

# Anti Academies Alliance



‘Volunteer’ converter academies briefing



## Why are schools choosing to become academies?

There is huge political pressure for schools to convert. Government is using a ‘carrot and stick’ approach. Schools in OFSTED categories can be forced. By raising the ‘floor targets’ Gove intends to force more schools (see our Forced Academies briefing). But other schools have a choice. Over half of secondary schools have chosen academy status, but only about 6% of primaries have done so.

The Secretary of State for Education, Michael Gove MP, has made clear he wants all schools to be academies by 2015. He is using additional financial incentives and DfE hired brokers to pressure schools to convert. As a result, many head teachers and governors are assuming this is the ‘only game in town’ or that it is ‘inevitable’. Those supporting academy conversion cite a number of reasons, all of which they claim are positive benefits and all of which are dubious. For example, they argue that:

● **“There is more money for academies”** – There is no extra money for academies. There is a grant for the legal costs of transfer. Academies gets ‘LACSEG’ money that the Local Authority used to spend on services to schools. But academies still have to buy

equivalent services, often paying more for them.

● **“There is more ‘freedom’ for academies”** – Academies stop being part of the local family of schools under the Local Authority. They become directly controlled by central government through a ‘funding agreement’. They have freedom to vary the curriculum, pay and conditions and the school day. Academies do not have to employ qualified teachers or follow other regulations e.g. on school food. These freedoms are presented as a benefit, but who benefits? There is no evidence that children benefit. Your current head teacher and governors may promise that they will follow the existing regulations and nothing will change but how long will they be in post?

● **“The Local Authority can no longer provide services”** – Local Authorities (LAs) have seen severe cuts and this has reduced the services available. But they continue to have statutory responsibilities for children. There is no question of this ‘middle tier’ disappearing (the recent Academies Commission recommended that local

authorities should “embrace a stronger role in education”). Some LAs are now improving services and increasing their support for schools. Others are trying to ‘wash their hands’ of responsibility for political reasons.

Unfortunately some head teachers, and the consultants they employ to promote academy conversion, are overstating the benefits. They have a vested interest in doing so. Estimates suggest head teachers’ pay is 30% higher in academies. Schools often recruit private companies such as Strictly Education to manage the process and they make profits out of each conversion.

### How is the decision to convert made?

The governing body of the school makes the decision often with only a limited consultation. This has created much controversy. Why are other stakeholders – parents and staff - not given democratic rights in the decision making process? This issue lies at the heart of the concerns about academy status. If it is such a good idea, why can’t all stakeholders have a say in the decision? >>>

# What should you do if your school is considering academy conversion?

● **Act quickly** – The process of decision making can be as short as six weeks! Ask the head and governors to be clear and transparent about the process.

● **Get advice** – The AAA has resources and advice available by email, phone or on our website and social media.

● **Demand full and democratic consultation** – Staff and parents have a right to consultation in an open, democratic way. There should be opportunities for both sides of the argument to be heard. In some cases parental and staff ballots have been held and governors have agreed to be

bound by the decisions of stakeholders. This is a really important decision for the community because academy conversion is forever and cannot be undone.

● **Make sure your voice is heard** – Parents and staff can find different ways to make sure they are listened to. This can include petitions, leaflets and protests. The AAA can help. Staff should always seek advice from their trade unions.

● **Use the local media** – Academy conversion is a controversial issue. Most local media outlets – radio, TV and

newspapers – will cover the issue sensitively. You can also use social media like Facebook and Twitter.

● **Build alliances with other stakeholders** – Schools have different stakeholders – parents, future parents, staff, the local community and political representatives such as MPs and Councillors. It is important to involve all these groups in the discussion.

● **Be prepared for hard hitting and coordinated action** – Experience has shown that academy conversion can be stopped when parents and staff take action together.

## Ten things you should know about academies

1. Academy conversion means schools become businesses run by directors of a trust. The trust appoints its own governors to run the school. Critics argue that this is 'privatisation'.

2. Academies are exempt from most education legislation (e.g. they can employ unqualified teachers and ignore school food regulations) and they can change their admissions criteria. The 2013 Academies Commission reported that there is evidence that schools that control their own admissions are more likely to be socially selective.

3. Academy conversion is motivated more by politics than educational 'best practice'. Mr Gove wants to create a 'market' in education in which schools compete with each other. He calls this a 'supply side revolution'. But research, for example on the London Challenge, shows that children do better when their schools

collaborate rather than compete.

4. Academy conversion is part of the government's agenda to privatise public services, as in the NHS. There are now several big businesses running chains of academies. These chains want to expand and they can take over volunteer academies.

5. Head teachers are being encouraged to set up their own chains of academies by 'mergers and acquisitions'. There is no guarantee that your headteacher and governors will stay on.

6. There is no evidence that becoming an academy improves a school. Some academies have been successful. But some are failing. The government presents the statistics to make academies appear more successful than other schools.

7. Critics argue the academies programme is having a negative impact on the wider education

system. After 10 years of the programme, UK schools remain 'among the most segregated in the developed world' according to a recent OECD report.

8. Although academies are not run for profit, there are many companies making profits from the programme. Other schools are being run on a 'for profit' basis and the Secretary of State has said he would be comfortable with academies making profits.

9. Critics warn that, as the impact of austerity becomes more severe, school budgets will be threatened. They say it is better for schools to stick together in their local family of schools.

10. Academy conversions can be successfully opposed. We rarely hear success stories in the national media, but many schools have considered conversion, and rejected it.

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## Forced academies briefing



# What is wrong with 'forced' academies?

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

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

businesses' in order to privatise the school system.

### Are these schools 'underperforming'?

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

### Who are the sponsors?

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

employ unqualified teachers while paying their chief executives telephone number salaries. Academy sponsors no longer have to make a donation; instead they can be given grants for taking on more schools.

### Do academies work?

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

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

### Whose schools? Our schools

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

### How do we improve schools?

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

### Forced academies and the law

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

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

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

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

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

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

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

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

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

# Campaigns can win

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

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

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

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## 'Free Schools' briefing



# Why we oppose 'Free' schools

Michael Gove claims that Free schools are about driving up standards and meeting the need for new school places. The evidence suggests otherwise.

### Shortage of school places

There is a serious shortage of school places, with more than a quarter of a million extra places needed by 2014-15. The government is relying on the market to provide school places for our children through groups of local parents starting up Free Schools. These are state funded schools and as academies they are approved by, and report directly to, the Secretary of State for Education, with no local democratic accountability. With no local authority checks on their quality, concerns about standards in the free schools are increasing, and Ofsted has judged three of the first nine inspected to require improvement. The publicity will tell you that it is parents, teachers and charities that set up free schools but they are dominated by religious groups or businesses who want a slice of the action.

### Effect on local schools

Free schools can take pupils and hundreds of thousands of pounds of funding from other local schools. Free schools can advertise for pupils by criticising their neighbouring schools. For instance Hackney New School says it's being set up 'due to parental demand for better standards in local education',

but the government says Hackney's secondaries are already amongst the best performing in the country.

### Pet projects

Despite the austerity programme, the government has pushed through this £6 billion pound project based on free market ideology and selective use of evidence. In 2012, the National Audit Office criticised a £1 billion overspend on academies and free schools. Bolingbroke Free School in Battersea, which the Ark academy chain opened in September 2012, received £25.95m from the Department for Education in site acquisition and construction costs. That would be enough to educate tens of thousands of children in existing schools. If all children are to achieve their very best, it stands to reason that resources should be directed to all schools not just a handful catering for a tiny minority of pupils. The Secretary of State spent another half a million on the 'New Schools Network', a charity to champion free schools. Their founding chief executive has since been recruited to head up 'Amplify' – a subsidiary of the Murdoch empire which markets technology to schools.

### Divisive

The Secretary of State says that free schools are designed to bring high quality education to hitherto deprived areas but an analysis by the Financial

Times in 2013 showed that there are 3-4 times more free school bids in London and the South East than in Yorkshire and the North West. Poorer areas are receiving just a fraction of the new facilities. Data collected by Gooch in 2012 show that the overall proportion of pupils eligible for free school meals at free schools was 9.4%, significantly lower than the national average of 16.7%. The West London Free School says it takes more disadvantaged children than its borough average but, when compared with its immediate neighbours, it's taking fewer.

### International comparisons

Proponents often cite the initial success of Swedish free schools. However Sweden is now sliding down the international comparison tables and in May 2010, their education minister said 'We have actually seen a fall in the quality of Swedish schools since the free schools were introduced ... The free schools are generally attended by children of better educated and wealthy families, making things even more difficult for children attending ordinary schools in poor areas' and he added: 'Most of our free schools have ended up being run by companies for profit'.

In the US, Charter Schools were initially hailed as a great success for children in poor areas but now they recruit fewer children with

>>> special needs or entitled to free school meals than district schools. Yet even with this bias in admissions they do not perform any better than their state run counterparts (CREDO study, Stanford University 2009).

The UK education system is among the most socially segregated in the world (OECD 2010) whereas Finland is much less segregated; in fact Finland has no private schools. Finland has a systematic approach involving every school and every teacher in improving teaching. Ben Levin, of the University of Toronto, said in 2012 that no high performing system can operate on the basis that every school is autonomous. Rather, all high performing systems pay attention to every school, every teacher and every child.

## Seckford Foundation

The Seckford Foundation operates private nursing homes and a private school in Suffolk. They've said that moving into the state school sector will help them cut costs in their private enterprises.

Although there were already popular state comprehensive schools nearby and no significant shortage of places, Seckford put in a proposal to open two free schools in Suffolk. Education consultant Rob Cawley was recruited to investigate whether the proposal was viable. After deciding that proposal should go ahead, Mr Cawley was appointed as executive principal of the two free schools. The two schools opened in September 2012 with hundreds fewer pupils than planned. Each empty space is costing the taxpayer £1,000s which could have been spent on existing schools.

## Ten things you should know about free schools

1. Like academies, free schools are exempt from most education legislation. For example, they do not have to employ qualified teachers or follow school food regulations.
2. The concept of free schools is motivated more by politics than educational 'best practice'. Mr Gove wants to create a 'market' in education in which schools compete with each other. He calls this a 'supply side revolution'. But the evidence is clear - schools do better when they collaborate.
3. Critics say that free schools, and academies, are part of the government's agenda to privatise public services, like in the NHS. Local councils are forbidden from opening their own new schools and now several big businesses are running chains of free schools and academies. Head teachers are being encouraged to set up their own chains of free schools and academies through 'mergers and acquisitions'. Independent, fee-paying schools are converting to free school status to take advantage of public funding.
4. Public resources are being used to benefit the wealthiest parts of the country where attainment is already higher. For example a new primary free school in a wealthy North London suburb cost £6 million for just 60 pupils. Overall the free schools and academies programme has overspent by £1 billion.
5. Because the government believes that the market will provide sufficient places, there is no national or local planning. What happens to the children already in the schools that may not succeed in this market? Or the children who do not have a school place while we wait for the market to provide a solution?
6. There is no evidence that increased autonomy improves schools. Free schools are new but they are governed in the same way as academies and, while some academies have been successful, some are failing.
7. Critics argue the free schools and academies programme is having a negative impact on the wider education system. After 10 years of the academies programme, UK schools remain 'among the most segregated in the developed world' according to a recent OECD report.
8. Although free schools and academies are not run for profit, there are many companies making profits from the programme. Some schools are being run on a 'for profit' basis. Mr Gove has said he would be comfortable with state funded schools making profits.
9. Critics warn that, as the impact of austerity becomes more severe, school budgets will be threatened. They say it is better for schools to work together in their local family of schools.
10. Free schools can be successfully opposed but we rarely hear these success stories in the national media.

# How to campaign

- **Act quickly** – As soon as you hear about a proposal, write to the proposers demanding that they be clear and transparent about themselves and the process. Contact heads and governors of nearby schools and tell them that their pupil numbers and their reputation could be affected by the proposed school.
- **Get advice** - The AAA has resources and advice available by email, phone or on our website and social media.
- **Demand full and democratic consultation** – Local communities have a right to consultation in an open, democratic way. There should be opportunities for both sides of the argument to be heard.
- **Make sure your voice is heard** – Stakeholders can find different ways to make sure they are listened to. This can include letter

writing, petitions, leaflets and protests. The AAA can help. School staff should always seek advice from their trade unions.

- **Use the local media** – Free schools are a controversial issue. Most local media outlets – radio, TV and newspapers - will cover the issue sensitively. You can also use social media like Facebook & Twitter.
- **Build alliances with other stakeholders** – Schools have different stakeholders – parents, future parents, staff, the local community and political representatives such as MPs and Councillors. It is important to involve all these groups in the discussion.
- **Be prepared for hard hitting and coordinated action** – Experience has shown that free schools can be stopped when communities take action together.

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