



NUT REBUTTAL TO DfE STATEMENT: “10 FACTS YOU NEED TO KNOW ABOUT ACADEMIES”

INTRODUCTION

On 13 April the Department for Education (DfE) posted a statement on its website entitled, *10 Facts You Need to Know About Academies*, which it described as: “Information intended to dispel some common myths and misconceptions about the academies programme.”¹ This follows criticism of the proposals outlined in its White Paper, *Educational Excellence Everywhere*², which advocates, among other measures, that all schools in England should become academies by 2022.

Below we set out the DfE’s ‘Myths and Facts’ followed by, in each case, the response from the National Union of Teachers (NUT).

Myth

By making every school an academy, education is being privatised.

Fact

Academies are free, state-funded schools which are run by charitable trusts. They cannot be run for profit. Profit-making schools were explicitly ruled out in our manifesto and will continue to be: charity law would expressly prevent this. The school system is not being privatised - instead heads and teachers are being given greater freedom to run their schools.

There are already strict rules in place which prevent individuals and companies profiting from their relationship with an academy and academies, as with local-authority schools, cannot sell or change the use of publicly funded school land without government approval. This will not change.

NUT Response

Academisation means that state schools are being transferred into the control of private organisations.

¹ DfE, *10 facts you need to know about academies* (13 April 2016). Available at:

<https://www.gov.uk/government/news/10-facts-you-need-to-know-about-academies>

² Department for Education, *Educational Excellence Everywhere* (17 March 2016). Available online at:

<https://www.gov.uk/government/publications/educational-excellence-everywhere>

Academy trusts are 'exempt charities' and not fully covered by the provisions of charity law. They are also 'companies limited by guarantee'. A company limited by guarantee is much like an ordinary private company limited by shares. It is registered at Companies House, must register its accounts and file an annual return each year. It does not have a share capital or shareholders, but instead, Members (akin to shareholders), Trustees/Governors (akin to the company Board of Directors) and a Chief Executive. The Members appoint, and can dismiss, the Trustees/Governors.

In a typical multi academy trust (MAT), decisions about all the schools in the MAT are taken centrally so schools don't control their own destiny. This is a structure typical in the corporate sector (for example a major supermarket chain) but alien to the democratic arrangements covering maintained schools which have democratic local governance and reserved places for staff, parents and local authority representatives.

Currently academy trusts do not, in the main run schools for profit (though one free school academy trust in Suffolk is run on a profit-making basis). However, many academy trusts engage in what are called 'related party transactions' in which the trust buys services from companies with whom the Trustees/Governors have a direct interest. The NAO published a report in 2014 highlighting some of the worst of these abusive practices.³ Since then academy trusts have been told that such transactions must be 'at cost' but there is no way of determining what this means in practice. Many academies have also adopted some of the bad practices of the corporate sector, such as paying inflated salaries to their CEOs and/or Executive Heads.⁴

Furthermore, if all schools become academies there is nothing to prevent a future Secretary of State changing the rules to allow them to directly profit from running schools.

The White Paper is proposing to transfer ownership of school land and buildings from democratically accountable local authorities to the Secretary of State who would then lease them to academy trusts. No indication is given of how long such a lease may last.

The value of taxpayer-funded school land and buildings held by academy trusts in the 2013/14 financial year stood at £31.7 billion, according to the Department for Education, which gives some indication of the value of the schools' estate as a whole.⁵ In a fully academised landscape, these are valuable assets which could be sold off.

There would be nothing to prevent the Secretary of State converting leases into freeholds in the future.

³ National Audit Office, *Academies and maintained schools: Oversight and intervention* (30 October 2014). Available at: <https://www.nao.org.uk/wp-content/uploads/2014/10/Academies-and-maintained-schools-Oversight-and-intervention.pdf>

⁴ Ann McGauran, *Academy CEO Pay: How much do the biggest trusts pay?* Schools Week (5 June 2016). Available at: <http://schoolsweek.co.uk/academy-ceo-pay-how-the-biggest-trusts-stack-up/>

⁵ Information provided in Department for Education Consolidated Annual Report and Accounts 2013-14 for the year ended 31 March 2014. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397024/DfE_consolidated_annual_report_and_accounts_2013_to_2014.pdf

This is effectively the privatisation of valuable state assets.

Myth

Academies don't lead to higher standards.

Fact

Evidence from around the world clearly demonstrates that educational performance is improved by giving autonomy to front-line teaching professionals and holding those professionals to account for the outcomes they achieve for young people.

It is not the case that every academy performs better than every local-authority school; but the academy system makes it easier to put in place those factors - better teaching, leadership, curriculums and accountability - that incontrovertibly drive up standards. It better allows underperformance to be tackled when it does occur; and establish a system more likely to lead to long-term improvements in results over the next decade.

NUT Response

Evidence from around the world demonstrates that where **educational professionals** have autonomy over curriculum, assessment and pedagogy, those education systems perform highly. There is no evidence to support the view that **school autonomy** is linked to high performance, indeed the evidence suggests the opposite – that high performing school systems involve collaboration and support.⁶

The Government states in the White Paper, *“We think that academies are the best type of school for talented people to improve outcomes for pupils.”*⁷

However, there remains no evidence to support this claim and the White Paper itself contains no evidence section to support its far-reaching proposals, nor the specific plan to force all schools to become academies by 2020.

NUT Deputy General Secretary Kevin Courtney wrote to the Secretary of State for Education, Nicky Morgan, on 23 March asking her to supply the evidence for forcing all schools to become academies.⁸ However, no reply has been forthcoming, despite a subsequent letter sent on 12 April.⁹

In contrast, there is now a growing body of credible evidence, including from the House of Commons Education Committee, Ofsted, the Sutton Trust and the Local Schools Network, to demonstrate that sponsored academies **do not** outperform maintained schools, as judged by the test and examination metrics favoured by the Government.

⁶ See, for example, OECD (2013), PISA 2012 Results: *What Makes Schools Successful? Resources, Policies and Practices (Volume IV)*, Available at: <https://www.oecd.org/pisa/keyfindings/pisa-2012-results-volume-IV.pdf>

⁷ DfE, *Educational Excellence Everywhere*, page 56, paragraph 4.11.

⁸ The letter can be read at: <https://www.teachers.org.uk/campaigns/white-paper>

⁹ The follow-up letter can be read at: <http://www.teachers.org.uk/sites/default/files2014/follow-up-letter-from-dgs-to-secretary-of-state.pdf>

The Local Government Association (LGA) has pointed out that 82% of local authority maintained schools are rated 'good' or 'outstanding' by Ofsted, so councils have clearly demonstrated that they are effective education improvement partners.¹⁰ Furthermore, while just 15 per cent of the largest MATs perform above the national average in terms of pupil progress, 44 per cent of councils do so.¹¹

Data released by Ofsted to Lord Hunt of Kings Heath in December 2015 showed that among schools rated 'inadequate' by Ofsted that subsequently became sponsored academies, 12 per cent remained inadequate at their next inspection (one in eight) compared to just two per cent (one in 50) of those that remained maintained by their local authority.¹²

Academy proponents have claimed that the academies programme would particularly enhance the life chances of disadvantaged pupils. Yet in January 2015, following an 18-month inquiry, the Education Committee found that: "*It is too early to judge whether academies raise standards overall or for disadvantaged children.*"¹³

The Sutton trust has produced two reports looking at the impact of some of the largest academy chains on low income students in secondary sponsored academies: *Chain Effects* (an analysis of 2013 GCSE results published in 2014) and *Chain Effects 2015* (an analysis of 2014 results).

Both reports found "very significant" variation in outcomes for disadvantaged pupils, both between and within chains. In 2013 only 16 out of 31 chains exceeded the improvement for disadvantaged pupils in 5 A*-C grade GCSEs including English and maths for all mainstream schools. The report also concluded that "far from providing a solution to disadvantage, a few chains may be exacerbating it".¹⁴ The 2015 report indicated a worsening situation concluding that the "contrast between the best and worst chains has increased in 2014".¹⁵

Outcomes of focused inspections of schools in seven MATs prompted HMCI Sir Michael Wilshaw to write to the Secretary of State in March to highlight "*serious weaknesses that were contributing to poor progress and outcomes for too many pupils.*"¹⁶

He was particularly concerned about the education of the most disadvantaged children in these trusts, adding, "*given that the academies movement was initiated principally to*

¹⁰ LGA Media Release, *Turning schools into academies: why the LGA opposes forced academisation proposed in Budget 2016* (18 March 2016). Available at: <http://www.local.gov.uk/turning-schools-into-academies-why-the-lga-opposes-forced-academisation-proposed-in-budget-2016>

¹¹ Ibid.

¹² NUT Press Release, *Ofsted reveals that a school is six times as likely to remain inadequate if it becomes a sponsored academy* (30 December 2015). Available at: <https://www.teachers.org.uk/news-events/press-releases-england/ofsted-reveals-school-six-times-likely-remain-inadequate-if-it-becomes-sponsored-academy>

¹³ House of Commons Education Committee, *Academies and Free schools*, (21 January 2015), page 23, paragraph 63. Available at: <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmeduc/258/258.pdf>

¹⁴ Merryn Hutchings, Becky Francis and Robert De Vries, *Chain Effects* (July 2014), *Chain Effects*, p. 4.

¹⁵ Merryn Hutchings, Becky Francis and Philip Kirby, *Chain Effects 2015* (July 2015) *Chain Effects 2015*, p. 4.

¹⁶ The letter is available online at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506718/HMCI_advice_note_MA_T_inspections_10_March_2016.pdf

improve the performance of disadvantaged pupils, it is particularly concerning that many of the academies in these trusts are failing their poorest children.”¹⁷

Almost 14,000 maintained primary schools will be forced to adopt academy status within a MAT if the white paper proposals are enacted. Yet the Education Committee inquiry stated: "There is at present no convincing evidence of the impact of academy status on attainment in primary schools.”¹⁸

Even Schools Minister Nick Gibb has conceded that: “This government does not believe that all academies and free schools are necessarily better than maintained schools.”¹⁹

The NUT agrees with the recent editorial in the Economist, which stated, “forcing the expansion of the system at such a pace is unlikely to improve standards—which in turn could undermine the argument for academies in the first place.”²⁰

Myth

Multi-academy trusts are national, remote organisations that don't give local schools and communities a say.

Fact

Empowering the frontline and moving control away from managers and bureaucrats and directly to the frontline is an effective way of improving performance - holding them to account for the results they achieve, and to much stricter standards of financial propriety than we ever have with local-authority schools. That is exactly what a system where every school is an academy does - providing weaker schools with the expert support they need to improve and giving the best schools the ability, freedom from meddling, money and power to innovate, build on their success and spread their reach further.

Whereas one-size-fits-all approaches dictated from County Hall gives an impression of local control, in fact, it's academy headteachers and governing bodies that hold direct relationships with the parents they serve and have the power to be much more responsive to their communities. If a parent tries to lobby County Hall for change, they'd have to persuade them to change things for the whole local authority; if the academy is approached, it's their responsibility to make a change at the school the parent cares about.

¹⁷ Ibid.

¹⁸ House of Commons Education Committee, *Academies and Free schools*, page 3.

¹⁹ Sophie Scott, “Nick Gibb tells ResearchED academies are not ‘necessarily better’ than maintained schools”, Schools Week (5 September 2015) . Available at: <https://www.teachers.org.uk/edufacts/academy-status-and-school-improvement#sthash.Ac4CRDLt.dpuf>

²⁰ *Starbucksification of schools*, Economist (26 March 2016). Available at: <http://www.economist.com/news/britain/21695543-government-plans-expand-chains-academies-starbucksification-schools>

NUT Response

Local authorities have not “controlled” schools since the 1988 Education Act introduced Local Management of Schools (LMS). Under LMS, community schools run by democratic and accountable governing bodies (which include representatives of parents, the LA and school staff), control their own budgets, hire and fire staff and manage their appraisal and pay progression, take responsibility for the curriculum and assessment and all the policies governing the way the school operates – such as behaviour, school uniform and so on.

In this system, local authorities take responsibility for matters affecting the whole area such as: fair admissions; special educational needs provision; school improvement; school land and buildings maintenance; home to school transport; and dealing with emergencies such as a fire or flood. No self-respecting head teacher of governing body would allow a councillor or council official to “meddle” in the way they run their school.

However, sometimes things go wrong at school level and parents need to know where to turn. Elected parent and LA appointed governors sit on the governing body of all community schools and can take up parents’ concerns. Alternatively, through their locally elected councillor or a direct approach to the Education Department at their town hall, parents can seek advice and get support.

Where a MAT runs a number of schools its headquarters may be many miles away from where parents live and send their child to school. Even where parents are able to contact someone there are no democratic mechanisms to ensure their concerns are taken seriously and acted upon. MATs can control every aspect of how a school is run so it effectively has less control over its affairs than when it was part of the local authority family of schools. They can also choose to get rid of governing bodies, as the E-ACT academy chain has chosen to do.

Myth

All schools will have to join multi-academy trusts.

Fact

Successful, sustainable schools will not be forced to join up in a trust with other schools. As it happens, many academy schools have chosen to join a trust because they can see the benefits. Two-thirds of current academies have chosen to be part of multi-academy trusts.

For weaker schools, that means help from stronger schools; for stronger headteachers, it’s an opportunity to play a bigger role in improving standards for more children. But for all schools, including those that are already ‘outstanding’, it opens up opportunities to learn from others and share resources - for instance a small primary school that wouldn’t ordinarily be able to afford their own foreign language teacher can now share that teacher with a group of schools.

And strong schools that choose to come together in a trust can decide how it should be led. But to be absolutely clear - we will never make a successful, sustainable school that is performing well join a trust - and successful schools that do choose to set up or join a trust will always be able to decide how it works.

NUT Response

The White paper makes clear that there is an expectation that schools will become academies within multi academy trusts. It states: “*By the end of 2020, all schools will be academies or in the process of becoming academies.*”²¹ It adds: “*Most schools will join or form MATs*”²²

The DfE statement above claims that: “*Two-thirds of current academies have chosen to be part of multi-academy trusts.*” However this is completely disingenuous since the DfE knows full well that the majority of these schools have had no ‘choice’ in the matter but instead have been forced to become sponsored academies.

Myth

Academies won't be accountable to parents.

Fact

We want parents to be more involved in their child's education - not less. We are not, and never have suggested parents should no longer sit on governing boards and we know that many parents already play a valuable role in governance, and parents will always be encouraged to be governors or trustees.

Many parents have skills that make them very effective governors. All boards are and will continue to be free to appoint them as they see fit. But we want to enable academies to move from a model where parents are elected or appointed to governing boards for means of representation to one where they are chosen for their expertise.

That means that academy trust boards should be able to appoint all their trustees for their skills, insight and knowledge rather than who they represent.

Our [white paper](#) outlines a range of ways we are enabling parents to be more engaged with their children's education. For the first time we will create an expectation that every academy puts in place arrangements for meaningful engagement with all parents, and to listen to their views and feedback. We will also introduce more regular surveys of parental satisfaction with schools and display this alongside their examination

²¹ DfE, *Educational Excellence Everywhere*, page 55

²² *Ibid*, page 57, paragraph 4.15.

NUT Response

Crucially parents will be given no voice over either **whether** a school becomes an academy or **which chain or MAT** it joins or it is taken over by.

Furthermore, the White paper states: “*We will expect all governing boards to focus on seeking people with the right skills for governance, and so **will no longer require academy trusts to reserve places for elected parents on governing boards.***”²³ [emphasis added]

The NUT agrees with Emma Knight, the Chief Executive of the National Governors’ Association, who has stated: “*Sadly this White Paper appears to be a dismissal of the effort many governors up and down England make to the education of pupils. Many volunteers are being told today that the time and thought they have been putting into consideration of very difficult issues is not valued.*”²⁴

Currently, academy governing bodies must include a minimum of two elected parent governors. There are no places for staff, local authority or community governors. In contrast maintained school governing bodies are required to set aside places for parents, school staff and local authority representatives and many also co-opt representatives from the local community.

Following a public outcry over the White Paper’s proposal to end the involvement of elected parent representatives on school governing bodies, Schools Minister Lord Nash has subsequently indicated that the Government will instead expect academies to set up “parent councils”.²⁵ However no details have been provided about how these might work. It seems likely that these will be purely consultative or advisory bodies, without the statutory responsibilities of maintained school governing bodies.

The DfE states that, “*we want to enable academies to move from a model where parents are elected or appointed to governing boards for means of representation to one where they are chosen for their expertise*”. However, while academy trusts may decide to appoint a parent because they have a particular skillset, this is not the same as ensuring that all governing bodies ensure there is an elected parent voice through guaranteed places. An appointed parent who upsets the apple cart can be dismissed by the academy trust. Furthermore, parents have skills and expertise **as parents**, but this experience will be lost from schools’ governance in the Government’s vision of a future school system.

Myth

Academies will be forced to cut all ties with the local authority.

²³ Ibid, page 51.

²⁴ NGA statement on white paper, available at: <http://www.nga.org.uk/News/NGA-News/Jan-April-2016/NGA-comments-on-today%E2%80%99s-White-Paper.aspx>

²⁵ John Dickens, *Lord Nash: Every academy expected to set up parent council*, Schools Week (4 April 2016). Available at: <http://schoolsweek.co.uk/lord-nash-every-academy-expected-to-set-up-parent-council/>

Fact

Schools will still be able to work closely with good local authorities as most academies already choose to do. The difference is that the arrangements will be determined locally and driven by headteachers deciding what works for their school, rather than functions and responsibilities designed in Whitehall.

Schools will also be free to group together to buy services from local authorities as is already the case - it's just that they will also have the choice of other services and providers that may be better for their particular needs. For example, the local authority and some of their schools may decide to continue working together to offer HR and facilities-management services, but decide that school improvement is better delivered through small 'families' of schools working together with no need for the local authority.

We've set an end-point in 6 years' time, giving heads and teachers certainty over the future of their schools and a clear sense of direction, so that they can plan effectively to give schools and local authorities time to carefully design arrangements that work locally, rather than an ad hoc approach that schools and local authorities were telling us wasn't helping them plan.

What it does mean is the end of the local-authority monopoly on running schools and central government deciding a single approach to what services are delivered, where: schools will now be required to make a conscious choice over what will work best for their pupils. While there are well run local education authorities, there are also some local authorities that have been allowing schools to underperform, coast or fail for a long time.

NUT Response

In a fully Academised system, local authorities will have neither the funding nor the capacity to continue to provide services to schools. This means that decades of expertise built up locally within the local authority will be lost forever. This is again a loss of choice for academies, not an increase in choice. It also means schools will be forced to buy in services from the private sector, without the purchasing power and economy of scale that can be achieved through the local authority. Costs will rise, education providers will make more profit and there will be less to spend on children's education.

Myth

Academies aren't transparent.

Fact

Academies are actually much more accountable than local-authority schools. Academy performance is monitored directly by regional school commissioners who intervene

promptly in instances of underperformance.

The Education Funding Agency ensures compliance with a funding agreement to make sure that spend is securing better outcomes for pupils. Unlike local-authority schools, academies are regulated charities - so they prepare annual financial statements that are fully audited by an independent external auditor. Academy schools are all charities held to account through a contract with government and bound by both company and charity law. That contract enshrines their freedom, and keeps them accountable for their results.

Like all schools, the performance of every academy is completely transparent on Ofsted's website and DfE's performance tables. The latter have been re-designed to be easier to navigate and compare performance. We will also publish new academy trust-level performance tables each year.

NUT Response

For the reasons outlined above, the NUT believes academies are less accountable to parents than local authority maintained schools. In addition, we believe that regional schools commissioners (RSCs), who are appointed by the Secretary of State to oversee school performance (originally only in academies but now for all local schools), are themselves unaccountable to local communities. RSCs have the power to issue an academy order to a school that it deems to be 'coasting' or 'underperforming' but the discretion on whether or not to do so is entirely their own. Their decisions cannot be challenged by parents or schools and their powers override those of the elected local authority.

Furthermore, the National Audit Office has made clear that it does not believe that either the Education Funding Agency (EFA) or the DfE has done a good enough job of holding academy trusts to account for their financial management and governance of schools.²⁶ The number of scandals in academy trusts relating to financial probity and governance is testament to this. Virtually all these cases have come to light not because of oversight by the EFA or DfE but through whistle-blowers.

Myth

Becoming an academy will mean my good school has to change.

Fact

Converting to an academy will not mean that a school that is performing well has to change its teaching practice or headteacher, or any of the things that make that school

²⁶ National Audit Office, *Academies and maintained schools: Oversight and intervention* (October 2014). Available at: <https://www.nao.org.uk/wp-content/uploads/2014/10/Academies-and-maintained-schools-Oversight-and-intervention.pdf>

good. If new academies decide to opt into arrangements that look similar to those that currently work for them - working in the same local family of schools, choosing to fully follow the national curriculum and opting to work closely with the local authority, they're free to do so.

The difference is that we're asking them to make a conscious choice as to what to opt into; and we'll be more able to hold them to account for the effectiveness of their decisions, to continue driving up standards for their pupils. We have seen that even schools that are 'good' or 'outstanding' continue to do well an academy - with 2015 GCSE results show that secondary converter academies are performing 7.2 percentage points above the national average, with 64.3% of pupils achieving 5 or more good GCSEs, including English and maths.

Academy status frees the best heads and teachers to innovate, to raise the bar and to do what it takes to compete with the best schools not just in the UK but across the world.

NUT Response

If it were really the case that becoming an academy would impose no change on a school and, indeed, help it to improve, then surely more "good" schools would have chosen to convert.

The DfE says in its statement, "*we're asking them [schools] to make a conscious choice as to what to opt into*". But this is patently not the case, as schools will have no choice but to convert under the Government's plans. The truth is that the majority of schools haven't chosen to opt in to the Government's academy programme so far, so now the Government intends to force them to do so.

In reality schools are at risk of losing a great deal of autonomy under the White Paper proposals which, as outlined above, state that most schools will be expected to join or form Multi Academy Trusts (MATs).²⁷

Far from giving more "autonomy" to head teachers and teachers, MATs can remove self-management altogether. When a school joins a MAT it ceases to exist as a separate entity. Decisions over its admissions, curriculum, budget, school week, uniform, staff pay and conditions, the appointment of the head teacher and all other significant matters are ultimately determined, not at school level but centrally by the small number of members and trustees who make up the MAT.

The MAT may decide to delegate some of these decisions to local governing bodies but this is not a requirement and it can retain all governance functions centrally, to be exercised by the trustees, if it so wishes.

This potential threat to school autonomy was also raised by Conservative MP and chairman of the 1922 Committee, Graham Brady, who said in relation to the White Paper:

*"... I do think there is an issue if all schools are to become part of huge new chains, in which there is little accountability or parental involvement"*²⁸

²⁷ DfE, *Educational Excellence Everywhere*, page 57, paragraph 4.

Myth

Converting will be a bureaucratic and financial burden to schools.

Fact

We will ensure these new freedoms don't become a bureaucratic burden and will make the process of converting to an academy simpler. We have given schools a 6-year timetable to become an academy, so no school has to rush into an arrangement that isn't right for them and we will support small schools through this process.

The policy is fully-funded, offering the same academisation grants that have so far seen two-thirds of secondaries and one-fifth of primaries successfully become academies.

We have set aside funding to support a high-quality, fully academised school system. Overall, we have over £500 million available in this Parliament to build capacity - including recruiting excellent sponsors and encouraging the development of strong multi-academy trusts.

Criticisms that the policy is not fully-funded use grossly inaccurate costings, for example, in one case, erroneously calculating the average cost of academisation will be £66,000. This is crude and highly misleading - costs per academy have fallen significantly over the 5-year period, from over £250,000 in 2010 to 2011 to around £32,000 in 2015 to 2016. The cost per academy will continue to fall significantly in the years ahead as we move towards full academisation.

NUT Response

The NUT shares the concerns of Peter Edgar, Conservative Executive Member for Education in Hampshire County Council, who said:

“To force all schools would be ridiculously expensive and in my view the wrong thing to do and also could cause in the interim a drop in standards in all our schools.”²⁹

The majority, almost 17,000, of England's state-funded schools are not academies. Many of these schools are already struggling with huge financial pressures due to a real terms cut in schools' funding. The Labour Party has calculated that the cost of converting all England's schools to academy status could be as much as £1.3 billion.³⁰

Any additional demands on schools' resources and their time constitutes an unnecessary burden and will only distract schools from their core purpose: to educate children.

The DfE states that it will “make the process of converting to an academy simpler” but has not given any indication of how it intends to do this.

²⁸ See: <http://www.theguardian.com/education/2016/apr/02/backbench-pressure-on-osborne-academy-scheme>

²⁹ Ross Hawkins, *Tory councillors criticise academy schools 'diktat'*, BBC News (25 March 2016). Available at: <http://www.bbc.co.uk/news/uk-politics-35897430>

³⁰ Labour Party Press Briefing, available at: [New figures reveal a funding blackhole of more than £1 billion in Tories' plan for forced academisation - Lucy Powell](#)

The finances also do not add up. The Chancellor's budget reveals that the money allocated to convert 17,000 schools is just £140m.³¹

The DfE states that the average cost of converting to an academy was £32,000 in 2015-16 and that "*the cost per academy will continue to fall significantly in the years ahead as we move towards full academisation.*" However, it has not said how this cost reduction will be achieved. It seems highly unlikely given that significant costs, such as solicitors' fees are likely to rise with inflation, not fall.

Moreover, in order for the £140m allocation to cover the full cost of academising 17,000 schools, the average cost per school would have to drop to around £8,000, a massive decrease and a highly unrealistic target.

The DfE statement further refers to: "*£500 million available in this Parliament to build capacity - including recruiting excellent sponsors and encouraging the development of strong multi-academy trusts.*" It does not say, however, that this money will help schools with the bureaucratic process or cost of conversion.

Myth

There is no longer a role for the local authority in schools.

Fact

The local authority will still play a key role making sure that education provision in their area is of the highest quality.

Rather than running schools, local authorities will instead play a role in ensuring the system works for parents, focused on ensuring there are enough local authorities overseeing admissions complaints and commissioning support for children with specific needs, especially those with SEN. We want them to be an advocate for parents and encourage the best multi-academy trusts into their communities and encourage high-quality free school applications.

Alongside this, the opportunities provided by local devolution give local authorities the chance to act as champions and advocates for the education their community wants and deserves.

NUT Response

The White Paper states: "*By the end of 2022, local authorities will no longer maintain schools*"³² It adds that: "*The local authority's education duties will focus on three areas:*

- a. Ensuring every child has a school place*
- b. Ensuring the needs of vulnerable pupils are met*
- c. Acting as champions for all parents and families*"³³

³¹ Rachel Gooch, *Academy Conversion is an Unnecessary Distraction – Here's How to Survive It*, Schools Week (17 March 2016). Available at: <http://schoolsweek.co.uk/academy-conversion-is-an-unnecessary-distraction-but-heres-how-to-survive-it/>

³² Department for Education, *Educational Excellence Everywhere*, page 55.

In reality, once local authorities have lost most of their education powers and responsibilities, they will have limited capacity and funding to champion the rights of parents and families and their ability to ensure there are sufficient school places and guarantee fair admissions will be severely curtailed.

The Chairman of the Conservative Think Tank, The Bow Group, which officially opposes the White Paper, recently issued a statement saying:

*"Shifting all schools to academies represents not only one of the largest education reforms in British history, but also one of the largest shifts of power from local to central government."*³⁴

As outlined above, local authorities provide specialist services to schools at an economy of scale. Much of this support will be lost if the White Paper proposals are implemented because local authorities would have no effective powers to fulfil these responsibilities. Primary schools, small rural schools, and those serving the most disadvantaged communities, will be particularly hard hit by the loss of local authority support.

School Places

Local authorities have lost the power to plan and build new maintained schools, because the Government has determined that any new school must be a free school.³⁵ This has brought about an irrational marketplace for school places. Nevertheless, the White Paper makes clear that the Government intends to continue with the policy, reiterating its previous pledge to "open 500 new schools by 2020."³⁶

However, free schools rely upon proposers coming forward to open them. Even where they do, the new school may not be in the right location or the right phase of education or be of the right size to fulfil demand for new school places.

Furthermore, local authorities cannot direct an academy or free school to expand as they can in the case of maintained schools.

In 2014, the LGA revealed that councils had had to divert at least £1 billion which should have been spent on other education priorities to creating school places.³⁷ In 2015, the LGA estimated that the cost of creating places for the 880,000 pupils expected at England's schools over the next decade could be as much as £12 billion.

Fair Admissions

Academy trusts determine their own admission arrangements. A fully academised system poses a serious threat to fair admission arrangements and this will impact most on children from disadvantaged backgrounds, those with special educational needs or those with English as an additional language. There is a very real danger that there will be a widening gap in education, with schools picking and choosing those children they consider the most desirable to form their intake.

³³ DfE, *Educational Excellence Everywhere*, page 18.

³⁴ See: <http://www.bowgroup.org/news/bow-group-opposes-nicky-morgans-academies-white-paper>

³⁵ Under Section 37 and Schedule 11 of the Education Act 2011, all new schools had to be an academy or free school. In 2015, the DfE published advice on what it calls the 'Free School Presumption' which means that all new academies are now categorised as 'free schools'. - See more at:

<https://www.teachers.org.uk/edufacts/school-places-crisis#sthash.rsweloru.dpuf>

³⁶ DfE, *Educational Excellence Everywhere*, page 61.

³⁷ LGA media release, *Councils warn of £1bn shortfall in funding for new school places (27 August 2014)*.

Available at: http://www.local.gov.uk/web/guest/media-releases/-/journal_content/56/10180/6467602/NEWS

While currently academies must abide by the School Admissions Code, there is no guarantee that this will always remain the case. Even now, there are many ways in which academies can evade the Code.

In her final report as Chief Schools Adjudicator, Dr Elizabeth Passmore highlighted the ways in which admission arrangements for many schools that act as their own admission authority (largely academies) are unnecessarily complex, lack transparency, are difficult to understand and limit parents' ability to assess the chance of their child being offered a place.³⁸

A secondary academy head teacher in Essex recently wrote in the Guardian newspaper about the way in which some secondary academies "manipulate their intake" to keep out children who are not expected to achieve an A*-C grade GCSE or else have an additional learning need. He concluded that:

*"If someone is not given the job of overseeing academy admissions, then we will not all be in this together. The young people who don't help an academy with its league table position will be made to feel like second-class citizens. We must not allow academies to decide which child is worthy of a place."*³⁹

The NUT believes that local authorities, acting on behalf of all children in their area, are the only democratic and accountable body capable of fulfilling this role but without legal powers of enforcement they will be unable to champion the rights of parents and families in respect of school admissions.

THE REAL ISSUES

Schools are facing a chronic teacher shortage, a crisis of morale, a lack of school places, chaos around curriculum changes and primary tests and a serious funding shortfall.

But instead of dealing with these real and pressing issues the Government is pursuing a costly top down re-organisation of education that has no basis in evidence to support it and which will distract schools from their real purpose for years to come.

The White Paper represents a huge danger to England's education system, fragmenting still further the schools' landscape and providing an open door to the complete privatisation of our schools.

The NUT stands willing to work with all possible allies, including MPs and councillors across the political spectrum, as well as with other education unions, parents and governors, to seek to defeat the proposals in this White Paper.

³⁸ Office of the Schools Adjudicator, *Annual Report September 2014 to August 2015* (November 2015), page 9. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484942/Office-of-the-Schools-Adjudicator-annual-report-September-2014-to-August-2015.pdf

³⁹ Vic Goddard, *Academies guilty of the most blatant gaming of all: a school place only for the brightest*, Guardian (29 March 2016). Available at: <http://www.theguardian.com/education/2016/mar/29/academy-school-place-educating-esssex-special-needs>