

Primary Focus



The next stage of improvement for
primary schools in England

Annaliese Briggs
and Jonathan Simons



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Any errors are entirely the responsibility of the authors.

Foreword

Sir David Carter, Regional Schools Commissioner
for the South West and former Executive Principal,
Cabot Learning Federation

Primary education in England is enjoying one of its most successful phases since I started teaching in 1983, and certainly since I became a Headteacher in 1997. I was a secondary teacher of Music and spent many of my early years as a teacher inquisitive about what happened in primary schools. My deeper understanding of primary expertise increased exponentially from September 2012 when four primary academies joined the Cabot Learning Federation and made our chain a genuine 4–19 organisation. I had always been passionate about the notion that we could make a promise to a parent that we would educate their four year old and deliver them to the point at which they might leave home for University or their first paid employment without their son or daughter having to leave the Cabot Learning Federation.

As I write this, I can imagine my former colleagues reading my opening sentence and wondering if I had forgotten that they are delivering a new national curriculum, planning for more demanding floor targets in 2016 than we have ever seen before and facing the competitive reality of comparisons with schools in the far east and parts of Scandinavia. That said, I stand by my opening remark and will explain why below. I also stand by the view that this new report by the Policy Exchange team is ground breaking, visionary and paints a picture of the future landscape that will be challenging in concept but revolutionary in its execution.

In 1997, you will read in the report that standards in English primary schools were different to those in the summer of 2014. 67% of children attained a Level 4 in English and 62% in Maths. Seventeen years later, and we see that the provisional results show that 89% of 11 year olds attained a Level 4 in reading and 86% in Maths. This is deep and steady improvement that the system in this country should be very proud of. But from 2016, the floor standard for children meeting the new revised standards will be 85% and this will not be easy, particularly as we consider an assessment model without prescribed national levels. The report estimates that as many as 20% of schools would not have reached that level this summer. So the question for the profession is this. Can we meet this ambitious goal, compete and beat our international competitors, and lay the foundation for the world class outcomes we all want, by simply working harder in the same way that we have since 1997 to achieve the 2014 outcomes? The answer is without doubt no. This report not only hints at how we will need to work differently, it shows a strategic intent that is radical yet deliverable.

Whilst the report looks in detail at the types of structure that would facilitate a standards rise on this scale, the DNA that sits at the core of the thesis is that

of collaboration, and specifically collaboration for impact. Given that my most recent job was to lead a Multi Academy Trust and that my current role includes helping others to take the same path, you will not be surprised that I agree with and strongly support the argument you are about to read.

Collaboration works well in a variety of contexts but the common thread that runs through this report is that working in isolation is no longer an option. Working together is an enabling act especially when the volume and scale of the challenge is hard. For example, do we really need every primary school in the country to tackle the curriculum challenge alone or is the sharing of ideas and process liberating for those tasked with delivery? What about the future for small primary schools? In my South West region there are 864 schools with less than 150 children. Collaboration feels more like a necessity and not just something to consider. What about succession planning and the future leaders of primary education? Won't it be much more realistic for a talented leader to take on a headship perhaps a couple of years earlier, safe in the knowledge that there are other senior leaders in a collaborative group that can support? And how many times have teachers commented that shared planning and joint assessment and moderation reduces workload but improves the quality of learning for children? This culture will, I firmly believe, become the way that we work in the future across the system, and we will not return to the single school working on its own that I experienced in the first ten to fifteen years of my career.

Finally, what future is there for an education system that continues to focus on the type of school, and the structural label we attach to it? The report advocates moving beyond this to an entirely autonomous academised system and I endorse it. Not because of a statistical quest to have every school an academy, but because the academy in which you will work will be part of a wider family and the independence this brings creates opportunity for innovation, responsiveness, and choice. Choice to join a group and choice to leave one. That will become the key differentiator when we compare this new system to the system of Academies and Multi Academy Trusts we are familiar with today. A mature self-improving system will enable schools to hold their sponsor to account in the same way as the sponsor holds them to account.

At a time when many are horizon scanning and contemplating the education landscape post 2015, this report should be essential reading for every educator who wants to participate in the debate. If you agree with the content, then help the system deliver it. If you disagree, do so in a way that moves the debate forwards and helps to articulate an even better future for the children in our schools by rivalling the thinking in this document with something even better.

In 1997, the children who took their SATS were 11 years old. Today they are 28 years old and possibly have their own children in our primary schools. The next generation of primary children are already born and their futures are in our hands.

I am honoured to write the foreword for this report and I thank you for reading it. Enjoy!

Definitions

Chain

For the purpose of this report, we use the term Academy chain as one where three or more Academies come together as a Multi-Academy Trust or an Umbrella Trust. This is in keeping with the definition employed in similar reports, for example Robert Hill's report on the growth of Academy chains. More informal partnerships, or formal groupings of two schools, are excluded from this definition.

Learning Trust

This report proposes that Local Authorities can spin out their education services into standalone, social enterprises, mutuals or other organisations. These new 'Learning Trusts' must become legally separate from the Local Authorities from which they originated and free to contract with schools within that LA or elsewhere. They should be operationally and legally free to decide on the level of support they offer schools that opt into their services.

Multi-Academy Trust

The Department for Education describes Multi-Academy Trusts (MATs) as:

Groups of academies 'governed by one trust and a single board of directors. The board of directors is responsible for decisions relating to how each academy is run, from staffing to the curriculum. The MAT can establish local governing bodies for each of its academies, to which it can delegate some of its functions. The MAT remains accountable for these functions.'

Umbrella Trust

The Department for Education describes Umbrella Trusts as:

'Each academy has its own trust, but all the schools in the Umbrella Trust (UT) can share governance and procurement of services. If a group of schools wants to convert as part of a UT, each school converts separately, but will set up an umbrella trust to join together. The schools can agree that the UT will appoint governors or members of the trusts in each of the schools, and set a joint vision.'

Executive Summary

“We had come to power saying it was standards not structures that mattered. We were saying: forget about complex, institutional structural reforms; what counts is what works, and by that we meant outputs. This was fine as a piece of rhetoric; and positively beneficial as a piece of politics. Unfortunately, as I began to realize when experience started to shape our thinking, it was bunkum as a piece of policy. The whole point is that structures beget standards. How a service is configured affects outcomes.”

Tony Blair, *The Journey*, 2010

Over the past decade or so, the primary sector has largely been a positive success story. In 1997, 67 per cent of pupils achieved a Level 4 in English – that is, the minimum level of knowledge and skill pupils are expected to demonstrate – and 62 per cent of pupils achieved the same level in maths. Provisional results for Key Stage 2 results in 2014 indicate that 89 per cent achieved a Level 4 in reading (which was separated from English grammar, punctuation and spelling, in 2013). 86 per cent of pupils achieved a Level 4 in maths.¹

Despite these improvements, the government has been keen to drive further improvements. In a speech to Policy Exchange in 2014, the previous Secretary of State for Education Michael Gove described the number of children who leave primary school unable to read appropriately as ‘indefensibly high’.²

The Government has therefore set into motion a wide-ranging suite of ambitious classroom reforms that set about improving performance even further, which culminate in new higher Key Stage 2 floor standards from 2016. 85% of all pupils will be expected to meet the equivalent of a ‘Good Level 4’ in ‘old money’ in Reading, Writing and Maths, or have sufficient pupils making expected levels of progress.

These reforms rightly seek continuing higher standards from teachers and their pupils and should be welcomed. But this raising of the floor comes at the same time as other changes are occurring in primary schools. These will place real demands on both the strategic and operational capacity of schools:

- A new National Curriculum, with greater content and subject knowledge required at all stages, which will require redesign of much planned teaching content across all ages within primary schools, as well as the incorporation of specialist subjects such as Computer Science.
- New assessment systems, with the abolition of levels and the expectation that schools design or incorporate other methods of tracking pupil progress and performance.

Simultaneously, the traditional support infrastructure for primary schools are falling away:

1 Department for Education, “National Curriculum assessment at Key Stage 2 in England” 2014 (provisional).

2 Department for Education, “The purpose of our school reforms” 2013.

- Local Authority services are diminishing rapidly as a result of tighter budgets generally in central administration services (through the Education Services Grant) and secondary schools becoming Academies (and taking their share of funding with them). This particularly affects primary schools because the traditional cross-subsidising of primary budgets by secondary schools is becoming less feasible as secondaries academise and take their full allocation under their own control.
- There is a continued demographics-led retirement of headteachers and a lack of replacements. 21% of primary heads are approaching retirement age, and the School Teachers Pay Body has identified a lack of replacements as a systemic issue in primary schools. In January 2014 26% of primary headship vacancies need to be re-advertised – up from 15% last year; this is the highest rate since 2000.

Taken together, there are real concerns about whether primary schools can manage this volume of change. In this specific context, the raising of the floor standards, whilst well intentioned, risks stalling or reversing the overall progress of primary improvement. **This report estimates that it is entirely possible that in 2016 and 2017, 20% of all primary schools – over 3,300 schools – will fall below this new higher standard.**

Such an approach – as well as being deeply damaging reputationally for the primary phase – would also present huge operational issues for Department for Education. At present, the Department ‘brokers’ underperforming schools to sponsors as part of an improvement programme, where sponsors support the schools as part of their chain. There are currently 196 Academy chains in this country (which look after a mixture of sponsored Academies but also the newer converter Academies). **Assuming the average sponsor looks after 7.5 schools as now, brokering 20 per cent of schools would require 448 new sponsors just to look after the new sponsored Academies – over double the entire existing network of chains including converter Academies.** This would be unmanageable under the current method of brokering.

In order to avoid this scenario, it is imperative that the government and schools take action to proactively build the capacity and capability in the primary phase to manage this transition and these higher expectations. There are three options open for government:

- Keep (most) primary schools under LA operation as a support mechanism (and even potentially bring other primary schools back under the LA oversight³). Such an approach is in this report’s view unfeasible, given the continuing squeeze on LA budgets driven in part by secondary academisation. Despite some examples of good practice by LAs, it is unrealistic to expect them as a whole to be able to support sufficient numbers of primaries to meet these standards
- Continue to encourage primaries to become standalone or grouped Academies on a demand led basis, as currently happens. Whilst there is some evidence that good practice is emerging, most standalone primary Academies are significantly bigger than average, and there are risks of smaller Academies being left with insufficient support. Academy groups that are forming organically are on the whole showing potential but for reasons of both history

3 As called for in the NUT manifesto *Stand up for education: a manifesto for our children’s education* September 2014.

and also particular circumstances, the demand for primaries to convert to Academies is very slow, and absent any policy change there is little reason to be confident that sufficient primaries would benefit from greater support needed to meet the higher standards

- Make an active policy decision to proactively group all primary schools into Academy chains, in order to ensure 100 per cent coverage and build capacity in the sector.

This report concludes that the reorganisation of all primary schools into academy chains by 2020 – as determined by each primary school themselves – presents the only viable opportunity for the sector to mitigate against the risk of mass failure. Academy status is not a panacea in itself, but it represents the best way in which to drive greater strategic capacity and capability in the primary sector. It achieves this by establishing collaborative practices around teaching and learning, by supporting teachers and individual school leaders to focus on what happens in classrooms, and by supporting a culture of continuous improvement and development. In turn, these actions improve outcomes. This report terms this evolution of the Academies programme as ‘Wave 3 Academies’; a phase of development which emphasises a primary focus, as well as the greater utilisation of groups and chains of Academies rather than stand alone institutions.

The success of ‘Wave 3 Academies’ will largely be determined by the extent to which the Department for Education creates the conditions necessary for schools to come together and build capacity and capability. Drawing from case studies of major reform in the healthcare sector in England and change management in New York City’s schools in the last decade, this report makes a series of recommendations that form the backbone of a roadmap to create more capacity and capability in the primary phase. These include recommendations that the Government should:

- **Commit that all maintained primaries will only be allowed to spin out of their Local Authority as part of a formal chain or partnership.** With average annual budgets of £1.4 million, primary schools do not typically have the resource available to recruit the expertise that more accountability requires, for example finance directors and HR specialists. Neither do they have the economies of scale to enter into favourable contracts with suppliers, from catering to school improvement. Chains of Academies provide the means of efficiently pooling resources and centralising expertise to the benefit of all schools in the chain. But unlike Local Authorities, which also provide economies of scale, schools that seek a sponsor to converting to academy status choose one on the basis of the specific needs of the pupils in the school. When school autonomy (created by academy status) aligns with a chain’s philosophy and provision, schools can develop the capacity and capability in teaching and learning issues that are prerequisite to school improvement. Chains of Academies can readily share best practice between schools and leverage the group’s size in order to receive discounts, which enables schools to drive a culture of continuous improvement. **Existing standalone primary schools should also be required to join chains to ensure they remain solvent and sustainable.**

- **Allow – and encourage – Local Authorities to set up and run their own chains.** Under a fully academised sector, many more sponsors will be required to lead the growth of academy chains. Many primary schools benefit from a supportive relationship with the education teams in their Local Authority and it would be wasteful to ignore this in the development of Wave 3 Academies. Effective Local Authorities have the ready resource, local knowledge and eager customers – schools – at their fingertips. **Local Authorities may establish their own chains or ‘Learning Trusts’ to provide education services, which must be legally separate from the remaining Local Authority functions.** Primary schools spinning out of the LA must opt back into these trusts, as they would any other chain.
- **Convert any remaining Local Authority maintained secondary schools to academies.** This is important to avoid the complications that currently arise as a consequence of operating a dual system, and as a consequence of the new separated out school functions of Local Authorities via Learning Trusts. Such complicated arrangements include: two different funding arrangements for schools; classroom reforms – such as a new national curriculum – that are applicable only to part of the schools sector; and, a new middle tier arrangement of Regional Schools Commissioners that oversee only a quarter of schools. These dual systems are also confusing for parents navigating their way through school admissions. **Unlike primary academies, secondary schools may convert as standalone Academies, but they should be encouraged to partner with others as part of a wider move towards a school-led, self-improving system.** This report anticipates that many secondary schools converting to academy status will seek partnerships with primary schools, particularly with feeder primary schools, which has been the case to date – primary schools benefit from the capacity that secondary schools have. Whilst outstanding schools should be wary of stretching their resources too thinly, they should be encouraged to establish chains as far as their capacity and demand enables.
- **In order for Academies receive the most suitable support they require on an ongoing basis, Academies should be able to switch between chains if certain criteria are met.** This is so that motivations and incentives for improvements are maintained across all academy chains. The right to secede, even if rarely activated, acts as a vital check and balance on chains, keeping management charges down and maintaining a focus on improving pupils’ performance. With the emergence of so many new chains over the next five years, the right to secede is particularly important because it is highly likely that a small number will be ineffective, poor value for money or both. Academies would be able to switch schools before results significantly worsened. There are, however, a couple of caveats, which are necessary in order to preserve the integrity of the chain’s strategy for school improvement. **Academies should only be allowed to switch chains with at least a year’s notice, and only after an initial period of three years with the chain.** This is to give schools a chance to align themselves with the workings of the chain and for the chain to embed its services to full effect. Another caveat is that only good or outstanding schools should have the freedom to secede. This is to avoid weak schools moving away from chains applying much needed ‘harsh medicine’, particularly around staffing.

- In order to facilitate these wide-reaching reforms, **Government should expand the remit of the Regional Schools Commissioners or Directors of School Standards to establish and oversee this newly autonomous system over the next five years.** RSCs or DSSs should be funded to source and broker relationships between schools over this 2015–2020 period and approve all new chains, as part of a new, time limited, market making function. Small primary schools, which account for 12 per cent of the primary phase, pose a particular challenge because they have so few resources to draw on and they have historically been a drain on larger schools. Similarly, special schools and alternative provision schools will need to be carefully managed from a systemic perspective to ensure that the most vulnerable children are provided for, and the specific needs of that community are protected, including what will be a close and ongoing relationship with the remaining Local Authority. Brokering relationships for these schools should be a top priority for the RSCs/DSSs.

Such a programme of academisation will free up capacity in primary schools to focus on the necessary changes to teaching and learning, teacher and leadership development and strategic planning that will directly impact on school performance. So alongside this major transformation programme, this report anticipates a series of chain reactions that should arise as part of a fully academised schools sector. These include:

- Growth of Teaching School Alliances and other informal partnerships: One option for developing more chains is that Teaching School Alliances and other softer school improvement partnerships that already exist could convert to become more formal partnerships. But other TSAs will not wish to go down this route. These looser partnerships should continue to be encouraged and funded to continue even in a wholly academised sector. These offer an opportunity for Academies in different chains – and standalone secondary Academies not in any formal grouping – to work together. Moreover, offering school-to-school support between schools irrespective of their formal affiliations is advantageous even in a wholly grouped primary sector. This is important because chains will vary in their offer of services and the needs of a minority of schools in a chain may need to find specific support that the chain cannot justify providing.
- National Curriculum: where most schools will peg their curriculum close to that of the new National Curriculum, especially in core areas where Key Stage 2 tests take place. In time, the growth of chains should see the emergence of alternative curricula which match or exceed the breadth and depth of the National Curriculum. Schools and groups of schools should be free to innovate where they can offer their pupils something better, but the existing curriculum will operate as a benchmark and as a minimum set of standards for all parents to expect.
- Specialist teacher training: the new curriculum will require more subject knowledge on behalf of all teachers. The broader move of teacher training towards school-based training like School Direct will likely increase with the greater capacity offered by chains. This offers the opportunity to further

develop subject specialist training routes in primary, as well as designing a more customised middle years teaching programme, which would prepare trainees to teach children in the later years of primary school and early years of secondary school.

- Early Years: With the final year of the Early Years Foundation Stage – the Reception year – already based within the primary school structure, primary schools are already well placed to roll out their provision to younger children. The growth of primary academy chains therefore offers the potential for more systematic collaboration between schools and the early years phase of education. Academy chains also offer the early years sector better potential for growing their capacity and capability, with more opportunities to collaborate with their graduate-trained colleagues in the primary sector. This does not mean necessarily primary schools taking over early years settings – it could for example lead to more organised and planned cooperation between two different institutions; either co-located, co-governed, or simply closely paired.
- Transparency: In a reengineered schools sector that enables Academies to switch from one chain to another at their discretion, it follows that comprehensive datasets about individual chains' performance should be readily accessible. Currently data about sponsor performance is held internally by Department for Education and not released; the growth of a wholly academised sector should lead to a system as per New York's – England's chains should have such a dataset published in a format that is accessible to schools include datasets on the progress pupils make, their Ofsted rating, satisfaction scores from school principals, school retention rates, and information about the chain's philosophy, values and services. Additionally, financial information about chains should be published where this does not breach commercial confidentiality. As a minimum this should include the top-slice charged to its Academies for its services.

1

Primary Schools in the Past Decade – Improving but New Challenges on the Horizon

“It’s those children who arrive at secondary school incapable of reading properly, who find they can’t follow the curriculum, who cover up their ignorance with a mask of bravado, disrupting lessons, disobeying teachers, dropping out of school. . . . the number of children who currently leave primary school unable to read is indefensibly high.”

Michael Gove, speaking at Policy Exchange education conference June 2014

A good story so far

Over the past decade or so, the primary sector has largely been a positive success story. For example, in 2011/12 Ofsted judged 69 per cent of primary schools to be good or better. The following year, this rose to 78 per cent rated good or better – 485,000 more primary-aged pupils were receiving a good or better education than the previous year.

In terms of Key Stage 2 results, in 1997, 67 per cent of pupils achieved a Level 4 in English – that is, the minimum level of knowledge and skill pupils are expected to demonstrate – and 62 per cent of pupils achieved the same level in maths. In 2010, the percentage of pupils achieving a Level 4 or above in English and maths had risen by 16 and 17 percentage points respectively to 83 per cent achieving a Level 4 or above in reading and 79 per cent in maths.

This steady upwards trajectory has continued since 2010. Provisional results for Key Stage 2 results in 2014 indicate that 89 per cent achieved a Level 4 or above in reading, 85 per cent achieved a Level 4 in writing and 86 per cent of pupils achieved a Level 4 in maths.⁴ Furthermore, in 2013, the Coalition government introduced a new grammar, punctuation and spelling assessment. In its first year of implementation, 74 per cent of pupils achieved a Level 4. Provisional 2014 results indicate that this has risen to 76 per cent.⁵ Figure 1.1 shows the steady upwards trajectory of pupils’ achievement in reading and maths between 1997 and today.

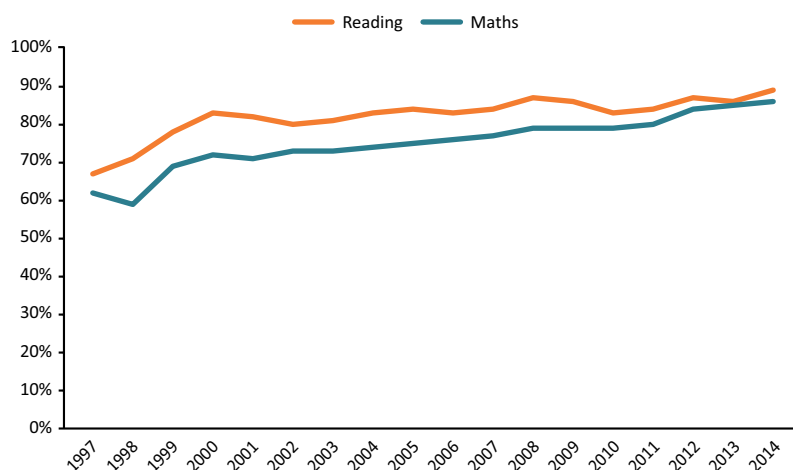
Primary schools are also improving at a faster rate than secondary schools. In its 2012/13 Annual Report, Ofsted notes that, in comparison to secondary schools, ‘there has been a larger increase in the proportion of good or outstanding primary schools.’ Overall, there are more good or better primary

4 Between 2012 and 2013 English was replaced with reading and writing, which renders a true comparison between years difficult.

5 Department for Education, *National Curriculum assessment at Key Stage 2 in England, 2014 (provisional)*, 2014.

schools (78 per cent) than secondary schools (71 per cent). Furthermore, the same report specifically singles out the maintained secondary sector as ‘a major concern’.⁶ No such specific warning is given to the primary sector.

Figure 1.1: Proportion of pupils achieving a Level 4 in reading and mathematics at Key Stage 2



Lastly, parental perceptions are of greater satisfaction with primaries than with secondaries. The National Governors Association polled over 420,000 parents in 2012 across 2,500 schools to identify areas of concern and satisfaction with schools. The top priorities were the same for both primary and secondary aged parents but parents of primary schools consistently rated the schools better at addressing them:

Table 1.1: Parental satisfaction with primary and secondary schools

Issue identified as a priority (in rank order)	% of primary parents satisfied	% of secondary parents satisfied
School discipline	79%	70%
Teaching quality	80%	71%
Happiness of child	81%	72%
Control of bullying	70%	65%
Caring teachers	80%	70%

Source: National Governors' Association/Kirkland Rowell Surveys, 2012.

Could do better

Despite this story of steady improvement, the startling fact remains that 21 per cent of pupils start secondary school without the requisite knowledge and skill in English and maths to excel in studies in a secondary setting. In a speech to Policy Exchange in 2014, the previous Secretary of State for Education Michael

⁶ Ofsted, *Annual Report 2012/13*, 2013.

Gove described the number of children who leave primary school unable to read appropriately as ‘indefensibly high’.

The Coalition government has set out a wide range of reforms designed to improve children’s performance at school and life chances beyond. In addition to a number of policies designed to improve behaviour in schools – which is widely considered a prerequisite to the task of educating – many reforms specifically address the quality and accountability of teaching and learning in classrooms. In brief, these include:

- Since 2012, an annual phonics check for all Year 1 pupils;
- On-going raising of the Key Stage 2 attainment floor standards in 2014 and again from 2016;
- Since September 2014, a new National Curriculum for all maintained primary schools;
- The abolition of National Curriculum levels from 2014;
- A new baseline assessment from 2016;
- From September 2016, a baseline assessment for pupils in Reception that will form part of the new progress floor standard.

These reforms are wide-ranging and engage deeply in classroom practice. That is to say, these reforms are not the preserve of senior leadership teams in schools; rather, they will impact on the work of all teachers. As such, they will place a significant impact on the workload of every teacher and member of support staff in primary schools.

It is worth focussing on two of the reforms mentioned above that rightly look to stretch the quality of education provided in primary schools but will cause challenges and exploring these in more detail:

New curriculum and assessment systems

The purpose of the new National Curriculum is laudable – to benchmark the content that children at all ages in primary should know against what their peers are learning in high performing jurisdictions around the world, and to give teachers greater freedoms to shape the curriculum in line with their own specific needs. However, the response to date has been mixed. School Zone, a market research organisation for the education sector, conducted a review of primary school teachers’ responses to the curriculum reforms. This report describes that “teachers have mixed feelings about launching their new curricula... with most feeling daunted by the amount still to do... this new curriculum is pushing them out of their comfort zone, as it requires a big cultural shift for all but the most innovative and confident schools.”⁷ Similarly, an opinion poll from ATL/ITV of ATL members (covering both primary and secondary) found that 81% of teachers did not think that they had had enough time to prepare for the changes coming in to the curriculum especially around English and maths at primary.⁸

Similarly, the abolition of levels also represents a big shift for primary (and secondary) schools. Levels made their first appearance in the early stages of the statutory National Curriculum back in 1988 and have therefore been a core part of teaching for all or the majority of the teaching career of a large proportion of the profession. The Government deemed levels ineffective and confusing, not least

⁷ School Zone, *Teachers’ response to curriculum reforms: Primary*, 2014.

⁸ ATL press release, 28 August 2014.

for parents, and so from September 2014 have been disappplied and will not be replaced.⁹ Instead, schools are required to develop and share their own assessment systems or use those developed by others (including, for example, by schools and publishers). To encourage this, the DfE launched an Assessment Innovation Fund – a competition between schools – with financial support awarded to the winning proposals. In May 2014, eight schools were awarded £10,000 each to turn their assessment models into free, easy-to-use packages for other schools to use (one primary school; one all-through school; four secondary schools; two special schools). The response to the abolition of levels has been mixed, with strong opinions on either side. Most of the concern, as with the new curriculum, has been the speed of change and what will come in their place. One survey found that around 1 in 10 heads think the abolition of levels will have a positive impact on standards against around 6 in 10 thinking it will have a negative effect. Russell Hobby, the general secretary of the NAHT, has been quoted as saying that “There are many headteachers who were disturbed by the announcement of the end of levels... not because of a love for levels but because the idea of 20,000 schools reinventing their methods of assessment just doesn’t fill anyone with enthusiasm”.¹⁰

This report is not the place to debate the pros and cons of either the new curriculum or the abolition of levels. It is simply to note that it represents a significant strategic and operational challenge for many primary schools to manage. This is also the case with the second major change:

New floor standards

As noted above, the bar is being raised on what 11 year olds will be expected to do by the time they leave primary school. In 2010, 60 per cent of 11 year olds were required to achieve Level 4 at the end of primary school. In 2014 the bar was raised to 65 per cent and, from 2016, this will rise to 85 per cent achieving a new and higher standard in reading, writing and maths. Rather than pupils receiving a level at the end of Key Stage 2, from 2016, results will be expressed as a scaled score out of 100. Parents will be given their child’s scaled score alongside the average for their school, the local area and nationally.

The rationale for the change is the data which shows a strong link between what DfE call a ‘Good Level 4’ and success at secondary school. DfE data shows that:

- 81% of pupils who had scored in the top third of the level 4 mark range in both English and maths went on to achieve at least 5 A* to C GCSE grades including English and maths last year.
- 72% of pupils who had scored in the top or middle third of the level 4 mark range in both English and maths went on to achieve at least 5 A* to C GCSE grades including English and maths last year.
- 47% of pupils who did not score in the top or middle third of the level 4 mark range in both English and maths went on to achieve at least 5 A* to C GCSE grades including English and maths last year.¹¹

The new floor standard will require primary schools to have 85% of pupils reach this new higher expected levels in each of reading, writing and maths.

Alongside the new floor standard, from 2016, the government will also introduce a new progress floor standard. This will take account of the progress a child makes

⁹ Labour have said they are “unhappy with the removal of levels” although at time of writing they have not formally committed to reintroducing them.

¹⁰ Survey for The Key, as reported in the Times Educational Supplement 22 February 2014.

¹¹ Department for Education, press release, March 2013.

between their Reception year and attainment in Year 6. The new baseline test taken in the first couple of weeks of a child's Reception year will form part of this, as will new expectations of progress that will be published by the Department.

At the moment, it is difficult or almost impossible for many primary schools to judge where they would perform against these new higher standards. This is because:

- With the abolition of levels, and the introduction of the new curriculum, it is difficult to judge how many pupils would be performing at the equivalent of a Level 4b in 2016 and a comparison against how many of the current 10–11 year olds do so under the old curriculum is not that insightful.
- Furthermore, some have pointed out that the Programmes of Study, which mirror the expectations set out in the old level descriptors, actually map quite closely to an old Level 5 as much as the old Level 4B, meaning the bar is even higher than may be perceived.¹²
- There is no information available to envisage what 'expected progress' looks like so schools are unable to judge how they are likely to be performing. At the time of writing this report, the Department for Education were consulting on a range of 'performance descriptors' that would denote the equivalent of new Level 4B. Over the course of the period leading up to the implementation of the new floor standard, more information will become available, but in the meantime this knowledge deficit has caused a great deal of unrest in the primary sector.

“At the moment it is difficult or almost impossible for many primary schools to judge where they would perform against these new higher standards”

Nevertheless, despite this, it is worth looking just at how many schools currently meet 85% of pupils achieving Level 4B. Based on 2013 data, 90% of schools do not currently meet this target.¹³ Of course, schools will only fall below the floor if they do not have

85% of pupils meeting this higher standard and have pupils making (currently undefined) insufficient progress. Nevertheless, as set out below, even on some fairly optimistic assumptions around progress made by schools in response to the higher bar, there are potentially large number of schools below it.

Again, this is not the place to debate the wisdom or otherwise of the new target – only to suggest that a plausible scenario in which potentially thousands of schools are deemed to be below acceptable performance levels will cause a systemic challenge to government.

Furthermore, at the same time that primary schools are grappling with the twin challenges of introducing a new curriculum and assessment models, whilst trying to meet higher floor standards, two of the previous main 'support pillars' are weakening or disappearing.

Disappearance of Local Authority support services

One of the most significant challenges to primary school improvement concerns the availability of resources Local Authorities have in the past dispensed to turn around poor performance in their primary schools. Traditionally, as much smaller institutions with fewer internal resources to draw upon, primary schools have been more significant users or customers of Local Authority services.

¹² Michael Tidd, a Deputy Headteacher in Nottinghamshire, has done some detailed analysis of this in his blog on what he terms the "Level 4b myth" (31 July 2014) He arrives at this conclusion by comparing the old Level 4 statements with the new Programme of Study: '[On] reflection, I'd have been as well to take the Level 5 statements, since the new Programmes of Study for Y6 are far more akin to the old Level 5 content.'

¹³ Policy Exchange analysis of 2013 Key Stage 2 performance tables.

Local Authorities receive funding for school services through the education services grant (ESG). This grant covers a broad spectrum of school services: statutory and regulatory duties; education welfare services; central support services; asset management; premature retirement and redundancy costs; therapies and other health-related services, and monitory national curriculum assessment. Introduced in 2013/14, it is allocated to Local Authorities on a simple per-pupil basis according to the number of pupils for whom they are responsible. Local Authorities also receive an additional £15 per pupil for all pupils. This retained duties rate acknowledges services that have not transferred to academies, for example school transport and SEN provision. Whilst funding for schools is protected, the ESG is un-ringfenced and has been subject to cuts; in 2015 to 2016 ESG funding will be cut by £200 million, to approximately £1 billion from £1.2 billion in 2014/15.¹⁴

DfE data shows that unsurprisingly, given differing local circumstances, there is a large degree of variation in the level of budgets different Local Authorities set for education services.¹⁵ What is of particular interest in this report is the unintended consequences of schools converting to academy status on the availability and use of ESG funding for the remaining maintained schools.

Earlier this year, the Local Government Association argued that the converter academies programme exacerbates Local Authorities' uphill struggle to turn around their weakest schools.¹⁶ A Freedom of Information request conducted by Policy Exchange¹⁷ reveals that 79 per cent of Local Authorities allocate at least some of their school improvement funding to maintained schools on the basis of need. Weak and/or vulnerable schools, as defined in Local Authorities' own risk assessments (which often draw on Ofsted grades and public examination data) receive disproportionately more school improvement funding than successful schools.

Box 1.1: An exemplar Local Authority risk assessment framework for allocation of ESG school improvement support

A typical risk assessment takes the form of three or four categories, sometimes presented as a RAG rating, relating to Ofsted judgements. For example, one Local Authority presents designations as such:

- Dark Green: Comfortably above floor standards in all indicators and, if inspected, are likely to be graded outstanding in terms of overall effectiveness. Very low risk. Very low priority for support.
- Light Green: above floor standards in the majority of indicators and, if inspected, are likely to be graded good in terms of overall effectiveness. Low risk. Low priority for support.
- Amber: below floor standard in the majority of indicators and/or at risk of dropping below floor standards in all indicators and/or likely to be graded as 'requires improvement' if inspected. Medium to high risk. High priority for support.
- Red: below floor standards for three years or more and/or currently in an Ofsted category of concern and/or vulnerable to being placed in an Ofsted category of concern if inspected. Very high risk. Very high priority for support.

14 Department for Education, *The Education Services Grant: Statement of final arrangements for 2015 to 2016*, 2014.

15 Department for Education, *Consultation on savings to education services: government response*, 2014.

16 David Simmons, Local Government Association quoted in the Guardian 3 July 2014 "With outstanding and good schools fast-tracked to academy status, councils have a growing task turning around the 25% of schools in England that need to be better."

17 Policy Exchange submitted a Freedom of Information Request to 152 local authorities on 29 July 2014 and received a response rate of 60 per cent.

In Local Authorities that allocate school improvement services on the basis of these needs, schools that qualify for the government's converter academy programme, which requires schools to have a good or better Ofsted rating, receive less school improvement funding than weaker schools in the same jurisdiction. In effect, these good or better schools subsidise school improvement services in weak schools.

Allocating school improvement services on the basis of schools' needs, rather than their pupil numbers, is not unreasonable. In fact, it fulfils Local Authorities' statutory duty to ensure that swift and robust action is taken to tackle failure, as set out in guidance on schools causing concern published by the Department for Education.¹⁸ However, problems do occur when good or better schools exit the Local Authority, via becoming Academies, and take with them a share of the ESG, including school improvement funding, based on their pupil numbers, rather than relative performance. In the majority of interviews with Local Authorities for this report, officers noted that when a good or better school leaves the Local Authority via the converter academies programme, it takes with it more school improvement funding that it was otherwise in receipt of whilst under the control of the Local Authority. The result is that as the number of good or better schools under Local Authority oversight has decreased over the course of the past five years (the duration of the converter academy programme), the weak school subsidy has decreased too.

This is most significant for Local Authorities that pool ESG from primary and secondary schools. Secondary schools are large institutions and bring a greater proportion of ESG funding. For example, an average-sized primary school attracts approximately £31,000 in ESG funding, whereas an average-sized secondary school attracts approximately £111,000 in ESG funding. The implications of a good or better secondary school converting to academy status are much greater for the remaining maintained schools, than the conversion of a primary school. In this respect, the rapid uptake of the converter academies programme in the secondary sector is a particular problem for Local Authorities and a particular problem for weak or vulnerable maintained primary schools that rely on the subsidy. Furthermore, unlike national cuts to the ESG, which are planned and consulted on long before they take effect, Local Authorities receive variable notice of a school's intention to convert to academy status. Such variability renders the level of school improvement funding in Local Authorities unstable.

A series of interviews with members of staff from Local Authorities highlighted the implications of this subsidy disappearing. The following case studies illustrate this.

Box 1.2: Two case studies of Local Authority responses to changing funding

Local Authority A

Local Authority A has 265 maintained primary schools and 25 maintained secondary schools. There are also 64 Academies, 35 of which are primary and 28 are secondary and one which is all-through. One is a special school. Of the primary Academies, 13 became sponsored Academies because they were weak or failing schools. Whilst in the Local Authority's control, only these schools received school improvement services, funded from the Local Authority's ESG.

Over recent years, it has lost approximately £5.4 million from the transfer of funds to academies. Of this total, around 50 per cent supported school improvement.

18 Department for Education, *Schools causing concern: Statutory guidance for local authorities*, 2014.

In line with many Local Authorities, it targets its school improvement to weak and vulnerable schools. Ofsted outstanding or good schools do not receive school improvement funding from the council. As its schools have converted to Academies, they have taken their share of this funding, based on the number of pupils in their school and irrespective of their needs.

For example, a large secondary school with 1,900 converted to academy status and withdrew approximately £214,700 from the Local Authority. Of this, approximately 50 per cent of this was school improvement funding, which had supported other schools, including primary schools.

This Local Authority has been obliged to raise the rates of council tax to fund school improvement in its maintained schools. It has done this in preference to making cuts to school improvement funding

Local Authority B

Local Authority B has 203 maintained primary schools and one maintained secondary school. There are a further 29 primary Academies and 29 secondary Academies.

The majority of secondary schools converted to academy status within the first 12 months of the converter academies programme, when the financial implications of leaving the Local Authority were favourable to schools. This appetite was not matched in the primary sector, where there has only been a drip-feed of schools to the Academies programme. Local Authority officials cite that primary schools are content with the Local Authority's services and that many are wary of the financial burden carried with academy status, especially as a standalone Academy.

Local Authority officials note that whilst it is difficult to attribute the diminishing levels of school improvement funding to any one factor – especially in view of funding cuts applied across the whole Local Authority – the converter academies programme has placed additional pressure on the education teams. They have found that, in addition to less school improvement funding available for weak or vulnerable schools, the Local Authority continues to deliver services to Academies on a “pro bono” basis. One official explained that schools may change status, but the same school personnel are in post and that it's sometimes simplest for Academy staff to call someone familiar in the Local Authority with tricky questions. In this respect, then, the tables have turned and maintained schools – many of which are weak or vulnerable – are subsidising the cost of services for Academies.

Headteacher retirements and replacements

Between 2011 and 2012 the then National College for School Leadership (NCSL) commissioned the Institute of Education (IOE), together with the National Foundation for Educational Research (NFER), to review the landscape of school leadership in England. It noted that:

‘The complexity of the role of headteacher, and leadership in general, has increased, with consequent demands on capacity. At this stage the school landscape is complex and uneven and there are signs that potential faultlines could begin to emerge between leaders across school phase and across Ofsted categories.’¹⁹

In both maintained primary and maintained secondary sectors, there are very significant numbers of heads approaching retirement age:

19 National College for School Leadership, *Review of the school leadership landscape*, 2012.

Table 1.2: Proportion of headteachers approaching pensionable retirement age²⁰

	2011 (including Academies)	2012	2013
Maintained nurseries primary schools	29% (4,600)	22% (4,400)	21% (4,000)
Maintained secondary schools	32% (700)	29% (500)	29% (400)

In and of itself, this could be a problem for individual schools in ensuring smooth transition, but not necessarily a systemic issue. However, the issue of a lack of successors – due in no small part to the complexity of the role as identified above – means that this is a truly national challenge. The NCSL's report documented that there was an 'ongoing succession challenge' and this still appears to be the case today.

*'On the appeal of leadership, headteachers themselves were still often of the view that it was the best job in education but they were less certain about the future direction headship was taking, given recent policy developments. Headship had often been seen as 'a work of passion' but some heads were no longer sure whether it was as alluring and appealing as before. Heads were often currently seen as being very vulnerable, particularly in relation to the new Ofsted framework which presents challenges at all levels: whether you are a leader of a 'poor' or an 'outstanding' school. Others saw the role of head as becoming increasingly like that of a chief executive officer of a business, and commented that "that's not what I went into leadership to do.'*²¹

In their most recent report, the School Teachers Review Body²² assessed the evidence surrounding headteacher recruitment in the context of pay recommendations. They concluded that:

- Some schools struggle to recruit, including those in disadvantaged areas where the pupil weighted numbers formula is not an adequate proxy for the challenge of the job, and some governing bodies do not use the full flexibility available to attract the widest pool of good quality candidates. This may be a consequence of the lack of clarity in STPCD, and/or inadequate professional advice, or limited understanding of the wider labour market for school leaders.
- Some governing bodies also have difficulty recruiting heads of small schools, including primaries. The level of pay generated by pupil weighted numbers may not be enough to incentivise the step up to headship, when the additional accountability remains allied to a significant teaching load and budgets limit the support available.
- Governing bodies sometimes find it difficult to recruit the high quality heads they need to turn round failing schools because of the professional risk attached to failure in such a high-profile role.
- In some locations, the pool of local candidates with the skills to take on a challenging leadership role is small and the governing body may need to offer an incentive to relocate.

²⁰ Department for Education, *School Workforce in England 2011 to 2013*, 2013.

²¹ National College for School Leadership, *op cit*.

²² Department for Education, *School Teachers Review Body 23rd report*, 2014.

This seems to be a particular issue in the primary sector. The latest Education Data Surveys report on headteacher vacancies and re-advertising in primary found that of the 261 primary schools advertising for a new headteacher in January this year, 26 per cent were forced to re-advertise within two months – up significantly from just 15 per cent for the same period last year, and a higher proportion than in any year since 2000.²³

“Of the primary schools advertising for a new headteacher in January this year, 26 per cent were forced to re-advertise within two months”

Falling beneath the floor

Taking the four issues together – new higher floor standards, and a new curriculum and assessment models, at the same time as increasing leadership vacancies, and declining Local Authority support services – makes clear that for primary schools, who are smaller than secondaries and on the whole, therefore, have less capacity to engage in serious strategic and operational change, there is something of a perfect storm coming over the next few years. It is very plausible that government will see significantly increased numbers of schools falling below the floor of acceptable performance – currently just 6% of primary schools.

What would this mean? For successive governments, the solution to underperforming schools has been conversion to an Academy under the oversight of a sponsor with a proven educational track record. The sponsor provides capacity and capability, sometimes in the form of an Interim Executive Board to replace the governing body. This sparks activity that is geared towards securing the school's capacity and capability for the future: finances are scrutinised; staff are scrutinised; parents are consulted.

Yet the current process of forced conversion is time consuming from the DfE's perspective. A lot of ministerial attention, particularly from Lord Nash, the Parliamentary Under-Secretary of State for Schools, has been spent on attracting new sponsors. In an address to potential sponsors in Norfolk, he said:

*“Please take advantage of this opportunity, if you can, because now more than ever before our schools need to be internationally competitive and there's never been a more important time in recent history to get involved in education. Your country and your county literally need you.”*²⁴

These are hardly words to reflect a surplus of demand; quite the opposite. Lord Nash's call to action gives some indication of the difficulty of recruiting the right sponsors to take on a tough job. And this would become an even tougher job if more schools required sponsoring.

How many more schools may require sponsors? There are several things to bear in mind:

- As noted above, 90 per cent of schools are currently below the 85 per cent floor target. If we assumed that none of them are making satisfactory progress for their pupils (a highly implausible assumption), then this represents the absolute top end for extent of primary failure.

²³ Education Data Surveys annual review of headteacher vacancies, as reported in the TES 16 May 2013.

²⁴ Martin George, 'Minister spearheads drive for more academy schools in Norfolk', EDP24, 9 July 2013.

- Floor targets are deliberately ambitious, and schools are required to raise their game to meet them – and indeed most have done so in the past. So any calculation should account for the fact that schools' performance has been on a slow and steady increase.
- At the lowest end, six per cent of primary schools are currently below the floor. If all primaries currently above it continue to raise their game (and for argument's sake none of these six per cent raise performance enough at least in the early stages of the new bar), this six per cent therefore represents the bottom end assumption.
- So much more likely is that a proportion of this 90 per cent currently below 85% will rise above it by 2016, and a further proportion will perform satisfactorily on progress measure of the floor standard. The question is how many.
- An analysis by education journalist Warwick Mansell suggests that by using floor standards data for 2013 and assuming no uplift, and using value added data for 2013 to meet what DfE consultation documents suggests acceptable value added data would show sufficient progress, around 20 per cent would stay below the floor when accounting for progress and threshold attainment combined.²⁵
- To give a sense of possibilities, the table below shows options for 75 per cent, 50 per cent, 20 per cent, 10 per cent falling below the new floor.
- The current sponsors support on average 7.5 schools.²⁶ However the range is between three and 74. Assumptions on how many schools each sponsor could support obviously affect the number of sponsors required.

Table 1.3 details a range of different sponsorship scenarios, varying the percentage of schools below the floor standard and number of schools in a chain.

Table 1.3: Number of sponsors required to support schools below the floor standard²⁷

% of schools below 2016 floor standard	Number of schools	Number of schools supported by each sponsor				
		3 schools	7.5 schools ²⁸ (current average)	10 schools	25 schools	50 schools
90%	15,109	5,036	2,015	1,511	604	302
75%	12,591	4,197	1,679	1,259	504	252
50%	8,394	2,798	1,119	839	336	168
20%	3,358	1,119	448	336	134	67
10%	1,679	560	224	168	67	34
6% (no. of schools below the current floor standard)	1,007	336	134	101	40	20

If we take as the central estimate 20 per cent of primary schools failing to meet the new 2016 floor standards, and holding steady an average sponsor capacity of 7.5 schools, then 448 sponsors would need to be found to turn around all of the

²⁵ Warwick Mansell, "Nearly one in five primary schools to be below KS2 floor targets from 2016?" NAHT 4 June 2014.

²⁶ Department for Education, *Open academies and academy projects in development*, August 2014.

²⁷ A slightly partial dataset was used for these calculations. Recently sponsored and converted academies, whose data in the DfE's performance tables is suppressed, are not included. Likewise, schools with fewer than six girls and/or six boys in their Year 6 cohort are not represented, as per the DfE's guidelines on pupil identification and confidentiality. Schools with fewer than six girls and/or six boys in Year 6 will be small schools. These schools, owing to their small size, are more susceptible to variation in their results. They are also more likely to struggle with school improvement, owing to their small budgets and limited capacity and capability. With this in mind, the different scenarios presented in the table are conservative.

²⁸ On average academy chains have an average of 7.5 schools each. These illustrative figures exclude secondary and special schools and alternative provision, so under this scenario the average size chain would be larger than 7.5.

3,358 failing primary schools. This is more than double the existing number of academy chains, of which there are 196.

Under the current model of oversight, and absent significant exploratory work being undertaken by primary schools themselves, this report considers it highly unlikely that the Department for Education is in a position to find sufficient sponsors, let alone then broker all the relationships between them and failing schools. Neither the Department nor the schools themselves have the capacity and capability to manage a transition of this of this scale. But the indications outlined in this chapter suggest that absent a pre-emptive policy change, the new floor standards pose real questions as to the overall performance of the primary phase, and the Department for Education's current mechanism for addressing consequent school failure. To avoid this scenario a radical rethink around building capacity and capability to enable primary school improvement is required.

2

Avoiding a Primary Crisis

“There is a growing consensus across the major parties that the principle of school autonomy, matched with accountability, works. Indeed, the recent evidence from Professor Sir Michael Barber shows successful jurisdictions which operate according to this.”

Sir Michael Wilshaw, HMCI, speaking at Policy Exchange, 2012

The burning platform described in Chapter 1 presents a compelling call to action for policymakers and politicians to focus on the future of the primary sector. A potential perfect storm of a new curriculum and assessment system and a demand for higher standards accompanied by a decline in leadership and Local Authority capacity does not create an environment favourable to meeting – let alone improving – current standards of pupil performance and progress. At best, these many-sided pressures could lead to a narrow focus on teaching to high-stakes tests and a large number of schools managing to scrape the floor standard by the skin of their teeth. At worst, it could drive what has to date been a story of primary school improvement into reverse gear. Neither is a desirable outcome.

In its current form, the government’s failure regime – the forced conversion academies programme – has insufficient capacity to accommodate the fall out from schools failing to meet Key Stage 2 floor standards, let alone facilitate the focus on turnaround and swift attention on improving teaching and learning that is expected on entry into the sponsored academies programme. However, a reworked Academies programme that sought to pre-emptively build capacity and capability in primary schools, and head off the crisis before it emerged, represents a strong way forward.

Such an evolution of the Academies programme – what we could term Wave 3 Academies²⁹ – would be in keeping with the general progression of the policy from its origins, which has progressed from its original purpose as an urban focused, deprived setting, secondary focused, school improvement tool (from 2002 through to the new government in 2010) through to a second wave of Academy status under converter academies open to all schools rated Good or Outstanding by Ofsted. There are currently more than double the numbers of converter academies (2857) than there are sponsored academies (1123).

Academy status may not instantly raise standards in all schools – though, as has been the case to date, it will in many. What it will do, however, is combine the advantages of autonomy with the advantage of system leadership and collaborative practices. As Prof Toby Greany sets out in his article as part of ASCLs Great Education Debate, system leadership – which he defines as “schools working in

29 The RSA/Pearson Academies Commission consider the next stage of Academies, confusingly, to be Wave 4 (or Mark IV in their terminology). The difference is because this report considers in practice sponsored Academies, whether established with a £2m sponsor endowment or without, as effectively the same institutions serving the same overall goal, whereas the RSA demarcates them. Hence the subsequent stage – of converter academies en masse from 2010 – is termed by this report as Wave 2, and by the Academies Commission as Mark III. In practice, both reports are as one in their view of the evolution of the programme to date, and only the terminology differs.

deep partnerships that provide challenge and support and that meet the needs of every child” – has the potential to foster the sharing of expertise, capacity and learning and the better use of evidence.³⁰

Yet, as this chapter will show, such a move in the primary sector will not happen organically. In this respect, then, this chapter sets out the rationale for a reengineered and evolved academies Wave 3: a managed move, geared specifically for the primary sector (but applicable to all) that seeks to pre-empt challenges around capacity and capability in schools by moving universally to Academy chains of various forms.

‘Structures beget standards’ – a (very) brief history of Academies impact to date

It is important to be clear what the rationale for Academy status as a driver of school improvement in the primary phase is. The common refrain is that “Academy status is not a panacea”. This report entirely agrees (but it is worth noting that this is in some senses a straw man, since no one in government or outside argues that it is). This report’s contention is that the issues faced by primaries outlined in Chapter 1 – both primaries at immediate risk of falling below the floor, and large numbers who will be above it but will feel the strains – are best addressed by Academy status; not necessarily to immediately improve their results (though it will do in many instances and the best Academies have a good track record here) but because Academy status in some form of partnership is the most likely way in the short to medium term to significantly drive greater strategic capacity and capability in the primary sector: thus supporting teachers and individual school leaders to focus on teaching and learning in classrooms, which is what improves outcomes.

The evidence on the impact of Academies to date needs to be separated into different elements:

- Impact of autonomy on schools
- Impact of first wave Academies (2002–2010)
- Impact of converter Academies post 2010
- Evidence on impact for primary vs secondary

Impact of autonomy on schools

In a report for Policy Exchange, James O’Shaughnessy³¹ summarises the international evidence that has compelled successive administrations to seriously pursue school autonomy since at least 1988 and the formation of the Education Reform Act.

- The Organisation for Economic Cooperation and Development (OECD) has stated: ‘the creation of more autonomous schools will lead to innovations in curriculum, instruction and governance, which in turn will improve outcomes.’
- Wößmann and Fuchs found that ‘test scores are higher when schools manage their own budgets and recruit and select their own teachers.’
- Hindriks et al examined the Flemish education system in Belgium and concluded that: ‘we find strong indications that operational school autonomy is associated with high educational performance if appropriate accountability systems are active.’
- Hanushek et al analysed PISA data and concluded: ‘autonomy reforms improve student achievement in developed countries.’

30 Greany, *School Improvement: Competing policies undermine the Coalition’s admirable aims*, in ASCL “Leading for the Future: A summation of The Great Education Debate”, 2014.

31 James O’Shaughnessy/Policy Exchange, *Competition Meets Collaboration: Helping School chains address England’s long tail of educational failure*, 2012.

A literature review of the impact of structure and autonomy in the English system up until 2010³² also summarised studies that showed that:

- In general, when competitive pressures exist, school leaders use autonomy to respond, and this can include raising standards to attract more pupils.
- Becoming a grant maintained school in the 1980s, with increased autonomy, is associated with significant improvements in the proportion of pupils achieving five or more GCSEs at A*–C grades and this advantage increases over time. The study also found that GM schools became more socially selective.
- One study of autonomy for primary schools in the mid 2000s found no clear performance benefits from more autonomous structures, but another also looking at primaries found a rise in pupil achievements by autonomous schools in response to competition, especially (though on small data) for deprived pupils – contra Local Authority schools where no such competitive benefit was found under a scenario of less autonomy.

This argument for autonomy and the ability of schools to respond to their local circumstances has been a consistent drive of policy for greater flexibility since at least the Education Reform Act in 1988; with Labour’s City Academies being merely the latest incantation of increasingly autonomous institutions.

Impact of first wave Academies (2002–2010)

- In 2008, PWCs evaluation of Academies found a greater increase in GCSE results for Academies compared to the national average that were large and statistically significant – although the report also explicitly cautions that at that stage there was ‘insufficient evidence to make a definitive judgment’ on Academies.³³
- The NAO in 2010 found increases in GCSE results for Academies and increases in attendance.³⁴
- In 2011, the results of work by Machin and Veroit³⁵ suggest that ‘moving to a more autonomous school structure through academy conversion generates a significant improvement in the quality of their pupil intake and a significant improvement in pupil performance...and significant external effects on the pupil intake and the pupil performance of neighbouring schools.’ Furthermore, they found that ‘results are strongest for the schools that have been academies for longer and for those who experienced the largest increase in their school autonomy.’
- The Department for Education’s research on performance of academies at GCSE³⁶ showed that overall, sponsored Academy performance was the same as a group of similar matched schools. However, for sponsored Academies that had been open for a longer period of time, results improved – and improved faster the longer the school had been under the sponsor.
- Various studies urge caution in analyzing the results of Academies and unpicking those from changes in pupil composition and exam type undertaken at the same time.³⁷

The Coalition government then continued this sponsored academies programme and in 2012/13 there were 731 sponsored academies. Alongside this, the Coalition government reengineered the academies programme to create a new strand: converter Academies. This enabled all Ofsted rated good and outstanding

32 Machin and Silva, *School Structure, School Autonomy and the Tail* 2013.

33 PriceWaterhouseCoopers, *Fifth Annual Report*, 2008.

34 National Audit Office, *The Academies Programme*, 2008.

35 Machin and Veroit, *Changing School Autonomy*, 2011.

36 Department for Education, *Attainment at Key Stage 4 by pupils in academies 2011*, as summarised by RSA/Pearson Academies Commission, op cit.

37 As summarised in Machin and Silva, op cit.

schools to benefit from the institutional autonomy that benefited Labour's sponsored academies. Some 2,877 schools have 'converted' to academy status since 2010. Whilst secondary schools dominate this strand of the programme, the converter strand of the Academies programme was also extended to include primaries, special schools and sixth form colleges. Primary schools had been able to join the Academies programme as sponsored Academies since 2002.

Impact of converter Academies post 2010

As a newer policy, there is clearly less evidence of the specific impact of converter Academies than on their predecessors. Indeed, going on the findings of earlier sponsored Academy improvement, such change takes 5 years or more, so the larger effects should be only starting to be seen now.

The Department for Education summarises the performance of converter academies in their 2012–13 Academies Annual Report.³⁸ This report draws on two performance indicators: the results of Key Stage 2 tests and Ofsted judgments. Using only primary data, in 2012/13:

- 81% of pupils in primary converter academies achieved level 4 or above in reading, writing and mathematics, compared to 76% in LA maintained mainstream schools;
- 25% of pupils in primary converter academies were above the expected standard at age 11 compared to 21% across all LA maintained mainstream schools;
- 33% of primary converter academies previously rated as outstanding retained that rating when inspected in 2012/13, compared to 25% of primary local authority maintained mainstream schools;
- 27% of primary converter academies that had previously been rated as good were then rated as outstanding, compared to 12% of primary local authority maintained mainstream schools;
- 71% of primary converter academies previously rated as satisfactory were then rated as good or outstanding, compared to 58% of primary local authority maintained mainstream schools;
- Overall, sponsored primary school academies have improved three times as fast as local maintained schools between 2012 and 2013.

The Local Schools Network, however, suggests that the advantageous starting points of converter primary academies, which in order to qualify for the programme are required to meet or exceed national floor standards, skew the general picture of school improvement that is painted with the results described above. The net effect is therefore that converter Academies perform only as well as remaining maintained schools – and under one analysis, primary Academy converts perform worse.³⁹

Evidence on impact for primary vs secondary

The first incarnation of the sponsored Academies programme – Labour's City Academies – was at first the exclusive preserve of the secondary sector. Primary schools were not eligible for Academy status until 2002, but it then took some eight years, a change of government and the expansion of the Academies

³⁸ Department for Education, *Academies Annual Report: Academic year: 2012/13, 2014*.

³⁹ See for example TES "Academy conversion does not raise primary test results" 7th May 2014, quoting LSN analysis.

programme into the conversion programme for primaries to begin taking on this new autonomy, with the first primary Academies. The primary sector, therefore, has just five years of implementation to draw on. Furthermore, it can only draw on the experience of 11 per cent of its sector. As at the last School Census in January 2014, 89 per cent of the primary sector resided within Local Authorities.⁴⁰ The secondary sector, on the other hand, has some 14 years of implementation to

draw on. It also has a much broader sample, with over half (57 per cent) of secondaries having taken on Academy status by the same School Census.

This difference has become notable in some of the most recent evaluations of Academy status. For example, in July 2014 the Sutton Trust published ‘Chain

Effects’,⁴¹ a report that looked at Academies and in particular at the impact of Academy chains. Amongst a small number of limitations of the research exercise, it notes that:

“This research focuses entirely on secondary sponsored academies. [...] We have not included primary sponsored academies simply because few have been in existence long enough. The first primary sponsored academies opened in September 2011, but numbers were very small in the first year, and it is only since 2012 that numbers have increased rapidly. It will be some time before it is possible to identify the long term effect of the chains on primary level attainment.”

There is a lag between the point at which a school becomes an Academy and the point at which a chain’s performance can be judged effective or not. The Sutton Trust points out that this is ‘necessary so that pupils will have experienced a sufficient part of their education within the chain, and attainment can fairly be attributed to the work of the academy and the chain (rather than to the predecessor school)’. The same can be said of individual Academies and their relative impact. Whilst this challenge is beginning to lessen in the secondary sector, the primary sector cannot show this at present and will continue to be so for a few years yet. This, incidentally, also shows the issue with extrapolating benefits or harms of primary Academies as set out in the LSN analysis.

Impact of chains and groups of Academies

The Sutton Trust report mentioned above analyses the performance of Academy chains (over and above the performance of individual Academies). It focused on the performance of sponsored Academies within that chain and schools who had been in the chain for at least three years. It found that:

- On average, the improvement for disadvantaged pupils in 5A*CEM in sponsored Academies looked at by the Sutton Trust was greater than the average improvement for all mainstream schools between 2011 and 2013;
- There is significant variation between the performance of chains. Of the 31 chains looked at in detail, 16 of them exceeded the average, and 15 did not;
- Some of the chains – in particular, Harris, Barnfield, Mercers, Ark and Outwood Grange – were found to improve outcomes for all pupils including deprived ones across a range of indices;

⁴⁰ Department for Education, *Schools, pupils and their characteristics*: July 2014.

⁴¹ Francis et al, *Chain Effects: The impact of academy chains on low income students*, 2014.

- Some chains did poorly across these indices. These have mostly been stopped by DfE from taking on new Academies;
- Chains that did the best expanded in a measured way and had a clear plan for school improvement.

Earlier research by Robert Hill points to number of characteristics that effective chains have in common.⁴² Among a suite of 10 features, which range from sharing a vision of school improvement within a chain through to interventions targeted at specific year groups, six relate directly to the quality and management of teachers in classrooms teaching children. They include:

- [Having] a tight grip on target-setting, pupil tracking and performance monitoring, linked to raising pupils' aspirations and expectations;
- Ensuring curriculum content is relevant to student ability;
- The intensive use of formative assessment to provide feedback to students;
- Building up the capacity of teachers to deliver high-quality lessons through feedback via frequent lesson observations and programmes such as the improving and outstanding teacher programmes;
- Developing and coaching middle and senior leaders;
- Practising action research among staff from different schools in the chain.

Hill notes that these practices are not unique to the sponsored Academy chains that he observed; effective maintained schools do them too. What sets sponsored Academy chains apart from their colleagues in the maintained sector, Hill suggests, is in part to do with the fact that these schools can 'leverage the advantages that come from having different academies in the chain to move leaders and specialist staff around the chain to tackle the really hard issues.' They can also 'systematically develop capacity across the chain through joint practice development.'

Thirdly, Department for Education recently circulated a PowerPoint document to sponsors based on research into 'high performing chains'.⁴³ This concluded that:

- High performing sponsors grow carefully and in a planned way. They are aware of key transition points, particularly when having more than 5 Academies when a coherent central infrastructure is needed;
- Effective chains have a mix of sponsored academies and higher performing converters. Most high performing sponsors are mixed between primary and secondary, but not exclusively;
- Most effective chains are grouped geographically (or semi geographically)
- Leadership of chains is vital, as is strong financial planning and clear accountability and governance;
- Sponsors can be laissez fair pedagogically, or more prescriptive, but all take swift action with underperforming schools.

Impact of autonomy and system leadership

The most interesting evidence from above shows the potential of marrying the benefits of autonomy with the benefits of collaborative practice. As Hill and Greany have both set out as above, and as DfE's own internal analysis to sponsors

42 National College for School Leadership, *The Growth of Academy Chains for Leaders and Leadership*, 2012. This conceptual framework for an effective Academy chain has since been developed and refined further since 2012 and is published as a discussion series on Hill's website and can be seen <http://roberthilleducationblog.com/academy-chains/>

43 This has been published by Hill on his website. "What does a high performing academy sponsor look like?", DfE, 2014.

shows, leveraging effective practice across a wider group of institutions allows for the maximising of the impact of autonomy and responsiveness to need. So in summary, this report suggests that:

- Academies are not a panacea (although again, note the straw man);
- There is a long standing and quite wide ranging evidence base that school autonomy can be effective at raising standards, particularly when combined with competitive incentives. This was largely the basis on which the first Academies (and indeed their predecessor CTCs) were set up;
- There is also evidence, particularly from Machin, that the early Academies were effective overall at improving outcomes for (what were by definition) low performing schools and largely deprived circumstances;
- The biggest effect from Academy status seems to come after a minimum of perhaps 3 years, and maybe from 5 years onwards;
- Henceforth the evidence base so far on new converter Academies is more cautious, particularly for the small number of primary Academies that currently exist;
- Good chains and groups can be highly effective at raising outcomes for schools within them and pupils within those schools from all backgrounds, and across all phases of education. Bad chains and groups do not do this. There is a commonality emerging as to what makes a good chain in terms of structure and practice. This can be termed as system leadership.

The fact that Academy status in the primary sector is in its infancy and that its impact here is largely unknown should not detract from acknowledging its potential. This report advocates the necessary growth of Academy status in the primary sector through chains as part of a solution that seeks to raise standards. Academy chains, like academy status, are not a panacea to raising the standards of all schools. Some will do a good job; others will not. Indeed, the same may be said of Local Authorities, where there has traditionally been widespread variation in the performance of schools in their orbit. But overall, in light of what is known about the impact of school autonomy, of effective groupings, and of the constraints in maintained primary schools, Academy status presents the best opportunity for the growth of system leadership; for primary schools to systematically create capacity and capability and so, by extension, it provides the most favourable conditions in which primary schools can focus on the quality of teaching and learning – the substance of effective school improvement.

Local Authorities are becoming all the more hard-pressed to offer this level of service as their funding is hollowed out. The level of investment required to sustain a quality service – which would necessitate the return of Academies, along with their budgets, to Local Authorities – is unlikely to happen any time soon. In this respect, the Academies programme is irreversible. There is neither the political will, nor funding, nor likely personnel, to return to wholesale Local Authority oversight. Instead, there is a growing consensus around prioritising school-led improvement, which finds its fullest manifestation in the academies programme and, in particular, in the development of chains.

In a speech to Policy Exchange in June 2014, the then Secretary of State for Education, Michael Gove MP, reiterated the government's commitment to collaboration, which he sees at work in Academy chains:

“It’s been argued by some that out reforms lead to an atomised system which works against collaboration. Again, nothing could be further from the truth. Academy chains, teaching school alliances, professional development partnerships, all show how open collaboration can improve standards.”⁴⁴

Similarly, in as early as 2012, Stephen Twigg MP, then the Shadow Secretary of State for Schools, made a commitment to taking the Academies programme forward:

“Labour has no desire to turn back the clock and return powers from schools to local authorities. Nor do we want to see a reduction in the autonomies we gave schools through academies, trust schools and federations. In fact, although school autonomy is not the focus of this consultation, I want to see more schools get the freedoms that allow them to serve their pupils and communities most effectively.”⁴⁵

David Blunkett MP renewed this commitment to school-led improvement in his recent report for the Labour party. Specifically, Blunkett’s proposals:

‘[P]lace strong emphasis on partnership from the bottom-up, with schools controlling schools, and schools partnering with those most appropriate to drive up standards.’⁴⁶

Furthermore, Blunkett proposes to extend Academy freedoms to all schools:

‘All schools, whatever their status, should be permitted the same freedoms in key areas. Firstly a light-touch curriculum framework delivered in a flexible and innovative manner. [...] Firstly, freedom for all schools to adapt the school day and the school week in consultation with parents. [...] Thirdly, subject to consultation, freedom to buy in appropriate services, in a manner that combines the necessary collaborative responsibilities reflected in the current Dedicated Schools Grant.’

From the Liberal Democrat perspective, David Laws has set out that:⁴⁷

“The Liberal Democrats are instinctive supporters of freedom, diversity and choice. We believe in giving schools more autonomy and teachers more freedom. That’s why we have supported extra powers to innovate for free schools and academies and have taken steps in government to extend autonomy for all schools. We have given all schools the freedom to attract, retain and reward the best teachers. We have shortened the national curriculum so there is less direction on how to teach. And we have simplified the funding system and ensured that our new pupil premium – extra money to support disadvantaged children – is given to schools without strings attached because teachers know better than politicians how best to spend that money.”

A coalition of other influential commentators also support the move to autonomy, within the theme of a self improving system. Brian Lightman, General Secretary of the Association of School and College Leaders (ASCL), has set out that:

“The ‘good’ to ‘great’ journey marks the point at which the school system comes to largely rely upon the values and behaviours of its educators – its teachers and school leaders – to propel continuing improvement. And the ‘great’ to ‘excellent’ journey moves the locus of improvement from central government to schools themselves. The next phase in system leadership is to define, once and for all, what a self-improving system looks like, and then move irrevocably towards it. This is why the Association of School and College Leaders is launching an ambitious project to create a blueprint for a self-improving system.”⁴⁸

44 DfE, *The purpose of our school reforms*, op cit.

45 Twigg, *Developing Power in Education School Freedom and Accountability* Policy Review Consultation, 2012.

46 Blunkett, *Review of education structures, functions and the raising of standards for all*, Labour Party Policy Review, 2014.

47 David Laws article on Lib Dem Voice blog “*Nick Clegg and I have always been clear that free schools must also be fair schools*” 22nd October 2013.

48 Lightman, “*What does a self improving, school led system look like?*” ASCL blog 17 June 2014.

The result of this political and institutional consensus is that school improvement solutions need to be found within the evolution of the Academies programme and not in any back peddling of programme and nor in concentrating school improvement services in existing Local Authorities.

Yet there remains one further issue, which is that for historical, operational and sheer inertia reasons, the organic move towards academy status and academy chains is happening much more slowly in primary than secondary.

Primary Academies – a long time coming

Looking at the Academies programme in the primary sector so far, it can convincingly be shown to date a policy for the secondary sector – by design, implementation and perception.

Although there are now more primary Academies than secondary Academies in pure numerical terms, this is relatively meaningless because there are six times as many schools in total!

Figure 2.1: Number of Academies in phases, August 2014

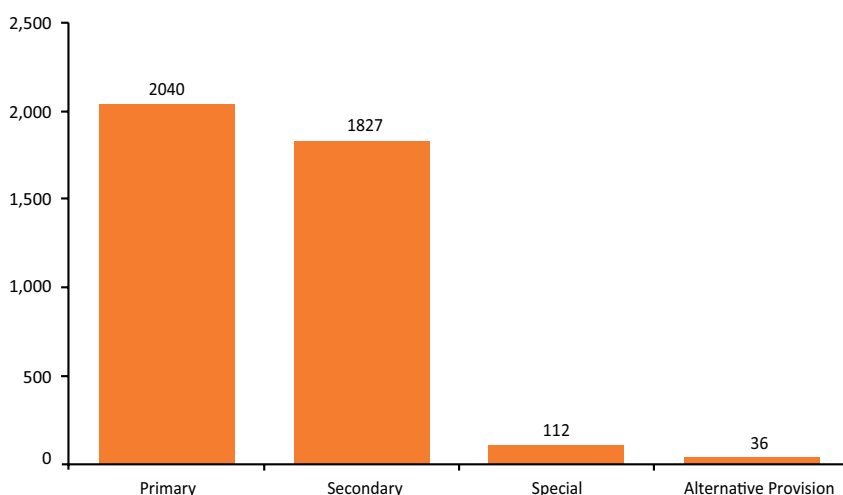
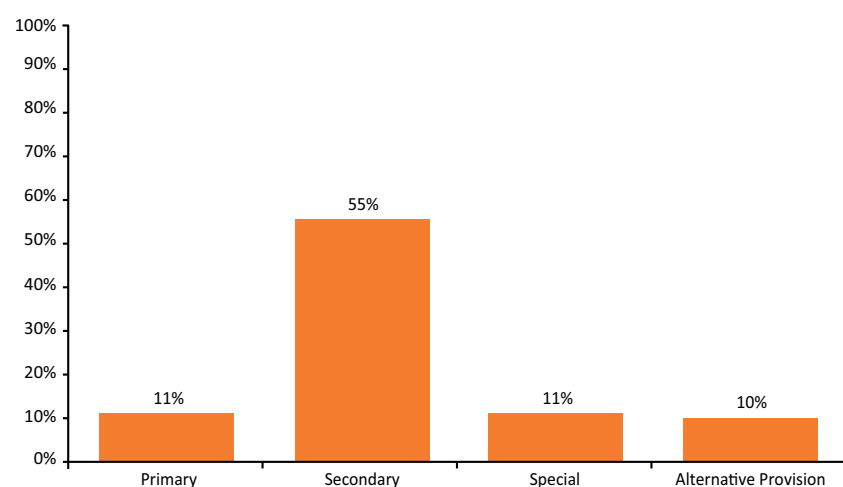


Figure 2.2: Proportion of Academies in phases, August 2014



A policy designed for secondary schools

First of all, the most tangible roots of the sponsored academies programme are found in City Technology Colleges (CTCs), a school reform of the last Conservative government. This was the first concerted effort by a government to tackle school failure through increasing an individual school's autonomy and, in so doing, increasing its capacity to direct its resources towards the specific needs of its pupils. This approach defied the 'one size fits all' approach that had become associated with Local Authority practices. CTCs focused, in particular, on vocational qualifications alongside GCSEs and A Levels. They were, importantly, the exclusive preserve of the secondary sector. In 2000 the incumbent Labour administration set up City Academies, which were modeled on CTCs. City Academies – now part of the sponsored Academies programme – were also an intervention strategy. Set up to address failure specifically in disadvantaged urban areas, these were, again, the exclusive preserve of the secondary sector.

The reason for an institutional failure strategy being secondary focused is that for a number of successive years there has been far more political and media attention around GCSE and A-Level results than around the publication of Key Stage 2 results. Successful reforms in the secondary sector – or high profile reforms that specifically look to address this issue – therefore yield higher returns for politicians, than in the primary sector. This is for a number of reasons. GCSE results are facilitating and definitive: they either enable or prevent students from continuing their studies in a range of disciplines at A Level or equivalent. GCSE results endure a longer legacy than performance at primary school, with many graduate training programmes requiring proof of attainment at GCSE, irrespective of a candidate's age. Similarly, the secondary sector itself is on the whole a more engaged sector. Secondary school teachers dominate the education conference circuit, and the relationship between schools and policymakers with government. For example, in 2014 at Wellington's annual education festival, amongst a line up of over one hundred seminars, only one was reserved specifically for professional development in the early years.⁴⁹ Reforms in the primary sector – and early years too – have never had such political gravitas. This in turn acts as a feedback loop. Greater attention is placed by external commentators on the highest profile areas, which encourages further development and focus from governments into this area.

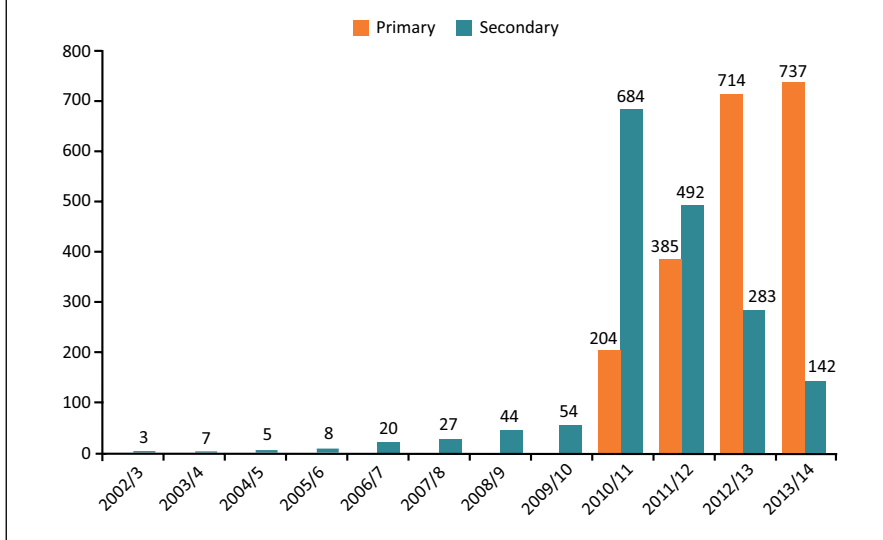
As Figure 2.3 vividly demonstrates, without the helping hand of the secondary sector, the primary sector did not get a look into the Academies programme until 2010/11 in the introduction of Wave 2 Academies. Between 2002 and this point, no primary-only Academies opened. During the same period, 32 all-through Academies opened. This gives some indication of the necessity of input from the secondary sector in the earliest days of Academies programme's expansion into the primary sector. All 410 of the first primary-only Academies were converters. There remain several hundred more primary schools remaining to be brokered according to their 2013 results.⁵⁰

“School improvement solutions need to be found within the evolution of the Academies programme”

49 Wellington College Festival of Education 2014.

50 Telegraph, 12 December 2013.

Figure 2.3: Growth of the Academies Programme in the primary and secondary sectors, 2002–2014



The fact that such a relatively small proportion of primary schools have become Academies is an inevitable consequence of the policy's roots in the secondary sector. Put simply, primary schools have not had the same opportunity, time or ministerial focus to convert or be sponsored as secondary schools.

Strength in Numbers: the difficulty of implementing a secondary-designed policy in primary schools

At the time of the last School Census, the average size of a primary school is 263 pupils, while there are nearly four times as many pupils – 956 – in an average-sized secondary school. Schools in England receive the majority of their funding on a per pupil basis. So it follows that primary schools have smaller budgets than secondary schools. An average-sized primary school receives approximately £1.4million from the Schools Block Per Pupil component of the Dedicated Schools Grant, whereas an average-sized secondary school receives approximately £5.2million.⁵¹ Secondary schools have larger overheads – larger sites, bigger back office functions, more teachers and more children to teach. Primary schools, by contrast, are much smaller. As a consequence, it is not uncommon for primary schools to employ back office staff – for example, bursars – on a part time basis. It is also not uncommon for Headteachers of primary schools to have more teaching responsibilities, especially in small schools. Headteachers of primary schools spend an average of 11 per cent of their time teaching, whereas their secondary colleagues spend an average of 4.4 per cent of the time teaching. Similarly, primary Headteachers spend about 13.3 per cent of their time on planning, preparation and assessment of the curriculum, whereas secondary colleagues spend approximately 4.7 per cent of their time. In contrast, secondary Headteachers spend more of their time on wider school and staff management tasks, 60.8 per cent of their time compared to 48.6 per cent for primary Headteachers.⁵²

⁵¹ This is based on the average Schools Block Per Pupil, which varies between local authorities from £3949.94 per pupil in Cambridgeshire to £7014.38 per pupil in Tower Hamlets. Total average annual school budgets, after including capital funding, high needs cost, area costs and so on, are larger.

⁵² Department for Education, *Teachers' workload diary survey 2013: research report*, 2014.

A consequence of these funding levels is that primary schools often simply do not have the capacity – in senior staff bandwidth time – to think through the major strategic implications or to purchase the level of expertise and commitment that is desirable in the process of converting to academy status. If a Headteacher is teaching and planning for around a quarter of the day, and doesn't have a large senior leadership team or full time dedicated finance professional to discuss things with, it is very challenging – even if they would be interested in discussing it – to carve out suitable time and expertise to have an informed discussion.

Similarly, in terms of sustaining the benefits of Academy status, primary schools within Local Authorities benefit from the economies of scale those Local Authorities provide. By contrast, primary Academies are presented with a tricky challenge of financing HR, payroll, legal services without this collective purchasing power, and in reality the time saved to free up on teaching and learning. Of the open Academies, primary and secondary Academies cite similar levels of agreement around the freedom to use funding in the way they see fit as a reason for converting to Academy status; however, fewer primary schools than secondary schools (approximately 60% compared to approximately 80%) cite getting resources to the front line as a key motivation for conversion.⁵³ Presumably, this is because much of primaries' additional funding is absorbed in back office staff and operations: increasing the amount of time Headteachers have to spend on school management activities, recruiting a bursar with the capacity and capability to handle the volume and accountability of school budgets that Academy status requires.

It is also no coincidence that after an injection of start up funding targeted at prospective groups of primary schools wishing to form an Academy chain – in order to buy in the expertise needed at start up phase – there was a sharp increase in the number of primary Academies. Nearly double the number of primary schools had academy status in 2012/13 than in 2011/12. For just over six months, this Primary Chains Grant was intended to provide the resources required to formalise partnerships between primary schools. This incentive funded groups of schools to the tune of £25,000 and was received in addition to another £25,000 that each school received as part of the conversion process.

However, the increase in the number of Academies should not be overplayed. Whilst the proportion of primary Academies doubled, it hardly made a dent in the grand scheme of things. The intention of the Primary Chains Grant was to fund the establishment of new chains that enable more desirable economies of scale than standalone schools. Its more recent incarnation is in the form of a primary Academy chain development grant, launched at the beginning of 2014, which awards a one-off grant of £100,000 to chains of three or more schools creating a Multi-Academy Trust with an extra £10,000 available for each additional school joining the MAT up to a maximum of £50,000. Time will tell whether this incentive has an impact on the number of primary Academies.

Unsurprisingly, the funding led challenges of conversion to Academy status has had an effect on the type of primary schools that have stepped forward to

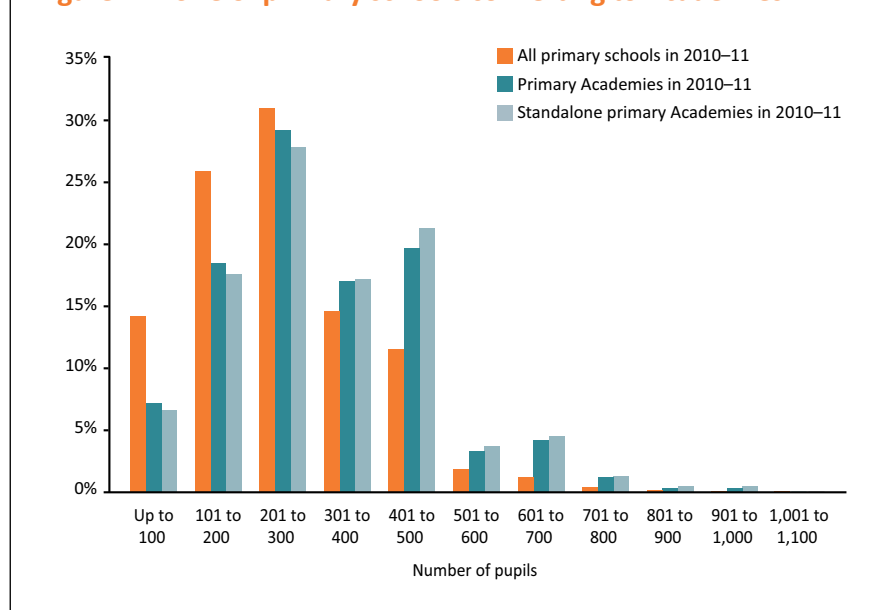
“Primary schools that converted to academy status in the first year of the programme's implementation were much larger than the average sized primary school”

⁵³ Department for Education, 'Do Academies make use of their autonomy?' 2014.

become academies. Primary schools that converted to Academy status in the first year of the programme's implementation were much larger than the average sized primary school. These converter Academies:

- Had average pupil numbers that were 25 per cent bigger than average;
- Were half as likely to have fewer than 100 pupils;
- Were almost twice as likely to have 400–500 pupils, which is twice as big as the average sized school;
- Were three times as likely to have 500–800 pupils.

Figure 2.4: Size of primary schools converting to Academies



And the corollary of Academy status being mostly available to bigger schools is that some primary schools – in particular small schools – are in effect excluded from the Academies programme altogether. For example, in a discussion for this report, a senior leader in a very successful chain of primary and secondary Academies indicated that, having taken on a number of small primary schools, including new primary free schools that create an even greater financial burden on chains with their very small intakes in the first years of opening, the chain would seek large three or four form entry primary schools in the future. The current cross-subsidising of small schools by large schools was thought to be unsustainable. Similarly, in another interview for this report a Local Authority official described a situation in a rural area of their constituency in which a small primary school had been rejected from joining colleagues in larger surrounding primary schools as they came together to join an existing Multi Academy Trust. It had been rejected on the basis of its small size; it posed a greater financial risk to the organisation.

A Managing Director of a primary-only chain fleshed out this dilemma; in their experience, the crux of the problem is in the funding model:

“Under the current ESG regime, funding for primary Academies is per pupil when many of the issues are per school. Funding for the average sized primary school is insufficient to sustain performance let alone turn a school around. This is why the first question any potential sponsor asks is, “How big is it?”⁵⁴

With insufficient funding in the start-up phase of a new chain, sponsors have had to take it upon themselves to source additional funding from elsewhere. For example, looking again at the Elliot Foundation,

‘[The Elliot Foundation] wanted to provide all academies in the Elliot chain with [an array of educational services, finance, services, HR, governance, FM and estates support and business development] as a minimum and calculated the £500,000 they would need for start up and running costs based on this. The team felt strongly that the Trust mustn’t be dependent on conversion grants to make it sustainable (which they feared would risk them getting into a situation where they were dependent on perpetual growth – a Ponzi scheme. [...]) By August 2013 [The Elliot Foundation] had raised £475,000, made up of a £150,000 Sponsor capacity Grant from the DfE, a total of £225,000 from the directors and over £100,000 from other cash donors. In addition to this they had benefited from very significant support in kind.’⁵⁵

Whilst this relieves some of the deficit in the first few years of operation, the future of funding for primary Academies is unclear. On this basis, it is no surprise that so few primary schools have pursued the Academies programme.

A problem with the perception of the Academies programme in primary schools

So far it has been shown how primary schools arrived at the Academies programme many years after the secondary sector and why, as a consequence of inheriting a policy designed for larger institutions, the primary sector has had difficulty implementing it. These two factors contribute to a third critical factor that is stunting the growth of the Academies programme in the primary sector – its perception.

The primary sector identifies the Academies programme as a policy for and dominated by the secondary sector. A recurrent theme in all interviews, in particular with Local Authorities and teacher/leader training providers, was the widespread skepticism of the value and ownership of the Academies programme amongst primary schools.

One Local Authority described how their primary Headteachers harbour “resentful feelings” towards colleagues in the secondary sector, which was the result of an apparent “take over” of the primary sector by secondary schools. Another went as far as saying that the primary sector perceived the secondary schools as “bullies”.

There has been an implicit assumption from the Department for Education that leaders of secondary schools have the capacity and skill set required to take on primary schools. Of the new chains of three or more academies that formed after 2010 – so that point at which the first primary schools sought Academy status – the majority were established with a ‘founding’ secondary school. Since 2010, 153 chains serving either primary and/or secondary schools have opened. The first school for 79 of these chains was a secondary. 58 chains opened with

54 Interview between Policy Exchange and Hugh Greenway, The Elliot Foundation, 2014.

55 Department for Education *The Elliot Foundation: In-depth sponsor profile* 2014.

a primary school as their first school. 11 chains opened with a primary schools and a secondary school. Three chains that serve the primary and secondary phases were established with all-through schools as the first school and two chains by special schools. In discussions for this report, the leaders of some academy chains noted that it has been only recently – since the appointment of Lord Nash as Parliamentary Under-Secretary of State for Schools in early 2013 – that the Department has begun to challenge chains seeking expansion into the primary sector about their specific expertise in this area.

This perception also means that primary schools are not often represented as strongly in Academy policymaking and oversight. An analysis of the elections to the new Head Teacher Boards (HTB) shows this. The HTB comprises six head teachers: two appointed by the RSC and four headteachers elected by the Academy sector from a pool of nominations from the headteachers of good or better Academies. Yet despite having a similar sized electorate of candidates to draw from and vote, primary headteachers were underrepresented in the final placements.

Table 2.1: Number of candidates nominated for the headteacher board elections, by school phase

Region	Total candidates	Total appointed	Primary candidates	Primary appointed	Secondary candidates	Secondary appointed	All through candidates	All through appointed	Special candidates	Special appointed
North	12	4	3	1	9	3	0	0	0	0
Lancashire and West Yorkshire	19	4	9	1	8	3	0	0	2	0
East Midlands and Humber	22	4	10	1	12	3	0	0	0	0
West Midlands	21	4	5	1	16	3	0	0	0	0
North East London and East of England	18	4	6	1	12	3	0	0	0	0
North West London and South Central	27	4	5	1	20	3	2	0	0	0
South London and South East	19	4	6	1	12	3	1	0	0	0
South West	20	4	7	1	11	3	1	0	1	0
Total	158	32	51	8	100	24	4	0	3	0

For every three secondary headteachers that were appointed to the board, only one primary head teacher was appointed. This is significant in view of the fact that the candidates standing for election were more evenly matched – two secondary heads for every primary head. Furthermore, in the South West, the only elected Headteacher from the primary sector is from an Academy that serves pupils in the early years and Key Stage 1. There is no elected representation from Key Stage 2.

So the perception of the Academies programme as a secondary-dominated policy is grounded in reality. Academies in the secondary sector have had more time, more opportunity, are more structurally suited, and are in the driving seat of this policy area. In addition to the fact that the Academies programme began in the secondary sector and that its design favours secondary school budgets, it

continues to develop as a secondary-dominated policy. This is in spite of the fact that there are now more primary Academies (2040) than secondary Academies (1827).⁵⁶

Double trouble

Finally, the current mixed economy of schools in this country – some Academies and some Local Authorities – presents a number of difficulties on a systemic level:

- There are two different arrangements for funding schools, including an entire agency of the DfE (the Education Funding Agency) who are set up to only deal with less than a quarter of all schools in England;
- The government have spent considerable time and effort (and political capital) designing a new National Curriculum which is not binding on Academies;
- The government have just rolled out a whole new middle tier arrangement of Regional Schools Commissioners who again only have a mandate for a quarter of schools;
- Local Authorities continue to have a large number of statutory responsibilities over Academies, including for school improvement, but have fewer formal levers to enact some of them, and some are attempting to use their diminished status to abdicate responsibility for area wide unsatisfactory school performance;⁵⁷
- The current framework can be confusing for parents to navigate, in particular as regards some schools being their own admissions authority and some having admissions run by the Local Authorities.

So in this sense, a laissez faire system with a quarter of schools in one category and three quarters in another, and a steady flow from one to the other, is deeply unsatisfactory. Although there are good examples of Local Authorities having adapted to this new role and managed the mixed system,⁵⁸ the overall situation is not good enough.⁵⁹ There is real merit in having one simpler system in which schools have a standard set of requirements over what they should do, but large degrees of autonomy in how they do it. That is why the Headteachers Roundtable has called in their manifesto for government to “harmonise school freedoms such that children in any school can access the same broad curriculum entitlements and opportunities, regardless of their school’s accountability and financial structures.”⁶⁰ This report agrees with that call. As discussed above, it is this report’s contention, and a shared political belief across all main parties, that the direction of travel of this harmonisation should be further towards a self governing and self improving system, rather than (as some call for) harmonising school status by returning all schools under Local Authority control – something which as well as being no guarantee of success would be extremely costly, potentially involve a government acting ultra vires (in the sense of unilaterally cancelling funding agreements without any of the termination clauses having been met), time consuming, move away from all evidence showing that granting autonomy from governing tiers to the front line is effective, and in all true senses of the word unfeasible for Local Authorities to take on and manage.

This chapter’s contention has been that Academy status in some form of partnership is the most likely way in the short to medium term to significantly

⁵⁶ *Open Academies and Academy Projects Awaiting Approval*, Department for Education, August 2014.

⁵⁷ HMCI has robustly responded to Local Authorities arguing that they cannot influence school improvement in a largely academised local area. In a speech to the Association of Directors of Children’s Services he argued that LAs role had changed to that of championing interests of children and young people, but they still had a range of formal powers. “Local authorities can already take action if they are worried about a non-maintained school on their patch. You can write to the Department for Education, academy sponsor or chief inspector. My postbag is not bulging with letters though!” Michael Wilshaw, as reported in *Children and Young People Now*, 11 July 2014.

⁵⁸ Local Government Association/Solace, *The council role in school improvement: case studies of emerging models* 2013.

⁵⁹ “In Whitehall, the view is that local authorities are not doing enough. What is hard to deny is that the window of opportunity that you still have a part to play is closing. Councils are drinking in the last chance saloon on raising standards in school.” Michael Wilshaw, speech to ADCS, op cit.

⁶⁰ Headteachers Roundtable, *A Great Education for All: Our Education Manifesto* 2015, 2014

drive greater strategic capacity and capability in the primary sector to address the forthcoming challenges. But it has also demonstrated that the current situation – in which small numbers of primary schools, mostly atypically large, or incentivised to do so by time limited funding, are converting, and the remainder are remaining under Local Authority oversight, is not satisfactory. The specific structures of primary schools, and the history of the Academy programme, show both why take up has been low but will also continue to be low. Absent any policy shift,

“There is real merit in having one simpler system in which schools have a standard set of requirements over what they should do, but large degrees of autonomy in how they do it”

therefore, a highly plausible scenario is that over the next Parliament primaries will continue to feel the squeeze from declining Local Authority budgets and support and significant numbers risk falling below the new floor standards.

We believe that, however well intentioned, the current crop of primary changes risk many primaries struggling in the future, and that the current model of DfE failure management is insufficiently equipped to deal with that increase. We know that, in general, effective strategic capacity and capability is what is needed to support primary schools – particularly smaller ones – deliver on new curriculum, new assessment, and ongoing leadership and professional development issues. It is this report’s contention that given the status quo and direction of travel, it can only be Academy chains who provide this effective support. But we know that, absent any policy change, the current move of primaries to Academy status will be far too slow to address the problems identified, and the current half way house causes unnecessary expense, duplication, and confusion.

Robert Hill argues that:

“For some time I have argued that the government should, as a deliberate act of policy, encourage and incentivise all primary schools to work together in organised local clusters. This would result in the primary sector being led through 4,000 executive heads rather than nearly 17,000 individual school leaders”

This report’s contention is that this should be done through a national transformation programme, over the next 5 years, to spin out all primary schools into organised Academy chains. The next chapter outlines how this might be done in practice.

3

Moving To An Academised System: How It Could Be Done

“This review recommends that, where this does not already exist, or where the school in question cannot demonstrate alternative forms of partnership working, the Local Authority should broker the combining of all community primary schools into broad Community Trust arrangements.”

David Blunkett, April 2014

“For some time I have argued that the government should, as a deliberate act of policy, encourage and incentivise all primary schools to work together in organised local clusters. This would result in the primary sector being led through 4,000 executive heads rather than nearly 17,000 individual school leaders.”

Robert Hill, former special adviser to Charles Clarke, March 2014

Chapter 2 outlined how a deliberate policy move towards a wholly Academised primary system over the next Parliament is the only viable strategy for securing the capacity and capability in the primary phase necessary for the next stage of system improvement. This chapter looks at what such a commitment would look like in practice and makes recommendations as to how such a programme could be implemented.

In summary, this chapter makes the following recommendations:

1. **Government should commit that all Local Authority schools are to become Academies by 2020.**
2. **Government should further commit that all primaries will only be allowed to spin out of Local Authorities as part of a formal chain or partnership. Existing primary Academies must also join a chain or partnership.**
3. **Government should allow – and encourage – Local Authorities to set up and run their own chains. Any Local Authority wishing to do so must itself spin out this chain so that it is legally separate from the remainder of the Local Authority, and schools in that Local Authority must come out and then opt back in to the Local Authority run chain should they wish to, rather than being asked to opt out if they wish.**
4. **Any remaining local authority secondary schools must also convert to Academies. Some of these may be as standalone Academies, but they**

should be encouraged to partner with other schools as chains as part of a wider move towards a school led, self-improving system.

5. Such chains can take a variety of forms in composition but need to demonstrate that they are adding to capacity and capability, and are sustainable. Key questions will be around their size, and their formality.
6. In a change to current policy, schools should be able to switch between chains if certain criteria are met, as well as being rebrokered by the Regional Schools Commissioner or equivalent (for example, Labour's proposal for Directors of School Standards).
7. Government should task the Regional Schools Commissioners (or Directors of School Standards) to a) set up and then b) oversee this newly autonomous system. This may mean an increase in scope and funding for this function.

Government should commit that all Local Authority schools are to become Academies by 2020.

As set out in previous chapters, the specifics of the primary phase mean that absent a significant change, a shift to a wholly academised system won't happen by default; and indeed, the more plausible scenario is that the burning platform outlined in Chapter 1 becomes more urgent.

This is an example of the divergence sometimes seen in areas of public policy – when some or all of those who can escape from a poor situation (for example a failing school, a crime ridden estate) do so, meaning that the gap between themselves and their peers who cannot leave gets even wider, partially caused by the very exit of the more motivated. If this is what is likely to happen, and the result of a laissez faire approach is likely to be a spiral of decline, then there is a case for swift central action to correct this failure – as government does by closing down failing schools and demolishing troubled housing estates.

In addition, a decisive move to turn all schools to one consistent legal status has a number of benefits in terms of system oversight as detailed in the previous chapter. (Chapter 4 deals in more detail with what the implications of this move would be for various teaching and learning policies and systems). Such a move of consistency has been called for by various external commentators. Such a decisive shift would also address the nervousness expressed by some Local Authorities – that absent closer control over many of the schools within their geography, they have limited school improvement levers with which to discharge their on-going functions for securing good outcomes for all children and young people in a local area, and their various other statutory duties which are still placed upon them. Indeed, the list of functions still placed upon local authorities is sizeable⁶¹ – although some of these should move to the Regional Schools Commissioners/Directors of School Standards as detailed below.

A five year programme to spin out an estimated 15,000 primary schools would be testing but ought to be deliverable, if the system is geared up for a specific large scale transformation programme as set out below (as opposed to, as set out in Chapter 1, either a demand led system, or an uneven system driven by potentially large but unforeseeable numbers of primary schools falling below new floor standards in a time specific spike, i.e. the summer of each year). The most recent example of such a programme is in the health service with the large scale

61 The Department for Education published a document which set out that as of March 2013, there are currently 198 statutory duties which fall to local authorities within the field of education and broader children's services, although rather disconcertingly it admits that "although every care has been taken to ensure that this list is both comprehensive and accurate, it should not be considered a legal document and is not a replacement for independent legal advice" in terms of being a full list of the duties placed upon local authorities. The list can be viewed here <http://webarchive.nationalarchives.gov.uk/20130903122719/http://media.education.gov.uk/assets/files/xlsx/s/copy%20of%20statutory%20duties%20list%20updated%20april%202013.xlsx>

transformation of community health services out of Primary Care Trusts under the last Labour government. Under this programme, the government spun out around £13bn worth of community services, spread across 150 Primary Care Trusts, and affecting 250,000 staff, over a carefully managed programme which initially was scheduled for two years (but which in practice became closer to four by the time that the new structures had come fully into being). There are obviously many more institutions in terms of individual schools who would be spun out than in this community health example; but, in terms of expenditure and staff affected, the numbers are broadly similar to give confidence that a five year programme ought to be achievable.

Box 3.1: Transforming Community Services

Community health is an area of the NHS with expenditure of approximately £13bn a year and which employs around 250,000 staff. In 2008, an independent review of the next steps for the NHS by Lord Darzi set out that the current state of play with community services (i.e. healthcare delivered in the community rather than in a hospital setting – district nurses, health visiting, local health services for long term conditions diabetes, muscular-skeletal conditions and so on) was unsatisfactory. In particular, the conflict between commissioning and provision from what was then the Primary Care Trusts (PCTs) was becoming difficult, with the quality of provision suffering. Moreover, services were all too often a local monopoly and could not effectively compete in provision, and so standards were not as high as they could be.

As a result, in January 2009 the Department of Health proposed the spinning out of all the community health ‘provider arms’ of the PCTs by 2011 under a programme known as *Transforming Community Services*. The PCTs would henceforth focus on commissioning the best healthcare for their local communities, with the providers competing against each other to win tenders and contracts for particular areas of provision (i.e. a tender to run diabetes management services in Southampton over a period of three years). Provider arms had a choice – they could spin themselves off into a mutual or a social enterprise; they could become a standalone NHS organisation (known as a Community Trust); or the commissioner could run a tender to seek an organisation to take on the community services provider arm for a period of time and deliver services. Around 40% of all providers decided to strike out on their own, and the remainder were tendered out to various other provider organisations, typically for an initial contract length of about three years, and often in a relatively uncompetitive process (where the commissioner simply looked for a large hospital acute trust or mental health trust to take the services on). Around a third of current expenditure in community services now goes to non NHS providers, which includes the community providers who have spun off as mutuals, smaller private providers (who typically run single services with no guaranteed volumes such as diabetes management or musculoskeletal services) and larger private providers who run community services under contract across a whole geographical area.

As a result, some really innovative practices have emerged in community services. Providers came together in all sorts of ways to deliver radical new types of provision. In some instances, costs came down considerably and service quality improved. Unsurprisingly, in areas where leadership was strong, providers worked together

collectively and there was a clear focus on strategic change, the best reforms happened. There are also instances of weak provision which commissioners are increasingly looking to address and re-tender (sometimes mid contract).

The original timetable had the separation complete within 2 years, with “legal and administrative separation” complete within nine months, during which time the community services acted with ‘shadow independence’ as they prepared for full separation. In practice, many of the 150 Primary Care Trusts missed the deadline for separation of 2011 and the programme was extended until around September 2013 to be fully complete.

(See for more details Department of Health, *Transforming Community Services: Enabling New Patterns of Provision* (2009) and Candace Imison/Kings Fund *Shaping PCT provider services: the future for community health* (2009))

Government should further commit that all primaries will only be allowed to spin out as part of a formal chain or partnership. Existing primary Academies must also join a chain or partnership.

Chapter 2 set out in some detail the rationale for why chains and partnerships are needed in the primary phase, to build the necessary capacity and capability to improve standards in teaching and learning. The principle of greater collaboration between schools is also one that has been accepted by all political parties in education in recent times. The 2010 White Paper on The Importance of Teaching set out that “the primary responsibility for improvement rests with schools, and the wider system should be designed so that our best schools and leaders can take on greater responsibility, leading improvement work across the system”. Similarly,

Labour have spoken frequently about the benefits of schools collaborating.⁶²

This paper takes that principle to its logical conclusion by advocating the mandatory forming of chains and partnerships as part of the spin out

“The principle of greater collaboration between schools is also one that has been accepted by all political parties in education in recent times”

process. This is because otherwise there is a risk – perhaps a considerable risk – that some primaries will move away from a Local Authority that provides services of a greater or lesser quality and which is not replaced in any shape post conversion, leaving those primary schools as weak individual institutions. To avoid this adverse selection, and to prevent a policy aimed at delivering greater capacity from being one that reduces it, such partnerships must be mandated. This is, indeed, the default position of DfE currently when reviewing applications from primaries wishing to convert to Academy status – although the majority of primary Academies to date have been standalone,⁶³ in practice now the DfE will not approve Academy conversion from a standalone primary because of fears over capacity and capability. Furthermore, so too must existing primary Academies be required to enter into a chain. This is both because, as our analysis in Chapter 2 has shown, such Academies are much larger than normal and *ceteris paribus* might be expected to have greater capacity and capability which should be deployed more widely across the system. However, unlike secondaries, even the largest and most confident standalone primary Academy is

62 For example, Tristram Hunt speech at the North of England Education Conference on Jan 15th – “another vital component of the Labour Party’s vision for education is a truly collaborative education system, where schools, communities and parents work together to raise standards.... where challenge and collaboration work we begin to see the shameful link between economic status and educational attainment break down altogether”

63 As of August 2014 there are 951 standalone primary Academies, 186 in groups of 2, and 652 in chains of 3 schools or more

perhaps just one leadership change or significant staffing or pupil upheaval away from problems, and may well not have the capacity to manage it. Requiring the existing Academies to opt in to chains therefore secondly acts as a future proof safety net in the system.

Chapter 1 set out that on some assumptions around chain size, we might see the emergence of several hundred more predominantly small, locally based chains as part of this move to a wholly academised system. As discussed further below, this report does not recommend being too prescriptive on the overall shape of the chain that emerges. But it is likely that the majority of chains will have secondary schools involved (although there are some chains and federations which are primary only – analysis for this report shows that of the 184 existing chains, 33 are primary only – with numbers of schools ranging from 3 schools to 28 schools). One question is therefore whether there will be sufficient demand for secondaries to engage in chains *en masse* – what is in it for them? One answer is clearly moral purpose, looking to build upon the repeatedly expressed desire of headteachers to collaborate and play a system leading role, as indeed many already do in a variety of ways. Indeed, the Importance of Teaching White Paper spoke of ‘the wider system should be designed so that our best schools and leaders can take on greater responsibility, leading improvement work across the system’. The second answer is that for existing secondary Academies, this is what is expected of them – again, the Importance of Teaching White Paper, in setting out the rationale for converter Academy status, stated that ‘our best schools will be able to convert directly to Academy status but will have to work with less successful schools to help them improve’. Again, many secondary Academies are discharging this effectively in a number of ways. But a report from the Education Select Committee on school partnerships and co-operation noted that ‘Converter Academies are expected to support other schools in return for their academy status and yet the evidence to us suggested that this is not happening. We recommend that the DfE urgently reviews its arrangements for monitoring the expectation that converter Academies support other schools’.⁶⁴ The third rationale for greater secondary involvement is where it looks to partner with its feeder primary schools. Greater formality over partnership or federation in this instance is directly beneficial to secondary schools where it allows them to manage transition more smoothly, ensure greater consistency of curriculum between Year 6 and Year 7, and share best practice on teacher training in order to ensure a commonality of approach – as already happens for example in all-through schools.

However, in addition to this, previous Policy Exchange work⁶⁵ recommended that in order to further embed partnership and system leadership throughout the schools sector, a school should not be able to be rated as Outstanding unless Ofsted judged that it was not just Outstanding in its own practice, but that it was engaged in a serious and meaningful way in some form of school-to-school improvement with other schools – as chosen by the school itself. This would require a simple amendment to the Ofsted handbook as part of the overall final judgement on school effectiveness. At the moment, paragraph 130 asks the inspector to consider in making the overall judgement whether ‘the standard of education is good (grade 2), or exceeds this standard sufficiently to be judged outstanding (grade 1)’. This report suggests an addition to the end of that sentence that reads:

⁶⁴ Education Select Committee
School Partnerships and Co-operation November 2013

⁶⁵ Policy Exchange, *Watching the Watchmen: the future of school inspections in England* 2014

‘A school will only be deemed to exceed the standard sufficiently if, in the inspector’s view, it both exceeds the standard of education for the pupils within the school, **and** is engaged in support for another school or schools which is improving the standard of education for pupils in those school(s).

In making such a judgement, the inspector should consider:

- The nature and extent of such support;
- The duration of such support;
- The impact it has had on the standards of education within the other school or schools.

Inspectors should seek evidence from the school as to how it has met these criteria and should not attempt to prejudice it based purely on external data for other schools through, for example, public exam results.⁶⁶ Inspectors should not expect to see a particular model of support in place and should recognise that schools will be best placed to determine the most appropriate means of support in their specific circumstances, which takes account of the local context and the school’s capacity to offer support.’

This recommendation obviously goes wider than expecting outstanding (secondary) schools to simply participate in a formal chain, but will be seen by many secondaries as an obvious thing they could do. Such a requirement to participate in system leadership would bite on the 22 per cent of secondaries currently rated Outstanding who wish to stay there in their next inspection, as well as a proportion – perhaps half? – of the 49 per cent of secondaries currently rated Good but with aspirations to do better (and of course, other secondaries may also wish to participate in chains as well even if not incentivised to do so by this inspection change). Taken together with capacity amongst existing chains, and the likely growth of some primary only chains, this represents more than enough secondaries to work with primaries and participate in chains.

It should also be noted that as the autonomous school led system develops and matures, school appetites for participating in chains and partnerships grows. The Department for Education’s latest ‘temperature check’ of the Academies system found that:

‘At the time of our previous [2012] study, we found that, while local systems were excited about the potential for schools leading school improvement, they were anxious and uncertain about how place-planning and provision for vulnerable children would operate in a more autonomous landscape. ... Since then, we found that there has been a decisive shift towards school partnerships ... Many of the anxieties about potential new scenarios expressed at the time of our previous study have not materialised.’⁶⁷

Government should allow – and encourage – Local Authorities to set up and run their own chains. Any Local Authorities wishing to do so must itself spin out this chain so that it is legally separate from the remainder of the Local Authority and becomes a “Learning Trust”, and schools in that Local Authority must come out and then opt back in to the Learning Trust should they wish to, rather than being asked to opt out if they wish.

66 Issues which might be considered by inspectors, and which may or may not go into the formal Ofsted handbook, include issues such as – which staff are engaged in support? Is it the headteacher, the SLT, classroom teachers, or all of the above? Is such support set out formally through eg a formal legal agreement between the two institutions (such as a federation or a MAT), or a legal service level agreement, or is it more ad hoc? How extensive is such support in terms of hours per week/term? How much money is the school spending (including accounting for individual staff members’ time) in such support? Has this been going on for some time, or is it relatively new, and if so is there a reason for that or could it be seen as contrived support to pass an inspection? In terms of measuring impact, what internal data and other qualitative measures are available to demonstrate impact (which should go wider than exam results and could include, for instance, lower teacher turnover, easier recruitment, improved pupil and parent and staff survey results, improved internal data on progress and achievement including for specified sub groups of pupils).

67 Department for Education, *The evolving education system in England: A ‘temperature check’*, June 2014 .

This report approaches Academy status from a practical position, rather than one of ideology. It considers that in the current circumstance, Academies represent a better approach than Local Authorities across the board for providing the necessary infrastructure to support high quality teaching and learning in primaries. This is not to say, therefore, that there are no examples of high quality Local Authority school support – indeed this report saw examples of good support during field visits for this research. (Neither does it mean that every Academy chain will improve results – hence changes to the ability of schools to switch between chains as discussed below). It would be perverse to discount the potential support that individual Local Authorities may be able to give schools either in terms of school improvement support, or back office services.

However, the current situation with regard to Local Authorities being both provider and commissioner of schools is unsatisfactory. There is a serious potential conflict of interest whereby an Authority is responsible for securing high quality services for all its constituents, but also responsible for directly supporting its own provision of schools. Moreover, an organisation that is both the commissioner and provider may be more unlikely to seek out competing bids for provision, which may be both cheaper and/or more innovative for service users, if in doing so their own in house provision is undermined. This belief has been the theory behind wide scale public service reform over the past thirty years or more, in services as diverse as health, waste management, social care, and back office support.⁶⁸ Under this model, the role of the Local Authority is to ‘commission but not provide’ – to buy public services on behalf of all its citizens from a wide range of government and non-government providers, with services still (where applicable before) being available free at the point of use. However, in schools, there is a good argument to take a different approach. For the vast majority of Local Authorities, commissioning of schools (either opening or closing them) is something that they will do very infrequently (as opposed to contracted services like waste management, where contracts are typically three to five year duration, schools are effectively commissioned for life unless there is a major structural change due to a significant decline in standards, which in practice is often done outside the Local Authority, or in the relatively rare instances of school closure), and therefore keeping expertise in this specialised area is a poor use of resources for the Local Authority, particularly as their education budgets continue to get squeezed. Secondly, where commissioning does take place for schools, a Local Authority is often not the right geography to do it in, being sometimes too small. Conversely, as noted above, some authorities do have good expertise in supporting schools and improving results, which it would be foolish to dismantle simply because it currently sits in a suboptimal legal structure. So this report proposes turning the classic purchaser-provider split on its head, and allowing Local Authorities to ‘provide but not commission’.⁶⁹

“Academies represent a better approach than Local Authorities across the board for providing the necessary infrastructure to support high quality teaching and learning in primaries”

68 For a broader discussion of the rationale behind such reforms, see Policy Exchange *Better Public Services: A roadmap for revolution*, which found amongst other things that 60% of the public thought that if a school, GP surgery or NHS dentist was providing a poor service then business and charities should be brought in to run them either via expanding choice or taking over the management of existing services. This proposal was most popular amongst socio economic group C2 (skilled working class).

69 This idea was first advocated in a submission to the Blunkett Review by Laura McInerney and Matthew Hood, which has subsequently been expanded here <http://www.lkmco.org/article/could-middle-tier-look-01052014>. We are grateful to the authors for further discussion and testing of this proposal in advance of this report.

In concrete terms, there are two specific proposals. Firstly, any Local Authority that wishes to maintain a school provision service and run a chain or offer support to schools within a chain must spin out as a mutual or social enterprise and become a legally separate entity – a ‘Learning Trust’ – to eliminate the risk of continued conflict of interest. It must not be in any way owned by its former parent authority nor work under exclusive contract to it in such a way that the parent authority can terminate its operation. It should feel free to run school improvement services to any school, and have a legal status such that it can incorporate itself into a Multi Academy Trust with schools from within that authority or indeed outside it as well. This is what happened under Transforming Community Services with the creation of a large number of Community Healthcare Trusts and social enterprises. Secondly, schools that wish to remain under the new Learning Trust can do so only if they actively opt back in – making a free choice as opposed to remaining in the new Learning Trust through inertia or undue influence. This type of change echoes what happened to the New York City school system under Joel Klein (more below).

Under this scenario, high performing Local Authorities who have strong buy in from their schools would be able to carry on their operations – they would simply have to restructure themselves as the ‘Westshire Learning Trust’ or similar, and persuade their old Local Authority schools (and others) to opt back into their services during the 2015–2020 transition and set up phase.

This new role for Local Authorities would change the nature of what it is currently termed democratic accountability by the Local Authority towards its schools. But this report argues that this change would augment it, rather than distract from it. At present, as noted above, the conflict between provider and commissioner/overseer can hamper the ability or willingness of some councillors to truly hold schools accountable for outcomes. By separating out these functions, councillors and councils can become true champions for the children in their area and for the parents that vote them in.

The exact set up of the remaining functions of the local authority and its interrelationship with the new RSC/DSS (known as the ‘middle tier’ question) is outside the scope of this report. But in brief, this report proposes that the commissioning of new chains, and ongoing commissioning of school improvement for academy chains, would move to the RSC/DSS, as discussed below. School improvement functions would by definition either cease altogether or move to the new Learning Trust. Some remaining education functions – including providing intelligence for place planning, organising and coordinating school transport, managing overall admissions, and dealing with the funding and support for pupils with high needs – would all stay within the Local Authority. All remaining children’s services functions – including on youth services, social care, child protection, and early years – would remain with the Local Authority.⁷⁰ In practice this would likely mean a reformed Director of Children’s Services office almost entirely focussed on wider children’s services and social care.

⁷⁰ The retaining of early years responsibility and commissioning of sufficient places within the Local Authority does not preclude, as now, the maintenance (and indeed further development) of a mixed market of provision, including a potential growth within the Academies/ school sector.

Box 3.2: School reforms in New York City (NYC) under Joel Klein

The NYC schools district has around 1,800 schools, 95,000 staff and around 1.1m pupils. In 2002, Joel Klein became Schools Chancellor under the mayoralty of Michael Bloomberg, who had secured greater mayoral control over the city's schools, and undertook major structural change in how the schools are run in an effort to raise standards. There was a major four stage process which culminated in all NYC schools being spun out of direct city control.

The first stage was that Klein created what he termed "Autonomy Zone" schools in 2004. The existing school superintendents chose schools for this pilot phase who they thought would benefit from the reforms. Autonomy schools were similar to Academies in terms of the greater freedoms they enjoyed from city, state and federal bureaucracy, in exchange for tougher accountability for a number of student outcomes, including attendance, retention, course and exam pass rates, promotion and graduation, and, at the high school level, college acceptance.

By 2007, following a successful pilot, autonomy zone schools rebranded as "empowerment schools". In the second stage, in a major expansion of the programme, the selection criteria changed so that any principal and school who wanted to opt in could do so, and 321 did so (alongside the existing 48 autonomy zone schools). In order to manage this much bigger grouping, the City created what it termed 'networks' in order to support these empowerment schools, who arranged themselves into small sub groupings typically 22 or 23 schools large. The networks provided the type of services which had previously come out of the city – school improvement, assessment, special needs, financial support – and schools actively chose the network they wished to join, which was normally based on pedagogy or personal relationship rather than just geography.

The third big change, in 2008, was when Klein required all other schools to spin out of the City under a theme of "empowerment for accountability". Rather than just requiring all remaining City schools to also join the Empowerment schools, Klein created a number of competing 'chains' called School Support Organisations (SSOs). These were made up by turning the City's old regional school support structure into what were termed four Learning Support Organisations (LSOs), and establishing six further Partnership School Organisations (PSOs) which were tendered by the City.ⁱ The 1800 schools of New York City therefore had 11 choices of School Support Organisations – the four old City regional structures, six new tendered organisations, or the original empowerment school network. Each of the 11 groupings, as the Empowerment schools already had, also formed networks within themselves.

The fourth stage in 2009 was to further amend the old regional LSOs and abolish the principle of SSOs based on geography. Across the City, the SSOs transformed into 60 non geographic networks, including those run by the original Partnership Organisations. These 60 networks were themselves split into smaller networks and that is how the system still (at time of writing) exists.ⁱⁱ

As part of this overall structural change, other factors bear noting:

- Each school chooses its network based on the services it offers, and a corresponding price. This is all completely transparent. A school in need of large support, for example, may subscribe to a more comprehensive network with a higher price

tag; a highly performing school may require less comprehensive support, which may be cheaper. Prices are broadly comparable to Academy chain toplices but it is difficult to ascertain (this commercial confidentiality of network pricing is an exception to the otherwise good record on transparency).

- A network size is typically around 25–35 schools; some are smaller and some much larger. Networks themselves cluster for administrative ease and oversight (and the six PSOs tendered by the City each look after one of the groups of networks). Each network team will have around 15 staff centrally.
- Transparency is vital. Each network is extensively evaluated annually and the whole dataset is published – including how much progress and threshold attainment children in that network have made, and published satisfaction scores from schools in the network. This is far further than academy chain transparency goes (see below).ⁱⁱⁱ

Network	Leader	Progress report	Qualitative evaluation		Quality review		Principal satisfaction survey						Additional credit
			Quartile	Rating	Average score	Quartile	Very satisfied (%)	Satisfied	Dissatisfied (%)	Very dissatisfied (%)	Quartile		
N101	Cofield, Marina	64.1	4	3	76.2	4	53	26	21	0	2	Full	
N102	Sheehan, Alison	54.5	4	3	80.7	4	87	13	0	0	4		
N103	Chu, Yuet	53.1	3	4	73.4	3	44	48	4	4	2		
N104	Cohen, Robert	53.6	3	1	73.8	4	75	25	0	0	4		
N105	Green, Jonathan	44.1	2	3	67.7	1	31	50	19	0	1		
N106	Kerr, Cynthia	54.9	4	3	73.8	4	38	38	19	5	1		
N107	Scala, Nancy	63.2	4	2	70.8	2	61	28	6	6	2		
N108	Kaufhold, Sumita	46.9	2	2	67.0	1	16	68	16	0	1		
N109	Quail, Maria	47.0	2	3	70.5	2	77	18	5	0	4		
N111	Lewis, Lucile	43.9	1	2	65.9	1	43	38	10	10	1		
N112	Pelles, Kathy	43.1	1	3	67.0	1	62	35	0	4	3		
N201	Zhang, Jie	61.4	4	2	68.5	1	48	38	10	5	1		
N202	Dimaggio, Nancy/ Selenikas, Vivian	51.6	3	3	73.9	4	67	29	5	0	3		
N203	Feigelson, Daniel	41.3	1	3	75.1	4	71	29	0	0	4		
N204	Foley, Diane	64.1	4	3	77.5	4	68	32	0	0	3		
N205	Joyner Wells, Joanne/Pisacano, Mary Jo	55.0	4	2	74.3	4	63	38	0	0	3		
N206	Godlewski, Jayne/ Cordova, Ada	46.3	2	3	64.6	1	22	33	33	11	1		
N207	Miller, Peggy	63.5	4	4	76.1	4	59	32	5	5	2		
N208	Purus, Daniel	54.3	4	1	71.5	3	69	31	0	0	3		
N209	Wilks, Marlene	45.9	2	3	71.3	2	93	0	0	7	4		
N210	Brucella, Joanne	45.1	2	3	73.2	3	82	12	6	0	4		
N211	McKeon, Jean	52.8	3	2	70.3	2	44	31	19	6	1		
N401	Marks, Roxanne	43.9	2	3	70.1	2	77	6	18	0	3	Full	

- Schools can change network annually – it is an annualised contract process. However, more than 90 per cent remain with their network every year. Networks cannot turn down schools who want to join them.
- Superintendents still exist, providing elected geographical oversight. Some commentators note this as an unhelpful distraction, although they play a greater role (with the City) in tackling poorly performing schools, where they can trump the network's autonomy.
- The City has oversight of the networks. In the past 10 years it has closed eight networks due to poor performance and opened six more.

(See for more details Eric Nadelstern/Center on Reinventing Public Education, “The Evolution of School Support Networks in New York City” (2014), and the Parthenon Group, “An Assessment of the New York City Department of Education School Support Structure” (2013))

- The list of partnership organisations tendered by the City are the Center for Educational Innovation (CEI); a separate small spin-off of CEI, New Visions for Public Schools; Academy for Educational Development; Fordham University; and City University of New York
- A full list of the 60 networks can be seen here <http://schools.nyc.gov/NR/rdonlyres/FA94D9B1-FEB8-40B2-AFF5-4B52384E3262/153599/NetworkDirectory.pdf>
- The full list of network scores for 2011/12 is here <http://schools.nyc.gov/NR/rdonlyres/FA94D9B1-FEB8-40B2-AFF5-4B52384E3262/146228/NetworkPerformanceRatingsforDistributionFINAL.pdf>

Any remaining Local Authority secondary schools must also convert to Academies. Some of these may be as standalone Academies, but they should be encouraged to partner with other schools as chains as part of a wider move towards a school led, self-improving system.

The focus of this report is on how to address issues of capacity and capability in the primary phase to support improved standards. However, as a result of the changes that would be made to Local Authorities and their separation of provider arms, the remaining maintained secondary schools would also be required to convert to Academy status over the same timescale. As Chapter 2 set out, there is more of a track record for secondary Academies as a longer running policy area, although the specific examples of converter Academies, as never manifestations, are newer. There is also much more of a momentum behind organic conversion to Academy status in the secondary phase. In practice, on current trends and assuming no change in the overall policy environment, the vast majority of secondary schools would convert by the end of the next Parliament in any case. The case for the mandated change is to address the issue of the commissioner/provider split as set out above, and to reflect the changing role of the Local Authority into a champion for children and the specific school improvement and school support functions being set up in a new Learning Trust.

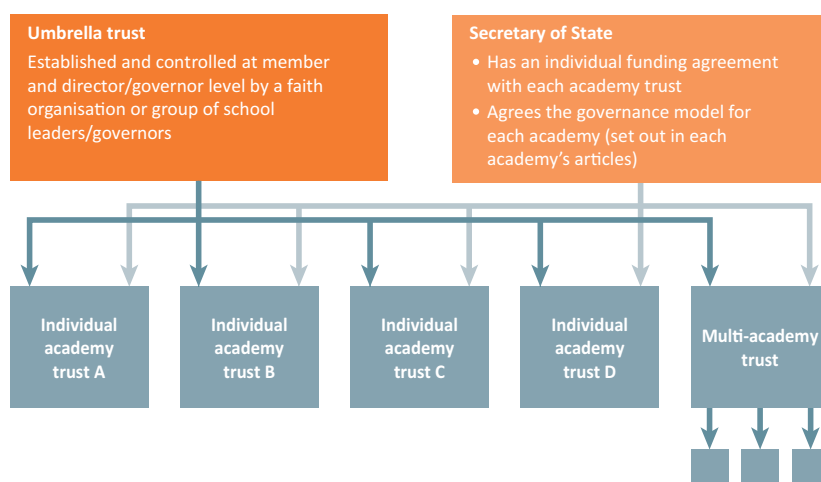
Unlike primaries, this report considers that secondary schools should have the option of retaining standalone status should they wish, given their larger size – this is similar to the different approach currently being taken by Department for Education to primary and secondary applications to convert. This should be entirely the decision of individual secondary schools and not require to be approved by the RSC/DSS. However, in line with the overall direction of travel towards a more collaborative system, the government should encourage all new Academies to also participate in wider collaboration, which could include opting back in to the Learning Trust if (as seems likely in some cases) they remain

broadly content with the current arrangements with that Authority. In practice, for secondary schools currently within a Local Authority, who subsequently convert to Academy status and either remain as a standalone Academy or opt back into a partnership arrangement within the new Learning Trust, far less should change in comparison to primaries in respect of the day to day running of the school.

Such chains can take a variety of forms in composition but need to demonstrate that they are adding to capacity and capability, and are sustainable. Key questions will be around their size, and their formality.

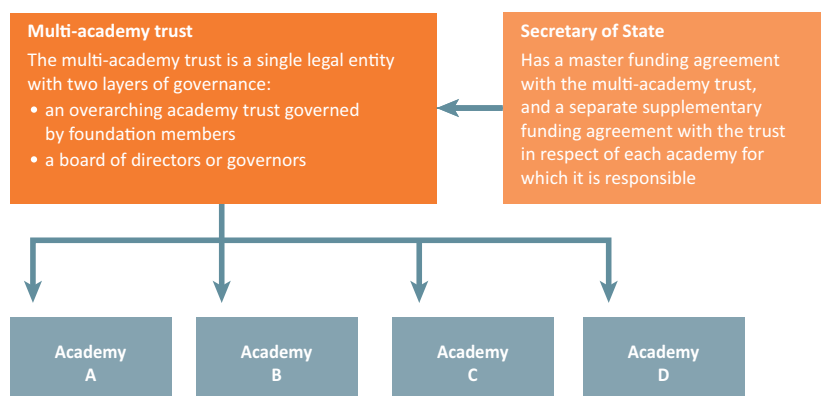
In legal terms, all academy chains are now either Umbrella Trusts or Multi Academy Trusts. The differences are set out in the diagrams here:⁷¹

Figure 3.1: The structure of an Umbrella Trust



Each individual or multi-academy trust is a single legal entity with an individual funding agreement with the Secretary of State. The members and governors are appointed by the umbrella trust, which can choose to have minority or majority control according to how well a school is performing or in order to maintain the relationship a diocesan board has previously had with a church school(s).

Figure 3.2: The structure of a Multi Academy Trust



The academy trust could establish a local governing body for each academy, appoint the members of it and decide what powers to delegate to it. Alternatively, the academy trust might decide to set up an advisory body with no delegated powers, which reports to the academy trust's governing body. Whichever option is adopted remains with the multi-academy trust.

⁷¹ Taken from Hill, Dunford, Parish, Rea and Sandals *The growth of academy chains: implications for leaders and leadership* (2012).

As noted above, this report recommends that schools should have the choice as to the composition of their chain or partnership. Some primaries may choose to integrate vertically with one or more secondary schools in their locality. Some may look to merge horizontally with other primaries. Some may seek comfort in a larger chain, some may wish to maintain a smaller grouping – it should be their choice.⁷²

This decision will be a major one for head teachers and especially governors to make. The role of governance will become increasingly important. In 2013, Lord Nash set out to the National Governors Association that “Your job, as strategic leaders of our schools, has always been crucial. And never more so than now.” He went on to describe the new mind-set required of governors in the academies programme, comparing ‘boards of governors’ to the trustees of charity’s board or the directors of a company’s board. With academy accountability comes more responsibility. With the scope to implement innovative curricula and assessment, staffing structures and contracts and with the freedom to spend school funding as they see fit, the onus is on governors to ensure they have the requisite skills to carry out activities and that they are joining a partnership that best suits them and complements their capacity and capability.

It will, however, be up to the DSS/RSC to approve all partnerships on an initial basis (hence the need for additional resources to this function). Chains themselves will also have to agree to take on the additional school(s), and the chain and the school(s) will therefore make a joint proposal to the RSC/DSS. This is because in any relatively immature market, as the market for primary chains is, there is a case for government to play a market making mechanism in the short to medium term. The DSS/RSC will be expected to make the following judgements:

- Does the proposed partnership add both *capacity* and *capability* to the schools entering into it (or to the primaries joining it, if an existing chain)?
- Is a partnership *sustainable* (are there systems and processes in place to keep it ongoing if, for example, key members of staff move on, or if there is a change in the circumstances of one or more of the schools)?

There will be no hard criteria for approving or declining partnerships and it will be the RSC/DSS judgement, based on local intelligence in their area. But this report would expect that two criteria would be scrutinised very closely:

1. Size: research by the DfE into their ‘high performing sponsors’ suggests that there is no clear link between size and performance,⁷³ although the smallest size looked at was three schools (it is unclear how many pupils within that). The key development point is seen as six schools, above which there needs to be a clear infrastructure supporting the development. Whilst this does not suggest that smaller chains than this cannot be successful, analysis by Hargreaves as to the level of deep partnership needed for success suggests growth towards this number may be desirable. Another study by Hill et al concurs,⁷⁴ suggesting that a minimum size of 1,200 pupils – which equals around six one form entry primary schools – is needed to achieve economies of scale. Hill also quotes other research by Chapman et

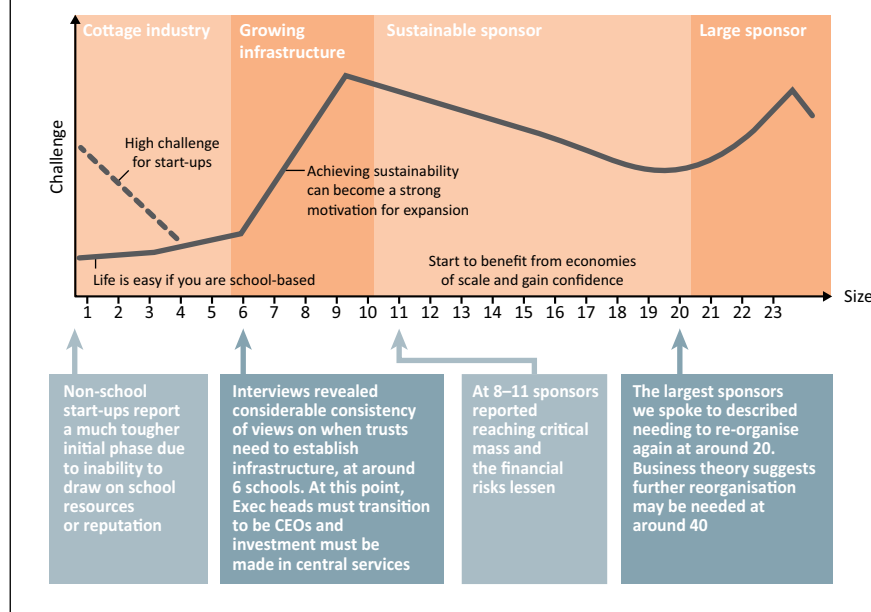
72 However, the key point in legal terms for the purposes of this report is that each individual academy within a trust must retain its legal entity. This is to allow for the right to secede from a trust – discussed further below.

73 Department for Education, *What does a high performing academy sponsor look like?* Report for sponsors May 2014.

74 Hill et al, op cit.

al looking at federations, that found that ‘what are termed ‘size’ federations, i.e. federations consisting of two or more very small or small schools, or a small school and a medium-sized school’ did not seem to have a discernible positive impact on education outcomes. Finally, in the case study visits and discussions with chains for this report, a commonly expressed view was that very small schools need to come together in larger groups to form a significant enough institutional scale – one local authority gave an example of two or three sub 100 primaries banding together which they thought would turn out to be ineffective.

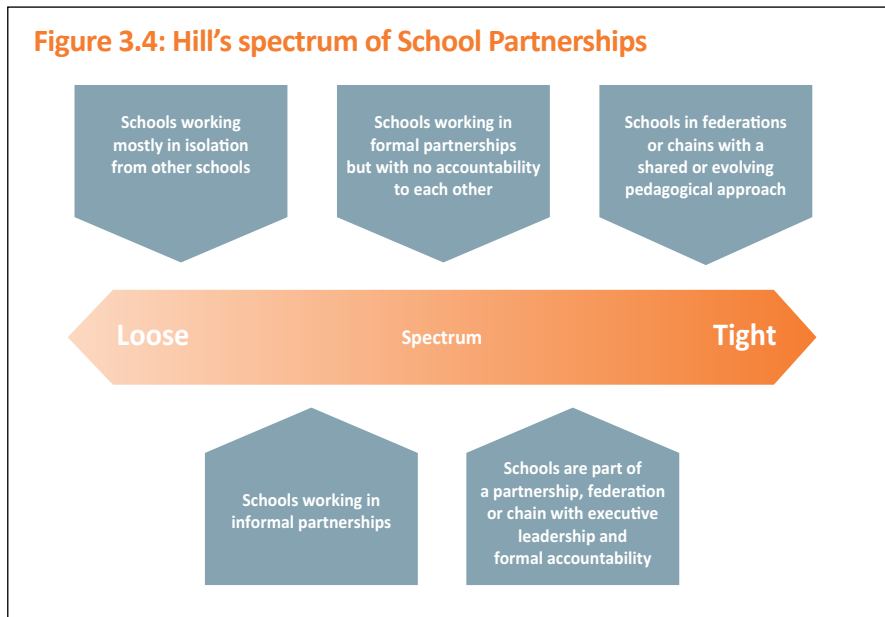
Figure 3.3: The development of Academy Trusts



2. Formality: The same research quoted earlier from Hill et al make plain that the greater the formality and depth of the partnership, the more effective that change can occur. This formality can include, for example, shared approaches to curriculum and pedagogy, shared leadership across more than one institution, the collective employment of staff, and a standardised school improvement framework across the partnership. Research quoted by Hill et al from the earlier model of partnership through federations also makes clear that “The impact of federation is greater than that for more informal collaborative partnerships”. Other work by Hargreaves, in his long running research on a self-improving school system, also suggests that the most successful partnerships are those he terms ‘deep’ partnerships, which “meet a wider range of student and teacher needs; facilitate innovation and knowledge transfer; deal effectively with special educational needs; share capacity and manage change; achieve efficiencies of scale and build leadership capacity and succession.”⁷⁵ Hill has developed a spectrum of partnership on a ‘loose to tight’ scale which is shown below. His analysis is that only groups in the latter two categories can really be termed to have ‘deep’ partnerships which represent the greatest chance to succeed in raising outcomes.⁷⁶

⁷⁵ Hargreaves *Creating a self-improving school system* 2010.

⁷⁶ For example, as in the presentation to primary school leaders in Essex in March 2013 “Achieving more together: adding value through partnership”

Figure 3.4: Hill's spectrum of School Partnerships

The extent to which these two tests are held to or relaxed by the deciding RSC/DSS would be mostly dependent on existing school performance. If a group of high performing and relatively large primaries wish to form a looser partnership, then that would likely be more acceptable than a group of lesser performing primaries who wanted the same arrangement.

One final consideration is the role of faith schools. In January 2014, faith schools accounted for 38% of all Local Authority primary schools; almost entirely Church of England or Catholic Schools. 26% of primary Academies are faith schools. A number of faith primary schools have already joined Multi-Academy Trusts established, for example, by their local Dioceses. There is also scope within the academies programme for mixed MATs; that is, the ability for voluntary-aided, voluntary controlled and community schools to be within the same MAT. It will depend on the views of individual schools' governing bodies and their local Diocese, in consultation with the Regional Schools Commissioner (particularly in the case of underperformance), to decide whether individual faith schools join a faith-only trust, for example set up by the local Diocese, or a mixed MAT. In theory, either option is suitable provided individual schools achieve well for their pupils. In view of the fact that faith schools account for a significant proportion of the primary sector, the Department for Education will need to ensure that it continues discussions about the broader engagement of Diocesan boards across the academies programme as it scaled up to the extent set out in this report.

In a change to current policy, schools should be able to switch between chains if certain criteria are met, as well as being rebrokered by the RSC/DSS.

At present, Academies who sign up for a Multi Academy Trust (as opposed to a looser chain or partnership) forego their own sovereignty as an entity. The MAT consists of the Members and the Trustees. In governance terms, the ultimate legal responsibility lies with the Members of the MAT who sign the Funding Agreement with the Secretary of State. Their role is to appoint some of the Trustees and to oversee the articles of association. The Trustees are responsible

for overseeing the schools within the MAT and discharging governance functions over the schools. It is the Trustees that decide how much responsibility for formal governance sits at individual academy level, which is discharged through Local Governing Bodies (LGB). Individuals who are part of LGBs do not necessarily sit on the main Trust Board. In this scenario, therefore, a maintained school or a standalone Governing Body becoming part of a MAT will surrender all elements of governance control to that of the MAT (who may re-delegate elements of it back to the newly constituted Local Governing Body).⁷⁷

The DfE, in their response to the Education Select Committee report on partnerships notes that switching of schools between chains is currently strongly discouraged:⁷⁸

“From our experience to date, it is extremely rare for an academy to wish to leave a multi-academy trust. If an academy within a trust (with or without a sponsor) is rated ‘outstanding’ by Ofsted and wishes to leave the trust, it might be possible for them to exit by mutual consent. An agreement would need to be reached between the academy, the controlling trust board and the Secretary of State, in order to make new funding arrangements to allow the academy to stand alone, join another chain/multi-academy trust or become a sponsor of weaker schools... An academy wanting to leave a multi-academy trust would constitute a significant change to an open academy. We already specify and publish the process for how an academy can join a multi-academy trust (with the consent of the Secretary of State) and we will consider how we can reflect in guidance the process of leaving a multi-academy trust.”

This report argues that with a significant planned increase in chains, such an ad hoc approach, with a presumption against switching, is no longer feasible. One additional change that we therefore recommend is the ability of (most) Academies to switch chains at their instigation, subject to some caveats, which are set out more below.

The rationale for this change is to maintain motivations and incentives for improvement upon the large number of new chains that this report recommends be created over the next five years. It is highly likely that of the significant number of new chains, a proportion will be ineffective, poor value for money, or both. Any system needs a way of ensuring continual oversight over aspects of poor performance. Previously, this ‘top down’ oversight function was provided – with mixed evidence of efficacy – by a combination of Ofsted, and local authorities for maintained schools and by the DfE for Academies. A reformed and slimmed down Ofsted will still play a key role in identifying areas for improvement. It is implausible, however, that even an increased number and capacity of DSS/RSC (as this report calls for), together with small localised staffs, will ever have the bandwidth to adequately scrutinise the large numbers of primary chains that will spring up under their remit, other than those who drop into a formal category of concern. Nor would a system that did have adequate capacity to manage so many schools via a top down process be optimal from the purpose of wanting to see a self-improving system, given the significant bureaucracy and oversight which would be required. Instead, this report argues that chains should principally be held accountable by their member schools. As well as standard processes for communication and negotiation already present in chains, an individual school holding a right to exit or secede, even if rarely activated, would act as a vital check and balance on chains, and an incentive to keep overall top slices/management

⁷⁷ Gov.uk, *Academy model memorandum and articles of association*, and National College for Teaching and Leadership, “*Governance in multi-academy trusts*” (2014).

⁷⁸ Education Select Committee, *School Partnerships and Cooperation*, 2013. Note that the hypothetical process discussed here is separate from the well-established procedures for rebrokering schools away from sponsors who have fallen below acceptable performance levels.

charges down, and improving incentives on chains to continue to deliver an excellent service. Furthermore, the ability to switch between chains would ensure that where a chain and a school did find themselves at odds, the school could take action before results significantly worsened. Finally, an ongoing switching market would further incentivise new sponsors and chains into the system, ensuring a new flow of innovative ideas and proposals for school improvement. The counter scenario, to not allow switching, risks poor chains existing across the system with little prospect that they would be rebrokered except if performance fell significantly. In other words, we risk replacing some weak-but-not-that-weak clusters of schools in some Local Authorities with the same groups but simply now in new chains. This would not be a satisfactory solution.

In terms of how this could be done, New York City offers one potential model. Under the reforms described

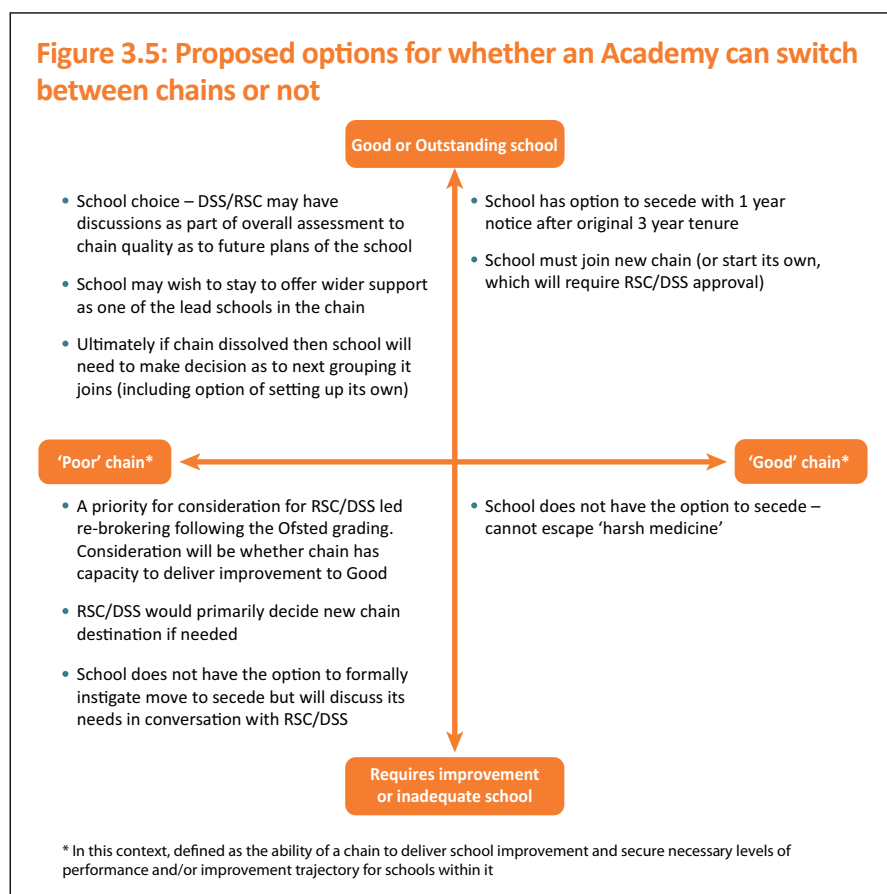
above, each SSO publishes full data on its performance annually, and offers a clear prospectus of services (with an agreed price tag) to potential member schools. Schools sign annual contracts with their SSOs, so all remain free at the end of that contract to look elsewhere if needed, either in response to changing circumstances of the school (for example an improving school may decide it doesn't need the level of support and oversight offered by its previous SSO) or simply to look for a better option. In this scenario, the school is clearly the dominant actor and the SSOs are simply providers, like schools relations with IT providers, cleaners and banks. Around 10% of schools switch in NYC every year. This model, however, is less attractive in the English system, given the rationale for a chain to have to provide greater capacity and capability, both of which require investment which in turn require longer term partnerships. Similarly, in a relatively immature market, there are dangers in setting up a system which encourages too much switching and consequent instability before the various different chains are well established. A better approach to the English system would be to allow switching with at least a year's notice, and only after a period of three years settling in time with the chain. This would balance the need for a chain to have stability with the necessary competitive pressures within a mature and fluid system. The departing primary school would, of course, need to seek an alternative chain (or alternatively could look to set up its own chain if it felt it was strong enough and could offer a viable alternative).

The second caveat would be to only allow the freedom to switch for schools rated Good or Outstanding. This is to avoid a scenario in which weaker schools seek to move away from chains applying much needed 'harsh medicine' to underperforming schools, or threatening to do so, which would unarguably block up the reforms needed and which high performing chains can offer.

Schools rated Requiring Improvement or Inadequate could still be rebrokered away from existing chains where, in the RSC/DSS judgement, the current chain did not have the expertise to bring that school up to scratch – as happens at the moment. Also as happens at the moment, if the RSC/DSS feels that the sponsor is structurally unsound, they may rebroker away a number of schools at all Ofsted grades to allow the chain to focus on core business and become sustainable.

“An individual school holding a right to exit or secede, even if rarely activated, would act as a vital check and balance on chains”

Under this proposal, therefore, options to switch would look as follows:



In order to maintain the legal ability to secede, each individual Trust – that is, each individual Academy – would need to keep their own articles of association. Although they would still have to agree (as part of the process of joining a chain) to grant the vast majority of their governance powers to the overall chain, the individual Academy Trust articles should retain two (and only two) powers – the right for that Academy to reappoint governors to the LGB as the single Academy Trust representatives (with proportions and voting powers for local governing bodies as before), and the right those individual Academy Trust representatives, and those alone, to vote on seceding. This would allow, in normal circumstances, for the overall chain to maintain its majority vote across the individual Academy as a whole and with regards to the LGB, to allow normal business to be conducted without a blocking minority. But it would also allow an individual Academy to vote on leaving without the chain itself overruling them, by limiting voting rights only to those legally responsible for safeguarding the interests of the original Academy (the original Trustees). This may mean, in practice, that the structure of chains of multiple schools look like Umbrella Trusts, with some powers remaining with individual institutions, rather than (one way sovereignty granting) Multi Academy Trusts.

One other issue which will need to be resolved would be the legal position of staff and school resources in a scenario where a school moved between a chain. On the first, this report's hypothesis is that, even if members of staff are employed

by a chain centrally (as opposed to by the individual school), when a school wants to move, then staff would have the option as to whether to remain in the chain (and be allocated elsewhere) or to move to a new contract of employment with the switching school/new chain. Their terms and conditions would be protected under TUPE just as when schools convert to Academy status now or join a chain as a sponsored or converter Academy. On the second, the division of assets (physical and intellectual property) would need to be set out in the contract signed between the chain and the Academy - and also with regards to individual intellectual property rights over lesson resources, in the contract signed by members of staff when joining the Academy or the chain. Such an approach ought to lead to a relatively ordered legal unwinding of relationships but is one reason for the year's notice period recommended above.

The counter argument to this secession is the one put forward by DfE in their response to the Education Select Committee. This argument, as espoused by Lord Nash in his evidence to the committee, is that:

*"We could have a situation where a school comes in to a chain because it is performing poorly. As a result of the support it gets from the chain, it performs well. The chain would then expect it to put back into the system and do just what you have outlined, which it would be perfectly capable of doing within the chain. Alternatively, you could have a situation where a school was not performing terribly well and the academy chain was trying to get it to do certain things, which it did not like; if it could suddenly walk, this really would not work. We do not have any plans for schools in chains to be able to make a UDI, but they could do it with the co-operation of their partners. Where we had a relationship which was not working, we would seek to broker an improvement in that relationship....I do not see how the organisation of the chain group can work if people can, frankly, come and go at their will."*⁷⁹

Under this argument, chains need good schools – particularly if the chain has heavily invested financially into that school to improve it. Indeed, some chains we have spoken to specifically tilt their management charges so that schools coming into the chain pay a lesser amount and are cross subsidised by the other schools in the chain. When that school improves, it then pays a heavier management charge (even though it does not get any more services, and indeed may get less) in order to cross subsidise newer underperforming schools. This financial model would break if chains could secede at the time of their own recovery. But even if the financial model could be made to work, a chain which did not have a good mix of weaker and stronger schools may be unlikely to be in a position of having capability within itself to support its own schools – for example, by mentoring headteachers, deploying teaching staff across the group, or providing best practice training on pedagogy and curriculum led by the stronger schools within the group. A strong school within a group might resist this if, for example, it felt its own results were going to suffer by seconding its maths teacher part-time to another school. In a scenario in which it could leave the chain, it would be in a strong negotiating position to demand that it did not have that member of staff removed from it – bolstering its own position but harming that of the wider chain.

This report is not unsympathetic to this critique.⁸⁰ Any system must seek to balance the interests of individual schools and that of the wider chain and system,

⁷⁹ Lord Nash evidence to the Education Select Committee, Q231 and Q241

⁸⁰ One advocate of this critique compared the discussion over schools leaving chains to whether individual schools were seen more like countries of the European Union or states within the United States of America. Do schools voluntarily pool sovereignty over issues but ultimately retain power to secede, as in the ultimately nation state led structure of the EU? Or is a decision to join a chain like a state joining the USA, where states' rights are protected and areas of responsibility devolved but ultimately within an irrevocable federal framework?

including improving outcomes for weaker schools. But on balance, the report concludes that the interests of weaker schools are paramount, and are better served by allowing for secession on the strictly limited grounds set out above. This is for three reasons:

- Firstly, as outlined above, the most effective check and balance on the potentially thousands of new chains which would be created over the next five years is that of competition and pressure from constituent schools through switching or the possibility of switching. This report does not believe that a system where the only improvement lever was the RSC/DSS led re-brokering system, would satisfactorily address the concerns of how to improve new local monopoly chains who were above the floor target for intervention, but were not delivering sufficient standards or trajectories of improvements for the children within it.
- Secondly, a ‘one way’ system of ceding sovereignty, to be effective, would require all participants in the system to have clear and comparable information as to the choices they were making. For a Governing Body to (almost) irrevocably bind its successors’ hands by choosing a chain with limited prospects of change should be informed by clear understanding not just on the day to day running of the chain (including how much responsibility is devolved down to individual schools), but also the track record and capacity and capability of that chain to deliver on its promises. In an immature market, with many new entrants, such information will not be available (other than that for existing chains or elements of the new Learning Trust). It is highly likely that some of the new chains will underperform and/or individual Academies will consider that they have made a mistake in their original choice. The system would benefit greatly overall if the market had maximum flexibility as it matured, rather than risking a lot on the implausible assumption that several thousand decisions be perfect first time round. Moreover, as Hill sets out, this approach may be more welcomed by schools. *“It may be that, as some primary heads have put to us, the development of primary academy chains should be viewed as a two-stage process, with the first stage being about creating effective teaching and learning partnerships led by an executive headteacher and with formal shared governance. This could then lead on in due course to these groups choosing to become multi-academy trusts. Where such [groups] were not operating effectively, another federation or chain could be brought in to take over the organisation and leadership of the schools.”*⁸¹
- Thirdly, this report has been much persuaded by conversations with a couple of academy chief executives who argued that the most effective partnerships must be voluntary and based on shared beliefs. Like Teaching School Alliances – the other major strand in the collaborative self-improving system – schools choose to subjugate some of their own interests out of a shared belief in a joint purpose. Any partnership that does not proceed on that basis is, in their view, destined to fail (or at most be less effective than it otherwise could be). These two chief executives considered that high performing schools who wished to depart their chain (after due discussion) should be allowed to do so, as it was unlikely that any future collaboration with that school would be effective. One chief executive drew an analogy between individual teachers within a

81 Hill et al, op cit.

school and schools within a chain – however beneficial a high performing and experienced member of staff is in a school in terms of their ability to provide wider support and professional development, if they decide that they wish to leave than there is limited benefit in the school keeping them against their will. Far better for a school (or a chain) to focus on succession planning, growing internal talent across the organisation, and building internal capability that way.

“However beneficial a high performing and experienced member of staff is in a school, if they decide that they wish to leave than there is limited benefit in the school keeping them against their will”

Government should task the Regional Schools Commissioners or Directors of School Standards to a) set up and then b) oversee this newly autonomous system. This may mean an increase in scope and funding for this function.

The plan for the Regional Schools Commissioners or the Directors of School Standards has already been set out by the Coalition Government and the Labour Party respectively.

“From September 2014, eight regional schools commissioners will be responsible for taking important decisions about the Academies in their area. The commissioners will make decisions on applications from schools wanting to become Academies and organisations wanting to sponsor an academy. They will also be responsible for taking action when an academy is underperforming. The commissioners will not be involved with Academies that are performing well or with local authority-maintained schools. Each commissioner will be supported by a board of five or six outstanding academy headteachers, who will be elected by other academy headteachers in the region.”⁸²

“The Director of School Standards would facilitate intervention to drive up performance – including in coasting and ‘fragile’ schools. He or she would take into account the views of parents and the wider community, and would broker collaboration between schools and across local areas. This approach would build on the success of London Challenge and in terms of procurement and support, the Hackney Learning Trust. The aim of the DSS would be to ensure the spread of good practice and drive the raising of school standards wherever poor performance exists. Parents would have the right to request intervention from the DSS where concerns had not been adequately addressed. Clearly, Ofsted inspection reports and performance against floor targets would be key, but discretion would be in the hands of the new DSS. The DSS would also be responsible for the planning of additional places using LA data and intelligence, and he or she would subsequently oversee the process of competition for new schools... the new post would have a small back up secretariat providing only the most essential administrative support, with information, data and where necessary intervention drawn from the DfE, Ofsted, and the relevant diocesan and Local Authorities. Schools, whatever their status, would be required to provide any data requested and fully cooperate with the DSS.”⁸³

The parameters of the remit of the RSCs or DSSs is outside the scope of this report and as such is not commented on here, save to note that it is likely that some of the local authority functions over school improvement will flow to the RSC/DSS under the proposals set out here as mentioned above. It is also worth noting that in

82 Department for Education, “Regional schools commissioners to oversee Academies” 23 December 2013.

83 David Blunkett review for the Labour party, op cit, recommendation 2.

steady state, a fully academised system will require greater level of oversight than the eight Regional Schools Commissioners currently in place to oversee around 55% of secondary schools and 11% of primary schools. Labour's plan is to have between 40 and 80 Directors of School Standards to oversee the greater number of schools under their remit than RSCs are planned to do. This report suggests that, following the academisation of all primaries, a number of a similar scale to this may well be needed – in practice, perhaps forming sub regional teams under regional offices.⁸⁴ This is because as well as oversight of the new greater number of schools under the remit of the middle tier, the RSC/DSS will have a consequently greater task in re-brokering greater numbers of Academies between chains.

Of more interest here, perhaps, is the temporary additional duties which this report suggests that the RSC/DSS would need to take on during the period of 2015–2020. Looking at the administrative process surround Transforming Community Services, it is clear that the RSC/DSS are best placed to fill the important functions of setting up the process of schools organising into chains, approving specific proposals, and managing the process. This report envisages that this role will include:

- Facilitating discussions between all primaries in their region as to what their options are – with a particular focus on high risk primaries (discussed more below);
- Seeking high performing primaries, secondaries, and existing chains who will step up and form the basis of new and expanded chains;
- Formally approving all proposals for new chains to be created and for the destination of each primary school over the 2015–2020 period;
- Building capacity in their area amongst new chains and leading schools to get them ready to take on greater numbers of schools;
- Generally promoting, raising awareness and sharing best practice between primaries as to the best ways forward, including brokering initial discussions between primaries and potential new chains;
- Speaking to all local authorities within their area to seek their views on creating Learning Trusts.

The scale of this task should not be underestimated. This is a sizeable change management programme. To give a sense of scale, the current eight Regional Schools Commissioners have, on average, around 2,000 primary schools under their remit, and 20 or so Local Authorities (the geographical details and numbers of the proposed DSSs have not been released, but if there were to be 80 of them, then we might expect there to be around 200 primaries under each one, and one or two or three Local Authorities depending on their size). Managing this change process this will require significant additional resource into this function on a strictly limited five year programme management basis – which may mean a reallocation of resources from the central DfE officials dealing with new Academies, sponsor management, and rebrokering, much of whose functions will be folded into this new task. One of the immediate priorities for the RSC/DSS during the brokering phase will be exploring how to address the higher risk primaries who may be less attractive to chains in this demand led system. This is considered further in Chapter 4.

⁸⁴ This endorsement of a larger number of what we can term here 'middle tier officials' is not a comment on any wider element of the competing proposals for what RSCs or DSS will do in steady state as currently planned, which as noted is outside of this report's scope.

One of the additional duties that will fall to the RSC during both set up and steady state phase will be scrutinising potential conflicts of interest, following the report of the Education Select Committee. Whilst the committee found that the regulation of conflicts of interest in Academy trusts has improved in the past two years, they concluded that *‘the checks and balances on Academy trusts in relation to conflicts of interest are still too weak.’* This is an important area for the RSCs and the DfE to focus on, and the urgency of this action would obviously increase as the number of Academies and chains rises.

Such a set of reforms, as proposed here, would allow for the development of a primary sector with greater strength in capacity and capability to address the challenges outlined in Chapter 1 and take the next stage in primary improvement.

4

Chain Reactions

“Effective schools use every tool they can to honour, develop, understand and study their teachers. The freedom to do that is the freedom that matters.”

Doug Lemov, giving the Inaugural Policy Exchange Education Lecture,
September 2014

This report has demonstrated how a reengineered academies programme in the primary sector has the potential to push up performance. It would do this by enabling headteachers to choose the support that their school requires. As schools improve and their needs change, so too can the support. In effect, chains – held accountable by the schools themselves and Ofsted inspections – will constantly evolve. This has the potential to change what a Local Authority staff member described as the ‘endless peaks and troughs of school performance’, which can occur when a school outgrows its Local Authority’s school improvement plan, but funding is still tied into that programme. Chains will also allow for the effective dissemination of best practice. Whether it is one school sharing its maths curriculum, or deploying its best teachers to the weakest schools in the chain or schools pooling funding to buy in specialised HR or IT or finance support, chains offer an immediate potential for building capacity and capability.

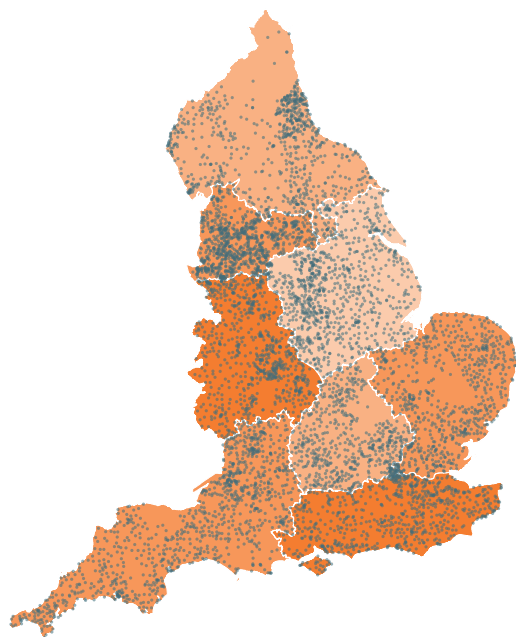
This chapter concludes the report by considering some immediate priorities both for the system and within schools, which the new chains – particularly with a focus on the primary sector – need to address.

System led issues

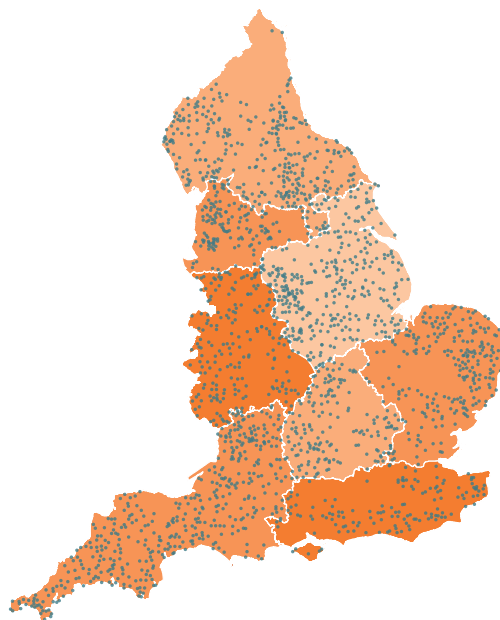
1. Small schools

As noted in chapter 3, a demand led system will lead to primary schools making their own decisions as to how they wished to be grouped, but the RSC/DSS will also play a vital role, both in approving the final proposals but also brokering relationships between new or existing chains and schools which may be less immediately attractive to work with. One of the issues to be considered is size.

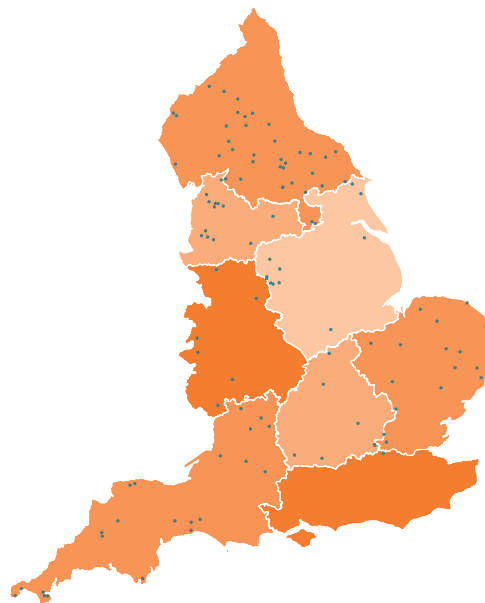
Figure 4.1 illustrates the distribution of schools that have a pupil roll of 210 (one form entry or less) across England, with the colours representing the new RSC regions. 37 per cent of all primary schools fit into this category. They are distributed evenly across the country, although there are concentrations in cities.

Figure 4.1: Primary schools with 210 pupils or fewer on roll

Within this large group, there are a number of schools which could be termed 'small schools'. Figure 4.2 below shows there are 1,975 schools with 100 or fewer pupils on roll.

Figure 4.2: Primary schools with 100 pupils or fewer on roll

And within this group, there are a number of schools which are extremely small – who have fewer than the equivalent of one normal class (30 pupils) in the entire school. There are 113 schools which fit this definition.

Figure 4.3: Primary schools with 30 pupils or fewer on roll

Building capacity and capability in small schools as standalone institutions is particularly difficult because of their budgets. Without strength and financial resilience, small schools are at greater risk of underperformance but standalone academy status is, generally speaking, unfeasible (and indeed almost always rejected by DfE on that basis). However, Chapter 2 of this report detailed how small schools are also unattractive to sponsors that wind up cross-subsidising small schools with the budgets of larger schools in their chain.

The priority for the RSC/DSS will therefore be considering the future of these small schools (as well as other high risk schools that either by virtue of geography, current pupil standards, or any other elements of the current set up⁸⁵ are less attractive for chains to take on, and who therefore may be overlooked in favour of easier to manage schools). This element of any competitive quasi market process – sometimes termed ‘skimming’ and ‘parking’ (or ‘creaming’ and ‘dumping’) – is something which needs to be corrected for. It should be noted that absent any ability for chains to make a profit, and with no performance related outcome payments (in contrast to say welfare to work contracting), such incentives will be lessened – indeed, the proportion of pupils in current sponsored Academies who are eligible for Free School Meals is higher than the average across all state funded schools, as is the proportion of pupils with identified Special Educational Needs, suggesting sponsors are not turning away from schools who have large number of pupils who may be more vulnerable and disadvantaged.⁸⁶ Nevertheless, provision needs to be made for providers of last resort. This report suggests two alternative ways forward:

- Firstly, the Learning Trust, where appropriate, could take on (and potentially be funded for) an additional duty as a ‘provider of last resort’. In practice, this would mean that if no chain was willing to accept the application from a school to join them, and the RSC/DSS was unable to broker a solution, then

⁸⁵ For example, a need for significant immediate capital investment.

⁸⁶ DfE Academies, “Annual Report” (2012–2013) Figure 6.

the Learning Trust would be required to take on the school – to either keep them for the foreseeable future, or on an explicitly short term basis with a view to re-brokering them where an alternative can be found in the future.

- Alternatively, the RSC/DSS could be given the ‘provider of last resort’ remit, with a duty to incubate such schools within their own small ‘chain’ (run at arms length from the main RSC/DSS functions) and re-broker them as soon as possible.

The first option has the advantage in that a Learning Trust is more suitable to support struggling schools than the RSC/DSS, whose function is an overseer rather than a direct school improvement provider. However, if seeking to create a level playing field between competing chains, then it might seem reasonable not to burden the Learning Trust with what by definition are unpopular schools with more issues to sort out – this would be the rationale for treating all chains equally and asking the RSC/DSS to take on this function. Government will need to consider which of these approaches it prefers.

2. Special schools

Related to the issue of addressing small schools is the question of special schools. There are nearly 1,000 state-funded special schools in England, 109 of which are already academies, and they serve approximately 97,000 pupils. The average size of a special school is much smaller than an average-sized primary school – although special academies have slightly larger pupil number (113) compared to maintained special schools (95), likely for the same reasons that larger primary schools converted to academy status in 2010–2014, as explained in Chapter 2.

Special schools need to be considered as an issue in their own right firstly because they risk suffering from the same size bias as smaller mainstream primary schools, but also because their specialist remit may make them seen as higher risk by some mainstream dominated chains. Going forward, remaining Local Authority special schools should be required to become Academies alongside mainstream primary schools. Existing and new special Academies should also be required to form or join a chain. In view of the fact that Special

Education Needs provision and the new EHC arrangements remain within the scope of Local Authorities (under the new arrangements set out in the Children and Families Act), the report considers it likely that the vast majority of special schools converting to Academy status would join the new Learning Trusts in order to ensure proximity to these statutory services. However, special schools would, as with mainstream schools, retain the right to join any chain that they wished to and was agreed. All chains will continue to work closely with Local Authorities on SEN issues even under this new structural arrangement.

“The organisation of all primary schools into academy chains facilitates the growth of the capacity and capability that is a prerequisite to innovation in the curriculum and elsewhere”

3. Multiple Affiliations and the growth of Teaching School Alliances

Teaching School Alliances are another way of leveraging the power and effectiveness of leading schools and heads to share their expertise across the school system. As of September 2014, there are 600 Teaching Schools across

England (across 488 Alliances) who are formally designated and funded by the DfE to deliver various improvement initiatives including teacher training, CPD, leadership and specialist teacher development, and school improvement. One option is that Teaching School Alliances and other softer school improvement partnerships (for example Challenge Partners or The Bradford Partnership or PiXL or Essex Education Services) could convert to become more formal partnerships – indeed, the Essex and Bradford (and other) examples that already exist give some sense of a framework for what Learning Trusts should look like.

But other TSAs will not wish to go down this route. These looser partnerships – which unlike chains do not have shared accountability or formal partnership structures – should therefore be encouraged and funded to continue even in a wholly academised sector. These offer an opportunity for academies in different chains – and standalone secondary academies not in any formal grouping – to work together.⁸⁷ Moreover, offering school-to-school support between schools irrespective of their formal affiliations is advantageous even in a wholly grouped primary sector. This is important because chains will vary in their offer of services and the needs of a minority of schools in a chain may need to find specific support that the chain cannot justify providing.

Chain led issues

1. Teaching the new National Curriculum

The Government has just introduced a new National Curriculum for both the primary and the secondary phase – something which has been badged as making the English system “the envy of the world”.⁸⁸ However, the curriculum does not apply to Academies who remain free to teach the content in the manner that they choose (with limited exceptions including the use of phonics, and other specific issues as set out in their individual Funding Agreements). The implication is, then, that in a wholly academised system there may be no need for a national curriculum should every school seek an alternative. Such an issue has been raised by some external commentators both as an inconsistency in the system⁸⁹ but also potentially a mythical freedom, with most or all Academies following the new curriculum if in effect students are constrained by the content set out in the syllabi for terminal exams, as well as the belief in what Ofsted will expect to see.⁹⁰ However, the White Paper on the Importance of Teaching addresses this issue by making clear that:

*“We envisage schools and teachers taking greater control over what is taught in schools, innovating in how they teach and developing new approaches to learning. We anticipate that in a school system where Academy status is the norm and more and more schools are moving towards greater autonomy, there will be much greater scope for teachers to design courses of work which will inspire young minds. **But there will still be a need for a national benchmark, to provide parents with an understanding of what progress they should expect, to inform the content of the core qualifications and to ensure that schools which neither wish, nor have the capacity, to pursue Academy status have a core curriculum to draw on which is clear, robust and internationally respected.**”⁹¹ [our emphasis]*

⁸⁷ For example, Cabot Learning Federation's Teaching School Alliance is not the exclusive preserve of the academies in the chain. The current membership of the alliance and the alliance's activities extend to maintained schools and academies that are not formally part of the Cabot Learning Federation, higher education institutions and local authorities.

⁸⁸ DfE, press release, 4 September 2014.

⁸⁹ For example, former Secretary of State Estelle Morris writing in the Guardian January 23 June 2012.

⁹⁰ For example, Dale Bassett for AQA, in his evidence to the Independent Academies Association Commission report in 2012.

⁹¹ White Paper, “The Importance of Teaching” (2010)) op cit.

A fully academised system, following this argument, still needs a national curriculum, even if schools may increasingly move away from it in parts.

There are some indications of the appetite for curriculum reform in the existing cohort of primary Academies. Earlier this year, the DfE conducted a research report into whether Academies use their autonomy. It asked primary and secondary academies to what extent, if at all, their curriculum freedoms had been deployed. Early analysis of whether primary academies use their freedoms suggests that, in the absence of a statutory requirement to use the national curriculum, most will continue to use it to some extent, particularly in core subjects (where the Key Stage 2 tests act as something of an end point to focus on). A smaller proportion of primary Academies will follow the national curriculum in non-core subjects, with higher numbers reporting that they plan not to follow any of it. This is a strong indication that they may develop their own. In fact, across multiple subjects primary Academies are more likely to change their curriculum in non-core subjects than secondary Academies.

Table 4.1: Difference by phase in the proportion of Academies planning to follow the new national curriculum to a great extent or not at all⁹²

	Great extent		Not at all	
	Primary	Secondary	Primary	Secondary
Mathematics	81%	78%	1%	1%
English	79%	77%	1%	1%
ICT	65%	53%	1%	4%
Science	62%	75%	2%	1%
PE	51%	59%	4%	2%
Geography	39%	66%	7%	1%
RE	38%	48%	13%	5%
Modern foreign languages	38%	64%	12%	1%
PSHE	38%	39%	6%	3%
History	37%	65%	8%	1%
Art and Design	36%	60%	6%	3%
Music	35%	56%	7%	3%
Design and technology	34%	56%	7%	2%
Citizenship	29%	35%	11%	11%

In due course, then, the primary sector could reasonably expect to see a greater amount of innovative curriculum development in non-core subjects. In core subjects, the primary sector should expect standards to be pushed upwards by the few chains with the greatest capacity and capability to manage the riskier business of developing curricula in the most accountable, and therefore vulnerable, subjects. But this type of evidence-led curriculum development – building on the new national curriculum to offer something that at least matches but hopefully exceeds and evolves the current national framework – requires greater capacity and capability than is currently found in the primary sector. The organisation of

⁹² DfE, *Do academies make use of their autonomy?* (2014).

all primary schools into Academy chains facilitates the growth of the capacity and capability that is a prerequisite to innovation in the curriculum and elsewhere

2. Subject specialist ITT and Middle Years Teacher Training

The implementation of a new national curriculum expects much more of teachers' subject-specific knowledge and is therefore a tall order for primary school teachers. Primary school teachers are trained as generalists (although the BEd route offers a subject specialism) and neither their initial teacher training nor on-the-job professional development demands that they become otherwise, with relatively few exceptions in subjects like modern languages or computer science. Furthermore, many primary school teachers will not enter the profession with a core subject degree background.

The specific challenges that primary teachers, trained as generalists, will therefore face in the wake of the new national curriculum, are perhaps greater than for some of their more specialist trained secondary peers. The issue of primary subject knowledge deficits amongst some of the teaching workforce have been raised as concerns by teachers and their senior leaders during this research phase.

Increasingly, teachers are being trained via the School Direct route. Government should place more focus on the School Direct criteria to attract and select graduates with core and non-core subject degrees into the primary sector. The National College for Teaching and Leadership should also support the primary sector by directing more resources to developing initial teacher training in subject specialisms, including through designing a more customised middle years teaching programme, which would prepare trainees to teach children in the later years of primary school and early years of secondary school. Taking these two elements together would grow subject specialism in primary phase, to mirror the experience that children in the best preparatory schools receive from their subject-expert teachers. Such training routes would particularly appeal specifically to vertical chains of academies, as subject specialist teachers could both act as subject experts specifically within the primary academies in a chain (and which might be more acceptable to primary teachers than having a secondary subject expert lead training which could be perceived as 'telling us what to teach') and, depending on the status of the middle years teaching route, teach in both primary and secondary settings. Teaching Schools and all-through schools already using Schools Direct would be the obvious places to incubate this new subject specialism selection routes and middle years programme.

3. Early Years

As vertical chains of Academies grow, a natural next step for expansion is into early years settings. This direction of travel is already the case in some very successful chains, for example Ark, which is opening nurseries for children as young as two in some of its primary schools.

Earlier this year, the Nuffield Foundation published a study on effective early years practice. It found that, in the private, voluntary and independent (PVI) early years sector, settings with a graduate member of staff scored more highly on all quality measures. Having a well-qualified staff team is associated with higher quality. This is the case irrespective of whether settings were serving advantaged or disadvantaged communities.⁹³

93 Mathers and Smees, *Quality and Inequality: Do three and four year olds in deprived areas experience lower quality early years provision?* (2014).

With the final year of the Early Years Foundation Stage – the Reception year – already based within the primary school structure, primary schools are already well placed to roll out their provision to younger children. The growth of primary Academy chains therefore offers the potential for more systematic collaboration between schools and the early years phase of education. Academy chains also offer the early years sector better potential for growing their capacity and capability with more opportunities to collaborate with their graduate-trained colleagues in the primary sector.

Schools' expansion into early years provision does not necessarily require existing early years sites to close and relocate. It could for example lead to more organised and planned cooperation between two different institutions; either co-located, co-governed, or simply closely paired.

4. Transparency

In a reengineered schools sector that enables Academies to switch from one chain to another at their discretion, it follows that comprehensive datasets about individual chains' performance should be readily accessible. Transparency is vital for this movement, which goes some way to keep chains accountable from the bottom up.

The DfE currently holds detailed information on the capacity and performance of all existing Academy sponsors. This allows them to assess the likelihood of the chain taking on more schools if there is a need or the chain requests to grow, as well as managing risk across the sector as a

“The growth of primary academy chains therefore offers the potential for more systematic collaboration between schools and the early years phase of education”

whole. Although a limited amount of information on five sponsors is available publicly via “in depth sponsor profiles,”⁹⁴ this is for the purpose of sharing practice rather than holding these chains accountable. The DfE has refused an FOI request to make the current internal data on sponsor ‘grades’ public.⁹⁵ It must be possible, however, particularly under a wholly academised system, to design a set of indices that allow for schools, parents, Local Authorities and the RSC/DSS to scrutinise the performance of the chains.

As per New York's system of school networks, England's chains should have such data set published in a format that is accessible to schools, preferably online to enable the most up to date information to be presented. Information about individual chains should include datasets on the progress pupils make; their Ofsted rating; satisfaction scores from school principals; school retention rates, and information about the chain's philosophy, values and services. Additionally, financial information about chains should be published where this does not breach commercial confidentiality. As a minimum this should include the top-slice charged to its academies for its services.

Schools – much like consumers – should be able to navigate their way through this information in such a way that enables them to compare the characteristics of one chain alongside another. In this respect, the website will provide the functions that many comparison websites provide, for example for purchasing insurance.

94 Department for Education
Increasing the number of free schools and academies to create a better and more diverse school system. (2014).

95 What Do They Know
“Register of Academy Trusts/ Sponsors” (2014). https://www.whatdotheyknow.com/request/register_of_academy-trustssponso.

5

Conclusion

To meet the newer standards demanded by government – and which all parents and pupils should have a right to expect – primary schools are going to have to make significant operational and strategic changes; designing a new curriculum, implementing a new assessment system, meeting stretching new floor targets – and do so in a system with less of the traditional support structures than previously. Many will undoubtedly thrive. But the risk framed in this paper is that a perfect storm will bring too many of them down. Children have one shot at an education, and those who leave primary school ill prepared for secondary will struggle to catch up.

The question for government is how best can the expertise, capacity and capability of the best schools, leaders and teachers be harnessed and magnified in order to deliver benefits across a wider sweep of the system? This report's answer is through groups of schools coming together into formal chains – bound by shared accountability, and with the freedom to make the changes that reflect their community and needs. Academy status will not be

“The question for government is how best can the expertise, capacity and capability of the best schools, leaders and teachers be harnessed and magnified in order to deliver benefits across a wider sweep of the system?”

a panacea; but that is why the report also recommends bringing in as a wide a group as possible to operate chains (including new Learning Trusts spun out from Local Authorities) and allowing Good and Outstanding schools to move between chains where the criteria are met – to allow for a self improving, school led system and

provide competitive pressure amongst the large numbers of chains which will now be created. Such a reform also needs to focus particularly on the issues of smaller schools, of those educating the vulnerable, and of faith communities.

If such a reform is delivered, then we can expect to see a chain reaction developing – with real progress made on tackling an ambitious new curriculum, on supporting teacher training and development, and the continuing growth of other looser partnerships such as Teaching Alliances. And all of this will take place within a broader democratic framework where Local Authorities can truly discharge their functions as champions for all children, unburdened by their conflict between commissioner and provider. This should indeed be the primary focus of the government after 2015.

Pupils' performance in primary schools has steadily improved in recent years, but Headteachers and their staff face a perfect storm of challenges that threaten to stall this progress or put it into reverse gear.

The introduction of a new curriculum, and new methods of assessing pupils' progress, at the same time as funding for Local Authorities' school improvement services is withering away and fewer senior teachers are willing to step up and become Headteachers. This means that primary schools are struggling with the capacity and capability they need to meet the more demanding standards government expects pupils to reach at 11.

This report focuses on how the primary sector can create the means necessary to facilitate effective school partnerships that give primary schools the best possible chance of improving outcomes for all pupils. It proposes that all primary schools must become Academies and join a chain or partnership of schools of their choice over the 2015–2020 period. This building of partnerships is the most effective way of ensuring that Heads and teachers can focus on the development of high quality teaching and learning to meet the new, higher expectations.

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