Unleashing Greatness RSA-Pearson Academies Commission Report

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Summary
The Academies Commission, chaired by former HMCI Christine Gilbert, has published its report (10 January 2013), Unleashing Greatness, which considers both the impact of the academies programme to date and what should happen when the majority of schools may be academies. It is specifically concerned with ensuring that the programme delivers on its aim of improving educational standards across the school system, for the benefit of all pupils. It makes 25 key recommendations, including several on the future role of local authorities.

Overview
The Academies Commission (established by the RSA and the Pearson Think Tank and chaired by former HMCI Christine Gilbert) has published its report, Unleashing Greatness: Getting the best from an academised system, which considers both the impact of the academies programme to date and what should happen when the majority of schools may be academies. It is specifically concerned with ensuring that the programme delivers on its aim of improving educational standards across the school system, for the benefit of all pupils; it has not engaged in debate about past policy decisions.

The Commission worked over seven months. Its other members were Prof. Chris Husbands, Director of the Institute of Education, University of London; Brett Wigdortz, Chief Executive of Teach First; and Prof. Becky Francis of King’s College London, Director of the Pearson Think Tank. It took written and oral evidence from a large number, and wide range, of organisations and expert witnesses; these included many national bodies, government departments and agencies, a Minister and shadow Minister and many academics and representatives of the academy sector. It also held a number of focus groups, meetings and workshops, and conducted surveys of Teach First ambassadors and Teach First teachers. The evidence included international examples of similar systems.

‘The Commission strongly supports the aspirational vision that lies behind the academies programme… [which] has provided much-needed vitality to the school system. At the same time, the evidence considered by the Commission does not suggest that improvement across all academies has been strong enough to transform the life chances of children from the poorest families. There have been some stunning successes among individual sponsored academies and academy chains, and these have raised expectations of what can be achieved even in the most deprived areas. But it is increasingly clear that academy status alone is not a panacea for improvement… there now needs to be a new, determined focus on the detailed implementation of
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the academies programme to ensure that it realises its transformative potential.’ The Commission identifies three imperatives for further development:

- a forensic focus on teaching and its impact on pupils’ learning
- fair and equal access to children and young people from all backgrounds
- greater accountability to pupils, parents and other stakeholders – with a key role for governors, whose scrutiny and challenge should ensure effective accountability.

The detailed and thorough report (130 pages long) has seven chapters: Background; Academisation and school improvement; Academies and their freedoms; Admissions; Diversification and the impact of academies on existing provision; Academy governance; and Governance and public accountability – the role of central government. It makes 25 key recommendations and a number which are subsidiary and/or more detailed; these include several on the role of the local authority (LA).

Briefing in full

1. Background

The Commission posed two principal questions:

- What are the implications of complete academisation for school improvement and pupils’ attainment?
- How can improvement and attainment best be secured within an academised system?

Expansion of the original academies programme under the Labour government had been gradual since the opening of the first ‘city academy’ in 2002. In May 2010, when the Coalition Government came to power, there were 203 academies; by November 2012 (when drafting of the report began) 2,456 were open (including around half of secondary schools – though the picture varies greatly between localities), with many more in the process of becoming academies. Of the 2,456, 536 are sponsored academies; over three quarters are ‘converter’ academies – schools judged ‘outstanding’ or ‘good’ by Ofsted, that have chosen to convert (under the Academies Act 2010). Around five per cent of primary schools are academies.

The report uses the term ‘academy’ to cover sponsored and converter academies, ‘enforced sponsor academies’ and Free Schools – though it does not consider Free Schools in any depth, nor University Technical Colleges and Studio Schools (which are also academies). It has a much stronger focus on secondary than primary schools. The term ‘chain’ is applied to all multi-academy or umbrella trusts. The majority of sponsors working with more than one school sponsor two or three; at the beginning of January 2012, 91 chains had between two and nine sponsored academies and nine included 10 or more.

2. Academisation and school improvement

The report reviews evidence on what it calls Academies Mark I and Mark II (the original Labour model with a philanthropic/business sponsor and the second phase, when sponsorship was extended to a wider range of bodies, without the need for a financial donation). In summary this suggests that:
some demonstrated stunning success, but this is not common and many previously poorly performing schools in disadvantaged areas have done as well as those which became academies

improvements in performance cannot be disentangled from the changing intake in these schools

results in 2011 for pupils in sponsored academies were broadly the same as in a group of similar schools (in fact, slightly lower if equivalence qualifications are excluded)

the clearest improvement in performance is in 33 sponsored academies open for at least five years, where attainment was higher the longer the academy had been open – illustrating that change takes time.

‘Academies Mark III’ is applied to several types of academy which converted under legislation introduced by the Coalition Government (over three quarters of the total, and growing fast). These have very different characteristics from the pre-2010 academies (needing an Ofsted judgement of outstanding or other evidence that they are ‘performing well’, and generally having a lower proportion of disadvantaged pupils), making it problematic to look to the pre-2010 programme for lessons for the future.

‘A key concern of the Commission about sponsored Academies Mark III is that the centralised process for selecting sponsors and driving change is no longer rigorous [see chapter 7]… The government’s message to these schools is not one of transformational improvement. Instead, they are asked to keep doing what they were doing, including improving, and they enjoy greater freedom and resources as independent academies.’ The government did, however, set out a clear expectation that converter academies would play a key role in supporting other schools; but the evidence suggests relatively few have taken on this role. [The reply to a Parliamentary Question in late November 2012 indicates it is just over one third.]

The Commission makes six recommendations (considered in detail) that should lead to accelerated and sustainable improvement in an increasingly academised system:

- build a more powerful national vision for change
- strengthen professional ownership of accountability
- make school review in academies more open and inclusive of parents and the local community
- capture the power of collaboration for system change
- support schools in taking responsibility for whole-system improvement
- use Ofsted to support a school-led, collaborative approach to systemic improvement.

Under the fifth of these, the report considers the role of the LA and school improvement. The Commission believes that the government should clarify the role of the LA [see chapter 5], including reinforcement of its role as a guardian of education, shaping and raising aspirations in school improvement and articulating concerns about the quality of school provision – it suggests through an annual report to the DfE. It says it should no longer be assumed that LAs are providers of school improvement, though they support schools (particularly primary schools) to take greater ownership and responsibility themselves; and it recommends that ‘over a transition period of no longer than three years, all local authorities devolve current school improvement resources to school partnerships’ – enabling a clearer focus on their role as guardians and champions. In this latter role, they should retain a slim resource to capture local knowledge and intelligence about all
The Commission believes that the influence of Ofsted inspection as a driver of behaviour by schools should be used to give stronger recognition to the value of schools playing an active role in system leadership and in collaborative activity across schools; it recommends changing the evaluation schedule so that a school’s leadership can be judged ‘outstanding’ only if a contribution to system-led improvement can be evidenced. It also recommends that Ofsted should consider moving to quality assuring the self-evaluation of good academies rather than inspecting them all (with the expectation that self-evaluation had already been subject to external peer scrutiny), with a similar approach introduced for outstanding academies every five years, to provide reassurance that the ‘outstanding’ judgement remained current.

3. Academies and their freedoms

‘Increased freedom and autonomy have been at the heart of the academy project under successive governments. The reality is that the increased freedoms are not nearly as substantial as is often suggested, but many school leaders feel a general sense of liberation with academy status… however, use of the specific academy freedoms has not been widespread.’

The Commission argues that innovation should focus on improving the quality of teaching and learning. Chapter 7 describes how financial incentives played a major role in secondary schools’ decisions to convert to academy status, but additional freedoms have also been attractive. However, the evidence suggests that the take-up of freedoms has been piecemeal rather than comprehensive. The report asks why this is so, and identifies the following themes (which are all considered in some detail):

- it's early days
- schools already have considerable freedoms
- academy freedoms are constrained
- the school accountability system inhibits risk-taking
- the need to innovate is not universally shared
- school leaders may not have sufficient skills and support to use academy freedoms fully
- there are potential implications if academies start to use their freedoms more fully.

Interestingly, the survey of Teach First teachers – evenly divided between those working in academies and in maintained schools – showed little difference between the sectors in those using curriculum freedoms and making changes to the working day and school term; more academies (but still a minority) made use of freedoms on teachers’ pay and conditions.

‘The Commissioners believe that schools have sufficient freedoms to innovate and improve. Accountability measures, such as Ofsted and performance data, strongly limit the operation of some of this innovation in practice yet also mitigate risks of dramatic failures. What is now needed is a drive towards innovation in teaching and learning, and practitioner collaboration to achieve this. The need to focus innovation on improving teaching and learning is one of the main conclusions of an OECD working paper that considered the impact of innovation in quasi-market education systems – such as England (Lubienski, 2009).… Ironically, Lubienski concludes, it can often be public policy interventions that drive pedagogical and curricular innovation.’
The Commission makes three recommendations, in summary:

- the government should articulate the case for innovation and a vision for learning in the twenty-first century
- the DfE should pump-prime the establishment of a Royal College of Teachers to promote teachers’ professional development, provide evidence to inform policy, align practice and research, and promote peer-to-peer collaboration
- teachers should be expected to engage with research as integral part of their daily work, with reflection and evaluation as part of the repertoire of good teaching skills.

4. Admissions

‘The Commission starts from the assumption and principle that fair admissions must be maintained – reflecting the mission of state schooling to provide access to educational excellence for all.’

The report observes that ‘the UK education system is amongst the most socially segregated of OECD countries (OECD 2010)’, manifested by socially advantaged pupils being concentrated in the best schools and disadvantaged children over-represented in poorer quality schools. It acknowledges that the quality of teaching can vary markedly within schools, and that admissions are only one factor in the systemic underachievement of disadvantaged children – but they remain important.

The report considers in some detail a range of issues around admission arrangements, including their complexities and how they operate for different types of school; this includes evidence indicating ‘that some popular schools (including academies) are setting and using criteria to select and exclude pupils’, and that ‘schools that control their own admissions are more likely to be socially selective than community schools’. It looks at the Admissions Code, and how it is applied to academies and Free Schools, including the operation of Fair Access Protocols – on which there is some evidence that ‘the growth in the number of academies is challenging such local partnerships’, and ‘A further complication is that disputes with academies which are escalated by local authorities to the Education Funding Agency are not being resolved quickly enough. Schools’ participation in local Fair Access arrangements, however, is critical to ensuring that a good, quality place is available for every vulnerable pupil.’

It looks at LAs’ powers of direction (to admit a pupil), the admission of pupils with special educational needs, exclusions, regulating admission arrangements (including the role of the Schools Adjudicator), appeals and complaints (including the role of the Local Government Ombudsman, the Secretary of State and the Education Funding Agency). Based on the evidence presented, the Commission describes a number of problems and risks, and recommends the following to mitigate them by ensuring consistent quality and parity of practice wherever possible, and providing a clear compliance framework within which all schools operate:

- the Secretary of State should identify an organisation that is well-placed to provide an independent appeals service, to be instigated and run in a quasi-judicial manner
- the Local Government Ombudsman’s powers should be extended to hear complaints about the maladministration of admissions and admissions appeals of all admissions authorities
5. Diversification and the impact of academies on existing provision

'Around the world, there are concerns about inequities in provision, about persistent underperformance in parts of education systems and about plateauing performance in otherwise good and effective provision. In some countries, the last 15 years have seen extensive experimentation with the organisation and structure of schooling and with different models of funding and governance. The rapid development of the academies programme is part of such experimentation.'

This chapter considers the evidence from other jurisdictions, notably the USA (charter schools) and Sweden (friskolor, free schools), on which it concludes that ‘perhaps the critical issue which emerges from international experience is not the fact of school autonomy – which has been a feature of the English system since the mid-1980s – but the ways in which academy schools work together, with non-academy schools and others, to sustain high achievement.’

It includes a lengthy section on local authorities which, it observes, still retain over 200 statutory responsibilities (which have been added to in the last two years). The Commission believes there is a need for a clearly articulated view of the roles and responsibilities of statutory agencies to avoid confusion and potential overlap, and suggests that mass conversions in some areas are likely to erode the capacity of LAs to discharge their statutory responsibilities. It acknowledges recent discussion of the so-called ‘middle tier’ (see related CSN briefings), but believes there is little sense in inventing a new system; ‘instead, the government needs to articulate a new role for local government as the guarantor of provision in a diversified and fluid system… local government can and should develop as a planning and coordination agency, ensuring that there are sufficient good school places and quality provision locally by championing the needs and interests of children and young people.’

One lesson from the development of US charter schools and friskolor in Sweden, the report says, ‘is that local coordination remains a significant task for school boards and municipal authorities… it is our view that effective improvement in schools needs to be set within a coherent local framework to assure the sufficiency and quality already mentioned. Local authorities need to embrace a new working relationship with a wide range of schools and school providers to secure supply and quality – and the best possible outcomes for children and young people. The government needs to pursue the logic of the academised system it has set in train: it needs to clarify the relationship between local authorities and schools across a diversified system, articulating a clear role authorities in their relationship with increasingly autonomous schools.'
Whilst agreeing that popular and successful schools should be allowed to expand, the report highlights the potential problems of supply arising from academies’ reluctance to do so in the absence of adequate incentives, or for providers to move into particularly areas. It also raises the ‘very difficult’ issue of LAs’ decreasing ability to direct schools (as more become academies) to admit particular pupils, and argues that LAs should have the power to issue a formal request to admit to any school in relation to a pupil or group of pupils and that, should a school decline, the Office of the Schools Adjudicator should make the final decision; the current position, in which LAs retain extensive statutory responsibilities, but their power to fulfil them differs in relation to different schools is described as ‘unsustainable’. LAs, it argues, could assume a much stronger role as the commissioners and (in partnership with the Office of the Schools Commissioner) decommissioners of school supply; ‘they would become genuine guardians of local children’s interests, scrutinising the quality of local provision and reporting on this to the DfE (to inform decisions concerning renewal or otherwise of funding agreements), as well as ensuring children with additional and complex needs have their needs met.’

‘The Commissioners heard a strong, although not universal, commitment from headteachers and academy sponsors that academies should be an integral part of local children’s services delivery and community planning, and that academies therefore need to work closely and productively with local partners. The majority of the headteachers the Commissioners spoke to accepted that strong academies and robust local authorities are not at odds with one another, although a minority disagreed. We encountered evidence that some academy groups are seen to be undermining community links and partnerships through what are seen as either assertive approaches to existing arrangements or through links with academies outside the area but within the group. As academy groups develop their identity, some tensions are inevitable, but such evidence reinforces the need for clarity about the role of local authorities and the responsibilities of schools and school providers in dealing with local government.’

On quality of provision, the report suggests that diversification poses new challenges. Academy funding agreements are between the academy trust or sponsor and the Secretary of State, but ‘it is clearly impossible for the government to monitor the performance of every school, and exceptionally difficult for the government to intervene in schools where there are subtle early signs that all is not well.’ The Commission – influenced by a speech by Jon Coles, Chief Executive of United Learning (a chain of 20 academies) – has adapted his suggestions to propose a new framework focused on performance:

- academies should continue to have funding agreements with central government, although these should be for five years not seven
- medium-term performance targets over five years would be set out in the agreement
- if performance targets are achieved, a further five-year set would be agreed; if not, the DfE would consider allowing a short period for the academy trust to improve or face being replaced by a different provider
- each LA should produce a brief annual report on the quality of education provided in the area, referring specifically to the performance of each school, making use of a local data ‘dashboard’; such an annual report, combined with ‘soft’ intelligence and evidence from Ofsted reports, should provide early warning of slippage.

The four recommendations cover the issues described above.
6. Academy governance

'Systematic devolution of autonomy to individual schools raises questions about how the system itself will continue to function effectively in terms of the processes of governance and accountability… Witnesses to the Commission from all quarters stressed that as public money is being spent on academies, academies and their procedures must be subject to proper, public scrutiny and accountability. Academy sponsors, governors and headteachers were often among the most vocal witnesses in asserting this point.'

The report observes that despite increasing autonomy being devolved to schools, innovation is limited by the pressures against risk taking exerted by accountability measures such as Ofsted inspection and performance data – with potentially 'devastating consequences for schools and, indeed, the careers of their headteachers’ arising from a poor report or a dip in attainment; key elements are the governance of individual schools and the management of the system overall.

School governors have a key role in ensuring each academy is well managed and that senior leaders are held to account for improving both outcomes for children and school capacity. With academies’ independence from LA’s, governing bodies become the main mechanism for directing school improvement, and the pivotal link with between the school and the wider community; at Trust level, academy governors also become company directors (since academies are charitable companies). The report argues that governing bodies thus present both an opportunity and a considerable risk in an academised system, and presents a number of conclusions in its consideration of the issues involved – which are apparent from its recommendations (summarised):

- the DfE should act to increase understanding of the pivotal role of governors in an academised system, including their responsibilities as company directors of charitable companies and for wider system improvement
- using the National College, the DfE should take steps to support the capacity of governing bodies, and in particular the quality of the Chair
- schools should advertise the appointment of new Chairs as part of an open recruitment approach and involve at least one independent person in the appointment process. There should be mandatory training on appointment
- the government should consider incentive schemes (such as tax credits) to employers to encourage their employees to participate in school governance, and to facilitate time off for employees to attend training and/or governing body meetings
- the DfE should supply key data to governing bodies of individual schools to ensure the governing body is adequately informed and thus equipped to act
- using the National College, there should be further development of high-quality continuing professional development, materials and templates for governors
- using the National College, the government should find more ways to increase school-to-school collaboration across governing bodies, to encourage capacity-building through development and training, and to secure better value for money through shared procurement
- to encourage engagement and to support local accountability, academy trusts should publish an annual report and provide a forum for its open discussion with stakeholders.
7. Governance and public accountability: the role of central government

The key elements of the government’s role in an autonomous system are commissioning, monitoring and regulation, and intervention. This chapter considers these in turn, including the roles of government agencies – Ofsted, the Office of the Schools Commissioner (OSC) and the Education Funding Agency (EFA).

Commissioning is mostly concerned with the appointment of sponsors, on which concern is expressed that so little information is in the public domain. The report argues for transparent criteria for the DfE’s identification of appropriate sponsors, especially in the case of ‘forced academisation’ of schools identified by Ofsted as inadequate, and suggests that established chains should be allocated further schools only if they can demonstrate good results with those they already have. It also raises concern about inadequate consultation with parents before a change to academy status, and makes two recommendations:

- The practice for appointing sponsors, commonly known as the ‘beauty parade’, should be ended. The DfE should ensure that the selection of sponsors is open, fair and rigorous, and supported by clear criteria
- There should be a requirement for meaningful consultation with parents on their school’s potential academisation. This should clearly set out the implications for the school’s legal status and its educational provision (especially concerning the actual implications of academisation for the school’s organisation and for education within it). The DfE should develop, or circulate existing exemplars of, guidance showing best practice in meaningful consultations with parents on a school’s potential academisation.

The report considers the monitoring and regulation of academy chains, on which the Commission does not support suggestions that Ofsted should inspect chains rather than their individual schools. It does, however, recommend transparent systems to provide publicly accessible information on the performance of chains, and says the DfE should ‘operate hard powers in relation to failure’. It recommends that the role of the OSC should be extended to encompass intervention as well as the identification and monitoring of sponsors, and that it should produce an annual report on the comparative performance of sponsors; also, that funding agreements should be for five years rather than seven.

On resources and accountability, difficulties are noted in finding information (often due to commercial confidentiality), and it is recommended that ‘score cards’ might be developed for chains, making a range of information publicly available, and that sponsor chains and individual trusts should be required to be transparent in their financial arrangements; also, that the DfE should hold converter academies to account for their commitment in their application for academy status to give support to the improvement of other schools.

There is detailed consideration of a range of issues around funding, financial oversight and the role of the EFA. Again, the lack of transparency is a feature; the report acknowledges improvements which have been made, but notes sources of continuing concern. On the role of the EFA, it reports widespread scepticism (from many quarters) about its capacity to provide thorough oversight and to secure accountability for individual academies given the number, and cites concerns raised by the Public Accounts Committee in Parliament. Again it acknowledges steps taken to secure compliance and transparency in financial management, but says these need to go
further; it recommends that the remit of the Local Government Ombudsman (LGO) should include receiving concerns or complaints about financial irregularity, which would be communicated to the DfE. The report describes concerns over a lack of adequate mechanisms for dealing with complaints (and redress) over wider school matters, and suggests these could be met either by extending the remit of the LGO to accept complaints from parents (something that was piloted previously) or by a requirement that each academy should produce an annual report and call an open meeting to present and discuss it.

The report concludes by stressing that it is imperative that an autonomous system has the appropriate capacity and mechanisms in place to secure good governance and accountability. It argues that three aspects still require further strengthening and assurance: transparency, parity, and high standards. ‘Greater thought needs to be given to modes of accountability that facilitate school-to-school improvement and parents’ needs in supporting their children’s education.’

Comment

The Commission’s report presents a thorough and balanced examination of the issues arising from the rapid progress towards a largely academised school system (at least in the secondary sector). The detail in which it considers these will be useful to those wishing to take its proposals further, and it provides many pointers to where progress could be made (and, in many areas, already is being made) even without significant action by central government. However, it also makes a strong case for Ministers to respond positively to the logic of its underlying arguments.

Above all, it presents much evidence to illustrate the need for a more positive vision of the educational objectives behind the ‘experiment’ of rapidly expanding the academy sector, and of the dangers of simply sitting back and allowing developments to take their course. Encouragingly, this includes evidence of a strong commitment of many within the academy sector to the principles behind the Commission’s conclusions and recommendations.

The report’s proposals for the future role of LAs should form the core of a serious discussion within local government about how it sees its own future; this is perhaps the issue on which central government is most likely to respond (not least because the present situation is increasingly unsustainable) – and it is surely essential that whatever it decides is fully informed by a detailed and considered account of LAs’ own collective vision.

External links

RSA/Pearson Academies Commission website

Related briefings

Managing the expansion of the academies programme – NAO report (December 2012)
Local authority role in education – ISOS final report for Ministerial Advisory Group (July 2012)
The Future Role of Local Authorities in School Improvement – ADCS Report (April 2012)

For further information, please visit www.lgiu.org.uk or email john.fowler@lgiu.org.uk