



Why a move to MATs is not the answer

An NUT Briefing

Introduction

Since March 2016, when the Conservative Government released its White Paper, *Educational Excellence Everywhere*, there has been growing opposition from across the political spectrum to plans to force academy status on England's schools.¹ This widespread opposition forced a tactical retreat by Secretary of State for Education, Nicky Morgan, on her initial proposal that all schools must become academies by 2022.

But while the tactics may have changed, the Government's intention remains the same. It remains committed to all schools becoming academies within the next six years but it intends to achieve this by a different route. It has set out plans to forcibly academise schools in so-called 'failing' or 'unviable' local authorities (those that have reached an undefined 'tipping point' in relation to the number of schools that have become academies); use existing legal powers to force 'coasting' schools into academy status; and encourage 'good' and 'outstanding' schools to convert voluntarily.²

In addition, schools and local authorities face the challenge of continuing to deliver high quality education in the context of dramatic cuts in school funding alongside a significant reduction in the Education Services Grant (ESG) that enables councils to deliver authority-wide education services such as music education, speech therapy, physiotherapy and safety checks on school staff.

In this context, some local authorities have begun to consider establishing alternative structures to support schools – such as a Schools Partnership in Tower Hamlets to take over the council's school improvement function.³ Some councils have considered 'home-grown' or local MATs as an alternative to struggling schools being taken over by a hostile chain. The NUT believes the latter approach will not avoid any of the problems associated with multi academy trusts (MATs) that are described in the following pages. Furthermore it may result in more local schools being at risk of being forced into MATs by pushing the local authority further in the direction of being declared 'unviable'.

Despite the challenging climate for education, councils across the country and of all political persuasions are continuing to champion their important role in education and to demonstrate their commitment to the continuation of a local authority family of maintained schools as the most democratic and accountable system for ensuring high-quality, inclusive and comprehensive education.

Responding to the announcement in the Queen's Speech on 18 May that the Government would bring forward an *Education for All Bill* to enact its revised proposals, Cllr Roy Perry, the Conservative chair of the Local Government Association (LGA) Children and Young People

¹ <https://www.teachers.org.uk/campaigns/white-paper/conservative-opposition>

² <https://www.gov.uk/government/news/next-steps-to-spread-educational-excellence-everywhere-announced>

³ <http://api.the-partnership.org.uk:8080/wp-content/uploads/2016/04/Propectus-1.pdf>

Board, said: “The LGA strongly believes that all schools should have the choice to stay with their council or convert to academy status, and remains opposed to any forced academisation.”⁴

Cllr Perry went on to say that councils should be “regarded as education improvement partners” and pointed out that Ofsted has judged more local authority maintained schools to be good or outstanding (81%) than academies (73%). He also criticised proposals to transfer oversight of schools to unelected Regional Schools Commissioners. He further warned that the proposed £600m cuts to the ESG could impact on children’s welfare and standards.

Cllr Nick Forbes, the Leader of the LGA’s Labour Group said: “While the partial U-turn is welcome, the Government have still identified two areas where they can still forcibly convert schools.” He added: “Our campaign to fight forced academisation continues”.⁵

1. Neither academies nor MATs perform better academically

“It is now widely recognised that ‘academisation’, and the competitive system it is intended to encourage, has had no discernible impact on standards. Whatever the real arguments for academies, they cannot be based on an assertion that academisation will ‘drive up’ standards.”⁶

(Forum’s response to the White Paper)

Forcing local authority maintained schools into multi academy trusts (MATs) cannot be justified on educational grounds. Even Schools Minister Nick Gibb has conceded that, “this Government does not believe that all academies and free schools are necessarily better than maintained schools.”⁷

Read the NUT’s EduFact on *Academy Status, Pupil Attainment and School Improvement* lists for some of the evidence confirming that conversion to academy status does not improve pupil attainment in national tests and exams.⁸ For example:

- In January 2015, the all-Party House of Commons Education Select Committee concluded that: “We have sought but not found convincing evidence of the impact of academy status on attainment in primary schools”. It added that, “it is too early to judge whether academies raise standards overall or for disadvantaged children”.
- Analysis of 2015 test and examination data by Henry Stewart, a founder of the Local Schools Network, showed that sponsored primary academies’ results increased at a slower rate than similar non-academies; and that sponsored secondary academies are also improving at a consistently slower rate than similar local authority maintained schools.
- Analysis of DfE data released under a Freedom of Information request in July 2015 showed that a school rated ‘inadequate’ by Ofsted was almost four times more likely to remain ‘inadequate’ at its next inspection if it became a sponsored academy than if it remained a maintained school.

There is specific evidence which questions the effectiveness of MATs:

- A report by the consultancy PwC, published on 9 May 2016, completely contradicts the Government’s claims about the effectiveness of MATs. It revealed that only three of the 16 largest secondary academy chains could demonstrate a positive impact on pupils’ progress, while just one of the 26 largest primary sponsors produced results above the national average.

⁴ <http://www.publicsectorexecutive.com/Public-Sector-News/councils-oppose-forced-backdoor-academisation-plans-in-new-education-bill>

⁵ http://lgalabour.local.gov.uk/home/-/journal_content/56/330956/7836044/ARTICLE

⁶ <https://forum3to19.org/2016/05/02/education-excellence-everywhere-forums-response-to-the-white-paper/>

⁷ <http://schoolsweek.co.uk/nick-gibb-tells-researched-academies-are-not-necessarily-better-than-maintained-schools/>

⁸ <https://www.teachers.org.uk/edufacts/academy-status-and-school-improvement>

- The Sutton Trust has produced two reports looking at the impact of academy chains on low income students in secondary sponsored academies: Chain Effects (an analysis of 2013 GCSE results published in 2014) and Chain Effects 2015 (an analysis of 2014 results). Both reports found “very significant” variation in outcomes for disadvantaged pupils, both between and within chains. In 2013 only 16 out of 31 chains exceeded the improvement for disadvantaged pupils in 5 A*-C GCSEs including English and maths for all mainstream schools. The report also concluded that “far from providing a solution to disadvantage, a few chains may be exacerbating it”. The 2015 report indicated a worsening situation concluding that the “contrast between the best and worst chains has increased in 2014”.

2. MATs threaten the break-up of comprehensive education

“There is no evidence base to support this claim [that ‘academisation’ will drive up standards]. So why the drive to academisation? The answer lies in understanding that academisation is not about quality education for all but about a fundamental transformation of the English school system whereby public schools are transferred into private hands ... The process is initially gradual as individual schools are forced to become academy schools and in due course all schools are drawn into Multi-Academy Trusts. In turn these Trusts become larger and larger.”⁹

(Howard Stevenson, University of Nottingham)

Government policy is not based on evidence but instead is driven by a political perspective and political choices. There are clear similarities between the attempts to introduce market-based ‘reforms’ to the National Health Service and forcing England’s schools into MATs.

Allowing such a policy to take hold on education in England could prove as disastrous as the failed free school experiment in Sweden which has dramatically lowered the country’s standing in global education rankings.¹⁰ Sweden’s failed policy also led to widening inequality, confirming that when schools are encouraged to compete with each other in a marketised system, the most disadvantaged young people are likely to lose out the most.

Similar trends are becoming apparent in the academy model. In 2015, the Office of the Schools Adjudicator reported concerns about how schools in charge of their own admissions policies – most of whom are academies – can manipulate procedures to their own advantage. Richard Garner of the Independent commented, “academies are selecting by stealth by making their admission rules so complex that parents fail to understand them”.¹¹ A report by the Centre for High-Performance, a team of academics from the universities of Oxford and Kingston and the London Business School, describing the lessons from 160 academies on how best to turn around a ‘failing’ school stated that the findings suggest academies should make eight changes, one of which was to, “exclude poor quality students, improve admissions and acquire a local primary school.”¹²

There are particular concerns about how academies will support children with SEND, especially if local authority support services no longer exist as a result of mass academisation. A joint statement from five education unions representing education psychologists, teachers, head teachers and support staff explained that this would, “fragment still further access to local authority support services, such as support for disabled children and young people and those with special educational needs, and weaken local co-ordination of education provision. This is likely to have a particular impact on disadvantaged or vulnerable children and those with SEND.”¹³

⁹ <https://www.unite4education.org/global-response/england-rushes-forward-with-school-privatisation-agenda-but-outcomes-far-from-certain/>

¹⁰ <http://www.theguardian.com/world/2015/jun/10/sweden-schools-crisis-political-failure-education>

¹¹ <http://www.independent.co.uk/news/education/academies-deliberately-baffle-parents-to-select-by-stealth-9984002.html>

¹² <https://johntomsett.files.wordpress.com/2016/04/full-research-report.pdf>

¹³ <https://www.teachers.org.uk/news-events/press-releases-england/joint-statement-plans-all-schools-academies>

The growth in the number of academies and MATs is likely to facilitate further breaches and undermining of the Admissions' Code and threaten the continuation of comprehensive education in England, with disastrous consequences for equity and inclusion.

3. Local MATs put all local schools under threat of forced academisation

*“The government will bring forward legislation which will trigger conversion of all schools within a local authority in two specific circumstances: firstly, where it is clear that the local authority can no longer viably support its remaining schools because a critical mass of schools in that area has converted ... secondly, where the local authority consistently fails to meet a minimum performance threshold across its schools”.*¹⁴

(DfE and Nicky Morgan, 6 May 2016)

In the light of the policy announcement made by the Secretary of State for Education on 6 May, local authorities need to consider very carefully what the effect of encouraging the development of 'home-grown' or local MATs will mean to their 'viability'. The DfE has not yet spelt out how an 'unviable' local authority would be defined, although it is likely that the definition will be set in a way that assists its goal of full academisation by 2022.

An initial analysis by the think tank Centre Forum shows that if the threshold for 'viability' was set as being 60 per cent of pupils remaining in maintained schools, then more than half of the total number of councils would be declared 'unviable' already.¹⁵

So, under the latest Government proposals, even a small number of schools becoming academies could see the whole local authority being declared as 'unviable', meaning every single one of its schools would be forced into becoming an academy. This would include all of its primary schools, where a large majority are likely to remain maintained. Councils that encourage MATs are not only helping the Government to attain its goal of full academisation, they put every one of its schools at risk of conversion.

4. Schools will have better financial protection within their local authority

Thousands of schools already face severe cuts to their budgets under the combined impact of rising costs, especially for teachers' pensions and national insurance contributions, and the predicted effects of the proposed National Funding Formula. The NUT has published figures on how much funding each local authority area will lose based on data from the f40 funding campaign group. They show that every area except one would lose funds once inflation is taken into account. London Councils will be particularly hard hit, with an overall 12% cut to London school budgets by 2020 but with cuts of over 20% in some Inner London boroughs.¹⁶

It is important that schools considering academisation recognise that academies will be hit just as hard by these cuts as maintained schools. In fact, without the 'economies of scale' available to LAs, academies may well be worse off. This is on top of the cuts academies have already experienced due to the Government's cuts to the Education Services Grant. Joining a MAT does not solve the problem.

Furthermore, there is increasing evidence of a growing layer of well-paid bureaucracy within MATs, taking resources away from front-line teaching and learning. One head teacher recently wrote in the TES, "we see even smallish multi-academy trusts with chief executives earning more – sometimes much more – than the prime minister. We see chains employing small

¹⁴ <https://www.gov.uk/government/news/next-steps-to-spread-educational-excellence-everywhere-announced>

¹⁵ <http://centreforum.org/analysis-education-excellence-everywhere-white-paper/>

¹⁶ <https://www.teachers.org.uk/sites/default/files2014/false-funding-impact-of-funding-cuts-on-a-new-funding-formula-london.pdf>

armies of pinstriped executives who talk of standards but rarely set foot in a classroom to teach a lesson they have prepared themselves.”¹⁷

Any local authority contemplating encouraging MATs should be aware that the legal costs of each academy conversion, and the consequent land transfer that goes with it, will also use up resources that they will not have the budget to meet.

Instead of promoting an academisation agenda that will further cut into resources and alienate many parents and staff opposed to the Government’s academy plans, local authorities should work together with communities and education unions to defeat the threatened cuts to school budgets.

5. Don’t ‘jump before being pushed’

*“The first job we have as Labour Councillors is to get the message out that these changes are not inevitable and governing bodies should not rush to convert”.*¹⁸

(Letter from Leaders of LGA Labour Group to Labour Councillors)

The Government’s damaging and risky plans for schools are not inevitable and can be defeated. Local authorities should work towards this aim, not take pre-emptive steps that will help to academise schools by the back door.

Local schools cannot be ‘protected’ from a ‘hostile take-over’ within a ‘home-grown’ MAT. Following academy conversion, the council will cease to have any influence on the direction a MAT takes, as will the individual schools within it. When schools join MATs they cease to exist as separate legal entities. Decisions are taken centrally by those who control the MAT - the members (akin to company shareholders) and Trustees (akin to company Directors). There can be no guarantee that any MAT will act according to the wishes of the local authority nor of the head teachers, parents or staff at the schools.

Even if a local MAT continues to work cooperatively with the local authority, that relationship can easily be changed by the intervention of the unelected Regional Schools Commissioner. Schools can be removed from MATs and ‘rebrokered’ with a different sponsor over which they will be given no choice.¹⁹

The White Paper states clearly that, “at the heart of [our] approach will be supporting the strongest schools and sponsors to expand their reach”.²⁰ In other words, small ‘home-grown’ MATs could quickly become part of much larger academy chains.

Once in a MAT, there is no going back and a school has no protection against what may happen to it in the future. A school’s best protection lies in remaining maintained and working within the local family of schools with the local authority brokering support where required.

6. No say for parents and communities within a MAT

*“We will expect all governing boards to focus on seeking people with the right skills for governance, and so we will no longer require academy trusts to reserve places for elected parents on governing boards”.*²¹

(DfE White Paper, *Educational Excellence Everywhere*)

Academy trusts are not required to include staff governors or representatives of the local authority or local community on their local governing boards but currently they must set aside a

¹⁷ <https://www.tes.com/news/school-news/breaking-views/i-will-be-last-person-england-dragged-kicking-and-screaming-be>

¹⁸ http://lgaLabour.local.gov.uk/home/-/journal_content/56/330956/7780668/ARTICLE

¹⁹ <https://www.teachers.org.uk/edufacts/regional-schools-commissioners>

²⁰ <https://www.gov.uk/government/publications/educational-excellence-everywhere>, page 19.

²¹ Ibid, page 51.

minimum of two places for elected parent governors. The White Paper makes clear that in future MATs will no longer have to do this. Parents will have no voice in their children's school.

In practice, academy Trustees can decide to do away with local governing boards within their constituent schools, a decision that the E-ACT academy chain has already taken, announcing that it is abolishing local governing boards in favour of one single central governing body covering all of the chain's schools.²²⁾ Even where MATs do establish school governing boards, it is for the Trustees to decide what powers, if any, to delegate to governors.

In contrast, elected parent and LA appointed governors sit on the governing bodies of all community schools and can take up parents' concerns. Councillors themselves can be lobbied and, ultimately, they are accountable to the electorate through the ballot box. Encouraging MATs means removing this local democratic accountability of schools.

7. MATs foster competition, not partnership

"The evidence that the London Challenge was a successful approach to school improvement is overwhelming. It was also comparatively cheap; over three years the funding for City Challenge was £160 million, considerably cheaper than the £8.5 billion reportedly spent on the academies' programme over two years".²³

(Professor Merryn Hutchings, Lead Researcher, DfE Evaluation of London Challenge)

One argument being put forward for encouraging MATs is that it will encourage schools to work in partnership, particularly if local authorities lose both the funding and responsibility to support school improvement. However, for the reasons described above, MATs provide no guarantee that schools will work together across a local authority for the benefit of all local children. The MATs Trustees will determine the direction that it takes and it is far more likely that MATs will be driven by their own interests in the competitive environment created by Government policy, particularly under the pressure of new MAT performance tables proposed in the White Paper.²⁴

There are many other models that could be explored for creating genuine partnership, and a number of local authorities are looking at various approaches. Local Authorities should focus on cost-effective and proven school improvement initiatives, such as local partnerships and federations or larger scale interventions such as the successful London Challenge programme. Significantly, a 2014 National Audit Office report found that informal interventions, such as local support, were more effective than academy conversion.²⁵

The NUT believes the evidence demonstrates that the most successful school partnerships are driven at a local level. They are flexible, involve all local schools, engage the whole community around a shared vision, provide support and challenge without stigmatising weaker schools, work with families of schools, involve a degree of experimentation, develop organically according to local need and circumstance and are based on the notion of trust in teachers and school leaders". Any such partnerships must be built inclusively.

²² <http://schoolsweek.co.uk/e-act-academy-chain-abolishes-local-governing-bodies/>

²³ <https://www.teachers.org.uk/expert-view/why-attainment-higher-london-elsewhere>

²⁴ <https://www.gov.uk/government/publications/educational-excellence-everywhere>, page 110.

²⁵ <https://www.nao.org.uk/report/academies-and-maintained-schools-oversight-and-intervention/>

8. A Focus on MATs is the wrong priority

“The plans are indicative of a Government with the wrong priorities for education. The proposals in the white paper will do nothing to address - and may in fact worsen - teacher shortages, a lack of school places in many parts of the country, chaos over curriculum and assessment changes and funding pressures in schools and colleges”.²⁶

(Kevin Courtney, NUT Acting General Secretary)

The Government’s proposals ignore the real challenges facing education; in fact they will make them worse. The same will be true if local authorities pursue the development of MATs instead of concentrating on the priority issues, not least the school place crisis, teacher shortages, the funding shortfall and curriculum and assessment chaos.

Increased academisation is a direct threat to the national pay and conditions of teachers and other school staff. Local authorities that facilitate MATs in their area will accelerate the break-up of national conditions. They are also likely to make their schools a less attractive prospect for teachers to seek employment compared with other local authorities that are continuing to maintain local schools.

9. Councils need powers to provide new school places

“Since 2010, the Government has restricted local authorities’ legal powers to plan and deliver new school places. They cannot open new schools or direct academies or free schools to expand.”²⁷

(NUT’s 2015 general election manifesto, *Stand Up for Education*)

As the above extract from the NUT’s May 2015 general election manifesto points out, local authorities face significant difficulties in meeting the demand for new school places. Without the power to open new community schools themselves, some councils may regard MATs as vehicles to allow the opening of new free schools within the local authority area.

However, this is a very short-sighted policy. Local authorities must make and win the case for local authorities to have both the power and the funding to open new schools, as championed by the Local Government Association which has called for the Government to reverse its policy of taking power away from local authorities, and to give councils more power to compel academies to offer more places and to open new maintained schools in areas of need.²⁸

10. Encouraging MATs will not engage parents or raise staff morale

Local authorities should consider the strength of opposition to the White Paper’s proposals. Supporting or encouraging MATs will alienate parents and school staff. Local authorities should join the campaign for a national framework for pay and conditions in the interests of cost effectiveness and school outcomes.

The broad and substantial outcry over the Government’s plans has already caused Nicky Morgan to rethink. The NUT urges local authorities to link up with parents, staff, unions and the wider community in opposing forced academisation and demanding that the funding and resources are provided to genuinely meet the needs of all local children.

²⁶ <https://www.teachers.org.uk/campaigns/white-paper>

²⁷ <https://www.teachers.org.uk/files/manifesto-16pp-a5--9623- 0.pdf>

²⁸ <http://www.publicsectorexecutive.com/Public-Sector-News/councils-will-struggle-to-offer-every-child-a-school-place-without-more-powers-lga>