

Anti Academies Alliance



Forced academies briefing

“A good
local school
for every
child”

What is wrong with 'forced' academies?

In 2010 the newly elected coalition government rushed through a law to allow the Secretary of State to force schools to become academies. In 2011 Michael Gove announced that there were 200 'underperforming' primary schools in England which he would convert. Early in 2013 he raised the bar, so hundreds more could be deemed as 'underperforming' and eligible for forced conversion. Just the threat of forced conversion is being used by Department for Education (DfE) brokers to coerce many more schools into converting 'voluntarily'.

So what is wrong with forced academies? Mr Gove claims that they are about driving up standards. Yet there has been huge hostility throughout the education world. Stephen Twigg, Labour's education spokesperson has expressed concern. Parents have fought them and all the teacher associations are against them. There are many concerns: Schools that are targeted are not always 'underperforming'; parents and staff feel disenfranchised by the process; the consultation is a sham and there is no evidence that forcing academy status on a school will improve it. We are also concerned that another agenda lies behind forced academies. We believe it is about handing schools over to 'edu-

businesses' in order to privatise the school system.

Are these schools 'underperforming'?

Some of the schools may be 'underperforming' but remember it was Michael Gove who said he wanted every school to be above average! Many schools make incredible strides with their pupils but perhaps not sufficient to meet the government's changing criteria. Some of the schools selected appear to be on an upward trajectory; like Downhills in Tottenham where English and maths results for 11 year olds increased by 27 percentage points in two years. Or Gladstone Park in Brent where 98% of children had already made the expected progress in English and 84% in maths – up 20% points on the previous year.

Who are the sponsors?

Once converted, the schools are handed over to unelected chains. Roke Primary in Croydon was receiving support from a neighbouring academy when, ignoring the wishes of parents and governors, the DfE signed it over to the Harris chain. These chains are exempt from much education legislation; they can change a school's admissions policy and

employ unqualified teachers while paying their chief executives telephone number salaries.

Academy sponsors no longer have to make a donation; instead they can be given grants for taking on more schools.

Do academies work?

The government claims that 'academies work' but primary schools have only begun to convert to academies recently, so there is no evidence at all that they work. However, data from the twelve all-through (secondary plus primary) academies showed key stage 2 pupils in nine out of those twelve were making less than average progress in English or Maths or both. According to the 2013 Academies Commission report some sponsored secondary academies had shown 'stunning success, but this is not common'. The Commission pointed to research showing many previously poorly performing schools in disadvantaged areas have done just as well, without converting. Ofsted has judged almost half of all sponsored academies as inadequate or satisfactory (now defined as 'requiring improvement'). The Academies Commission also concluded that schools that control their own admissions are more likely to be socially selective than >>>

>>> community schools. And academies exclude twice as many children as other schools.

Whose schools? Our schools

In forcing schools to become academies against the wishes of parents, staff, governors and head teachers, the Secretary of State is trampling over their democratic rights. The secretary of state is handing these schools over to academy chains unaccountable to the local community. A growing number of these organisations are lining up to take over schools and Mr Gove has said he'd be happy to see our schools run for profit.

How do we improve schools?

This is about teaching and learning. There is abundant evidence from here and abroad – 'the quality of an education system cannot exceed the quality of its teachers'. We don't need to change structures; we need to keep on improving teaching. It is the best way and incidentally the most cost effective. Yet the government insists school improvement is simply a matter of handing a school over to an academy chain.

Forced academies and the law

The Secretary of State's powers to force a school to become an academy are found in the *Academies Act 2010*. Under Section 4 he can make an Academy Order either if the governing body make an application

or the school is 'eligible for intervention' within the meaning of Part 4 of the Education and Inspections Act 2006.

A school is 'eligible for intervention' when it has failed two Ofsted inspections. This is when it is placed into a 'category' (Notice to Improve' – Section 61 or 'Special Measures' – Section 62) following an Ofsted inspection and the *particular* category is confirmed in a subsequent re-inspection. It is the particular category (e.g. Notice to Improve) that has to be confirmed. Thus, a school that is given 'Notice to Improve' and then re-inspected and placed in Special Measures would not yet be 'eligible for intervention'.

The Secretary of State can appoint an IEB when a school is 'eligible for intervention' as defined above; see Section 69 *Education and Inspections Act 2006*.

'Requiring improvement' has replaced 'satisfactory' in Ofsted inspections. A report concluding that a school 'requires improvement' does not currently provide Gove with any powers to intervene. However, if the school does not achieve a 'good' report when re-inspected by Ofsted it will be placed in a 'category' and so become vulnerable as above.

Under Section 5 *Academies Act 2010* before a school is converted into an academy, the school's governing body must consult 'such persons as they think appropriate'.

Generally, consultation is not binding. It should take place, – when proposals are at a formative stage; – with the proposer providing sufficient reasons for the proposals to enable those being consulted to respond properly; – with sufficient time for responses; – with representations being conscientiously taken into account before making a decision.

However, with academies the governing body do not take the decision – that rests with the Secretary of State who has no duty to consult. Indeed, consultation can take place before or *after* an Academy Order has been made. Governing bodies need to be careful about making an application before they have consulted as, once the application is made, the process is in the hands of the Secretary of State.

Consultation is not negotiation. There is no requirement for the governing body to help parents or others to construct alternative proposals. Further, although the Secretary of State should have regard to the general principle that children should be educated according to their parents' wishes, this is only to the extent this is compatible with the provision of efficient instruction and he is not bound to accept a majority view in any consultation; see *R (on the application of Moyse) v Secretary of State for Education (2012)* (the *Downhills* case).

Campaigns can win

If your school has been contacted by the DfE brokers, there are things you can do:

- Contact the Head and Governors to see if they will oppose the proposal
- Get it out in the open – brokers hide behind quiet conversations

- Organise a petition
- Hold a public meeting
- Staff can contact their trade union
- Contact the Anti Academies Alliance by email office@antiacademies.org.uk or by phone on 07528 201 697

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