that all primary schools should become academies by 2020)<sup>309</sup>, most of the concerns raised during our inquiry and addressed in our report can be seen to have arisen from the speed of implementation of the programme, which may raise issues in relation to the roll-out of the programme at primary level. Theodore Agnew, non-executive board member at the DfE, agreed that “mistakes” had been made within the academies programme, including the system of direct central oversight which had emerged: he told us that “I do not believe Whitehall should be overseeing 4,000 or however many schools centrally”.<sup>310</sup>

194. When we visited Boston and New Orleans as part of this inquiry to discuss what could be learned from charter schools to inform the future implementation of the academies programme, we were struck by the fact that the number of charter schools in the US remains low and the sector has expanded slowly, with only a threefold increase in the number of charter schools in the US in the last 15 years. By comparison, the number of academies in England grew from 203 to over 4,000 in the four year period from May 2010 to May 2014.

195. The landscape for schools is very different today from that of four years ago or earlier. Vincent McDonnell, managing director of Prospects academy group, questioned “why would schools look to become an academy?” now, given that the landscape has changed so much and local authorities are working with schools in different ways.<sup>311</sup> He suggested that “The majority of schools that are becoming academies now are either very successful, outstanding schools that seek or believe they should have more autonomy, or they are schools in challenge”.<sup>312</sup> By implication, schools that do not fall into either of these two camps may have little desire to change their status.

196. Other witnesses agreed that it was not the structure that mattered. Martin Pratt from the London Borough of Camden told us “what I look forward to is a system where we are

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308 Qq549-551

309 Policy Exchange, *The next stage of improvement for primary schools in England*, September 2014

310 Q807

311 Q947 [Vincent McDonnell]

312 Ibid

clear about how an integrated system supports children to achieve and creates high quality learning establishments [...] The question of whether or not all schools are academies is less important than the characteristics that are being displayed by the system within which those children are being educated”.<sup>313</sup>

197. This would require a change in attitude from that previously displayed by the DfE. Critics suggested that it appeared that the DfE was interested only in expansion and not in the evidence that supported the policy or in learning lessons from the experience so far. Chris Keates of the NASUWT told us that “DfE officials have become evangelists for academisation”.<sup>314</sup> Warwick Mansell argued that:

The problem for me is that the whole system is being overseen by an organisation that is just wanting to ramp up the numbers and sees that as its basic goal, whereas I think that the very least that should happen is that somebody should be saying, “Well, is it right for pupils in these schools, or for all pupils?”<sup>315</sup>

198. David Blunkett MP, Secretary of State for Education at the time of the first academies, warned that lessons must be learned, beyond “we have got nothing to learn from it, except to put our foot further on the accelerator and make it go faster”.<sup>316</sup> He cautioned that schools could start to coast or deteriorate in an “atomised” school system unless there is increased “light-touch” monitoring and intervention.<sup>317</sup>

199. The perception that there are now multiple systems of accountability, with some schools potentially falling through the cracks, and a lack of strategic oversight is shared by others. Russell Hobby of the NAHT told the PAC: “it does feel that although having diverse types of schools is very good, schools are now managed in many different ways with different people being accountable at different times”.<sup>318</sup> He added that the difference in the geographical scope of operation of regional schools commissioners, Ofsted regional directors and local authorities could risk creating “a balkanised system” and leave some schools falling “between the gaps of every single form of offer”.<sup>319</sup> Robert Hill argued to us:

We need to do away with this artificial divide between whether a school is an academy or not. We need to have an integrated system. [...] We need to have clarity so that we know what schools are doing, driving the self improving system, and we know what local authorities are doing in terms of place planning. [...] We then have the commissioners...<sup>320</sup>

200. There has been a change in the Ministerial message about academies. The Secretary of State told us that her “vision of the future is what we have now but to build on it: every

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313 Qq1028-9

314 Q1097

315 Q884

316 Q807

317 Q844

318 Oral evidence taken before the Public Accounts Committee on [17 November 2014](#), HC (2014-15) 735, Q26

319 Ibid, Q26

320 Q569

child having access to a good local school; parents being happy and inspired by the education that their child is getting; the education system preparing our children for life in modern Britain; [...] a high quality teaching work force, who are dedicated and hard-working and, I think, like everyone else in the education sector, wanting the best for all children, who are at the heart of the education sector”.<sup>321</sup> She made it clear that she did not “want to set any targets” for academisation but instead the priority was “the best schools for our young people, [...] and every school to be ‘good’ or ‘outstanding’”.<sup>322</sup>

## Enacting policy in an autonomous system

201. The capacity of the Secretary of State to compel schools to implement policy is very different in academies and maintained schools. David Wolfe QC wrote in evidence that:

the consequence of the legal underpinning of academies (namely contracts which are made on the basis of an ever-changing model) means that the Secretary of State is effectively powerless to introduce changes across all schools (eg in relation to school meal standards) without primary legislation (as currently contemplated by the Children and Families Bill 2013 in relation to children with SEN [Special Educational Needs] at academies).<sup>323</sup>

202. The implications of this change in relationship between schools and the Department has been highlighted by the recent decision by the Government to introduce the active promotion of ‘British values’ as a requirement in schools. For academies, this has been implemented by means of a change to the Independent School Standards which academies are required to follow under their funding agreements. For state maintained schools, the DfE has issued non-statutory guidance on how schools can demonstrate that they are actively promoting British values through the requirement that they must promote the spiritual, moral, social and cultural (SMSC) development of their pupils.<sup>324</sup> The Secretary of State cannot direct academies to follow new policies as she can with maintained schools, and although requirements can be written into new funding agreements, academies with an existing agreement cannot be compelled to implement changes.

203. At the same time, the Government retains the ability to restrict the autonomy of academies indirectly by such means as national tests and accountability measures. Warwick Mansell questioned whether this degree of centralisation is compatible with the commitment to autonomy inherent in the academies policy:

We talk about standing back and giving academies themselves the freedom to not follow that, but if you look at the way that it is policed, basically, you have got national tests that are being set up and holding schools to account in great detail about how they perform on those tests, with serious consequences for schools that do not do well. Schools cannot really get away

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321 Q1143

322 Q1146

323 David Wolfe QC ([AFS0107](#)) para 29

324 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/380595/SMSC\\_Guidance\\_Maintained\\_Schools.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380595/SMSC_Guidance_Maintained_Schools.pdf)



from following the national curriculum, so do we really have an autonomous system now? I am not sure we do.<sup>325</sup>

## Conclusions and recommendations

204. *There have been major shifts in the structure of schools in England over the last four years but it is salutary to remember that, despite all the attention paid to academies and free schools, of the 21,500 state-funded schools in England, 17,300 are maintained schools and 4,200 are academies as at August 2014.<sup>326</sup> It is not the case that the system will inevitably achieve full academisation, although for secondary schools that is already the dominant model and the direction of travel is strongly indicated. We call on the Government to spell out its vision for the future of schools in England, including the structures and underpinning principles that it envisages will be in place in five to ten years' time.*

205. *The oversight and intervention systems for English state schools differ according to whether they have academy or maintained status. Both major political parties have suggested that all state schools may be brought under a single regime in the future. Any future government should consider whether the existing dual system is beneficial in encouraging the development of more effective and earlier challenge to and remedies for underperformance.*

206. *For the new architecture to work most effectively not only must individual academy performance be publicly transparent but academy chains themselves must be as fully scrutinised as local authorities. The DfE, in particular, needs to be far more open about the implementation of the academies programme and how it assesses and monitors schools and chains. This includes funding and regulation by the EFA. Rather than seeing every request for information as an attack on the policy, the DfE has much to gain from transparency and clarity over its processes.*

207. *The process of conversion to academy status has been exceptionally fast by international standards. We recommend that the DfE review the lessons of the wholesale conversion of the secondary sector to inform any future expansion.*

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325 Q817

326 NAO, Academies and maintained schools: Oversight and intervention, HC (2014-15) 721, p5

## 9 Conclusion

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208. The landscape of schooling in England has been transformed over the last five years. As an administrative feat the delivery of so many schools into academy status has been remarkable and all the more so given the large reductions in staffing levels at the central department. Academy sponsorship has encouraged and facilitated the contribution of individuals not previously involved in education provision and laid down a challenge to maintained schools to improve or face replacement by the insurgent academy model. The development of outstanding Multi Academy Trusts like Ark and Harris offers an alternative system to the one overseen by local authorities while the unified Ofsted inspection regime and published performance data generally allows fair judgement of comparative performance.

209. At the end of this Parliament there are more good schools in England than ever before: 82% of primary schools and 71% of secondary schools have been rated by Ofsted as good or outstanding.<sup>327</sup> Time and research will improve understanding of which factors have contributed most to this welcome development. In the meantime the Government should stop exaggerating the success of academies and be cautious about firm conclusions except where the evidence merits it. Academisation is not always successful nor is it the only proven alternative for a struggling school.

210. One of the two major themes which has run throughout our evidence base and our report is the speed with which the Government pressed ahead with academisation and the need now to reflect and refine its policy going forward. The second major theme has been transparency. The DfE needs to be far more open about the implementation of the academies programme and how it assesses and monitors schools and chains. We welcome the appointment of the regional schools commissioners as a step towards making oversight more local again, but any lasting solution will need to be more local still and develop effective working with local authorities. This is particularly important in the case of stand-alone academies which have the potential to become isolated without challenge or assistance from other schools, an academy sponsor or the local authority.

211. One of the benefits of the expansion of academies has been the opportunity to develop competition between the providers of oversight, support and intervention systems for schools, whether they are academy chains or local authorities. Academy trusts have no legitimacy other than that earned through effective performance in their schools and can be “paused” from expansion or lose schools if they underperform. Whereas there were few if any alternatives to local authority oversight in the past, now a weak education authority knows that it must improve or lose schools from the maintained sector forever. For children, parents and the community it is the quality of education, not the status of the provider which is the measure of success. Too often in the past the democratic mandate of local authorities acted as a protective cloak for failings and excused slow or inadequate intervention. The tension which now exists between the maintained and academy sectors is a healthy one.

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<sup>327</sup> Ofsted Annual Report on Schools 2013-14, p8

212. Both academies and state maintained schools have a role to play in system-wide improvement by looking outwards and accepting challenge in order to ensure high quality education for all children.

## Conclusions and recommendations

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### Evidence of effect of academy status on standards and closing the gap

1. The evidence indicates that there is a complex relationship between attainment, autonomy, collaboration and accountability. PISA research does not support a straightforward relationship between attainment and the academy model of autonomous schools but it suggests that, together with other factors (including notably strong accountability), autonomy can work in the interests of raising attainment. There is less evidence of the impact of autonomy on closing the gap. The OECD is also clear that decision-making must also be delegated to the appropriate level if school-leaders and teachers are to be able to apply their professional skills to gain the best results. (Paragraph 61)
2. Current evidence does not allow us to draw firm conclusions on whether academies are a positive force for change. According to the research that we have seen, it is too early to judge whether academies raise standards overall or for disadvantaged children. This is partly a matter of timing. We should be cautious about reading across from evidence about pre-2010 academies to other academies established since then. What can be said is that, however measured, the overall state of schools has improved during the course of the academisation programme. The competitive effect upon the maintained sector of the academy model may have incentivised local authorities to develop speedier and more effective intervention in their underperforming schools. (Paragraph 63)
3. Some chains, such as Harris, have proved very effective at raising attainment, while others achieve worse outcomes than comparable mainstream schools. What is clear is that the picture is highly variable across the country and in the case of sponsored academies, across chains. More information is needed on individual groupings. (Paragraph 64)
4. *We recommend that the progress and results of each Multi Academy Trust (of more than three academies) be published on a chain by chain basis as well as by individual academy.* (Paragraph 65)
5. The majority of academy freedoms are available to all schools. One of the few that is not available—but equally one of the most widely used and important—is the freedom to vary the curriculum (whilst still being required to offer a broad and balanced curriculum to all pupils). (Paragraph 66)
6. *We recommend that curriculum freedoms be made available to all schools.* (Paragraph 67)
7. The limited use of their freedoms by academies suggests that more needs to be done to encourage them to innovate and explore the opportunities open to them. We note the inclusion of ‘use of academy freedoms’ in the Ofsted inspection framework, but consider that a box-ticking exercise could be misdirected. (Paragraph 68)

8. *We recommend that Ofsted look for evidence of effective innovation rather than name-checking use of specific freedoms. (Paragraph 69)*

### Oversight and monitoring

9. *The evidence to our inquiry supports the need for a middle tier between Whitehall and individual schools. The Regional Schools Commissioners are intended to fill that gap but their role is still evolving. There are differing views, including amongst postholders themselves, as to how the functions of RSCs will develop. We recommend that the Government clarify what that role is and how it will develop in the near future. (Paragraph 98)*
10. The RSC regions are too large as currently devised. We do not believe that an increase in staff numbers, as envisaged by the Secretary of State, would allow the RSC offices to be sufficiently in touch with local information, given the number of schools potentially involved. The number of Regional Schools Commissioners will need to increase from the current eight if they are to perform an effective oversight role for the academies in each region, and even more so if they are to be extended to cover maintained schools as well. (Paragraph 99)
11. *We recommend that the Government review and increase the number of schools commissioners. (Paragraph 100)*
12. Local authorities cannot embrace their new role in education without a clear and unambiguous codification of their role and responsibilities. These should include the championing of the interests of local children, families and employers in ensuring high quality, accessible local provision, rather than championing the schools themselves. (Paragraph 101)
13. As local authorities adjust to their new role, the Department should also adjust and ensure that local authorities can play a constructive role in challenging all schools, including academies, to be effective. If local authorities perceive themselves to be marginalised and ignored, they will not fulfil their role in holding schools to account. (Paragraph 102)
14. *We recommend that the DfE, as a matter of urgency, clarify the respective roles of local authorities and RSCs in relation to academies. (Paragraph 103)*
15. *The voice of parents can be marginalised in some academies. We recommend that the DfE work with academies and local authorities to ensure parents know how they can make representations and that these are meaningfully heard. (Paragraph 104)*
16. *We also recommend that the Education Funding Agency and the Regional Schools Commissioners establish protocols so that parental complaints are dealt with effectively and information from the process is shared between the authorities. (Paragraph 105)*
17. *Many witnesses have complained about the lack of transparency at the EFA. We recommend that the DfE and EFA further enhance the transparency and accountability of the monitoring process to ensure that academies comply with the terms of their funding agreement. (Paragraph 106)*

18. *Public confidence in the academy process is undermined by having the EFA as both regulator and funder. We recommend that its regulatory and funding roles be split and that the DfE carry out a review about how that can best be achieved.* (Paragraph 107)

### Collaboration and partnership in a school-led system

19. *Collaboration is essential in a self-improving school system in order to provide challenge, support and economies of scale. Harnessing the effectiveness of partnerships to raise school performance is particularly important where schools are autonomous. More needs to be done to encourage collaboration and ensure that it happens. We recommend that Ofsted include evidence of collaboration in its inspection criteria and that a school must demonstrate effective partnership with another school in order to be judged 'outstanding'.* (Paragraph 120)
20. *Evidence to the inquiry suggests that collaboration is much more likely to occur and be effective if it is brokered by a third party, such as a trust or local authority. Effective brokering of collaboration between schools must be planned and considered, to ensure that the partnership is advantageous to both parties, rather than cumbersome, and real rather than cosmetic.* (Paragraph 121)
21. *We have heard evidence that local authorities can be effective at brokering school partnerships. We recommend that the Government set out how it will incentivise the spread of this best practice, including through Ofsted. The codification we have recommended of the responsibilities of local authorities with regard to academies should include their role in ensuring effective collaboration between all schools.* (Paragraph 122)
22. *We recommend that the DfE strengthen its monitoring of the collaboration of converter academies with other schools. We also recommend that the Secretary of State seek to renegotiate all existing funding agreements to introduce a requirement for collaboration for school improvement purposes and that all future agreements include this requirement.* (Paragraph 123)

### Sponsorship and regulation of academy chains

23. *The DfE has begun looking at what makes chains effective but more needs to be done and the results of this work need to be better disseminated. We recommend that the DfE build on its existing analysis of the characteristics of academy chains by examining best practice and the operation of effective chains, in order to inform the active promotion of best practice across all Multi Academy Trusts.* (Paragraph 154)
24. *We recommend that the DfE analyse and monitor the performance and other data relating to academy chains, and publish the results broken down by school and trust, in the interests of transparency and accountability.* (Paragraph 155)
25. *Greater transparency is also needed regarding the process and criteria by which sponsors are authorised and matched with schools. This information should be clearly set out and be in the public domain. The process of authorisation and approval has improved but could still be sharpened. Greater transparency over DfE decision-making will help in encouraging new sponsors to come forward and to understand what will be*

*required of them. We recommend that the Government outline the process and criteria by which sponsors are authorised and matched with schools. (Paragraph 156)*

26. *Conflicts of interests in trusts are a real issue, as shown by the cases which have come to light so far, and they are magnified in the public eye by the latent potential for the misuse, apparent or actual, of public money. It is essential that academy trustees act as trustees and on the Nolan principles of conduct in public life. We acknowledge that the DfE has responded and strengthened the system but we believe that the Department should go further. We recommend that the DfE take further steps to strengthen the regulations for governance in academy trusts and that the EFA revise its guidance on at cost transactions to make expectations of academies clearer. (Paragraph 157)*
27. *Our evidence suggests that the oversight of chains needs to be improved in several areas. We recommend that the accountability and monitoring system for chains, and the criteria used to 'pause' their expansion, be made more transparent and open. The DfE should publish the process and criteria that will be used in reviewing and renewing academy funding agreements. (Paragraph 158)*
28. *Lessons should be learned from the US experience of charter schools with regard to oversight arrangements. We recommend that the Government reconsider the appropriate length of funding agreements, with a view to reducing it to five years, and publish its assessment. (Paragraph 159)*
29. *We recommend that the DfE create a mechanism for schools to be able to leave academy chains where the relationship is no longer appropriate. (Paragraph 160)*
30. *We also recommend that the DfE develop a failure regime for chains, as in the Netherlands, and publish a protocol for dealing with the failure of a large chain as well as how individual schools will be treated when a chain indicates that it can no longer run them. (Paragraph 161)*
31. *We have listened carefully to the arguments put forward by the DfE against inspections of chains by Ofsted but we remain unconvinced. We believe that an Ofsted inspection judgement for each academy chain would improve Multi Academy Trusts in the same way as it has schools and local authorities. We also believe that, given the failure of some high profile academy chains, the grading of academy chains and corresponding report information would help Regional Schools Commissioners monitor chain performance, and would give parents important information about the academy chain that stands behind their school. (Paragraph 162)*
32. *We recommend that Her Majesty's Chief Inspector of Schools be given the powers he has called for in respect of inspecting academy chains. (Paragraph 163)*
33. *We recommend that all academies and chains publish in their annual accounts the salary and other remunerations of senior leaders within bands. (Paragraph 164)*

### **Effective structures for primary schools**

34. *We have sought but not found convincing evidence of the impact of academy status on attainment in primary schools. We recommend that the DfE commission, as a matter*

*of urgency, research into the relationship between academy status and outcomes at KS1 and KS2 so that sponsors and RSCs can be clear which models and characteristics are most strongly correlated with improved performance. (Paragraph 173)*

35. *The primary sector benefits most from collaborative structures, whether these are facilitated by academy status or otherwise. We reiterate the recommendation in our report on school partnerships and collaboration that the additional funding available to schools through the Primary Chains Grant be extended to primary schools forming maintained federations, as well as Multi Academy Trusts. Such funding is particularly important to encourage collaboration between small schools in rural areas. (Paragraph 174)*

### Creation of free schools

36. *Free schools are a flagship policy of the Government, designed to allow experimentation, but it appears that the policy has been altered so that these schools are also intended to meet basic need for places. The DfE needs to be clear and transparent about how the competition for free school funding is decided and the relative weight it gives to each of innovation, basic need, deprivation and parental demand, and to publish the number and type of applications it receives, from whom and the criteria it uses to make decisions on applications. We also recommend that the Government examine carefully any applications for free schools in areas where there are surplus places and a large proportion of existing schools which are good or outstanding. (Paragraph 188)*
37. *Free schools are unlikely to be more than a small part of the strategic plan to create more school places where they are most needed. This does not remove the imperative to ensure that the body with overall responsibility for place planning in an area is aware of plans to establish new schools which will affect their calculations. We recommend that the DfE ensure that local authorities are informed of any proposal to open a free school in their area. (Paragraph 189)*
38. *The DfE publishes impact assessments on how it is predicted that free schools will affect schools in their area but similar information is not published to assess what has happened after the school has been established. We recommend that the DfE collect and publish statistical information on the intake of free schools, and monitor the effect of newly created schools on the intake and attainment of neighbouring schools. (Paragraph 190)*
39. *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. (Paragraph 191)*

### Future schools landscape and implementation of education policy

40. *There have been major shifts in the structure of schools in England over the last four years but it is salutary to remember that, despite all the attention paid to academies and free schools, of the 21,500 state-funded schools in England, 17,300 are maintained schools and 4,200 are academies as at August 2014. It is not the case that the system will inevitably achieve full academisation, although for secondary schools that is already the dominant model and the direction of travel is strongly indicated. We call*



*on the Government to spell out its vision for the future of schools in England, including the structures and underpinning principles that it envisages will be in place in five to ten years' time. (Paragraph 204)*

- 41.** *The oversight and intervention systems for English state schools differ according to whether they have academy or maintained status. Both major political parties have suggested that all state schools may be brought under a single regime in the future. Any future government should consider whether the existing dual system is beneficial in encouraging the development of more effective and earlier challenge to and remedies for underperformance. (Paragraph 205)*
- 42.** *For the new architecture to work most effectively not only must individual academy performance be publicly transparent but academy chains themselves must be as fully scrutinised as local authorities. The DfE, in particular, needs to be far more open about the implementation of the academies programme and how it assesses and monitors schools and chains. This includes funding and regulation by the EFA. Rather than seeing every request for information as an attack on the policy, the DfE has much to gain from transparency and clarity over its processes. (Paragraph 206)*
- 43.** *The process of conversion to academy status has been exceptionally fast by international standards. We recommend that the DfE review the lessons of the wholesale conversion of the secondary sector to inform any future expansion. (Paragraph 207)*

# Annex A: Programme for the Committee's visit to Boston and New Orleans, USA, 23 to 27 March 2014

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*Members attending the visit: Mr Graham Stuart MP (Chair), Alex Cunningham MP, Ian Mearns MP, Mr David Ward MP and Craig Whittaker MP.*

## Sunday 23 March

Evening Arrive Boston.

Briefing by British Consulate General staff

## Monday 24 March

- Visit to UP Academy: tour of school and discussion with Mike Kerr, Director of Operations, and colleagues
- Visit to Jeremiah Burke High School: tour of school and discussion with Linda McIntyre, Principal, and colleagues
- Discussion with Ruth Hersh, Policy Coordinator, Massachusetts Department of Elementary & Secondary Education, Office of Charter Schools and School Redesign
- Visit to Harvard Graduate School of Education:
  - Seminar with Nelson Smith, Adjunct lecturer on Education, and students
  - Roundtable discussion with Paul Reville, Susan Moore Johnson and Nancy Hill
  - HGSE course on charter schools seminar with Nelson Smith, Adjunct Lecturer on Education and Professor Kay Merseth
- Meeting with Matt Malone, MA Education Secretary
- Dinner with Education contacts, including from UP Academy, Harvard Graduate School of Education, City Year and TeachFirst

## Tuesday 25 March

- Meeting with Michael O'Neill, Chair of Boston Public Schools
- Meeting with Parag Pathak, MIT
- Meeting with Marc Kenan, Director, MA Charter Public School Association

Evening      Transfer to New Orleans

Welcome briefing by British Consulate-General staff

### **Wednesday 26 March**

- Meeting with Neerav Kingsland, CEO, New Schools for New Orleans
- Visit to International High School: tour of school and discussion with Lauren Hitt, Adam Hawf, Assistant Superintendent, Louisiana Department of Education and Jill Zimmerman, Director of Portfolio Planning and Analysis, Louisiana Department of Education
- Meeting with John Ayers, Executive Director, Cowen Institute and Douglas Harris, Director, Education Research, Tulane University
- Meeting with Sarah Usdin, Vice-President and Nolan Marshall, President, Orleans Parish School Board

### **Thursday 27 March**

- Meeting with Veronica Brooks, Policy Director, Louisiana Public Charter Schools Association
- Visit to Arthur Ashe Elementary School: tour of school and discussion with Jay Altman, Co-founder and CEO, Firstline Schools and Sivi Domango, Co-Director, Arthur Ashe Elementary

Depart for London

## Annex B: Programme for the Committee's visit to Hull, 23 to 24 June 2014

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*Members attending the visit: Mr Graham Stuart MP (Chair), Alex Cunningham MP, Bill Esterson MP, Ian Mearns MP, Caroline Nokes MP, Mr David Ward MP and Craig Whittaker MP.*

### Monday 23 June 2014

- Visit to Collingwood Primary School, Hull: discussion with Alison Aherne, Head of Wansbeck Primary School, Katie Beal, Head of Eastfield Primary School, Elaine Butler, Head of Thanet and Foredyke Primary School Federation, Paul Plumridge, Hull Collaborative Academy Trust, Jan Drinkall, Head of Highlands Primary School, Clare Mudd, Head of Bellfield Primary, members of the governing body of Collingwood Primary, School Business Managers and parents.
- Roundtable discussion with: Mike Furbank, Head of Education and Schools, East Riding of Yorkshire Council, Tim Culpin, Head of Academy Improvement at CfBT Schools Trust, Jacqui Elton, academic and former School Improvement Officer, Carol White, Boulevard Academy Trust, Debbie Barnes, Director of Children's Services in Lincolnshire, Ken Sainty, Assistant City Manager, School Standards and Improvement, Sal Smith, Executive, Patrington and Easington CE Primary Academies, Elaine Butler, Head of Thanet and Foredyke Primary Federation, Marie-Claire Bretherton, Executive Head, Mount Street Academy, Cllr Rosie Nicola, Chair of Children and Families, Hull County Council, and Clare Patton, Head of the Whitehouse and Primary Behaviour Support Service.

### Tuesday 24 June 2014

- Visit to Sirius Academy, Hull: tour of school and discussion with Dr Cathy Taylor, Principal.
- Formal evidence session.
- Young people's question time with BBC School Report.

# Formal Minutes

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**Wednesday 21 January 2015**

Members present:

Mr Graham Stuart, in the Chair

Alex Cunningham  
Bill Esterson  
Pat Glass  
Siobhain McDonagh

Ian Mearns  
Mr Dominic Raab  
Mr David Ward  
Craig Whittaker

Draft Report (*Academies and free schools*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 212 read and agreed to.

Annexes agreed to.

Summary agreed to.

*Resolved*, That the Report be the Fourth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 28 January at 9.15 am

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at [www.parliament.uk/academies-and-free-schools](http://www.parliament.uk/academies-and-free-schools).

### Wednesday 5 February 2014

*Question number*

**Andrew McCully**, Director General for Infrastructure and Funding, Department for Education, **Dominic Herrington**, Director of Academies Group, Department for Education, **Mela Watts**, Director of Free Schools Group, Department for Education and **Sue Baldwin**, Director of Academies and Maintained Schools Group, Education Funding Agency, Department for Education

[Q1-177](#)

### Wednesday 5 March 2014

**Andreas Schleicher**, Deputy Director for Education and Skills, Organisation for Economic Co-operation and Development

[Q178-297](#)

### Wednesday 19 March 2014

**Gabriel Sahlgren**, Research Director at the Centre for Market Reform of Education, Institute of Economic Affairs, and Affiliated Researcher, Research Institute of Industrial Economics, Sweden, **Dr. Olmo Silva**, Research Associate, Centre for Economic Performance, LSE, **Henry Stewart**, Founder, Local Schools Network and **Dame Sally Coates**, Principal, Burlington Danes Academy

[Q298-354](#)

**Professor Anne West**, Director, Education Research Group, LSE, **Sam Freedman**, Director, Research, Evaluation and Impact, TeachFirst, **Christine Gilbert**, Chief Executive, London Borough of Brent and and **Mike Cladingbowl**, Director of Schools, Ofsted

[Q355-394](#)

### Wednesday 9 April 2014

**Lucy Heller**, Chief Executive, ARK, **John Clarke**, Deputy Director of Children's Services - Education and Inclusion, Hampshire County Council and **Emma Knights**, Chief Executive, National Governors Association

[Q395-463](#)

**Sue Higgins**, Executive Leader, Local Government, National Audit Office, **Anastasia de Waal**, Director of Family and Education, Civitas and **Nick Weller**, Chair, Independent Academies Association and Executive Principal, Dixons Academies

[Q464-528](#)

### Tuesday 13 May 2014

**Frank Green**, Schools Commissioner, **Sir David Carter**, CEO of Cabot Learning Federation and prospective Regional Schools Commissioner for the South West and **Robert Hill**, education consultant and Visiting Senior Research Fellow, Department of Education and Professional Studies, King's College, London

[Q529-622](#)

**Natalie Evans**, Director, New Schools Network, **Rob Higham**, Senior Lecturer in Education, Institute of Education, **Katie Parlett**, Principal of Lighthouse School and **Alice Hudson**, Executive Headteacher, Twyford Church of England Academies Trust

[Q623-683](#)

### Tuesday 24 June 2014

**Katie Beal**, Headteacher, Eastfield Primary School, Kingston-upon-Hull, **Wendy Marshall**, CEO, David Ross Education Trust and **Emma Hardy**, Primary teacher and Vice-President of East Riding NUT

[Q684-735](#)

**Helen Fulcher**, Head of Church Lane Primary School, Lincolnshire, **Milorad Vasic**, Director of Children and Families, Hull City Council and **Marie-Claire Bretherton**, Executive Headteacher, Mount Street Academy

[Q736-782](#)

### Wednesday 2 July 2014

**Rt Hon David Blunkett MP**, **Jay Altman**, Chief Executive Officer FirstLine Schools, New Orleans, **Theodore Agnew**, Sponsor, Inspiration Trust, Non-Executive Board Member and Chair of the Academies Board, Department for Education and **Warwick Mansell**, freelance education journalist

[Q783-903](#)

### Wednesday 3 September 2014

**Rt Rev John Pritchard**, Bishop of Oxford and Chair of the Church of England's Board of Education, **Sir Daniel Moynihan**, Chief Executive Officer, Harris Federation, **David Wolfe QC**, Matrix Chambers and **Vincent McDonnell**, Managing Director of Prospects

[Q904-1019](#)

**Martin Pratt**, Director for Children, Schools and Families, London Borough of Camden, **John Readman**, Strategic Director for People, Bristol City Council, **Jon Stonehouse**, Director of Children's Services, Education and Skills, City of York Council and **David Whalley**, Head of Service: Learning, Children and Young People's Services, Calderdale Council

[Q1020-1068](#)

### Tuesday 14 October 2014

**Avril Chambers**, National Officer for Education Staff, GMB, **Kevin Courtney**, Deputy General Secretary, NUT, **Chris Keates**, General Secretary, NASUWT and **Jon Richards**, National Secretary, Education and Children's Services, Pensions & Health and Safety, UNISON

[Q1069-1142](#)

### Wednesday 22 October 2014

**Rt Hon Nicky Morgan MP**, Secretary of State for Education

[Q1143-1356](#)

## Published written evidence

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The following written evidence was received and can be viewed on the Committee's inquiry web page at [www.parliament.uk/academies-and-free-schools](http://www.parliament.uk/academies-and-free-schools). AFS numbers are generated by the evidence processing system and so may not be complete.

- 1 Academies Enterprise Trust ([AFS0111](#))
- 2 Alan Mottershead ([AFS0048](#))
- 3 Alexandra Payling ([AFS0077](#))
- 4 Andrew Mccandlish ([AFS0010](#))
- 5 Andrew Wilkins ([AFS0008](#))
- 6 Anti Academies Allaince ([AFS0074](#))
- 7 Association of Colleges ([AFS0136](#))
- 8 Association of Directors of Children's Services ([AFS0069](#))
- 9 Association of Directors of Children's Services ([AFS0086](#))
- 10 Association of School and College Leaders ([AFS0037](#))
- 11 Association of Teachers and Lecturers ([AFS0079](#))
- 12 Bishop of Oxford, Church of England ([AFS0132](#))
- 13 British Humanist Association ([AFS0019](#))
- 14 Calderdale Metropolitan Borough Council ([AFS0128](#))
- 15 Calderdale Metropolitan Borough Council ([AFS0126](#))
- 16 Catholic Education Service ([AFS0027](#))
- 17 CBI ([AFS0105](#))
- 18 Church Of England ([AFS0080](#))
- 19 Compass-Suffolk ([AFS0061](#))
- 20 Comprehensive Future ([AFS0026](#))
- 21 Conall Mccoy ([AFS0095](#))
- 22 David Fitzsimmons ([AFS0058](#))
- 23 David Wolfe ([AFS0107](#))
- 24 Dennis Jeffery ([AFS0056](#))
- 25 Department For Education ([AFS0066](#))
- 26 Department For Education ([AFS0114](#))
- 27 Department For Education ([AFS0122](#))
- 28 Department For Education ([AFS0124](#))
- 29 Det Sergeant Richard Ward ([AFS0134](#))
- 30 Department for Education ([AFS0112](#))
- 31 Department for Education ([AFS0113](#))
- 32 Department for Education ([AFS0115](#))
- 33 Department for Education ([AFS0131](#))
- 34 Department for Education ([AFS0137](#))
- 35 Dr R. K. Smith ([AFS0110](#))
- 36 Dr Ruth Boyask ([AFS0097](#))
- 37 Dr Terry Wrigley ([AFS0040](#))
- 38 Dr Trevor Male ([AFS0007](#))
- 39 Edward Caines ([AFS0082](#))



- 40 FASNA (Freedom And Autonomy For Schools -National Organisation) ([AFS0100](#))
- 41 Fran Smith ([AFS0015](#))
- 42 Francesca Hinton ([AFS0060](#))
- 43 GMB ([AFS0076](#))
- 44 Graham E Conway ([AFS0030](#))
- 45 Hampshire County Council Children's Services Department ([AFS0063](#))
- 46 Hands Off Our Schools, Notts ([AFS0047](#))
- 47 Hannah Finney ([AFS0034](#))
- 48 Harris Federation ([AFS0117](#))
- 49 IAA (Independent Academies Association) ([AFS0090](#))
- 50 Jane Eades ([AFS0071](#))
- 51 Janet Downs ([AFS0038](#))
- 52 Keith Hamilton ([AFS0012](#))
- 53 Kent County Council ([AFS0049](#))
- 54 Laura Evans Vogel ([AFS0002](#))
- 55 Local Government Association ([AFS0073](#))
- 56 Local Schools Network ([AFS0054](#))
- 57 Local Schools Network ([AFS0123](#))
- 58 London Councils ([AFS0036](#))
- 59 Martin Matthews ([AFS0009](#))
- 60 Marylebone Boys' School ([AFS0103](#))
- 61 Michael Pyke ([AFS0035](#))
- 62 Mr. & Mrs. C. Jones ([AFS0098](#))
- 63 Mrs J Woodruff ([AFS0025](#))
- 64 Mrs A. Underwood ([AFS0014](#))
- 65 NAHT (National Association Of Head Teachers) ([AFS0091](#))
- 66 Nasuwt ([AFS0068](#))
- 67 Natalie Papanastasiou ([AFS0039](#))
- 68 Nathalie Junker ([AFS0001](#))
- 69 National Association of School Business Management ([AFS0081](#))
- 70 National Governors' Association ([AFS0099](#))
- 71 National Governors' Association ([AFS0133](#))
- 72 National Union of Teachers ([AFS0046](#))
- 73 Neil Moffatt ([AFS0016](#))
- 74 New Schools Network ([AFS0108](#))
- 75 New Schools Network ([AFS0125](#))
- 76 NUT ([AFS0138](#))
- 77 Ofsted ([AFS0088](#))
- 78 Ofsted ([AFS0121](#))
- 79 Ofsted ([AFS0135](#))
- 80 On Behalf Of The Nisai Group ([AFS0064](#))
- 81 Our Community, Our Schools ([AFS0045](#))
- 82 P Goddard ([AFS0017](#))
- 83 Parents Forum ([AFS0062](#))
- 84 Paul A Hartley ([AFS0057](#))

- 85 Paul Fuller ([AFS0004](#))
- 86 Peter Cansell ([AFS0089](#))
- 87 Pfeg ([AFS0087](#))
- 88 Piers Nickson ([AFS0003](#))
- 89 Professor Geoff Whitty ([AFS0078](#))
- 90 Professor Toby Greany ([AFS0127](#))
- 91 Prospect ([AFS0051](#))
- 92 Prospects Services ([AFS0130](#))
- 93 Public and Commercial Services Union ([AFS0022](#))
- 94 Reach2 Academy Trust ([AFS0043](#))
- 95 Richard Morgan ([AFS0018](#))
- 96 Ron Glatter ([AFS0028](#))
- 97 RSA Academies ([AFS0041](#))
- 98 Save Downhills ([AFS0055](#))
- 99 Socialist Educational Association ([AFS0020](#))
- 100 South East Strategic Leaders ([AFS0085](#))
- 101 SSAT ([AFS0067](#))
- 102 Steiner Waldorf Schools Fellowship ([AFS0052](#))
- 103 Sue Diamond ([AFS0006](#))
- 104 Suffolk Coalition Opposing Free Schools (Scofs) ([AFS0094](#))
- 105 Surrey County Council ([AFS0075](#))
- 106 Susan Lynch ([AFS0005](#))
- 107 The Elliot Foundation ([AFS0065](#))
- 108 The GI Education Group ([AFS0053](#))
- 109 The Kemnal Academies Trust (Tkat) ([AFS0011](#))
- 110 Trevelyan Evans ([AFS0116](#))
- 111 United Learning ([AFS0096](#))
- 112 Valerie Hunter ([AFS0083](#))
- 113 Victoria Jaquiss ([AFS0059](#))
- 114 Westway Development Trust ([AFS0106](#))
- 115 Wilf Fleming on behalf of Dr Elizabeth Passmore ([AFS0050](#))

# List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the Committee's website at [www.parliament.uk/education-committee](http://www.parliament.uk/education-committee).

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2010-12

First Special Report	Young people not in education, employment or training: Government Response to the Children, Schools and Families Committee's Eighth Report of Session 2009-10	HC 416
Second Special Report	The Early Years Single Funding Formula: Government Response to the Seventh Report from the Children, Schools and Families Committee, Session 2009-10	HC 524
Third Special Report	Transforming Education Outside the Classroom: Responses from the Government and Ofsted to the Sixth Report of the Children, Schools and Families Committee, Session 2009-10	HC 525
Fourth Special Report	Sure Start Children's Centres: Government Response to the Fifth Report from the Children, Schools and Families Committee, Session 2009-10	HC 768
First Report	Behaviour and Discipline in Schools	HC 516-I and -II (HC 1316)
Second Report	The role and performance of Ofsted	HC 570-I and II (HC 1317)
Fifth Special Report	Looked-after Children: Further Government Response to the Third Report from the Children, Schools and Families Committee, Session 2008-09	HC 924
Third Report	Services for young people	HC 744-I and -II (HC 1501)
Fourth Report	Participation by 16-19 year olds in education and training	HC 850-I and -II (HC 1572)
Fifth Report	The English Baccalaureate	HC 851 (HC 1577)
Sixth Report	Services for young people: Government Response to the Committee's Third Report of Session 2010-12	HC 1501 (HC 1736)
Seventh Report	Appointment of HM Chief Inspector, Ofsted	HC 1607-I
Eighth Report	Chief Regulator of Qualifications and Examinations	HC 1764-I and -II
Ninth Report	Great teachers: attracting, training and retaining the best	HC 1515-I (HC 524, Session 2012-13)

**Session 2012-13**

First Report	The administration of examinations for 15–19 year olds in England	HC 141-I (HC 679)
Second Report	Appointment of Chair, Social Mobility and Child Poverty Commission	HC 461-I
Third Report	Governance and leadership of the Department for Education	HC 700 (HC 919)
Fourth Report	Children first: the child protection system in England	HC 137-I (HC 993)
Fifth Report	Support for Home Education	HC 559-I (HC 1013)
Sixth Report	Pre-legislative scrutiny: Special Educational Needs	HC 631-I
Seventh Report	Careers guidance for young people: The impact of the new duty on schools	HC 632-I (HC 1078)
Eighth Report	From GCSEs to EBCs: the Government's proposals for reform	HC 808-I (HC 1116)

**Session 2013–14**

First Report	2012 GCSE English results	HC 204 (HC 662)
Second Report	The Role of School Governing Bodies	HC 365 (HC 661)
Third Report	School sport following London 2012: No more political football	HC 364 (HC 723)
Fourth Report	School Partnerships and Cooperation	HC 269 (HC 999)
Fifth Report	Foundation Years: Sure Start Children's Centres	HC 364 (HC 1141)
Sixth Report	Residential Children's Homes	HC 716

**Session 2014-15**

First Special Report	Residential Children's Homes: Government's response to Committee's Sixth Report of Session 2013-14	HC 305
First Report	Underachievement in Education by White Working Class Children	HC 142 (HC 647)
Second Report	Into independence, not out of care: 16 plus care options	HC 259 (HC 738)
Third Report	Appointment of the Children's Commissioner for England	HC 815