

RETURNING SCHOOLS TO THEIR COMMUNITIES

A FIRST STEP TO ACHIEVING EDUCATIONAL EQUITY

This second paper follows the paper ["A National Education Service?"](#) published on the ECARDA website in October 2017. It starts by identifying possible inhibitors to a National Education Service, taking the view that past legislation has brought improved educational opportunities for some but never all learners. The paper continues with some observations on how changed governance arrangements for multi-academy trusts could bring local schools to account directly to the local communities they serve.

By design and necessity, this paper is unfinished. The reader is invited to continue the projection into the future.

If we are to transform the state-funded educational landscape in England, there may be a need for some preliminary site clearance. Three barriers to a quick and complete rebuild are Choice, Church and Charity.

‘Choice’ was the political orthodoxy underpinning the 1988 Education Reform Act. The creation of Ofsted, with its reports, and the publication of primary and secondary schools’ national curriculum assessments were intended to assist parents in making informed choices. Local management of schools motivated schools to maximise their income by maximising their pupil intake. Thus, the market drivers were in place to foster competition in the belief that that this would raise standards.

Whilst market competition may benefit private-sector commercial operations, it does not, in an overall sense, benefit a state-funded public service. A picture of winners and losers does not benefit a public service. Choice is distorted on the supply side because a so-called good and popular school will not expand to meet demand. It caps its intake to become a *de facto* selector. Choice is distorted on the demand side because those who can afford to will travel further to fulfil their choices. This leads to significant negative social and educational consequences.

‘Church’ as a provider of state-funded education is a historical legacy. Campaigning for free, compulsory and non-religious education, the National Education League attempted to influence the 1870 Education Act, arguing that state-funding for the growing number of voluntary schools was wrong. Partly successful, school boards were established to set up and manage schools in areas where they were needed with the power to levy a local precept. However, state funding for voluntary schools continued to grow and the church had influence on many of the school boards to protect and nurture their own interests. For similar reasons, John Clifford’s National Passive Resistance Committee attempted to influence the 1902 Education Act. They had little

success, competing with the Church Party, a conservative party faction which, with its intention to stop the spread of secularism in education, significantly influenced the 1902 Act, replacing School Boards with Local Education Authorities which ensured voluntary schools received funding at levels comparable with the former board schools. The 1944 Act further embedded state funding of voluntary church schools, albeit in two forms.

The question of whether tax-payers money should continue to fund church schools is even more relevant today. Their unique admissions criteria and governance arrangements set them apart, and their congregation into multi academy trusts brings the possibility of further embedding a bipartite, rather than universal system.

‘Charity’ is a virtue, but in the sense of it being an incorporated organisation that runs academy and multi academy trusts, perhaps less so. The 2005 DfES White Paper “Higher Standards, Better Schools for All – More Choice for Parents and Pupils”, preceded the Education and Inspections Act of 2006 which established Trust Schools. Over 90 Labour MPs and peers expressed their concern in an alternative white paper which included the following prescient statement:

Our central concern is the proposed development of a body of self-regulating schools without an effective system of accountability or measures to ensure that the interests of all pupils are protected and advanced. Without the measures proposed in this paper there is a serious risk of delivering enhanced choice only for some, and reduced or restricted choice for others. Disadvantaged pupils may be losers rather than gainers from the new policy.

The amended legislation made no reference to new Trust schools, but the model was adopted by a number of Church Schools and Foundation Schools. The model for academies was now in place.

Extending the City Technology Initiative brought in under the 1988 Act, the Labour Government used the Learning and Skills Act of 2000 to introduce sponsored City Academies, later shortened to Academies, to tackle low achievement levels in areas of deprivation. Sponsors established a Trust to run these groups of academies and, in the early days, were expected to contribute to capital costs, but this requirement was quickly dropped. The Trust entered into a funding agreement with the Secretary of State whereby direct funding was contingent on meeting specific conditions. The Academies Act of 2010 allowed all ‘good’ schools to convert into an academy, without the need for a sponsor, by establishing their own charitable trust. As the scheme expanded, sponsors, who now could include academies themselves, formed multi academy trusts. Unlike local authority maintained schools whose accountability is to the community, through its elected members, the line of accountability of academy and multi academy trust is directly to the Secretary of State.

Thus, educational legislation intended to ensure excellence for all, is by its design and implementation falling short of its intention. Not all learners benefit fully from the current

educational offer. Children and students from disadvantaged backgrounds continue to achieve less than their peers and thereby have limited life-chances. If legislation had been a success, all schools would be outstanding (to coin an Ofsted term), but they are not. Provision is variable so educational experience is variable – by geographic region, by socio-economic area and by proximity of other schools.

We have a lexicon that appears remote from the nature and purpose of education: ‘System’ rather than ‘service’; lessons and the curriculum that are ‘delivered’ not ‘taught’; pupil ‘performance’ rather than pupil ‘achievement’. Schools are ‘academized’. Academies may be ‘re-brokered’.

Other terms have been hijacked. Accountability is no longer a responsiveness to funders and users, but the publication of data to show how they compares with certain government ‘expectations’. The terms good and outstanding are now associated with Ofsted judgements. Performance management is now singularly associated with staff appraisal. Local governing bodies are no longer governing bodies. Consultation means being informed rather than involved.

Much needs to be done. The issue is where to start. The logical starting point is, perhaps, to establish a consensus vision for educational provision written in a down-to-earth language rather than meaningless catch phrases. Translating the vision into practice will be incremental. The translation would necessarily start from where we are now.

As a starter, I propose that the vision should include the intention that a local school must reflect the needs and aspirations of its local community. This means that the community must have a say and influence.

If the school is part of a multi academy trust (MAT) then it is likely to have a local governing body (LGB), alternatively known as an advisory group. Under the current arrangements this local governing body is a *de jure* subcommittee of the Board of the MAT who may decide its constitution and purpose. For the most part, these LGBs are constituted with little or no power. The Board itself will have a majority of seat-holders appointed by the Members of the Trust. The Members of the Trust are usually the signatories to the Trust’s memorandum of understanding and other members appointed by agreement of the founding members. This small number of Members who control the Trust are non-elected, and in many cases, self-selected.

My proposal is that any community member may “sign up” as a Member of the Trust who runs its neighbourhood school. Those community Members would then elect a number of the Members to become a governor on the Local Governing Body. In turn, Governors from each Local Governing Body across the MAT would appoint, from external applicants with the necessary skills and expertise, non-executive directors (NEDs) onto the MAT Board. I would envisage the number of NEDs to equate to the number of executive directors, such as Chief Executive Officer

(CEO), Chief Operating Officer (COO), Chief Finance Officer (CFO), Director of Human Resources, Phase Leads and, where necessary, Regional Leads. Amongst the non-executive directors appointed by Governors would be one to act as Chair of the Trust Board.

NEDs would be appointed by governors for a fixed period and would be remunerated for working with the MAT for a given number of days each month. NEDs would not be employees of the MAT, but governor appointments onto the Board. Their role of NEDs would be not to interfere with the operational management of the Executive Directors, but to offer advice and to hold them to account. In turn, the NEDs would be accountable to governors. This model is similar to that found in NHS Foundation Trusts. In short, Governors have the power to appoint and dismiss NEDs.

In the first instance, the Trust Board would sign a revised funding agreement with the Secretary of State, Ofsted would remain as the Inspection agency and the Education and Skills Funding Agency (ESFA) would remain the regulatory body. Local authorities would retain their responsibility for ensuring sufficient school places and be given powers to deliver this responsibility. Over the short run, regional groups of local authorities would assume the responsibilities of regional commissioners in order to eradicate the current conflict of interests.

This proposal turns inside out the current arrangements and reverses the flow of accountability to those who fund and use the service.

If these proposals were implemented as a first step towards creating a National Education Service, it is a matter of conjecture how the arrangements would evolve, but I believe the shifts would be to the advantage of a better service to all. I would guess that academies in widely dispersed MATS would seek to move to one with a “centre” geographically closer. Perhaps, over the longer run, local governing bodies would urge trusts themselves to focus on provision over a distinct locality.

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