

Governors' Agenda

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Editorial

To Convert or Not: The Academy Conundrum

I Background

There are altogether 24,500 (circa) maintained schools in the country – community, foundation, voluntary aided, voluntary controlled, City Technology Colleges Free Schools, and, of course, academies. The fastest growth – since the Academy Act 2010 received the Royal Assent – has been in the academy sector.

Academies were the brainchild of Lord Andrew Adonis, the former Education Minister in the Labour Government who planted the notion in the minds of Blair and Blunkett when he was an adviser in the Number 10 Policy Unit. Academies were conceived as a way of burning down failing secondary schools (generally in socially disadvantaged urban areas with poor track records of GCSE results) and making them arise like the Phoenix from the ashes. It represented a signal departure from the way state education was offered in England.

Academies are independent of the local authorities and run by boards of governors. The membership of the governing body generally comprises people who may have little or no link with the local community. However, there must be at least one parent governor. The composition must be agreed by the Department for Education. Boards of school governors (in sponsored academies) consist of individuals chosen from businesses by the sponsors.

Definitions have widened to encompass primary and special schools and now, Pupil Referral Units. Academies have spread (the unions would say like weeds) across the country. Sponsors are no longer required and most operating today are described as “converter” academies.

Here are some key statistics.

- (i) 1,580 schools are academies.
- (ii) 1,243 schools converted to academy status since May 2010 – when the Conservative Liberal Democrat government came into office.
- (iii) 578 academies are classed as outstanding by Ofsted.
- (iv) 47% of secondary schools are academies.
- (v) 53% of all outstanding secondary schools are academies.

II Government Reasoning for Establishing More Academies

The government has made much of the advantages of schools converting to academies, key of which are as follows.

- (i) Schools will be freed from the shackles of local authorities and have greater autonomy. They will receive their share of the top-sliced funding that their local authorities hold back centrally for other LA schools as well as allocations from the Department for Communities and Local Government.
- (ii) Academies are not required to follow the national curriculum.
- (iii) Academies raise standards.
- (iv) Academies are their own admissions authorities.
- (v) They are not constrained by the national conditions of service regulations for staff.
- (vi) They are a mechanism for fulfilling the Prime Minister's Big Society dream and pledge of giving power back to the people.

III Analysis of Government's Case

Let's us look at each of these arguments in turn.

(i) More freedom from Local Authorities (LAs)

Schools already have delegated budgets. Under both, the last and present governments, LAs have been required to delegate greater sums of money to schools. They have acted mainly as post offices and the bodies of last resort, when schools have fallen seriously into trouble, acting as safety nets if matters go pear-shaped.

Undoubtedly, however, the extra central funding that academies receive is attractive and the principal reason why schools are engaged in a lemming-like rush to hurl themselves into the Atlantic of lucre.

Each school receives its share of the Local Authority Central Spend Equivalent Grant (LACSEG) based on the number of pupils on roll. The average for a secondary school has been £318 and for a primary, £302 per pupil. However, there are huge variations across the LAs, with the highest in the secondary sector being £771 and the lowest £156. In addition, each academy receives its share of money for SEN pupils. The purpose of the LACSEG is to enable the academy to purchase services that it no longer receives from the LA.

However, academies have a significant monetary advantage over other LA maintained schools by receiving more funding from government than the LACSEG justifies on the basis of the condition of their buildings, the socio-economic intakes, the age-profiles of the staff and the delegation policy of the LAs to which they had belong. The extra could be as much as 65% according to Peter Downes, a Liberal-Democrat Councillor from Huntingdon who was the former head of a secondary school in Cambridge. This central grant varies from one financial year to the next and no one can be certain of the reasons for the extra sum (on top of what is legitimate) accruing to academies.

Writing in the *Times Educational Supplement* (6 April 2012), Stephen Exley reports that academies and free schools were handed more than £26 million for thousands of sixth form pupils who were never enrolled, because they were funded on the basis of predicted numbers of youngsters for the financial year 2011-12, which were 4,700 more than “turned up” in the academies and schools. This is especially worrying because FE institutions and sixth-form colleges are cash-strapped more than ever before. The DfE admitted that not all this funding will be clawed back with individual academies’ contracts allowing them to keep from 2.5% to 10% of excess funding. Further, academies that open new sixth forms are being given two years’ grace to improve their pupil numbers before being asked to repay any money.

Perhaps the greatest concern to the impartial observer is the weakening support that LAs will be able to give to those schools that wish to remain under their umbrellas. Several of the schools are in difficulty because of SEN pupils, have refugee and asylum seekers and/or children who have as their mother tongues languages other than English.

(ii) The National Curriculum

It is true that there is no requirement for an academy to follow the national curriculum. It is difficult to square this freedom with the government’s mantra of the value of the national curriculum that all other maintained schools are legally required to follow so that children receive a balanced intellectual diet.

The reality is that the overwhelming majority of academies follow the national curriculum because it gives them a framework and stability which they value.

At any rate, community, foundation and voluntary aided and controlled schools have been opening up the curriculum making it more creative without compromising the national curriculum requirements. Besides, a national working party has been beavering away at slimming down the national curriculum and will be presenting its proposals to government shortly to take effect from September 2014.

(iii) Standards

While it is too early to judge whether academies do raise standards at a faster rate than other schools, the research evidence so far belies that they do so. Stephen Machin and Joan Wilson from University College London carried out a study of the results of GCSE students in 2009. Their conclusions were as follows.

“Overall, (these) changes in GCSE performance in academies relative to matched schools are statistically indistinguishable from one another. The same pattern emerges if all state schools in the academy’s local authority are used as the comparator group.....We find a pattern of no short-run effects of becoming an academy on GCSE performance when long-run differences between the academies’ predecessors and matched schools are taken into account.

“.....The academies programme is still at too premature a stage for GCSE performance improvements to be fully appraised. The scheme is evolving rapidly and it is likely that children may need more exposure to it for there to be substantial beneficial effects on achievement.

Professor John Hattie of Auckland University, New Zealand, carried out a meta-analysis on what was the most effective instrument for raising standards in schools and concluded that it is not the structure of the school system but rather the quality of teaching and learning. Within that, he discovered that overwhelmingly important was pupil-teacher interaction. The most powerful factor was directed teaching, he concluded, focused on “what happens next” through feedback and monitoring. Pupils learnt best and achieved most when they knew exactly how well they were doing, could articulate this and were able to disclose to their teacher what more they needed to know and understand.

I would posit that whatever the **type of** institution – community, foundation, voluntary aided or academy – standards will rise if Hattie’s prescription is taken.

(iv) Admissions

The governing body of an academy is its admissions authority. However, this is no different to the power that the governing body of a voluntary aided or foundation school has. Besides, all admissions authorities are bound by a national Code of Practice to which they have to adhere. Academies – like all other schools – are subject to this Admissions Code.

(v) Staff Conditions of Service

When a school converts to an academy, the Transfer of Undertakings for Public Employees (TUPE) applies. This means that staff must retain their conditions of services. However, once conversion has occurred, the governing body is free to change the conditions and does not have to abide by national conditions and local union agreements.

Notwithstanding, the research reveals that most academies either retain the national conditions of service or improve on them.

(vi) The Big Society

Academies and Free Schools have been presented as shining examples of the amazing things that can happen when local people are given powers to spread their wings. There is no question but that there are shining examples of institutions being transformed when they have converted to academies.

The flip side is that the legislation is now preventing local authorities from establishing new schools in areas where they have had to manage an influx of pupils, because they are required to find out whether anyone “out there” wishes first to establish academies or Free Schools. This is making planning for pupil places extraordinarily taxing for LAs so that most are resorting to expanding existing schools to cope with bulge pupil populations.

This apart, there is the small issue of local accountability. LAs are elected bodies whereas the governing bodies of academies (and Free Schools) are not accountable to the local population.

IV Concluding Thoughts

Schools are, unsurprisingly concerned that if they don’t convert to academies sooner rather than later they will lose out on the Local Authority Central Spend Equivalent Grant and will be left scrambling around for the crumbs falling off the tables of academies. At a recent seminar, HSBC school governors expressed concern about reaching a “tipping point”. The fears are justified, and each governing body must do what is best for its school.

However, Sir Michael Wilshaw, Her Majesty’s Chief Inspector of Schools (HMCI), should have the last word on the subject. Shortly after he came into post in early 2012, he remarked that Ofsted was going to find it increasingly difficult to keep a check on how well academies and Free Schools were doing as their numbers increase and requested the government to allow him to establish “local commissars” (my words) to swell the number of HMIs.

A fair request, one may say. But the work that his district troops will be doing was once required of local authorities who, the government appears determined to emasculate, by denying them the resources they need to carry out their statutory responsibilities. As Laurel said to Hardy: “This is one fine mess you have got me into!”

New Curriculum for the Early Years Foundation Stage (EYFS)

From September 2012, institutions providing services to the under-fives will be required to do so in accordance with the new Early Years Foundation Stage curriculum. This has been divided into the **three primary and four specific areas**. The curriculum was published on 27 March 2012. See

<http://media.education.gov.uk/assets/files/pdf/e/eyfs%20statutory%20framework%20march%202012.pdf>

The three prime areas cover the acquisition of knowledge and skills to prepare children for school. These are reinforced by the four specific areas. The seven disciplines provide the foundation for the national curriculum.

A. Three Primary Areas

- (1) **Communications and Language:** Children are exposed to a rich language environment. They are taught and encouraged to develop their confidence and skills in expression and to speak and listen in a range of situations.
- (2) **Physical development:** Opportunities are made available for the children to be active and interactive – to develop coordination, control and movement. The children are also aided in understanding the importance of physical activity and make healthy choices – especially when they are hungry and peckish.
- (3) **Personal, social and emotional development:** Children are helped to develop a positive sense of themselves and others; to form positive relationships and learn to respect others, to develop social skills and learn how to manage their feelings; to understand appropriate behaviour in groups; and to have confidence in their own abilities.

B. Four Specific Areas

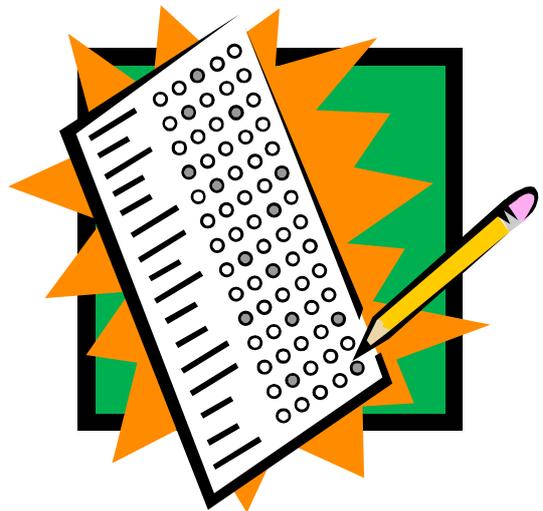
- (1) **Literacy** involves encouraging children to link sounds and letters and learning to read and write. They will have access to a wide range of reading materials, which include books and poems to spark their interests.
- (2) **Mathematics** includes teaching children to count, understand and use numbers, solve simple addition and subtraction problems and describe shapes, spaces and measures.
- (3) **Understanding the World** involves guiding children to make sense of their physical world and their communities through exploration, observations and research on people, places, technology and the environment.
- (4) **Expressive arts and design** will enable children to explore and play with a wide range of media and materials, develop their thoughts, ideas and feelings through a variety of

activities in art, music, movement, dance, role-play and design and technology and share these with other children and adults.

C. Assessment

The 69 goals that have featured in the current curriculum will be reduced to 17. The goals under each heading will be as follows.

- (1) Communication and Language
 - (i) Listening and attention
 - (ii) Understanding
 - (iii) Speaking
- (2) Physical Development
 - (i) Moving and handling
 - (ii) Health and self-care
- (3) Personal, Social and Emotional Development
 - (i) Self-confidence and self-awareness
 - (ii) Managing feelings and behaviour
 - (iii) Making relationships
- (4) Literacy
 - (i) Reading
 - (ii) Writing
- (5) Mathematics
 - (i) Numbers
 - (ii) Shape, space and measure
- (6) Understanding the World
 - (i) People and communities
 - (ii) The world
 - (iii) Technology
- (7) Expressive Arts and Design
 - (i) Exploring and using media and materials
 - (ii) Being imaginative



The 117 judgements that teachers and headteachers have to make on the children based on 13 nine-point scales will be reduced to 17 from September 2012.

For each goal, a teacher will be required to determine whether children are meeting the expected levels, exceeding or are below them – i.e. “emerging”. Providers will share the reports on the children together with brief reports on the characteristics of learning with the receiving year 1 teachers.

D. Welfare Requirements

The welfare requirements are similar to the safeguarding arrangements in schools.

- (i) Staff members must be alert to the impact of inappropriate adult behaviour on children by picking up signs of abuse and neglect and take action to safeguard the children in their care.
- (ii) Safeguarding policies and procedures will have to cover the use of mobile phones and cameras.
- (iii) Providers must check the suitability of staff by obtaining criminal records and make judgements on whether they are fit to serve in the early years’ settings.
- (iv) Providers must give staff members opportunities for coaching and training, mutual support, team-working and make time for them to discuss confidentially sensitive issues.
- (v) The requirement for childminders to complete training in the EYFS has been strengthened. Childminders must complete the training before they register with Ofsted.
- (vi) The guidance clarifies the circumstances in which there may be exceptions to the staff-child ratios for childminders caring for children of mixed ages.
- (vii) The requirements in relation to risk assessments have been adjusted to clarify that it is for providers to judge whether risk assessments need to be recorded in writing.

E. Comments

The rate of development in a human (following birth) is greatest in the early years. It slackens as we grow up and for some, like me, moves backwards with the passing years.

The experiences (of the under-fives) in the formative years leave indelible marks on them for the rest of their lives. It is, therefore, exceedingly important that we get it right early on rather than aim to repair damage (which is extremely costly) because of mistakes made with rearing our young ones.

Dame Clare Tickell, who had been commissioned to carry out a review on the Early Years Foundation Stage, published her report over a year ago, on 30 March 2011, and most of her recommendations have been adopted by the government, following a period of consultation. Among other things, she addressed concerns about two of the goals that were thought to be pitched too high – using phonic knowledge to write simple words and deploying punctuation in simple sentences. She acknowledged that these were exceeding the goals. She also dropped an initial suggestion that five-year-olds be expected to write simple stories.

The mathematics bar for the very young ones has been raised. They will now be expected to count up to 20 (instead of 10) by the end of the Foundation Stage, add and subtract two-digit numbers and solve problems including doubling, halving and sharing.

What the early years' providers will most welcome is a simplification of the system so that the 69 learning goals and the 117 areas of assessment are being collapsed to 17. It will be a significant reduction in their bureaucratic workloads.

However, as always with change, there will some who will object. Kathy Brodie, a Cheshire early years trainer stated that while there was "a lot of wordiness in the original framework, my concern is whether a lot of essential information may have been thrown out with the bathwater". The point is that something has to give. If practitioners find that the process is very cumbersome and the government takes measures to reduce the burden on them, something will be sacrificed. It's impossible for a person to have cake and eat it too.

For now, staff members will require training in the new arrangements and the nation will have to await the impact on the children before making judgements on whether the revised curriculum and assessment are improvements on the current ones. I suspect that most in this country will conclude that they are.

Government's Proposals for Schools' Funding for 2013 - 14

The government has set out its proposals for funding schools in 2013-14 at www.education.gov.uk/consultations. The closing date for the responses is Monday, 21 May 2012. Operational guidance for local authorities and their School Forums on the implications of these proposed reforms is available at www.education.gov.uk/schoolsadminandfinance/financialmanagement/schoolsrevenuefunding

(1) Objectives

The objectives (according to the government) of the proposals are as follows:

- (i) maintain local discretion over funding;
- (ii) ensure as much funding reaches schools as possible;

- (iii) maintain and improve the arrangements for equivalent and consistent funding between maintained schools and academies;
- (iv) enable leaders to understand the basis on which their institutions are funded;
- (v) support the needs of pupils; and
- (vi) create a formula that is more responsive to pupil numbers and demand from parents.

There are three overarching thrusts to the proposals.

- (i) The first is to delegate as much of the funding as possible to schools and academies.

Only in a small number of cases does the government envisage that more money will be retained centrally than envisaged when schools agree to pool funding for provision of certain services. These could include

- (a) support for schools in financial difficulties;
- (b) exceptional, unforeseen costs (such as dealing with employment tribunals (ETs) which it would be unreasonable to expect governing bodies to meet;
- (c) additional costs relating to new, reorganised or closing schools;
- (d) significant pupil number growth;
- (e) free school meals (FSM) eligibility;
- (f) insurance;
- (g) licences/subscriptions;
- (h) supply cover for long-term absences;
- (i) support for minority ethnic pupils or underachieving groups;
- (j) behaviour support services; and
- (k) library and museum services.

- (ii) The second is to reduce the number of factors that can be used in the local authorities' formulae from 37 to 10. Each LA will be required to publish details of its formula on a simple, clear and consistent pro forma.

Funding will be delegated and distributed on the basis of the following factors.

- (a) A basic per-pupil entitlement
- (b) Deprivation measured by pupils' entitlement to free schools meals (FSMs) and/or the Income Deprivation Affecting Children Index (IDACI)
- (c) Looked-after children
- (d) Low cost, high incidence for special educational needs pupils
- (e) English as an additional language for three years only after the pupil enters the compulsory school system
- (f) A lump-sum of limited size
- (g) Split sites
- (h) Rates
- (i) Private Finance Initiative (PFI) contracts
- (j) For the five local authorities, Buckinghamshire, Essex, Hertfordshire, Kent and West Sussex, who have some but not all their schools within the London fringe area, to reflect the higher teacher costs in these schools

- (iii) The third is to strengthen local decision-making by making changes to the School Forum composition and arrangements. (The School Forum is the body that proposes and decides on the local formula.) The purpose is to make its business more transparent and reflect the views of providers. The Education Funding Agency (EFA), the body that the government has created to distribute the funding, will also have a part to play in promoting and upholding the fairness of local decision-making.

(2) The Dedicated School Grant

The Dedicated School Grant (DSG) will be based on the previous funding levels. This has come as a big blow to the worst-funded schools in the country. In 2011, the government launched a consultation to bring more equity in the funding system from 2013-14. Funding per pupil in a primary school can vary by as much as £1,300 in different parts of the country while the disparity can be as much as £1,800 for a secondary pupil. Schools in London, for instance, receive considerably more than those in Hertfordshire and Cambridgeshire.

However, Gove admitted that he had been forced to drop any plans to reform the system because of the instability in the country's economy. The challenge for him has been to raise the levels of funding for the most poorly treated schools without radically destabilising the best. The F40 group has been campaigning for change for nearly a score of years and seen its efforts stymied yet again.

The DSG will be based on three strands:

- (i) The High Needs Block of funding which will include
 - a) delegated budgets of special schools;
 - b) centrally funded provision for individual pupils;
 - c) Special Educational Needs (SEN) Support Services;
 - d) support for inclusion;
 - e) Independent Special School fees;
 - f) Inter-Authority Recoupment;
 - g) Pupil Referral Units;
 - h) education out of school
 - i) delegated allocations relating to individual pupils – Individually Assigned Resources;
 - j) delegated allocations relating to special units and specially resourced provision in mainstream schools; and
 - k) post-16 SEN expenditure;

Adjustments for base funding of high needs places in provision not maintained by the authority, but to which it sends pupils, will be made. Additions will be made for budgeted spending on high needs students aged 16-25 for further education (FE) and independent specialist providers held by the Young People's Learning Agency (YPLA).

- (ii) Early Years Block will include
 - (a) provision for three- and four-year-olds in delegated budgets – the total in the Early Years;

- (b) a Single Funding Formula;
 - (c) Early Years contingency and
 - (d) central expenditure on under fives.
- (iii) The Central Services block is the third area of the DSG. The Schools Forum will be required to approve sums of money that the LA can withhold from delegation for the purposes of paying for “combined services”, redundancy costs, borrowing for capital expenditure (known as “prudential borrowing”) and transport for pupils with SENs. Another area is capital projects funded from revenue. Currently, these do not require the approval of the Schools Forum.

Some services relate to the LA’s statutory functions. They include

- (a) the coordinated admissions arrangements;
- (b) servicing of the Schools Forum; and
- (c) carbon reduction commitment.

(3) Raising of the Participation Age (RPA)

Meanwhile, as part of the spending review, the government has confirmed that the “participation” age for pupils will be raised from 16 to 17 in June 2013 and 17 to 18 in June 2015 so that young people can benefit from education and training. This was set out in the Education and Skills Act 2008.

This does not mean that young people have to remain at school. They can choose one of the following options.

- (i) Full-time education in school, college or at home
- (ii) Work-based learning, such as an apprenticeship
- (iii) Part-time education or training if they are employed, self-employed or volunteering for more than 20 hours a week

Thirty-five local authorities (LAs) are currently delivering 22 projects, developing their approaches for meeting this objective. The LAs will share their learning with the rest of the country to prepare it for the provision it makes for our young people to the age of 18. Funding for the future will take account of the RPA.

Pupil Premium

Schools would have been informed of their budgets for 2012/13 and probably framed their plans for the financial year too by the time this article is published. For many located in the conurbations of the country, budgets would have swollen because of the pupil premium given to schools for children who are entitled to free school meals (FSMs) or were entitled to them anytime during the last six years. The value for each child is £600. Last year it was worth £488.

But though the funding is for those children entitled to FSM, there will be no free lunches for anyone else. The government will require every school to publish information on

- (i) how much money it received through the premium;
- (ii) show how it spent the money over the previous year; and
- (iii) set out how it proposes to spend the money in 2012/13.

Sarah Teather, the Children’s Minister responsible for overseeing how the pupil premium is spent, avers that this information will give parents a greater say on how the money is spent. The provision of the information is an instrument that the government is using to make schools accountable. Ministers are on record as stating that schools have the freedom to spend the money as they think fit. However, they will now have to justify how they deploy this invaluable resource.

Of the £1.2 billion set aside for the premium, the government has hived off £50 million to fund its summer schools to help reverse the trend for the most disadvantaged youngsters overcome the summer dip when moving from primary to secondary education. (See page 27.)

Not everyone is happy about this. Brian Lightman, secretary-general of the ASCL said: “We are disappointed that the government decided to top-slice money from the pupil premium to give it to summer schools, as this method may not work for every school.”

Meanwhile, research has unveiled an unwelcome reality i.e. that young people in care are in danger of not receiving their share of the pupil premium. The *Open Doors, Open Minds* report for the *Who Cares? Trust* said that those running the pupil premium scheme were not “effectively engaging” social workers and foster carers. While the government gives directly to the schools the pupil-premium funding for children on free school meals (or those who have been at any time over the last six years) the money for looked-after children goes directly to their local authorities, which distributes it to teachers.

Staff from the charity spent nine months interviewing and talking to more than 300 people and directly to 200 professionals working with children in care. Just over 40% of social workers and 10% of foster carers said that they had heard of the looked-after children’s pupil premium. The charity maintains that ignorance of the funding will mean that it will not be properly targeted to raise the standards of looked-after children. “It is vital that those with direct responsibility for the care of looked-after children can support them to achieve well at school and have high aspirations,” said Natasha Finlayson, chief executive of the *Who Cares? Trust*.

The situation is unacceptable particularly because looked-after children are four times less likely to achieve five good GCSEs than their peers and only just over half reach the expected levels at 11 – i.e. the end of Key Stage 2.

Watchdog, Ofsted, under Scrutiny

I Introduction

Ofsted is seldom out of the news these days. **The** body that spends all its waking and sleeping hours judging everything in education and child-care that eats, shoots, leaves, moves, breathes, speaks, reads, writes and simply exists, it has also become the object of curiosity, the touchstone of critical analysis. Jesus Christ warned (over 2,000 years ago): “Judge not that ye be not judged, for with what judgement ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again.” Consequently, it should not come as a surprise to Sir Michael Wilshaw, Her Majesty’s Chief Inspector of Schools (HMCI) who took up his post on 1 January 2012, that he and his storm troopers are the subjects of constant scrutiny and fascination.

Sir Michael is basking in this scrutiny. Since coming into post, he has not stood still. Some critics aver that he may have a touch of Attention Deficit Hyperactivity Disorder (ADHD). Hardly has one raft of changes been introduced than another comes along.

II Framework for Inspections

On 1 January 2012, Ofsted introduce a new Framework for Inspections. The Framework requires inspectors to focus on the following areas.

- (1) **The outcomes for learners** and the extent to which the provision meets their needs and secures their achievements, helping them to progress into employment or further education and training.
- (2) The **achievements** of all learners where they will particularly take account of the **success and rates of progress** of different individuals and groups.
- (3) How well the school promotes higher standards for learners through the quality of **teaching, learning and assessment**.
- (4) The **effectiveness of leadership and management** especially the leadership of teaching and learning.
- (5) The school’s **capacity to improve** - an implicit part of leadership effectiveness.
- (6) **Equality and diversity** under the three key headings:
 - (i) outcomes for learners;
 - (ii) learning and assessment; and
 - (iii) leadership and management.

- (7) The **safeguarding** arrangements at the school and how well it secures the welfare of all learners.

A school that is gearing up for an inspection will also be especially aware of the following.

- (a) While the Self-Evaluation Form (SEF) is not a statutory requirement, inspectors will continue to take account of **self-assessment** evidence in whatever manner the school wishes to provide it.
- (b) Inspectors will sample the **subject areas**, referring to these only in the body of the report rather than report on them separately.
- (c) Inspectors will take account of the **views of learners, employers, parents and carers** in deciding when schools should be inspected.

Ofsted **assesses the performance and other risk factors** of all providers/schools on an annual basis in order to make fully informed decisions about when schools should be inspected.

Ofsted **prioritises inspections** where they are most needed by

- (i) ceasing the routine inspection of most of those schools judged to be **outstanding** at their last inspections unless their performance drops;
- (ii) inspecting those previously judged as **good providers** within six years of their last inspections;
- (iii) strengthening the monitoring and inspection of schools deemed to be **satisfactory** to include the introduction of unannounced monitoring inspections of some who have **failed to improve** over a number of inspections;
- (iv) targeting inspections to bring about more rapid improvement in those schools judged to be **inadequate**; and
- (v) responding more flexibly to **requests made by** schools for inspections.

Anecdotal evidence suggests that the judgements of inspectors are now more stringent than they were before with schools falling, on average, a grade. Schools that had been deemed to be outstanding once are now simply good.

The reader will be aware that there are four grades on which a school is judged in different areas. The grades are

- (i) Outstanding,
- (ii) Good,
- (iii) Satisfactory and
- (iv) Inadequate

and the areas and aspects in which it is judged are the

- (i) the achievements of the pupils,
- (ii) the quality of teaching,
- (iii) the behaviour and safety of the pupils and
- (iv) the leadership and management of the school.

There is also a grade for the school's overall effectiveness.

III Subterfuge

Owing to the incredible pressures to which they are being subjected, a number of schools are engaging in subterfuge. William Stewart, senior reporter at the TES, described the situation in a chilling article, *Tricks of the Trade*, on 6 January 2012. Here are some incidents about which he reported.

- 1) Ofsted was due to visit a struggling inner-city secondary school referred to as a "hell-hole". One teacher felt a sense of doom, which had enveloped the school, more than most of his colleagues because he had learnt that he would be taking the three worst classes, one of them twice, on the day on which the inspectors would be descending on the institution.

At break-time on the morning before the inspection, the deputy headteacher reeled off the names of over a dozen of the most challenging pupils from these classes to him. Just as the poor teacher was about to experience a fit of frenzy, his senior colleague placed a comforting arm over his shoulder and told him not to worry. "None of these shits will be in tomorrow. You have my word," he said.

When the teacher asked how he could be certain because these pupils had very good attendance records, the deputy headteacher reached into his pocket, showed him a wad of £20 notes and said that they had been bribed to keep them away – some with as much as £100. The teacher learnt that the deputy head had paid the equivalent of a whole class to truant during the inspection period.

- 2) There was the case of a newly qualified teacher (NQT) who was doing well in her induction year. But then she was observed teaching an unsatisfactory lesson. She was immediately placed on the capability procedure and warned that she could be dismissed. Only when she suffered a nervous breakdown was she told in confidence that these measures were being taken so that she would not be observed by an incoming inspection team.

Writing in the TES forum she remarked: "To unjustifiably destroy an individual's career, self-belief and mental health for the sake of being "a risk" in an Ofsted inspection has been the most callous thing I have ever experienced from another human being in my life. I wanted to blow the whistle to bring this to justice, but didn't for the sake of my school's reputation and the other teachers who are under enough pressure without a follow-up visit."

- 3) The art work of one school had been highly praised by Ofsted. It was laminated and loaned to neighbouring schools to be displayed whenever Ofsted signalled that they would visit them.

These stories are routinely trotted out by teachers to journalists. One said: "If you get outstanding, you can relax, enjoy the children, have fun and stop jumping through Ofsted hoops for a few years."

Another suspect practice is that schools that are the subject of inspections and likely to be in trouble "borrow" teachers from other schools. Professor Mel Ainscow of Manchester University said: "We have seen this going on for four or five years and we have seen it in a fair number of places. It is a sort of corruption that has become endemic in the system. People use the phrase: playing the game."

"There was an authority that had a teacher who was absolutely brilliant and who had been holding workshops and acting as a consultant. Over a period of weeks we saw him appear on the staff of several schools as they were being inspected by Ofsted." To counter this suspect and unethical practice, Ainscow suggests that Ofsted could inspect groups of schools together.

No systematic research has been carried out in this area and Ofsted have informed journalists that they have not received complaints from staff or parents about such happenings. However, staff members are reluctant to report these underground activities for obvious reasons. Any wonder then, that Sir Michael has mooted the notion of inspecting outstanding schools – even though the other Michael, his boss, doesn't want him to do so. He has also proposed in his latest document, that he will institute no-notice inspections. This has simply raised the stress levels of staff and headteachers working in schools.

Headteachers who were at the annual conference of the Association of School and College Leaders in Birmingham at the end of the Spring Term 2012 made their displeasure clear to Michael Gove who had come to laud rather than bury them. Gove described them as "the best generation of heads ever in our schools". He agreed that the findings that emerged from TES/ASCL survey of 1800 school leaders – where 37% said that they were actively considering leaving the profession and 92% did not think the government was supportive of the teaching profession – had given him "pause of thought". (See page 34.)

However, in the press conference that followed, he observed: "The impression I have got is there are groups of school leaders who are enthused and energised by what we are doing." (If that is the case, questioned the cynic, could it be that those leaders are touting for gongs?) What followed was bizarre. Gove offered an olive branch to the delegates of the conference and said he was minded to let the school that was the subject of a no-notice inspection know of the inspection the "afternoon or evening before"! (I am not making this up!)

The Chief Inspector also accepted that inspectors might rearrange a visit if it emerged that they would not be seeing a school during its normal routine. Headteachers could be given a warning through a phone call the evening before or on the morning of an inspection. However, when it was pointed out to him that at the drop of a hat, some schools could draft in skilled teachers from elsewhere, Wilshaw said: "I am anxious that no notice should mean no notice."

So, whom (Gove or Wilshaw) and what (notice or no-notice inspections) should we believe?

IV Proposals for September 2012

Dissatisfied with the new arrangements, Sir Michael is raising the bar yet again. He is proposing other initiatives that, all being equal, will take effect from September 1, 2012.

(a) A Good Education for All

In his latest consultation document, <http://www.ofsted.gov.uk/resources/good-education-for-all>, (one of the shortest from a government body – of which Ofsted is one), *A Good Education for All*, he has set out seven changes, which are as follows.

- 1) A school will not be classed as 'outstanding' unless the teaching at the school is outstanding.
- 2) A school will have to be 'good' or 'outstanding' for inspectors to judge that it's good enough.
- 3) If Ofsted judges that a school is just OK rather than good, instead of saying that it's 'satisfactory' as it currently does, inspectors will say it 'requires improvement' – that it needs to do better.
- 4) If inspectors say a school 'requires improvement', they will return to inspect it again sooner than they do now.
- 5) If a school that Ofsted thinks 'requires improvement' doesn't get better – i.e. inspectors think it still 'requires improvement' on two more inspections – Ofsted will place the school in 'special measures'.
- 6) Ofsted will not tell any school when the storm-troopers are coming to inspect it; they will just turn up without giving any notice, so Ofsted will see the school as it really is on an ordinary day.
- 7) Inspectors will look at the way a school checks on how well its teachers are teaching their pupils and how well the school helps teachers teach well.

Addressing the London Leadership Strategy's conference on 9 February 2012, Wilshaw said that we, in England, have tolerated "mediocrity for far too long – and it has settled into the system".

He cited as evidence the Programme for International Student Assessment (PISA) report that revealed that we are stagnating in the international league tables while other countries are pulling ahead. While he acknowledged that social factors did have an impact, he stated that it had a disproportionate effect in this country when compared to the other OECD nations.

In England, roughly five million adults lack basic literacy skills – that is one in seven and over one in five young people under the age of 24 are unemployed. Other statistics to which he referred included the following:

- (i) a third of pupils leaving primary school do so without attaining level 4 (the standard expected) in English and mathematics – rising to 40% for socially deprived children;
- (ii) a million pupils at the end of Key Stage 4 fail to achieve five good grades in their GCSEs including English and mathematics; and
- (iii) two-thirds of children on free school meals fail to secure the five good GCSEs when they complete their secondary education.

(b) “Satisfactory” - “Not Satisfactory” Newspeak

If “satisfactory” now becomes “unsatisfactory”, the number of schools that come into Ofsted’s firing line based on the 2010-11 inspection outcomes will increase from 437 to 6,554.

Wilshaw has a particular concern about the 3,000 schools with one million children in England who were judged ‘satisfactory’ in their last two inspections, 300 of which were located in prosperous areas. No surprise then that he wants to eradicate the word ‘satisfactory’ from the Ofsted lexicon and replace it with the term, ‘requires improvement’. The re-grading will focus minds and send an unequivocal message to schools that decisive action is necessary to bring about improvement.

A school requiring improvement will be revisited by inspectors 18 months later. If it has failed to improve, i.e. become “good”, it will “collapse” into special measures and thus be deemed as inadequate. (I cannot understand why professionals use the euphemistic term “go into a category” for failure. All schools are in one category or another.)

In the past the “outstanding” and “inadequate” judgements received considerable attention. The spotlight has now shifted to “satisfactory”. Professor Becky Francis of the Royal Society of Art (RSA) did a study in this area (National Association of Governors – NGA - journal, *Governing Matters* – March/April 2012 issue). Her data revealed that

- (i) the likelihood of attending a ‘satisfactory’ school is affected by where one lives;
- (ii) more affluent pupils tend to attend better schools with the reverse true for socially disadvantaged pupils;
- (iii) young people from socially disadvantaged backgrounds are over-represented in ‘satisfactory’ and ‘inadequate’ schools; and
- (iv) the stronger likelihood of attending a poorer-quality school applies to working-class pupils as much as to highly disadvantaged pupils.

Professor Francis said that “the quality of disadvantaged pupils’ schooling contributes to the poor educational outcomes of these (particularly vulnerable) young people”. Those attending satisfactory schools suffer double jeopardy – starting school with a disadvantage – being at a lower attainment point than those coming from affluent backgrounds – **and** then receiving a pedestrian education.

While her analysis of the system is not dissimilar to that of Wilshaw, Francis’s remedy is different. She proposes providing support for the school requiring improvement. Constantly weighing the pig does not fatten but rather debilitates it with stress (my words). Francis recognises that her recommendations have resource implications at a time when the country is going through straitened financial times. However, government’s priorities are in the area of social mobility and education. She considers it odd that we have such a rigorous system of inspection but a total absence of a comparable national cadre of expert advisers to support our schools.

Wilshaw appears to have taken note of Francis’s study. In his address to the right-leaning think-tank, Policy Exchange, he said that he was considering reinstating district inspectors (HMIs) – a system that existed till the 1980s. They would be a part of Ofsted brokering with other schools to support those that were not doing well. He admitted that weaker schools were being left without support after their inspections. “It worries me,” he confessed, “that we go into a school, make a judgement ... then walk away and leave it to others to take care of. We need to get more involved in the whole issue of the brokerage of school improvement services.”

The \$64 million question is: “From where will the money be found for these district inspectors. Earlier in the year, Wilshaw proposed to the Secretary of State that local commissars be appointed from Ofsted to keep a track on good and outstanding schools that tended to relax on their laurels thus risk falling from grace to disgrace. At one time, local authorities carried out this task. However, with the increasing numbers of academies that exit from the LA family and the parlous and stricken financial circumstances in which LAs are left, they (the local authorities) are finding it daunting to support schools in difficulty.

Meanwhile, the professionals educating our children are fulminating. Rebecca Foster, headteacher of Forestdale Primary School in Birmingham, which has been judged satisfactory in the last two inspections said: “My colleagues are incredibly hardworking and dedicated and we feel that we have been on an upward trajectory for the last three years.” The NUT has demurred at Ofsted “constantly changing the goalposts” and NAHT leader, Russell Hobby observed: “Many heads will be asking how they are supposed to improve if Ofsted keeps changing the rules of the game”.

(c) Implications of other proposed measures

The inspection of outstanding schools will be a U-turn for the Secretary of State, who wanted them exempt from Ofsted’s visits. However, he was reported to have been sympathetic to and supportive of the notion when this was announced in February 2012. The Chief Inspector is in the process of negotiating extra funding to inspect outstanding schools. In particular, he is concerned about 1,000 (circa) of them where teaching and learning are not outstanding.

There are inspection issues which will affect schools. During an inspection, Ofsted will check data collected on an aggregated and non-attributable basis of the performance management of teachers. If they are out of accord with the quality of teaching, inspectors will not hesitate to raise their eyebrows, look askance and mark the school down on leadership and management. Inspectors will go further. Wilshaw wants them to be “more robust” when they question governors and headteachers. They will request information on the number of staff members who have moved up the main scale, gone through the threshold and progressed on the upper pay spine. Inspectors will require the school leaders to justify the decisions made.

Wilshaw has observed, from his scrutiny of data, that 90% of teachers had successfully applied to go through the threshold but 40% of teaching was not good enough (according to William Stewart of the TES). “There is nothing more dispiriting for a good teacher who works very hard, who goes the extra mile for children, than to see somebody who doesn’t work as hard on the same salary scale,” said Wilshaw. “This is a question of equity.”

The days when teaching and learning were judged as good and leadership and management outstanding will shortly be history. In fact, the overall judgement on the school can be outstanding only if teaching and learning are so.

V Commentary

Many of the reactions of those in education have been cries of rage and outrage. Here are some excerpts from letters written to the editor of the *Times Educational Supplement* (see issue of 17 February 2012).

- (i) “Having served for 20 years as headteacher in six challenging schools within five local authorities and having been accredited as a national leader of education, I have been motivated to consider early retirement,” said Richard Lee, Headteacher of Moorhouse Primary School in Rochdale.
- (ii) “To suggest that renaming the legal status of the satisfactory grade into academies ‘didn’t enter my head’ (quoting Wilshire) is an unacceptable excuse. Didn’t the Secretary of State once describe him as ‘my hero’?” writes Dr Alan Thomas, a retired primary headteacher.
- (iii) “All schools are outstanding for some of their pupils,” observed Professor Bill Boyle, Chair of Educational Assessment at the University of Manchester. “The task is how to support teachers to make schools outstanding for all pupils. This cannot be achieved through pressurising and labelling teachers by measuring them against limited performance outcomes based on a political premise that all pupils are the same.

“Mr Gove, Sir Michael, they aren’t. As humans, we are all complex individuals who behave and learn in different ways and at a different pace and in different conditions. In short, we need different (teaching) treatments. Think of your own journey and try to adapt your ‘one size fits all’ education policy accordingly.”

- (iv) Professor Dylan Wiliam of London University's Institute of Education challenged Ofsted to show some "integrity" by subjecting its school inspections to an evaluation of their reliability and publish the findings. "If two inspectors inspect the same school a week apart with no communication between them would they come to the same ratings?" he questioned rhetorically. "If I showed you a 30-second clip of a game between Manchester United and Manchester City and said: 'Who won the game?' you would say it is ridiculous to try to predict the outcome of a 90-minute game on the basis of a 30-second clip. And that is what we are trying to do with Ofsted, isn't it? Instead of saying a teacher is going to teach a kid for 200 hours, they are looking at 30 minutes."

He went on to add: "I am not saying that Ofsted doesn't know what it is doing. I am saying that teaching and learning are so complex that it is very hard to predict how much kids are going to learn in a year by looking at a sample of half-an-hour."

While Ofsted spends more time observing teachers during an inspection, it is very difficult for the watchdog to respond in any meaningful way to Wiliam's penetrating questions.

In the short period he has been at the helm at Ofsted Sir Michael has ruffled feathers, many feathers. Staying with the farmyard metaphor, he will be the first to acknowledge that it is impossible to make an omelette without cracking a few eggs and even more eggheads.

In a response to the criticisms made, he wrote in the TES on 24 February 2012: "Hundreds of schools in disadvantaged areas have shown they can be outstanding, and hundreds more are good. This excellent practice can and should be emulated. An increasing number of good schools are helping weaker ones to improve. And yes, to reassure Professor Boyle, of course I appreciate that schools are different and that pupils are different, too. I do not advocate a one-size-fits-all approach: quite the opposite; but I do advocate a no-excuses approach and that means we do not give up on any pupil."

There is another concern that both, Sir Michael Wilshaw and Mr Michael Gove, have. Time is not on their sides for different reasons. With Sir Michael, he is aware that a child has only once chance and limited time at school. We are obliged to provide our youngsters with the best and cannot wait for a failing school to take its time turning into a good one. There is an immediacy about school improvement. Yet we know, as professionals, that we do need time to change educational practice. Therein lies the paradox.

In particular, Sir Michael is concerned that we are not selling a generation of children short – in particular, those who come from socially deprived backgrounds with entitlements to free school meals. Teachers have been criticised for making excuses for the underachievement of such pupils. Sir Michael – as the ex-head of Mossbourne Academy in Hackney – one of the most deprived areas of the country – has a track record of bucking the trend. In his final year there, seven Mossbourne pupils went on to study (as undergraduates) at Cambridge University. One was a young, black teenage mother.

However, the research evidence reveals that a pupil's background is not an "excuse" but actually the most potent predictive factor – more so than the quality of provision that the school makes - of how the child will perform. A child below the poverty line starts school with a

vocabulary half-a-year behind someone who isn't. Chris Cook, a *Financial Times* journalist and former education policy adviser to the Conservatives, provided statistical evidence in February 2012 that children from the most disadvantaged backgrounds performed below the levels of those from affluent backgrounds, whatever the schools they attended. He concluded that poorer children tend to do badly even when they go to good schools.

School quality makes, at most, a 10% difference to a pupil's results. Despite this, Mossbourne, like a number of other schools, are demonstrating that this does not have necessarily to be so. They have something in common: ridiculously high expectations of all their pupils and an attitude that says: "We are not going to give up on you" to their pupils. Children from socially deprived backgrounds suffer from a poverty of everything – most of all, expectations. This is what Sir Michael is determined to counter.

On a Sunday, I buy my papers from the local BP garage. Recently, I got chatting with one of the employees, Raj. Raj is a (Tamil) Sri Lankan refugee who settled in this country with his wife and two daughters a few years ago with hardly a penny tied to his name. Fast forward to the present....He holds down two jobs – one at BP and the other as a tiller at his local West London supermarket.

I asked him how his family were. He told me that his wife and older daughter were due to return from Sweden. "Sweden!" I asked. "How lovely!"

"Yes," he replied, "they went to the house that I bought in Stockholm for my mother-in-law!" As the conversation developed I discovered that he owned two other houses in London – one in which he lives and the other rents. His older daughter is in her final year at school studying for A levels. She has had four offers to study medicine at university. The younger daughter is one of the brightest students in her class.

Raj speaks English haltingly, but works incredibly hard – for seven days a week. He is very ambitious for himself, his wife and his daughters. He is keen for his children to have opportunities that were denied him. His expectations for all members of the family are sky-high. Any wonder, then, that his girls are doing well. While background has the greatest effect on attainment, we must find a way of getting parents like Raj to convert the vicious circle of underachievement caused by poverty to the virtuous one of success.

Notwithstanding, it is disingenuous of Sir Michael to state that he cannot countenance the "no excuses" approach and fail to take account of pupils' social backgrounds. It is the biggest factor and he should be encouraging schools to help working class and socially disadvantaged parents to raise expectations of and support their children to assist schools in providing the education they deserve. He must recognise that there will be occasions when schools will succeed and at other times fail because of circumstances beyond their control.

With Mr Gove, there are other reasons for impatience. He will have to prove that he has been effective to the electorate by no later than 2015 when the nation goes to the polls.

In the News

I Endowment Fund to raise the attainment of poor children

The government has established an endowment fund worth £125 million which will grow to £200 million over the next 15 years. Its prime purpose is to boost the attainment levels of children living in poverty. In November 2010, the government invited bids to manage this fund. The Education Endowment Foundation (EEF) won the bid and will have responsibility for working with 1,400 primary and 200 secondary schools that are below the government floor targets.

The EEF is an independent charity founded by the Sutton and Impetus Trusts the chief executive of which is Kevan Collins, the ex- and first Director of the Primary National Strategy and later Chief Executive of Tower Hamlets.

The gap between the levels of attainment of poor children and those of their most affluent peers is large and increasing by the moment. This worries Dr Collins. Dr Collins observed that children who happen to be born into poor families end up with fewer chances. One in five children in the country is entitled to a free school meal (FSM) yet one in 100 goes to Oxbridge. The challenge for him will be first to stop this gap from growing and then decrease it by raising the levels of achievement of poor children (rather than lowering those from affluent backgrounds).

The EEF will fund projects targeted at children on FSMs. Dr Collins will use the money initially to pilot initiatives based on ideas that have already been put into practice and been fruitful. An evaluation project will assess how well the initiatives are working. The funding will not be used for the core business of a school or well-established projects. Each successful project will attract £50,000 and be expected to reach at least 100 pupils.

II Vocational Qualifications

The reader may recall that Professor Alison Wolf published her report on the future of vocational qualifications for the 14-to-19 year olds on 3 March 2011 in which she made the following recommendations.

- (i) Young people should be given incentives to undertake the most valuable vocational qualifications pre-16, with the removal of a large number of vocational qualifications that exist to the detriment of core studies.
- (ii) The government and providers introduce principles to guide young people on study programmes leading to post-16 vocational routes to ensure that they are gaining skills which lead to progression in a variety of jobs or further learning, in particular to ensure that those who have not secured good passes in English and mathematics GCSEs continue to study these subjects.

- (iii) The government establish a system for evaluating the delivery and content of apprenticeships to ensure that young people have the right skills in the workplace.
- (iv) The government ensure that the regulatory framework moves away from accrediting qualifications to regulating awarding organisations.
- (v) All qualifications offered to the 14-to-19-year-olds fit within the Qualifications and Credit Framework because its absence has had a detrimental effect on their appropriateness and left gaps in the market.
- (vi) Enable FE lecturers and other professionals to teach in schools, so that young people are taught by those best suited to do so.

The government used the Wolf report as a reason to “slash and burn” (in the words of the TES Editor) nearly 3,000 so-called equivalent vocational qualifications. Of the 3,175 that exist only 125 – or 3.9% will remain by 2014 with 70 included in the main GCSE measure. The lucky few will count for the equivalent of one GCSE – rather than the current multiples of up to five.

The government rationale for radically reducing these is that it wants to do away with qualifications that boost a school’s standing in the league tables without benefiting the pupils. Courses in hair-dressing and stacking the supermarket shelves can be taught but will no more count to raise a school’s national standing.

While there is much to commend the action being taken, the problem is that **all** vocational qualifications are being judged against the academic litmus test of GCSEs and A Levels rather than on their own merits.

This is regrettable but expected because it is based on the vocational-academic divide that has plagued the cultural history of classes in England: the upper classes being the aristocracy, the middle being the industry and lower classes consigned to labour.

Vocational qualifications have huge merit and carry status in countries such as Germany and Israel. There is no reason why pupils – whatever classes to which they belong – should not be encouraged to take good vocational courses to meet their needs.

The JCB Academy in Rochester, Staffordshire, described by Michael Gove, the Secretary of State as an “amazing” pioneer, fears that its work will be “discredited”. Its core engineering qualification will now be reduced from five GCSEs to one because it is deemed to be a vocational one which all pupils have to take. The engineering diploma was developed by industry in cooperation with education.

This change of direction has stunned a high-powered coalition of business leaders from Boeing, Sony, Siemens, JCB, Toshiba and Airbus. They have accused ministers of undermining the engineering diploma, a qualification they consider to be highly robust and attractive.

III Gove pushing for Performance Pay for Teachers

Michael Gove, the Secretary of State has asked the School Teachers' Review Body (STRB), to advise him about how teachers' pay scales can be reformed to link pay to performance. Should the STRB find a mechanism to oblige Gove by acceding to his request, it is likely that teachers will be barred from pay rises or promotion to posts with more responsibilities unless they reach goals set by their line managers.

At present, teachers' salaries rise automatically unless they are subjects of the capability procedure. After six years, by which time a teacher reaches the top of the main scale, she/he can apply to the headteacher to cross the threshold. The teacher must demonstrate that she/he has met eight rigorous standards. The present situation is that the vast majority of teachers are successful.

The contents of Gove's letter to the STRB chimes in with the proposal of Michael Wilshaw, the Chief Inspector, in which he plans to get his inspection teams to ask headteachers to justify pay rises for their staff. Wilshaw is on record as having said that it was "quite legitimate" for inspectors to ask a head: "How many of your staff have moved up the main (pay) scale" or "How many have gone through the threshold" onto the upper pay spine.

The STRB has also been asked to set out the pros and cons of introducing regional pay (in line with the Chancellor's policy for public servants) and proposing a mechanism to "make pay more market-facing for teachers". Businesses have been mumbling and grumbling that national pay scales for the public sector disadvantages firms in the less prosperous regions from recruiting quality people. On the other hand, the unions have been arguing that regionalising pay could lead to recruitment crises in the public services.

We wait with baited breath to hear about the STRB's proposals and with even greater eagerness on the STRB's recommendations to Gove's request on performance pay.

IV Government earmarks £50 million for summer schools

Altogether, 100,000 eleven-to-twelve-year-old pupils from the most disadvantaged backgrounds are set to benefit from summer schools which will be financed by a £50m grant from the government. The intention is to help them make smooth transitions from primary to secondary school. Ofsted research shows that the performance of children at this stage can take a significant dip.

Any secondary school can sign up for £500 for every disadvantaged pupil taking part in the two-week summer school. Every year 6 pupil in primary school moving to a year 7 in secondary one will qualify for this grant provided that she/he is entitled to a free school meal or who has been in care for the last six years or more.

The summer schools will be organised by secondary headteachers. Target pupils could benefit from the following.

- (i) The school will be able to organise activities such as meeting teachers, having a tour of the school or learning about the new curriculum, to build on the school's own induction arrangements.
- (ii) Additional intensive support in English and mathematics can be arranged to enable the pupils who need it to make progress before the start of the Autumn Term 2012, both as catch-up and preparation for the secondary curriculum.
- (iii) Wider enrichment activities such as arts, music, sports, trips to theatres and museums and visits to local higher education institutions and employers can be made available.

Schools must apply by 30 April 2012. They will receive confirmation of the funding in May 2012 with half the funding paid in advance to allow the school to book activities if they choose. They will be free to request third parties, such as voluntary groups, to run the summer schools for them or work together with other schools if they wish to do so to maximise the use of the grant.

Summer schools will run from the end of July through to August. The government will be contacting each school involved in summer activities in September to ascertain the success of the activities and provide the rest of the funding.

Headteachers may apply for school funding on the DfE website at <http://www.education.gov.uk/schools/pupilsupport/premium/b00204241/ssprog>

Phonics Reading Test

In the summer of 2012, the phonics reading test will be rolled out to all pupils in year 1 – i.e. children who are or will be six in the academic year 2011-12. They will be tested on their ability to decode:

- (i) all items with simple structures containing single letters and consonant digraphs (a combination of two letters representing one sound);
- (ii) most items containing frequent and consistent vowel digraphs;
- (iii) all items containing a single two-consonant string with other single letters (i.e. CCVC CVCC);
- (iv) most items containing a pair of two-consonant strings and a vowel (i.e. CCECC);
- (v) some items containing fewer frequent and fewer consistent vowel digraphs, including split digraphs;
- (vi) some items containing a single three-consonant string; and
- (vii) some items containing two syllables.

The phonics screening test, as it is called, will consist of 40 words and non-words that children read aloud to their teacher. The test should take pupils between four and nine minutes to complete.

In the pilot that was administered in 300 schools last year, the pass mark was so high that only a third of the children were successful. Headteachers argue that altogether 85% of pupils at the end of Key Stage 1 attain level 2 (the expected standard) so that there is no need to keep the threshold for the six-year-olds so high. However, Nick Gibbs, Education Minister, is keen not to lower the bar as the test for the 330,000 pupils in England is aimed at securing high standards. As long as this test does not become the subject of more league tables schools could use it positively and for diagnostic purposes.

The government has made matched-funding of up to £3,000 available for schools to buy approved phonic products and training. Altogether, 4,000 schools have taken up the offer, so far.

What do we do about our Kevins?

In March 2012, the government published two reports that have made us pay close attention to the educational provision we make for and the manner in which we take care of our most difficult pupils at school.

I The Review of Alternative Provision

The first, *The Review of Alternative Provision (AP)* at <http://www.education.gov.uk/a00204776/taylor-review-of-alternative-provision> published on 8 March 2012 was from Mr Charlie Taylor, the Government's current Behaviour Czar. His 28 recommendations span and straddle the whole gamut of issues involved in trying to find a way of making provision for challenging albeit vulnerable pupils who live chaotic lives. He lambasts schools for not engaging in early assessments - well before children's behaviour has deteriorated to the extent that permanent exclusion is the only option. He also has a go at the government, telling ministers that they should keep their noses out of this issue by ceasing to maintain a central register of AP providers because this is a local issue; the role of government is superfluous.

He wants local authorities (LAs) to devolve funding for AP directly to the schools and recommends that the headteachers and senior managers of schools should sit on the management committees of Pupil Referral Units (PRUs). He even proposes that PRUs be removed from LA control.

Taylor criticises schools for not sharing all the relevant information on the children they exclude with the Alternative Providers. He wants them to agree with the PRUs on the pupils that are

exported, the kinds of interventions required, the targets for them and plans that should to be laid about the next stages of their lives.

Some of his recommendations are already being put into operation. For instance, he has urged government to open the passage to academy status to the PRUs, which is currently the case. The government is consulting on another recommendation of his, i.e. enabling trainee teachers on the Graduate Teacher Programme to learn on the job at the PRUs.

II They Never Give Up on You

On 19 March 2012, Dr Maggie Atkinson, Children’s Commissioner for England, published findings from her School Exclusions Inquiry which can be accessed at http://www.childrenscommissioner.gov.uk/content/publications/content_561.

The terms of reference of the enquiry were to investigate

- (i) the decision-making process up to the point of exclusion and whether schools and other public bodies are meeting their duties under equality legislation and
- (ii) whether the system is consistent with children’s rights under the United National Convention on the Rights of a Child.

For schools, the report was very much a curate’s egg, good in parts. On the one hand, Atkinson deemed that most schools worked hard to cater for troubled pupils. On the other hand, she said that schools had admitted to excluding children illegally, and that some of the most notorious offenders were academies, who did not advise parents that they had a right of appeal when their children were excluded, because the local authorities were powerless to hold them to account.

The report recognised that exclusion was justified in rare cases and could be used as a last resort, i.e. when a child was a danger to him- or her-self or when learning was so disrupted that only exclusion was possible. However, the report insisted that for exclusions to be fit for purpose they had to be operated within the law, fair (and seen to be fair) and effective.

(1) Legal Operations

The Commissioner found clear evidence of illegal exclusions. These ranged from year 11 pupils being sent home at Christmas and told not to return to school until their exams in May and June to “informal” exclusions when they are told verbally, with no correspondence to their parents, to go home for a few days or not to return before the schools have interviewed their parents.

A barrister, who specialises in education law, alleged to the enquiry that some academies were illegally stopping pupils from appealing against exclusions because their funding contracts were between their schools and the government.

(2) Fairness and Transparency

The evidence indicates that there are four key factors in a child's life that make it more likely that she/he will be excluded: gender, special educational needs (SENs), ethnicity and poverty. When combined, it creates a toxic solution. A black boy from an Afro-Caribbean background, who has SENs and lives in a household that is in receipt of benefits is 168 times more likely to be permanently excluded from the same school than a white girl who does not have SENs and comes from an affluent background.

Previously, pupils and parents had the right of appeal against unfair exclusions. The Education Act 2011, however, removed this right and replaced it with the right of representation. Where parents win, the panel hearing the representation cannot require the excluding school to take the child back, even though the school can be financially penalised. The changes in the Act are not compliant with Article 6 of the European Convention on Human Rights, according to Atkinson.

Atkinson wants the Department for Education (DfE) to issue clear and transparent guidance for an exclusion threshold that schools may use to decide on what to do when dealing with a child at risk of exclusion. Currently, she avers, there are significant inconsistencies within a school and between schools too in using this sanction.

Pupils should not be excluded for minor breaches of school rules, says Atkinson, but rather if they are harming themselves and/or others or preventing their peers from learning. She advocates a sliding scale of punishment. Schools should also work with external agencies and partner schools to assist these young, broken fragments of our society. They should try to resolve their problems rather than 'turf' them out on to the streets of our cities to be swept up by a thing called society.

Atkinson states (on the basis of evidence that her enquiry received) that many young people and their parents do not know their rights especially when schools act unreasonably or, in extreme cases, illegally. She urges the government to take steps to improve their knowledge of the exclusion policy and procedures.

She is shocked that so many schools exclude pupils as young as four. Altogether, 100 pupils under the age of 6 were excluded from English schools in the academic year 2009-10. She has called on the government to bring an end to such punishment for primary-age children.

(3) Effectiveness

Atkinson praised most schools of all types – academies, foundation, community and faith schools - for working together and with other agencies to manage pupils' behaviour. They provided evidence of improving the educational and life chances of the not-so-easy-to-educate young people in their care.

The report looks at best practice in inclusion, the management of children at risk of exclusion and at effective ways of dealing with difficult behaviour to support all children exploit their potential. The report also includes the reflections of professionals, parents and the children themselves.

III Commentary

Charlie Taylor has an impeccable pedigree. The 47-year-old Headteacher of Willows Special School in Hillingdon – a school for children with severe behavioural problems – has been seconded to the government to advise ministers about educational provision for pupils who behave badly.

The ex-Etonian, who was a contemporary of David Cameron, the Prime Minister at the school before moving onto and graduating from Cambridge University, has an impeccable track record underpinned by the belief that no matter how difficult a child is, she/he has an X – Factor which can be exploited. He regards such children’s plight a consequence of social breakdown and the malfunctioning welfare system – which discourages people from finding work.

He told *The Times* reporters, Rachel Sylvester and Alice Thomson, (*The Times* 10 March 2010) that between 1% and 2% of the six million children in schools are social outcasts. The August 2011 riots, he claims, are “what happen if you don’t address a problem.” A third of the young people involved in the riots had been excluded from school.

When he arrived at the Willows, the children were metaphorically and literally hanging from the rafters. He turned round the junior school and then was asked to take over the senior one too where pupils had gone off the rails. On his first day there, he discovered children smoking on the roof. He began laying down the law and setting boundaries for these pupils. They loved the new regimen, he claimed, because their lives were chaotic and the only civilised part of it was when they were at school.

He has been worried about their poverty – in all senses of the word – economically, intellectually, socially, morally and most of all, the poverty of expectation. They have been excluded in their homes from the breakup of marriages and excluded at school – moving from pillar to post.

He introduced the positive touch policy. “I realised that children were fighting because they wanted us to hold them.” Children were taught to massage one another. “You want them to learn to touch people without hitting. It’s incredibly moving when you see big scary boys massaging one another and saying, ‘Is that all right?’”! The pupils also break for tea and toast every morning at 10.00. They have access to teapots and butter knives which they use with immense civility.

His very good track record as a practitioner together with the fact that he was Cameron’s contemporary at Eton made him an unsurprising choice for reviewing alternative provision in our schools.

Many of his recommendations are commonsense. However, some of his proposals are frankly worrying. Cutting PRUs loose from LAs will be hugely detrimental to the welfare of the youngsters that he is committed to helping. To start with, LAs have economies of scale. They also have responsibility for ensuring that all youngsters of statutory school age in their localities receive an education at school or otherwise. Giving PRUs the right to become academies will

make it incredibly difficult for LAs to ensure that all pupils - the good, bad and downright recalcitrant – receive a decent education. Add to this his proposal that government should keep out of AP we could have a recipe for the chaos that Taylor is trying to counter.

Maggie Atkinson’s report, *Never Give Up on You*, is another attempt to safeguard nationally the education and welfare of the most vulnerable and bolshie of our young people. She has her staunch supporters. Carl Parsons, visiting professor of social inclusion studies at the University of Greenwich, backed her recommendations. Quoted in *The Times Educational Supplement*, he said: “Schools are given a duty of care.....if primary pupils are exhibiting this kind of behaviour, their needs are not being met. Stopping exclusions does not mean teachers can’t remove them from the classroom. They need to find them caring spaces where they can continue their education at school.”

The former behaviour Czar, Alan Steer, was also supportive. “Headteachers say that the only way they can get children’s special needs met in primary schools is to exclude; that’s nonsense. In an ideal world, children showing difficulties early on in their education will get help so exclusion is not needed.” However, it appears that the operative word is “ideal”. The reality is that the world is not ideal and because of the state of the economy, schools are denied the resources that are simply not there to help these children.

A DfE spokesman observed: “No head excludes lightly and it is always a last resort. It is right” that heads set and enforce discipline policies in their own schools.”

Notwithstanding, setting academies loose from local authorities will mean that the system will be policed with much less rigour. Parents of pupils in community, foundation and voluntary aided school under the LA umbrella can be assured of having their voices heard in relation to the perceived injustices from heads and governors. Parents of pupils in academies, meanwhile, will be less sanguine and assured that their concerns are addressed by Westminster which may be too far away – a case of voices crying in the wind.....

Meanwhile, the government will be introducing reforms from September 2012 requiring a school to pay £4,000 if it chooses to press ahead with exclusion when the recommendation of the Independent Review Panel is for the child to be reinstated.

Both, the Association of School and College Leaders (ASCL) and the National Association of Headteacher (NAHT), have roundly criticised the government for not recognising the time, energy and other resources expended in supporting such children before they are excluded and feel that this is a punitive measure. Martin Ward of the ASCL remarked that the payment will be “widely seen as a fine on the school and hence its other students”. The NAHT views that the sum will have a disproportionate impact on smaller schools.

Meanwhile 37,000 children excluded from school are placed in PRUs. Two-thirds are boys, most with special needs and known to social services and the police. Almost 90% are young offenders. They have failure writ all over their faces. Alternative provision for them is patchy in availability and quality. Some authorities offer excellent services; others not even the minimum. The country fails to address this at its peril. Schools must take responsibility for these broken fragments of our society - not dump them on others. Governors, headteachers and schools staff should find a way of working in concert to make the best possible provision it can. Both, Charlie

Taylor and Maggie Atkinson, have thrown down the gauntlet to the profession. Is there anyone out there brave enough to pick it up?

Secondary Headteachers' Survey - Shocking Findings

The Times Educational Supplement (TES) and the Association of School and College Leaders (ASCL) carried out a survey of secondary headteachers in March 2012. The results, based on the returns from 1,800 secondary school leaders, are a wake-up call for the government.

Here is a summary of the findings.

- 37% are actively planning to leave the profession.
- 54% are considering leaving the profession.
- 66% are less happy in their jobs than a year ago.
- 92% don't think the government is supportive of the teaching profession.
- 23% would recommend headship to their colleagues the corollary of which is that 77% wouldn't recommend it.
- 61% said the government's education reforms will have a detrimental impact on state education.

Meanwhile, 73% of deputies and assistant headteachers said they were less likely to want to take up a headship than they would have been 12 months ago.

So what are the underlying causes for these jeremiad-like findings? They are best summed up by Carol Mason, headteacher of Brentwood County High School for the last 10 years, who served at the school for a quarter of a century. Resigning her post with effect from 31 August 2012, Mason, who regrets leaving the work she once loved, informed the TES that it was not the job that she had originally signed up to do. She had had enough bombardment of policy changes since the coalition came to power two years ago.

She is sick of having to teach to the test putting the individual needs of pupils in jeopardy. She resents having to put up an act pleasing Ofsted inspectors. Government plans to worsen the pension arrangements for teachers appear to have been the last straw on the camel's back. Opening her heart to Steven Exley of the TES, Mason said that she was tired of the abuse of ministers.

She found empathy from her colleagues at the 2012 Easter Conference of ASCL who complained of "bully-boy tactics" from the government and a "climate of fear" injected by both, the government and Ofsted.

Mason has described the milieu in which she and her colleagues have to operate where they are damned if they do and damned if they don't. When the examination results are good, the nation says that they are getting easier. When they are bad, headteachers are blamed for

sinking standards. Brian Lightman, secretary general of ASCL described this as an “endless barrage of negativity”.

Ofsted is turning the screws on schools – already tightly constrained – even further. (See page 19.) The new Chief Inspector, Michael Wilshaw has heralded unannounced inspections, the continuing inspection of outstanding schools and a requirement for headteachers and governors to justify teachers’ increments. Shortly after he took up his present position, he famously said to headteachers: “If anyone says to you that staff morale is at an all-time low, you know you are doing something right.” (‘Doh’ as Bart in The Simpsons would say!) Mason is unsure about what the end game will be.

Education Data Surveys discovered that 28% of headteacher posts in 2010-11 had to be re-advertised.

Meanwhile, the DfE appears to be in denial. A spokesman said: “While interesting, this (TES/ASCL) survey doesn’t account for the views of the vast majority of headteachers across the country working hard to continually increase (sic – note the split infinitive) standards. We’re freeing them up from unnecessary red tape and central diktats so that they can get on with their job – giving heads more power over how they run their own schools for the benefit of the pupils.”

However, Michael Gove, the Secretary of State, confessed at the ASCL conference that the survey had given him pause for thought. He acknowledged that “giving the wrong sound bite” can “offend someone” and “I am as guilty of that as anyone”.

Brian Lightman, the general secretary of the ASCL, informed Gove that he would not be presenting him with his customary gift. However, he insisted that as a token of ASCL’s appreciation, he would be sending Gove a special “swear box” to deter him and his ministerial colleagues from publicly slagging off the profession. The present had been delayed, however, by the delivery company.

Notwithstanding the above, the Organisation for Economic Cooperation and Development (OECD) must have the last word about our headteachers on the quality of their leadership. In its report – *Preparing Teachers and Developing School Leaders for the 21st Century*, the OECD pronounced that they were the best in the developed world and praised them for doing what headteachers/principals should be doing for most of their time, i.e. focusing on learning and not administration.

The OECD put UK heads at the top of the developed league of nations because of their greater involvement in education and teaching than their counterparts elsewhere in the industrialised world. Thirty-three nations (including the UK) were judged on 14 criteria relating to areas of their work in pedagogy, pupil progress, curriculum and behaviour. Surprise, surprise, our headteachers were top of the class. Will the two Michaels please take note?

Governors, whose job it is to offer challenge and support, will surely use this finding to good effect.

Standards for Teachers

New Benchmark from September 2012

I Introduction

The future of every country lies in the hands of its teachers. No profession has as profound an effect on the young as they do. Parents leave an indelible mark on their children too. When they and teachers work collaboratively the sky's the limit for what children can achieve. On the other hand, if children live in chaotic families and/or attend dysfunctional and failing schools, they fall into the abyss of failure. Consequently, the standards expected of our teachers, emanating from the review carried out by Sally Coates, Headteacher of Burlington Danes in Hammersmith and Fulham, and her team cannot be ignored.

These standards, which have been accepted by the government and come into effect from September 2012, are in two parts and set out briefly below.

II Part I: Teaching

A teacher is required to carry out the following.

- (1) Set high expectations which inspire, motivate and challenge pupils.
- (2) Promote good progress and outcomes by pupils.
- (3) Demonstrate good subject and curricular knowledge.
- (4) Plan and teach well-structured lessons.
- (5) Adapt teaching to respond to the strengths and needs of all pupils.
- (6) Make accurate and productive use of assessment.
- (7) Manage behaviour effectively to ensure a good and safe learning environment.
- (8) Fulfil wider professional responsibilities such as making a positive contribution to the life and ethos of the school, developing professional relationships and communicating effectively with parents in relation to their children's development.

III Part II: Personal and Professional Conduct

A teacher is expected to demonstrate consistently high standards of professional conduct.

- (1) Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside the school walls by

- (i) treating pupils with dignity, building relationships rooted in mutual respect, and, at all times, observing proper boundaries appropriate to their professional positions;
 - (ii) having regard for the need to safeguard pupils' well-being, in accordance with statutory provision;
 - (iii) showing tolerance of and respect for the rights of others;
 - (iv) not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect; and
 - (v) ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to breaking the law.
- (2) Teachers must have proper and professional regard to the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- (3) Teachers must have an understanding of, and always act within, the statutory framework which sets out their professional duties and responsibilities.

IV Reflections

The standards are the benchmark against which society will be holding teachers to account. More important, they are the requirements against which they will be held to account by their line managers, governors, local authorities, Ofsted, government, parents and the children who are in their care.

I am perplexed with and mystified by the reaction of the teacher unions who believe that these standards will let headteachers judge teachers they want to fire against much higher minimum expectations than they are at the moment. They argue that headteachers will use the new standards as a basic framework for devising progressively tougher minimum performance levels.

Brian Lightman of the ASCL said it was a "major concern" that standards had been published without an explanation of how progress will be measured. What about the use of professional judgement? Elsewhere, he and the other unions have criticised the government for operating as the nanny state and being prescriptive of every educational matter with teachers and headteachers.

There are sufficient checks and balances in the system which will minimise the misuse of this excellent framework. School governors have the responsibility of securing fairness

in the administration of these standards. In fact, they will be using them to judge their headteachers and own performance.

Meanwhile, Nigel Middleton, a consultant from Educate Services, is advising headteachers to set levels of expectations for teachers on the main scale and the upper pay spine to secure equity in teachers' pay and conditions. They are as follows.

(i) Up to point 2 on the main pay scale

All teaching is satisfactory with much of it good or better.

(ii) Points 3 and 4 on the main pay scale

All teaching is good or better.

(iii) Points 5 and 6 on the main pay scale

All teaching is good and some outstanding.

(iv) Points 1, 2 and 3 on the upper pay spine

All teaching is good and much outstanding.

Glossary of Terms Used in This Issue

ADHD	Attention Deficit Hyperactivity Disorder
AP	Alternative Provision
ASCL	Association of School and College Leaders
ATL	Association of Teachers and Lecturers
DfE	Department for Education
DSG	Dedicated Schools Grant
EAL	English as an additional language
EEF	Education Endowment Fund
ET	Employment Tribunal
EFA	Education Funding Agency
EYFS	Early Years Foundation Stage

FSM	Free School Meal
HMCI	Her Majesty’s Chief Inspector of Schools
HMI	Her Majesty’s Inspector
IDACI	Income Deprivation Affecting Children Index
LA	Local Authority
LACSEG	Local Authority Central Spend Equivalent Gant
NAHT	National Association of Headteachers
NGA	National Governors’ Association
NQT	Newly qualified teacher
OECD	Organisation for Economic Cooperation and Development
Ofsted	Office for Standards in Education
PFI	Private Finance Initiative
PISA	Programme for International Student Assessment
PRU	Pupil Referral Unit
RPA	Raising the Participation Age
RSA	Royal Society of Arts
SEN	Special Educational Needs
STRB	School Teachers’ Review Body
TES	Times Educational Supplement
TUPE	Transfer of Undertakings for Public Employees
YPLA	Young People’s Learning Agency