

# Governors' Agenda

Number **Forty Eight**

**Spring Term 2011**

A Governors' Journal produced by David Sassoon for Governors of Schools associated with

**Schools Support Services Ltd**

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## What Does the Big Society Mean for School Governors?

In the run-up to the Christmas break of 2010, the country was covered in snow and many parts of it were paralysed. I reside in a tucked-away road of North London, which is seldom if ever gritted, either because Council workers are too busy with the more important thoroughfares or simply because we are forgotten. Several folk, apart from us, dwell on the road and the one into which it leads. However, a miniscule number of my neighbours thought that it was necessary to clear the snow from their front gardens and the roads onto which they abut.

One, whom we thanked and congratulated for doing so, informed us that she was keen to remove the “white stuff” because a number of guests were visiting that evening, two of whom were her parents and the other two the parents of her partner. Needless to say, despite our best efforts and those of this neighbour, we had several casualties – which included pedestrians taking tumbles and cars slipping and slithering.

The general attitude was epitomised by the comment: “If they (whoever the “they” is) don’t bother about clearing the snow, why should I?”

Which begs the question: Are we ready for Prime Minister David Cameron’s Big Society? He has presented all of us with a challenge to share his vision of creating this new world and given this policy such importance that a discrete part of the Cabinet Office – the Office for Civil Society - has been tasked with promoting it.

So what is the Big Society that was launched by the government on 19 July 2010? It is about helping people to come together to improve their own lives and putting more power in people’s hands. According to the Cabinet Office, creating this Society will mean a “massive transfer of power from Whitehall to local communities”. The Office for Civil Society is working across government departments to translate the Big Society agenda into practical policies, providing support to voluntary and community organisations to deliver a number of key programmes.

- (1) The government will be giving local councils and neighbourhoods more power to take decisions and shape their areas. The Communities and Local Government (CLG) Department will be announcing reforms to ensure that planning decisions are made at local level in the best interests of their local areas. The Infrastructure Planning Commission will be abolished and replaced with a body that will fast-track projects. However, the CLG intends to maintain the Green Belt, Site of Specific Scientific Interests and environmentally important areas for local communities.
- (2) The government will establish a Big Society Bank to give social enterprises, charities and voluntary organisations access to greater resources. It will be created with monies that are lying in dormant bank accounts – i.e. those that have been untouched for at least the last 15 years. For instance, some of the funding will be set aside for Community First which encourages social action through new and existing neighbourhood groups to empower people with high levels of deprivations to take more responsibility for themselves and their communities.

(3) The National Citizen Services (NCS) scheme will bring 16-year-olds from different backgrounds together in the summer to take part in residential and home-based activities such as outdoor challenges and local community projects. The Cabinet Office proposes to run pilots this calendar year and the next which will involve 10,000 youngsters.

This country is renowned for the number of volunteers that give considerable time, energy, social capital and commitment to developing and sustaining communities. The 350,000 school governors comprise one of the largest groups of such armies of volunteers and are uniquely placed to take the Big Society forward.

Many governors who are asked about why they sign up to this work state that they wish to give something back to the community. But, even if this were not the case and altruism was non-existent, functioning as a school governor and taking the associated social responsibilities that come with it helps one to develop new skills and acquire knowledge in fields unknown apart from benefiting directly the school one serves.

I have come across many school governors who have told me that they enjoy the roles they take on – more than their day jobs (where they are engaged in gainful employment) – because of the immense satisfaction they derive from governorship. In the process, they gain in confidence while becoming more productive in their paid work.

However, if governors are to be truly effective, attending meetings of the governing body and its committees will not be sufficient. Deeper commitment is required for a governor to connect with her/his school. This will involve taking responsibility for overseeing a discrete area of school life – linking with a subject area or year group (perhaps) – and visiting the school during a normal working day to learn firsthand how the school functions, so that one can engage meaningfully in discussions at governors' meetings.

In this manner, a governor can gain an entrée into the workings of the school and be more able to contribute to

- (1) shaping the direction in which school moves;
- (2) supporting and challenging the headteacher and staff;
- (3) ensuring that the school complies with the law in relation to the provision of education and the promotion of equality of opportunity; and
- (4) holding the school to account and holding herself/himself and fellow governors accountable to the parents of the children who entrust their little wards in the care of the headteacher, staff and governing body.

A former Conservative prime minister famously said that there is no such thing as a society. The current one, also Conservative, is operating antithetically and wants **the Big Society**. School governors are pivotal in showing the way. We may not all reach the Holy Grail; but the journey, surely, will be worth it.

# White Paper on Education **The Importance of Teaching**

## **I Introduction**

The government is living through a rush of adrenaline and the nation experiencing déjà vu. The present political landscape mirrors that of 1997 when New Labour was flush with victory. The coalition of Conservatives and Liberal Democrats have hit the ground running and appear to be enjoying operating like human doings rather than human beings.

Chancellor Osborne's Comprehensive Spending Review (CSR) has been received (relatively) favourably – not just in this country but also across the pond. We are being held up internationally as exemplars of financial discipline. This has come as a welcome surprise to the government's supporters. The only visible opposition (so far) has emanated from students, who, mortified with having to face the prospect of a lifetime in debt, have taken to the London streets to revolt and, in the view of many peace-loving citizens, be revolting.

In this climate, Michael Gove, the Secretary of State for Education, considers that his time has come to make his mark. He has done so with not a little panache in publishing the White Paper, *The Importance of Teaching*. In it, he sets out his grand vision for England's schools. Wales, Scotland and Northern Ireland have their own regional systems and are not subject to the educational regimen of Sanctuary Buildings, the headquarters of Gove and the Department for Education (DfE).

## **II Four Questions**

The White Paper heralds significant, root-and-branch reforms in the way in which education in England will be organised and delivered. The White Paper signals changes in teaching training, the curriculum, school discipline, assessment and school inspection among other things. It addresses four questions (three 'Whats' and one 'How'). The answer to the 'Why' question, i.e. "Why is education important?" is considered self-evident.

The four questions are as follows.

- (1) What are the key ingredients responsible for creating a good educational system?
- (2) What are the obstacles standing in the way of creating the good life?
- (3) What action will be taken to make that possible?
- (4) How must the different stakeholders act to achieve the objective in (1) above?

## **III Four (Possible) Answers**

The title of the White Paper – in more senses than one – is really the answer to the first question. The quality of teaching (which, if good or outstanding impacts positively on learning) is **the** key ingredient to a good educational system.

In the White Paper preamble we have the answer to the second. Positives precede the negatives. Accordingly, it states that we have many outstanding school teachers and leaders, yet teachers feel constrained and burdened because they are restricted to a limited curricular diet. Most young people behave well, but teachers concede that their authority to deal with bad behaviour is constantly undermined. More young people are participating in education longer though the curriculum they follow teems with non-essentials and little that stretches them to attain the standards matching the best. The government was vindicated in making this assertion with the publication of the 2009 Programme for International Student Assessment (PISA) results showing that we have slipped down the international league tables among a sample of 15-year-olds across a large number of Organisation for Economic Cooperation and Development (OECD) nations.

Excluding 2003, when English schools refused to participate in PISA, the last three occasions on which we did attest to our decline despite the claim Labour has made about transforming (for the better) the educational landscape in this country. The data provide evidence of the decline.

Subjects	Ranked in 2000	Ranked in 2006	Ranked in 2009
Reading	7 <sup>th</sup>	17 <sup>th</sup>	25 <sup>th</sup>
Mathematics	8 <sup>th</sup>	24 <sup>th</sup>	28 <sup>th</sup>
Science	4 <sup>th</sup>	14 <sup>th</sup>	16 <sup>th</sup>

There are other conundrums that have been identified in the White Paper that the government is intent on tackling.

- (1) More young people are attaining qualifications but these are of little value as they are not recognised by employers and the elite Russell Group Universities.
- (2) Schools are skilled at meeting government targets, but so absorbed with them that they have no time to be creative.
- (3) There has been a considerable amount of money pumped into education over the last 10 years, but much is spent on central and local government and school bureaucracy to the detriment of what should be happening in our classes.

#### **IV Imperatives for Action**

The rest of this paper addresses the third and four questions – i.e. what action is needed and who should be doing what.

##### **(1) Transforming Teaching**

###### **(i) Proposals**

Pivotal to Gove’s planned reforms is the teaching profession. Teachers are our society’s most “valuable assets”. They transform lives. The best are not only human resources but resourceful humans and the impressions many make on our children and grandchildren (not counting ourselves) often last a lifetime and affect the manner in which our country develops. Research

carried out in the United States revealed that a good teacher covers one-and-a-half years' and a poor one half-a-year's work in one.

The aim is to attract the crème-de-la-crème into teaching. Teach First has blazed a trail of what can be done. The programme started in this country in 2000. Elite graduates from the best British universities are chosen, trained intensively for a period of six weeks and placed in challenging, inner-city schools for a period of two years with the option of continuing after that.

Accordingly, plans are to be laid to lift the entry requirements for those wishing to embark on teacher training with a minimum qualification of a lower Honours Degree, i.e. 2.2. Gove has acknowledged that highly qualified people can often make lousy teachers. Therefore, there will be other communication skills, personal qualities and emotional intelligence that will be required before applicants will be chosen to train as teachers.

Further, the number of teaching schools (similar to the hospitals) is to be increased and initial teacher training (ITT) moved out of universities.

(ii) Comment

Raising the bar for candidates entering the profession is welcome. There has been sufficient research (the 2007 McKinsey Report for instance) to indicate that quality entrants improve the standards of provision and pupils' achievements. Finland pays its teachers less than we do; yet it has schools where children do much better than our young people. The PISA league tables bear this out. In Finland, no applicant is permitted to train as a teacher if she/he does not have a Masters Degree.

What appears to be missing in the proposals are arrangements to make it easier for schools to dismiss incompetent teachers. Despite the previous government's best efforts, employment legislation is riddled with bureaucratic requirements that create a minefield of the dismissal process. Headteachers and governors who grasp the nettle of clearing the Augean stables of bad practice often become casualties. On an average, it takes 18 months for a school to fire a failing teacher. Doing it correctly is painful; so headteachers offload bad teachers with good references or the local authority's support is sought in redeploying them.

The efficacy of the second proposal is questionable given the pronouncements of Ofsted in Her Majesty's Chief Inspector's (HMCI's) most recent annual report which concluded that university courses provide higher-quality preparation for the courses than the School Centre Initial Teaching Training (SCITT). The last report of Christine Gilbert, HMCI, states that 47% of university-led courses were rated as outstanding against 23% of the SCITT ones.

Gove wants outstanding and free schools to take responsibility for initial teaching training (ITT). The Sunday Times reported him as saying: "We need to have high-profile, outstanding schools that become magnets for people who want to become great teachers, whether they are individual schools, groups of schools or perhaps academy chains like Ark. Of course, some universities must continue to provide teacher training. I'd like to see those universities establish their own free schools that would act like lab schools where they will pioneer and exemplify the best in teaching."

## **(2) Improving Pupils' Behaviour**

### **(i) Proposals**

Gove is convinced that schools lack sufficient powers to deal with pupils behaving badly. The White Paper avers that the greatest concern of newly qualified teachers (NQTs) is pupils' poor behaviour. The number of serious physical assaults on teachers has risen, ill-disciplined children cause misery to their fellow-pupils and disrupt teaching and many staff members have been the subjects of false child-abuse allegations. To restore the authority of teachers, Gove intends to

- (a) strengthen the powers of schools to search pupils – checking for illegal items such as drugs and knives as well as any items that contravene school rules - enable them to issue the same-day detentions and use reasonable force if and when necessary;
- (b) strengthen headteachers' authority to maintain discipline beyond the school gates;
- (c) empower headteachers to take a strong stand against bullying, especially those linked to racism, homophobia and other forms of prejudice;
- (d) alter the current system of independent appeal panels for exclusions so that they take less time to do the business and ensure that headteachers no longer will have to worry that a pupil will be reinstated when she/he has committed a serious offence, even though the appeal is won;
- (e) trial a new approach to exclusions giving school (more) responsibilities for the on-going education and care of excluded children;
- (f) encourage new providers to set up alternative provision – similar to Pupil Referral Units (PRUs)– in the shape and form of Free Schools;
- (g) protect teachers from malicious allegations – speeding up investigations and grant them (teachers) anonymity when accused by pupils; and
- (h) require Ofsted to focus more strongly on pupil behaviour and safety as one of the four key aspects of inspections.

### **(ii) Comment**

Many of the so-called initiatives are not really new. Schools already have powers to search pupils, take disciplinary measures against those who bring their institutions into disrepute outside schools hours and beyond the school gates and sanction pupils for bullying of all kinds. Ofsted already focuses on pupils' behaviour when inspecting schools.

However, doling out same-day detentions will be new. But will headteachers wish to do that? I doubt it, given that they are keen (and the government is very much in favour) of schools building partnerships with parents to improve on the positive impact they wish to make on young people. Alienating parents will be counterproductive.

While headteachers and governors will welcome legislation that will not require them to accept permanently excluded pupils back – even if they win their appeals – they will view with horror the prospect of having to find alternative places for them either in other schools or PRUs. The extra costs associated with sending pupils to PRUs will leave them with no choice but to employ teachers in-house to staff special units at their schools – which in the halcyon days were called “sin-bins”.

Legislating to stop parents, pupils and members of the public from making vexatious allegations against school staff members has been overdue. Many staff and headteachers have found themselves in impossible positions when taking disciplinary action against pupils and some have prematurely terminated their careers because of the distress caused to them. It is right and proper for measures to be taken to protect young people from child abuse. However, in the process, the pendulum has probably swung to the other extreme to the detriment of school staff.

### **(3) Curriculum and Assessment**

#### **(i) Proposals**

The White Paper considers that there is too much prescription in the National Curriculum, not just in what but also how to teach. However, it then goes on to do exactly that – i.e. prescribe by specifying that the NC must have “a more rigorous model of the knowledge which every child should expect to master in core subjects at every key stage”.

The plans as follows.

- (a) There will be (another) review of the National Curriculum with the aim of “reducing prescription and allowing schools to decide how to teach, while refocusing on the core subject knowledge that every child” should gain in the various key stages.
- (b) School will be supported in promoting synthetic phonics, “as the best method for teaching reading”.
- (c) The assessment system will be assured at each “vital transitional stage” of children’s education to provide parents with information on how their young ones have done. Children will be tested in decoding words at the age of 6. They will also be tested at 11 (SATs) and 16 (GCSEs). With regard to the SATs, the government has already begun an independent review of the Key Stage 2 testing. It intends to retain a strong basis of accountability and the provision of information to parents and secondary schools while attempting to alleviate the damaging effect of over-rehearsal of tests.
- (d) The government intends to introduce the English Baccalaureate so that schools offer “a broad set of academic subjects at 16”, whatever the route students go down – academic or vocational.
- (e) Ofqual, the regulatory body, will be tasked with ensuring that examination standards here match the highest overseas.

- (f) Vocational education is to be reformed to enable progression into further and higher education and employment – so that it matches “the best in the world”.
- (g) By 2013, young people will be expected to participate in education or training. The age bar will be raised to 18 in 2015.
- (ii) Comment

The aims in this section are seductive. Who wouldn't want standards to be raised? Some of the actions proposed are good and well-intentioned. Slimming down the National Curriculum is to be welcomed. It will provide schools with the space to be creative and give them wings to fly. However, this does not sit well with Gove requiring schools to focus on “core knowledge that every child must gain at every key stage”. He also intends to promote “synthetic phonics”. Good teachers have a repertoire of strategies when instructing children on how to read. One of their key tools is synthetic phonics, but if they use it to the exclusion of others they do so at their peril. Gove can't have it both ways. Either he sets out the overarching areas of the curriculum and allows schools to determine the details or he prescribes.

A review of the Key Stage 2 SATs has been long overdue. Lord Bew has been charged with carrying it out. He will chair a review panel comprising two educational experts, a number of primary headteachers and one secondary headteacher. The panel will publish its report in June 2011. The terms of reference of the group includes securing a proper accountability system and providing parents with good-quality information on the progress of their children while seeking to avoid the risk of perverse incentives and a reduced focus on productive learning. I don't believe that the latter objective is achievable until and unless we rid ourselves of league tables. So long as competition is the order of the day, schools will be keen to ensure that their children perform well in these summative tests (and will be teaching to them) to rise to the top and thereby be attractive to parents looking out for the best schools for their children.

The English Baccalaureate will be welcomed by many who are convinced that our examination standards have dropped over the years. Ofqual has also been asked to secure the highest possible examination standards. Its task would be made that much easier if the three examination boards – AQA, OCR and Edexcel - are reduced to one. The Boards operate in the market-place. Schools wishing to take pride of place at the top end of a league table for examination results opt for the exam board that provides the path of least resistance for the students. It is unsurprising, consequently, for the examine boards to lower standards.

The government is (again) going to tamper with vocational qualifications in another attempt to give them parity of esteem with the academic. We have been here many times before. Mike Tomlinson, former HMCI, carried out a root-and-branch exercise to establish a new system of school-leaving qualifications predicated on the abolition of O and A Levels. This was kicked into touch by the previous Labour government in 2004 because of resistance from the Conservative Party – when in opposition – and the popular press. Labour attempted to bring in a new creature called Diplomas. The coalition would do well not to keep tampering, but rather review what is being implemented so that the best can be strengthened and the worst discarded. There is now a real chance that Diplomas, which had cost the tax-payer dearly, will die of infant mortality.

#### **(4) School Structure**

##### **(i) Proposals**

Using the excuse that it wishes to give all schools freedom and autonomy, the White Paper intends to

- (a) restore Academies' freedoms while maintaining "a level playing field on admissions", particularly in relation to children with Special Educational Needs (SENs);
- (b) extend the Academies programme by opening it up to all schools (there are at the moment 347 Academies in the country) and that they are supported and encouraged to collaborate through chains, multi-school trusts and federations;
- (c) convert the lowest performing schools into Academies "to effect educational transformation".
- (d) support parents and teachers to establish Free Schools to meet parental demand, especially in areas of deprivation; and
- (e) give local authorities a strategic role as champions for parents, families and vulnerable pupils and empower them to provide educational excellence by ensuring a good supply of high-quality school places, coordinating fair admissions and developing their own school improvement strategies to support local institutions.

##### **(ii) Comment**

It doesn't matter what party is in power; all are addicted to "choice" and convinced, despite the evidence to the contrary, that a structural system with maximum choice for the consumer improves the product – in this case, the quality of education. That so few outstanding schools took up the offer in the summer of 2010 to convert into academies means that there is a growing realisation that structural change is costly in both, time and resources. The political scientist, Christopher Pollitt called it "redisorganisation".

Professor Ron Glatter, emeritus professor of educational administration and management at the Open University, writing in the Times Educational Supplement (TES) on 8 October 2010, said that when he researched the variety of various new school formats over a score of years, "it became clear that the status of the school didn't itself contribute to any improvements. Any gains were the result of outside factors such as differences in intake or extra funding".

The Institute of Fiscal Studies (IFS) mentioned that there were huge costs to structural changes apart from disrupting children's education. The changes make the school system complex for parents thus creating more social division. Anthony Seldon, the Master of Wellington College – a beacon independent school, stated that three factors accounted for stronger academic performance, none of which had to do with structure. They were

- (a) subject specialists,

- (b) smaller class sizes and
- (c) higher parental expectations.

Gove is enamoured of the Free School system in Sweden. But Sweden continues to languish in the bottom half of the PISA league tables.

And here's another conundrum. How are local authorities going to survive if not flourish as champions of parents, families and vulnerable children if resources continue to drain away from them into Academies and Free Schools? This is a circle that can't be squared.

## **(5) Promoting Accountability**

### **(i) Proposals**

The government is keen to ensure that more freedom for schools goes hand-in-glove with accountability. It plans to do the following to secure this objective.

- (a) Publish more information to enable the tax-payer to understand every school's performance.
- (b) Publish information on-line on school expenditure – including the amount allocated per pupil.
- (c) Reform the performance tables to “set high expectations”. The expectations include securing a broad education with the English Baccalaureate being pursued and promoting the basics through, for instance, the teaching of synthetic phonics.
- (d) Publish information on how well deprived pupils and young people do when they leave school.
- (e) Reform Ofsted inspections so that inspectors spend more time on key issues and in the classrooms rather than review a long list of aspects.
- (f) Establish a new “floor standard” for primary and secondary schools for pupil attainment.
- (g) Enable schools to adopt models of government, including smaller governing bodies, which can better hold institutions to account.

### **(ii) Comment**

That more information is to go hand-in-glove with greater freedoms is to be welcomed. But getting into the minutiae of synthetic phonics is not about giving schools more freedom. Also, continuing commitment to league tables does not sit easily with enabling schools to promote the creative curriculum.

There are positive aspects to this section, however. Ofsted inspections are to be reformed so that inspectors will focus on pupils' achievements and standards, the quality of teaching and learning, the care of pupils and their behaviour and the quality of the leadership and

management of our schools. This will mean that inspectors will have more time to spend in the classroom and get into the “black box” educational provision.

In the meantime, the government has already raised the floor targets for pupils at the end of Key Stages 2 and 4. Altogether, 60% (raised from 55%) of pupils are now expected to attain level 4 in both English and Mathematics at the end of Key Stage 2 and 35% (up from 30%) of students five good GCSEs from Grades A\* to C at the end of Key Stage 4.

## **(6) Decentralising to the delivery point**

This section of the White Paper will (I feel sure) be welcomed by headteachers and school governors. There is an acknowledgement that institutions have been subjected to far too much centralised prescription – which is not conducive to school improvement. The attempt to secure compliance with central government initiatives reduces the capacity of schools to improve. However, government has the responsibility of creating a system that challenges and supports schools in their efforts to develop and grow.

### **(i) Proposals**

Against this backdrop, Gove intends to legislate on the following matters.

- (a) Centralised target-setting is to end and School Improvement Partners (SIPs) will be a part of history.
- (b) The number of National and Local Leaders of Education – essentially the headteachers of excellent schools – will increase – to develop Teaching Schools and support vulnerable colleagues.
- (c) Data on the ‘families of schools’ for every part of the country are to be published to enable schools to know about where they can turn when in need.
- (d) Other information on best practice, high-quality materials and improvement services are to be made more easily available so that schools can have their needs met.
- (e) Local authorities will be unfettered to provide services supporting schools in the manner in which they consider best.
- (f) Primary schools that fall beneath the floor standards i.e. where fewer than 60% of pupils at the end of Key Stage 2 secure level 4 in English and mathematics, and secondary schools where fewer than 35% of pupils at the end of Key Stage 4 attain five good GCSEs from A\* to C will be supported. Where such schools persistently fail to meet the floor targets, they will be required to convert into Academies.
- (g) Local Authorities and schools will be encouraged to apply to the new Education Endowment Fund to support innovative projects for raising the attainment of deprived children in underperforming schools.

- (h) Incentives will be established to encourage effective schools to support the weaker ones and demonstrably improve their performance.

- (ii) Comment

These proposals will be music to the ears of schools. It chimes in well with the structure that the most effective organisations in the world deploy. And what exactly is it? The bosses in successful companies set the overall strategy and delegate authority and autonomy to those at the point of delivering the service to determine how best to deliver, holding them to account. Staff are rewarded when they do well and challenged when they don't.

However, there are inherent contradictions in the proposals. On the one hand, the White Paper states that centralised targets are to be banished; later on, it quickly warns schools that those that don't meet their floor targets will be required to become Academies. While paradox is a part of life, the government is behaving Janus-like – looking in two directions at once. Rather than trumpeting that it will be scrapping all targets, wouldn't it have been more politic to set some overarching ones and leave the nitty-gritty to schools?

## **(7) Funding Schools**

There is a wide disparity of funds being received by schools in different parts of the country. Inner-city schools have been relatively well-endowed with funds – owing to the challenges they have to face with an influx of asylum seekers and the high unemployment rates. Shire county schools have, meanwhile, had to do with much less. The coalition government wants to put an end to this inequity.

- (i) The Proposals

As a consequence of this state of affairs, the government plans to legislate on the following matters.

- (a) More resources will be targeted on the most deprived pupils over the next four years through the Pupil Premium for which £2.5 billion has been set aside.
- (b) A new national funding formula will be introduced – following consultation – based on the needs of pupils.
- (c) The government will publish information nationally on how much each school receives and on what it spends its budgets.
- (d) The disparity in funding for the 16-18-year-olds in schools and colleges will end.
- (e) The government will act on recommendations emerging from a review of capital spending with the aim of cutting out bureaucracy and achieving better value for money.

(ii) Comment

The notion of establishing a single funding formula is not new. In 2007, Lord Knight, former Schools Minister in the Labour Government, commissioned Pricewaterhouse Cooper (PwC), the accountants to examine regional inequalities in funding. The problem is that introducing a simple formula is anathema to equity. Fairness comes with complexity; inequities with simplicity when it comes to financing schools.

Forty shire counties (calling themselves the F40) fought a long, hard battle with the former government for every LA to receive a basic grant. They also wanted the government to take account of pupils behaving badly and parents' poor education when allocating additional funding – rather than limiting the extra only for those on free school meals (FSM).

Aiming to eliminate the disparity of funding for students in sixth forms between schools and colleagues is a noble aim, provided that there is a levelling up. However, the government has already decided to do so in the other direction. It has announced a reduction of £120 million for 2011-12 to close the gap between sixth forms in schools on the one hand and further education and sixth form colleges, which will result in the curtailment of a number of courses.

## V Conclusions

***The Importance of Teaching* attempts to be comprehensive and ground-breaking and covers a huge range of subjects.**

**There is much within the White Paper that makes eminently good sense. The title is impressive and recognises the centrality of teachers and teaching to the education process. Raising the entry requirements into the teaching profession, attempting to attract the best and balancing schools' right to exclude badly-behaving children with requiring them to continue providing for their education are steps in the right direction.**

**The contents present a reality check for us about standards. Even though the GCSE and A level results have been rising consistently over the last score of years, there has, till now, been little recognition that standards probably haven't. The PISA results for 2009 of the standards of 15-year-olds have been shocking in terms of our drop in international standings.**

**To boost standards, Gove intends to establish an English baccalaureate where every child will be encouraged (if not required) to take GCSEs in English, mathematics, a humanities, a modern language and a science. League tables will probably be based on this. The floor levels on the standards children attain are also being raised.**

**However, one fundamental concern is not being properly addressed and that is reversing the mirage of rising standards. Mick Waters, former Director of Curriculum at the Qualification and Curriculum Authority (QCA) accused examination boards of dumbing down school examinations. In *Reinventing Schools, Reforming Teachers* by John Bang, John Macbeath and Maurice Galton, he is quoted as saying: "Before I went for this job, I used to think that all this criticism of exams that they were being dumbed down was unfair.....Since I've been there, I think the system is diseased, almost corrupt. We've got a set of awarding bodies who are in the marketplace.**

**“In my previous job, I had seen people from awarding bodies talk to headteachers implying that their examinations are easier. Not only that. ‘We provide the textbooks to help you through it.’”**

**He urges Ofqual, the regulator, to look “at whether the chief examiner should also be allowed to write the text with regard to pupils’ questions” suggesting that “that’s insider dealing”.**

**In my view, the situation will not be reformed until and unless the three Examination Boards are reduced to one, which should be accountable to Ofqual – that, in turn, reports to Parliament rather than the Department for Education, so that its (Ofqual’s) independence is guaranteed and it is not subjected to every whim and fad of a Secretary of State that may be operating in accordance with market-forces.**

**The White Paper recognises that schools have been over-regulated. The government is keen to release them from the shackles of targets. The great and the good, who have been quoted in *Reinventing Schools, Reforming Teaching*, acknowledged that the previous government failed to win teachers’ confidence. This was essentially because of a top-down strategy to raise standards predicated on the setting of targets based on best-guesses. Sandy Adamson, a former senior civil servant who worked on policy, spoke of “the stupidity of targets, unobtainable targets simply pulled out of the air and then applied to every school across the country”. Most of these targets were unachievable and unachieved.**

**So, it is refreshing that the White Paper signals the end of a period of suffocation and the dawn of a more creative curriculum. Ofsted will also be reformed and focus on fewer (but the most important) aspects of school education. The tough-love will, however, hold schools to account. The best will be rewarded and the worst brought to account.**

**What I am unsure about is whether persisting with league tables will be anything other than counter-productive for competing schools that are being exhorted to collaborate.**

**Also, encouraging schools to convert to Academies and creating more Free Schools (which appears to be in accord with the Prime Minister’s policy of promoting the Big Society), will have a fissionary effect – emasculating local authorities that have a crucial role to play in protecting the most vulnerable children and schools – making the whole much less than the sum of the parts.**

## **School Funding Set to Diminish**

Funding for pupils is set to go down over the coming months and years. Schools have already begun tightening their collective, financial belt. They had been bracing themselves for significant reductions of between 10% and 15% in the run-up to 20 October 2010, the day when the Chancellor George Osborne announced the outcome of his Comprehensive Spending Review to remove £89 billion off the national debt by 2015. When the announcement was made they released semi-sighs of relief to discover that a relatively small sum of 3.4% in

revenue spending was being lopped off over the next four years. When the grant of £2.5 billion for the Pupil Premium is factored in, this means an increase of 0.4% in real terms over the same period.

The figures are as follows.

<b>£ Billions</b>					
	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Revenue	50.8	51.2	52.1	52.9	53.9
Capital	7.6	4.9	4.2	3.3	3.4
Total Delegated	58.4	56.1	56.3	56.2	57.2
The resources delegated excludes depreciation					

The revenue increase amounts to 0.1% in real terms in each of the next four financial years. The government will also be maintaining 15 hours' free child care a week for all three- and four-year-olds and extending it to all disadvantaged two-year-olds. Sure Start will be protected in cash terms including investment in Sure Start health visitors.

The government has now decided how to cut and distribute the pupil premium cake. A school will receive £430 in 2011-12 for every child who has been eligible for a free school meal (FSM) over the last six years. This amounts to £625 million for the financial year. Mr Gove, the Secretary of State, informed the Commons Education Committee that he did not want to give families an incentive to continue to qualify for their children to be in receipt of FSMs. He stated: "A family that falls into poverty and then comes of it will not lose their (sic) eligibility for the pupil premium."

This will mean that an extra 50% of children will be eligible for the pupil premium. The money of £2.5 billion is fixed over the next four years. Accordingly, the change will lead to the sum allocated for each eligible child falling by 33.3%. The government has, indeed, been caught between the proverbial rock and a hard place.

The Institute of Fiscal Studies (IFS) signalled that up to 25% of schools will receive real-term increases in the 2011-12 financial year because of the pupil premium, which means that 75% will see budget reductions. Mr Gove pledged that no school will receive a budget cut of more than 1.5% per pupil in cash terms.

There will be a 60% reduction in real terms in capital spending over the period. Altogether, a total of £23.4 billion will be spent on buildings.

The other headline aspects of the CSR are as follows.

- (i) The Education Maintenance Allowance for the 16+ will end, saving £0.5 billion. This will be replaced with targeted support for those who experience genuine financial barriers to participating in education. However, sixth forms and further education colleges will be severely hit.

- (ii) The salaries of all staff members earning more than £18,000 annually will be frozen for two years.
- (iii) Teachers will see an increase in their pension contributions from the current 6% to 9%.
- (iv) A reduction of 33% spending in real terms by 2014-15 will be made in the Department for Education's administrative budgets.

While schools will be affected on the margins, Town Halls will be severely hit by a massive 28% in local authority budgets. The money they receive will be slashed annually by 7.1% from April 2011. Educational psychology services and school improvement teams are likely to be affected by the cuts. If schools want these services to be retained, they may have to subscribe to them from within their shrunken budgets.

Meanwhile, the Organisation for Cooperation and Economic Development (OECD) did a study of a dozen countries and expenditure over a child's primary and secondary education. Spending in the United Kingdom was third highest in the league table of 2007, behind Norway and Sweden and well ahead of Finland (10<sup>th</sup>) that tops the Programme of International Student Assessment (PISA). The data – converted into pounds sterling – were as follows.

	<b>Countries</b>	<b>Amount spent on each pupil in £</b>
1.	Norway	88,493
2.	Sweden	67,952
3.	United Kingdom	67,358
4.	Eire	67,175
5.	Italy	63,482
6.	France	60,952
7.	Germany	57,869
8.	Spain	57,590
9.	Netherlands	57,229
10.	Finland	54,752
11.	Russia	33,743
12.	Poland	31,115

We have had 13 years of plenty and lost our collective memory of what it is like to manage frugally and economically. The next four (at least) will not exactly be a time of famine. However, we will have to make do with less. If we have not already, we will rapidly be required to come to a realisation that the best things in life are free and learn to rely more on them.

# Legal Developments - January 2011

## I Special Educational Needs

Sarah Teather, the Minister for Children, is in the throes of reviewing the manner in which we provide for children who have special educational needs (SENs). She has called on parents, charities, teachers, school support staff and local authorities to give evidence that will inform the Green Paper, which is on the cusp of being published. The White Paper, *The Importance of Teaching*, has been grabbing the headlines. Meanwhile, a quiet SEN revolution is being planned away from the glare of media headlines.

Ms Teather is of the view that the present system of SEN delivery – created 30 years ago by Baroness Warnock (who led the last major review in 1978 that spawned the Education Act 1981) – is failing our children. SEN costs the taxpayers £4.1 billion annually - up from £2.8 billion in 2002. In the present financial climate ministers are keen to secure better value for lower costs. Besides, there are still some fundamental concerns that need to be addressed.

Altogether, 2.5% of pupils have statements of SENs, which are the most profound needs. Another 18.5% of pupils are deemed to have special needs of a lesser kind and classed as being in the School Action and School Action Plus categories. The cost of meeting this lesser needs varies from £1,045 per child to £1,818.

A major issue that Ms Teather intends to tackle is related to two perverse incentives which cause schools to place children on the SEN register. The first is that they receive extra funding for having more children classed as having SENs. The second has to do with league tables. It is much easier to improve one's contextual value added (cva) score, which is based on pupil progress if one can demonstrate that children have low or very low starting points. This is easier done if they are classed as having SENs.

The overwhelming numbers of pupils identified with SENs are boys. Also, those on the SEN register are twice as likely to have free school meals. Experts aver that many SEN children are really on a normal, child development journey. Phillipa Stobbs, principal officer for the Council for Disabled Children, explains that 42% on the SEN register below the age of seven have speech and language problems, which falls to 5% by the time they are 12 to 17 years old. By the time they are 11, they are classed as having moderate learning difficulties (School Action), before being categorised as having behavioural, emotional and social difficulties when they reach puberty and are placed in the School Action or School Action Plus category.

The number of pupils on the SEN register varies considerably from school to school. Ten secondary schools in the country have from 90% to 100% of pupils on the register while 427 have fewer than 10%. Are the wrong children being identified? Is there a need to address the quality of teaching and learning to reduce the number of children with special needs? Ofsted certainly thinks so and has argued that schools place children on the SEN register to make up for poor teaching, leading pupils to underachieve.

In the recent past, we have had the Lamb inquiry, the Salt review and the Bercow report on SENs. Sir Jim Rose, former Senior Inspector, also investigated problems associated with literacy and dyslexia.

Ms Teather has promised parents that she will dismantle bureaucracy in order to secure support for their children if they have difficulties. She has a task on her hands if there is going to be less money for it. There is a code of practice which describes how a statement is constructed to protect parents. But the code is tied to a bureaucratic set-up, which if scrapped will make the same parents more vulnerable.

Meanwhile, the National College for Leadership of Schools and Children's Services (NCSL) has initiated the project, Achievement for All, which is running in 455 schools within 10 local authorities to change our attitude and approach to those who are on the SEN register. Rather than labelling children, teachers in these schools are being encouraged to provide support for all. The project has resulted in better attendance and less bullying.

Ms Teather's review will spawn a Green Paper, the contents of which will inform future legislation. She is well placed to conduct the review because of her first-hand experience of young people's difficulties. She was very ill during four of her teenage years and confined to the wheel chair during some of that time because of a viral infection. Over that period she had little education. Only because of the help and support she received from her friend's neatly written notes and LETTs revision papers was she able to do her GCSEs. She returned to her sixth form studies moving on to St John's College in Cambridge to study Natural Sciences. The rest has been history.

## **II The Public Bodies Bill**

In October 2010, the government introduced the Public Bodies Bill which seeks to give "a greater transparency and accountability for all Public Bodies", i.e. quasi non-government organisations (quangos), and provide Ministers with the powers to abolish, merge or transfer functions. This will mean that through regulations, i.e. secondary legislation, Ministers may amend primary legislation by order. When the Bill becomes an Act, the government will be able to

- (i) cut the number of public bodies thus "reducing the cost of bureaucracy" with anticipated year-on-year savings of £1 billion and
- (ii) give Ministers new powers to abolish, merge or transfer functions from public bodies.

Currently, there are 766 quangos which employ over 110,000 people and spend £46 billion annually. Ministers will want to be able to review the functions of all public bodies once triennially instead of the current once every five years. Every review will address three questions.

- (i) Does the public body carry out technical functions?
- (ii) Do the functions need to be politically impartial?
- (iii) Do the facts need to be determined transparently?

The government has its sights focused on 177 quangos that it is keen to scrap or merge with larger bodies, with a view to cutting costs.

A cross-party committee of eminent lawyers described the Bill as a violation of the constitution. Most of the bodies, which could become subjects of a bonfire, were created by primary legislation, the law-making process at the heart of UK's constitutional arrangements, following debate in both the Houses of Parliament.

Many of these public bodies, which the government wants to abolish, play important roles in representing diverse communities and sometimes vulnerable members of the public. The Bill will not require the government to consult those communities when issuing the order to abolish a body.

The Bill will also give powers to roll up a number of public bodies into one and issue a single order to abolish the lot. The eminent cross-party group has called this an "omnibus order".

However, an amendment was made to the Bill in late November 2010 to ensure that Ministers will not make decisions to abolish public bodies that would be incompatible with judicial independence or human rights.

Among other bodies that Ministers could abolish or modify at a stroke would be Ofsted, the Audit Commission, the National Audit Office and the Local Government Commission (the Office of the Ombudsman).

### **III The Equality Act 2010**

The Equality Act received the Royal Assent immediately before the General Elections in early May 2010. The Act brings together anti-discrimination and proscribes harassment and victimisation on grounds of disability, gender, race, age, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief and sexual orientation.

The Equality Act 2010 can be found at [www.equalities.gov.uk](http://www.equalities.gov.uk) and explanation of the Act, including useful examples at [www.legislation.gov.uk/ukpga/2010/15/notes/contents](http://www.legislation.gov.uk/ukpga/2010/15/notes/contents)

The overarching aim of this piece of legislation is to

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity among different groups; and
- foster good relations among different groups.

The Act, in all respects, will come into force on 2 April 2011 in tandem with Specific Duties, on which the government is consulting.

It is curious that the present government, which did not bring in this piece of legislation, has to make it work. In fact, at least one partner in this coalition is not supportive of a number of its provisions.

The Act includes the following features.

- It places socio-economic duties on public authorities.
- Employers have to provide gender pay gap information.
- There has to be positive action in recruitment and promotion for disadvantaged groups.
- There is a prohibition on age discrimination in services and public functions.
- Civil partnerships are permitted on religious premises.

From 1 October 2010, the following aspects of the Act were brought into force, in addition to the basic framework of protecting Jane, Janet and Janice, Tom, Dick and Harry from direct and indirect discrimination harassment and victimisation in services and public functions, at work and in education.

- People associated with others who have protected characteristics (such as the disabled, infirm and elderly) are safeguarded from unfair discrimination. They include carers.
- The definition of indirect discrimination is extended to all who have protected characteristics.
- The Act will protect the disabled from indirect discrimination.
- There will be a harmonisation of the threshold for the duty to make reasonable adjustments for disabled people.
- The Act safeguards people who have protected characteristics from third party harassment.
- It becomes more difficult for disabled people to be unfairly screened out when applying for jobs by restricting the circumstances in which employers can ask job applicants questions about disability or health.
- Making secrecy of pay awards is now unenforceable.
- New powers are given to employment tribunals to the detriment of employers and the benefit of the wider work force.
- The Equality Act harmonises provision for voluntary positive action.

The implications for schools are as follows.

For employment purposes, it is unlawful to discriminate, harass or victimise a person at work and in recruitment. Revisions in the Act include

- (i) equal pay for men and women;
- (ii) inclusion of pregnancy and maternity pay;
- (iii) making it unlawful in an employment contract to prevent an employee from disclosing her or his pay to a colleague.

An employer must not ask about a job applicant's health until she/he has been

- (i) offered a position (conditionally or unconditionally);
- (ii) included in a pool of successful applicants who will be offered a job when a vacancy arises.

The Act introduces a constructive framework for recruitment and aims to deter employers from directly discriminating against people on grounds of disability.

Public authorities (including schools) will have to ensure that contractors are able to demonstrate that they contribute to the delivery of the Equality duty both, during the tendering process and the actual contract period.

The Equality and Human Rights Commission (EHRC) will be producing Codes of Practice on the new legislation. Guidance for employers and other sectors can be found on the EHRC website, [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## **IV Child Protection Review**

In June 2010, the Education Secretary, Michael Gove and the Children and Families Minister, Tim Loughton, asked Professor Eileen Munro of the London School of Economic to conduct an independent review to improve child protection at the front line and report back with final recommendations in April 2011. An interim report from Professor Munro is imminently due.

Ministers set out three principles that will underpin the government's approach to child protection. The principles and questions associated with them are as follows.

### **(1) Early Interventions**

- (i) How can interaction between social work teams and universal services for children and families be improved?
- (ii) How can Sure Start Children's Centres and health visitors make sure that the families who need specialist input from social workers are identified effectively?
- (iii) What are the barriers to consistent good social work practice? How can other agencies help social workers undertake more effective practice?

### **(2) Trusting Frontline Social Workers**

- (i) How can regulation be simplified and bureaucracy reduced so that social workers spend more time with vulnerable children and their families?
- (ii) How have targets got in the way of good practice? What are better ways of using data to improve social work practice?
- (iii) How can recording of cases contribute to supporting the work of professionals and improve the service experienced by children? How can ICT contribute to strengthening good practice?

- (iv) How can social workers be given greater professional freedom and how can support for social workers be improved? How can social workers be supported to have the confidence to challenge difficult families when that is what is needed to protect children? What role might social work practices, new models of social work delivery and volunteer social workers play? What can be learnt from other countries?
- (v) How can poor performing areas come up to the standards of the best? How can councils most effectively share best practice with one another, including sharing information about how good outcomes can be achieved in cost-effective ways?

### **(3) Transparency and Accountability**

- (i) How can greater transparency in the system be achieved in a way which commands public confidence and protects the privacy and welfare of vulnerable children and their families.
- (ii) Now that the government has decided to publish in full anonymised, serious case reviews, how can reviews be strengthened? Are there alternative ways of learning from experience that can be more effective? What might be learnt from other sectors?
- (iii) How can risk be managed so that agencies do not develop a blame culture and their focus remains on protecting children?
- (iv) What approaches to inspection would capture more clearly the quality of frontline practice and lead to better services for children?
- (v) How can the system champion the profession, raising its status? Is there a role for a chief social worker?

## **V School Staff Attire**

Now for something more trite and banal. There is a growing number of schools that have dress codes for their staff members. Where they don't adhere to them, the school authorities send them home. A case in point was that of Steve Smith, a supply teacher, who was given "the order of the boot" by St Ambrose College in Cheshire for refusing to wear a tie with his suit.

The action elicited cries of horror. However, a school does have the right to tell staff members how to dress – within reason, of course. Within the contract of a staff member is the clause that she/he will be required to carry out "all reasonable instructions" one of which is to comply with the school dress code.

Adrian Smith, a PE teacher at an East London school, was dismissed for wearing trainers. He pointed out at his appeal hearing that he had worn them throughout his 30-year career, but failed to win the sympathy of the courts.

What would be unreasonable for the school is to breach normal health and safety requirements in any dress code. For instance, it would be silly for a chemistry teacher to wear a long-dangling

tie while carrying out experiments in the laboratory with a Bunsen burner or for a drama teacher to prance around with dress shoes in a practical lesson. Staff must have the right to dress safely and sensibly. Dress codes should take account of all the activities in which staff members engage.

What is of importance is that staff members need to model their behaviour if they want the pupils to develop appropriately. Expecting children to dress cleanly and well requires staff members to do the same. Asking children to be polite is predicated on adults in the school treating them with respect and dignity.

## **VI Department for Education's Business Plan**

During the second week of November 2010, the Department for Education published its business plan for the next four years, which included the following:

- (a) "revise teacher performance management regulations – linking performance reviews to teachers' salaries";
- (b) publish teachers' pay, qualifications and sick-leave records on a school-by-school basis so that they can be included in a league table;
- (c) arrange for all six-year-olds to be tested in reading – with the scheme being piloted during the current (2011) year;
- (d) launch a consultation over the next few months on the new National Curriculum to be ready for schools to use from September 2013;
- (e) establish a new Ofsted framework by December 2011; and
- (f) provide school staff with greater powers to deal with bad behaviour – which will be included in a new Education Bill arising from the White Paper – *The Importance of Teaching*.

At the behest of Prime Minister David Cameron, every government department has had to draw up its business plan. The DfE's one attracted the greatest media attention.

Meanwhile, the Secretary of State, Michael Gove, announced in late September 2010 that he was scrapping the School Self-Evaluation Form (SEF) as part of a raft of new "bureaucracy-busting policies. Later in the autumn of 2010, he also abolished the Financial Management of Standards in Schools (FMSIS).

Schools have welcomed a reduction of paperwork. However, anecdotal evidence suggests that many wish to retain a less complex system of self-evaluation than the former 60-page document they had to complete for the SEF – if they are to pursue continual growth and development. Local authorities will be also need to act responsibly and carry out regular financial audits of schools to ensure that schools leaders are not dipping their snouts in the budget troughs to promote their personal weal.

# Transforming Ofsted

The present coalition government's plans to review the role and responsibilities of Ofsted have elicited mixed receptions. Many have welcomed the move because they want Ofsted to

- (a) stop pre-judging schools on the results data;
- (b) restore a system where inspections are led by HMIs (and not Additional Inspectors);
- (c) mirror the more supportive inspection systems found in other countries;
- (d) ensure inspectors are better trained;
- (e) stop shifting the goalposts for schools;
- (f) ensure that Ofsted is not politically manipulated but rather independently reviewed;
- (g) give equal weight to both, practice and impact; and
- (h) not restrict the inspection exercise to judging schools, but also showing them how they can improve.

However, reservations have been expressed on the proposal that the one in six schools judged to be outstanding will not face being inspected unless certain indicators flash danger.

Notwithstanding, even though Ofsted has reinvented itself at least half-a-dozen times in the last score of years, it seriously needs a review. A vignette of what actually happened during one inspection will serve to bear this out.

About three months ago, I had a telephone conversation with the headteacher of a school whose governing body meetings I clerk and to whom I am legal and personnel adviser.

Me: Warmest congratulations, Veronica<sup>1</sup>, for the outstanding inspection outcomes you achieved at the end of the last academic year, i.e. in July 2010. *(The school had been judged to be outstanding at the one-before-last inspection so this was two in a row.)*

Her: (After a long pause) I was flummoxed about why you emailed all governors with the news and the report?

Me: What do you mean? The report had just been published on the Ofsted website. The governors had a right to know the contents, congratulate you and the staff and celebrate on your being judged as outstanding. Why did you ask the question?

Her: I mean it in a positive way, David. Of course it was good news but I would rather forget about the inspection. It was one of the worst experiences that I ever had.

Me: Why?

Her: I had to fight every inch of the way during the process. Inspectors – especially the lead inspector - had come into school with a negative mind-set and agenda. After the inspectors' first meeting they decided that we were just satisfactory.

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<sup>1</sup> Not her real name.

Me: So what happened?

Her: I had to battle tooth-and-nail to make them change their minds.

Me: How did you do that?

Her: I provided evidence for each aspect - the *Every Child Matters* agenda, the curriculum, the quality of teaching and learning, leadership and management and our capacity to improve - to demonstrate to them that their judgements were wrong. "What do you want?" I asked them every time. They demanded evidence for this, that and the other. "Here it is," I said on each occasion and they had to take what I gave them into account in their move towards making the U turn.

Me: I expect that they had preconceived notions of what your school was on the basis of your SATs results.

Her: Our SATs results this year were very good.

Me: Ah, but last year it was not so good and they look at trends – especially over the last three years.

(Silence)

Her: This is the last time I will go through an inspection. I swear that I will not be here any more when next Ofsted inspectors visit.

Veronica can take proper retirement if she wants immediately, but has been such a brilliant and inspirational headteacher that she has felt boundless satisfaction in making a positive difference not only to her school but also a number of other schools in her local authority, having supported one out of special measures recently.

Her school is thriving, bustling and annually oversubscribed. Over the last few years, she added spanking new Early Years and ICT blocks and is in the process of raising funds for a swimming pool. Teachers at the school are nurtured to move on to greater things – some to deputy headships and others to headship. In fact, her school represents a freshly sprung mountain brook where teachers, like clean water, enter, make valuable contributions and then move on.

Another headteacher at a neighbouring school, who retired on 31 August 2010, had a similar experience with Ofsted inspectors in July 2010. Her school also had been judged outstanding at its previous inspection. When inspectors returned last summer, they appeared to be programmed to mark the school down as satisfactory, because its SATs results at Key Stage 1 in 2010 were average. No consideration had been given to the nature of the cohort or the starting points of the pupils when they arrived three years earlier.

This headteacher too had been inspirational in the manner in which she had led her school, so much so that the local authority had decided to use her as a consultant for other schools that were wobbling, which she did with much success.

However, because she had enormous intellectual and social capital, she was – like her colleague, Veronica – able to fight tenaciously through providing hard evidence, that the inspectors were wrong in their initial judgements and forced them to change their minds and mark her up as outstanding.

At the start of the Autumn Term 2010, just as an Acting Headteacher was taking control and settling down following the early retirement of the previous headteacher, inspectors visited her primary school in North West London. The school is sited in a very inner-city area where many pupils are children of asylum seekers and refugees and several speak in multiple languages without being Pentecostals.

The former Headteacher and staff members, working with parents, had transformed children's behaviour so that they felt much more secure in a bully-free milieu. Despite all the evidence, inspectors gave the school a 3 – Satisfactory – for behaviour. When the Acting Headteacher confronted the lead inspector on the grading and asked for the basis of this judgement, she was told, "Well, I saw a child who was 'threatening' to behave badly!" That the child was **not** behaving badly but, in fact, well, was of no consequence; all that mattered was the inspection's perception that he "looked as if he was likely to behave badly".

Christine Gilbert, Her Majesty's Chief Inspector of Schools, keeps telling us that nothing has changed in relation to how inspectors inspect, except that Ofsted has tightened up on standards, but the situation appears different. It seems that for a school to be marked as outstanding, it must not only be outstanding, but also have headteachers (and governors) who are prepared to fight hard with inspectors – supply solid evidence – to demonstrate that they (the inspectors) could be flawed in their perceptions of reality. Such fights must be fought especially if the absolute standards of pupils are simply satisfactory (albeit their progress may be outstanding).

Inspection teams continue to be variable. Some are excellent. During a recent inspection of a nursery school, the lead inspector settled in the teaching and learning area on her hands, knees and midriff to talk to the pupils and engage with them. At another, the inspectors talked through the assessment information with the headteacher, because the Assessment Coordinator had been away on long-term sick leave and the Self-Evaluation Form was therefore lacking in data.

But, where teams are cussed and pigheaded, as was the case with Veronica, the situations are soul-destroying. Veronica was one headteacher who administered laser treatment to inspectors' eyes to make them see her school more clearly. Other schools could take a leaf out of Veronica's experience.

Meanwhile, Ofsted does need reforming and the government's plans to do so are timely.

# Further Development of Academies and Free Schools

## I Introduction

The central plank of the educational policy of Michael Gove, the Secretary of State, is the promotion of Academies and Free Schools.

Gove has stated that the government believes that teachers and headteachers, not politicians and bureaucrats, should control schools and have more power over how they are run. "That's why we are spreading academy freedoms. This will give heads more power to more power to tackle disruptive children, to protect and reward teachers better and to give children the specialist teaching they need." Strangely enough, school governors don't appear to feature.

## II Academies

The first Academies were established in 2002 and known as City Academies. In their original incarnation, City Academies were designed to transform rundown schools and breathe new life into educational provision by bringing in industrialists who were invited to contribute in both cash and kind. A number of schools, which were deemed by Ofsted and/or local authorities to have been failing, were closed down and reopened as City Academies. Later, the "City" was dropped from the nomenclature and all schools that were in parlous state were given the same intensive-care treatment.

Gove brought in legislation, i.e. the Academies Act, which received the Royal nod on 27 July 2010, and invited all outstanding schools to sign up to this new life. Quite blatantly, he wrote to the headteachers (and not the chairs of governing bodies who have the power to convert their schools to Academies) of all (except special) outstanding schools in May 2010 (before the Act was passed) to become Academies. The deadline for applications was 30 June 2010 – well before the legislation was passed. On 17 November 2010 the bar was lowered; now all good schools with at least one outstanding feature can do the same.

So what are the especially attractive features of Academies? They have a number of freedoms, which include

- (i) freedom from local authority control;
- (ii) the ability to set their own pay and conditions for staff;
- (iii) freedom from following the national curriculum though they are subject to section 78 of the Education Act 2002 which requires the curriculum to be broad and balanced; and
- (iv) the freedom to change the lengths of terms and days and a school year.

From January 2011, special schools as well may apply to become Academies.

The Academies Act provides for the following.

- (1) Each maintained school can become an Academy.
- (2) A school that wishes to convert into an Academy must consult with those persons whom it thinks appropriate before making an application.
- (3) The governing body must consult with its foundation if there is one in a voluntary or foundation school before making an application to become an Academy.
- (4) The Secretary of State can require schools that are eligible for intervention (in other simple English – failing) to convert into Academies.
- (5) There will be no change of religious character for a voluntary school as a result of the conversion process.
- (6) The school that becomes an Academy will keep any surplus financial balance. Equally, if the school is in deficit, the sum it owes will be deducted from the grant it receives from government.
- (7) A school (if it is selective) can continue to select when it does become an academy.
- (8) Academy trusts will be charities.
- (9) A converting school will be able to occupy the land and buildings it has as a maintained school. The school's other assets will also transfer to the new Academy for the benefit and use of the pupils of that school.

As of 1 January 2011, all schools that are Academies will be subject to the Freedom of Information Act 2000. This means that an Academy will be required to provide information to whoever wishes to have it within 20 working days, except if the request falls within the school holidays, in which case it has 60 days in which to comply.

From September 2002 to August 2010, 203 Academies were opened. In the Autumn Term of 2010, another 142 were added to the list, a total of 345. For the first time, seven primary schools converted and were baptised by Gove. It is expected that by the end of the academic year, another 74 schools will become Academies which will swell the number to 421.

### **III Free Schools**

Free Schools are to be all-ability, state funded institutions, established in response to parental demand. They will be non-profit-making. Free Schools will be subject to the same legal requirements as Academies and have similar freedoms of operations. They can be established by charities, universities, business or faith groups, teachers and groups of parents. Free Schools, unlike Academies, which are maintained schools and have been converted, will be spanking new institutions. However, independent schools can apply to become Free Schools.

Gove has trumpeted that the most important element in Free Schools will be the quality of teaching. Free Schools “will enable excellent teachers to create schools and improve standards for all children regardless of their background”. The DfE website states: “Ministers are working right across government to remove red tape which prevents new schools from being set up, ranging from planning laws to the Department’s own school premises rules.”

Those who wish to establish Free Schools have been advised to contact The New Schools Network, an independent charity that receives an annual government grant of £500,000. The New Schools Network operates from 7 Heron Quays, London, E14 4JB, telephone number – 020 7537 9208. Its website is <http://www.newschoolsnetwork.org/>

A number of applications are likely to succeed shortly leading to the creation of 16 Free Schools in September 2011.

#### **IV      Commentary**

The Headteachers of the seven primary schools that recently Academies have eulogised about their new state of existence, very much akin, it seems, to that of Buddha when he experienced Nirvana or Enlightenment while sitting under the pipal (now called the Bodhi tree) for 49 days of meditation; except that they did so with no meditation and little consultation.

Jonathan Bishop, Headteacher of Broadclyst Primary in Devon which has a roll of 400 pupils, avers: "Academies are a key plank of the new government's policy. To seize the opportunity to get the freedoms that come with that, to be able to continue to strive to deliver an outstanding environment...I don't understand why anyone would not want to do it."

Greg Martin, Headteacher of Durand Primary in Stockwell, London, which has altogether 900 pupils, a sports complex and plans to open a boarding school for secondary-aged children, told the TES: "Academy status does give us greater freedom to deliver an even more bespoke education, tailoring it to the needs of our specific intake."

Durand Primary has its own gym, swimming pool and flats. The business which runs these was developed by Martin, who is now the executive headteacher. The profits from the business are ploughed into the school. Martin has an annual salary of £85,000 as executive headteacher and another £70,000 for running the business.

Cuckoo Hall Academy in Edmonton in Enfield is headed by Patricia Sowter who has sharply criticised those alleging that Academies are havens for the sharp-elbowed middle classes. She stated, "We are a school which has our challenges in an area with significant challenges and we do extremely well because we think outside the box....We are already very innovative....but we are expanding and will end up with 1,000 children" – there are currently 730 on roll – "so I am keen to develop my middle leaders. Being an Academy gives me more funding for training, development and non-contact time for senior teachers."

So what are the reservations of those who criticise Academies?

Lucy Heller, the managing director of schools in the UK for the charity Absolute Return for Kids (ARK), one of the largest Academy sponsors and the backer of two Free Schools, has been sharp about the government's desire to convert outstanding schools to Academies. She said: "At ARK, what we are interested in primarily is the original Academies closing the achievement gap." She told the TES: "What we do is work with schools in difficult circumstances. I have every confidence that the government will come back to working with these schools and I will be pleased when they do."

Dr Anne West, a leading academic authority on school admissions, who is the director of the Education Research Group at the LSE, voiced her concerns about the expansion of Academies vis-à-vis the increase in unfair selection. She claimed that the problem would be exacerbated

by factors such as league tables leading to Academies and Free Schools wanting to “take on” the more able pupils.

She said: “....Schools are in competition with one another and because of this competitive environment, they don’t want to take on kids that are harder to teach. There are undoubtedly tensions in policy between equality and freedom. On the one hand, you have the drive to increase social mobility and on the other you have the autonomy of schools – and they don’t necessarily fit together.”

She has advocated that admission powers should move away from the governing bodies of such schools to an independent body that can set the admissions criteria and administer the system in an area. There could, of course, be safeguards for faith schools which will require the children they take are committed to a particular religious persuasion.

There is another issue. Outstanding schools that become Academies take away invaluable local authority funding – their share of central costs - thus denuding the most vulnerable schools in the area from receiving the LA support that they require to sustain them.

Private schools can now apply to become Free Schools. Three well-established Steiner schools in Totnes, Lancaster and Cambridge and Batley Grammar School in West Yorkshire have already submitted applications to become Free Schools. It is expected that in the current financial climate where there is a likelihood of shrinking pupil numbers, more independent schools will apply. How will the government justify funding these schools when the country’s finances are severely constrained. On the other hand, however, if independent schools go to the wall, the displaced pupils will be educated in maintained schools which will push up funding calls on the tax-payer anyway.

While Gove propels the education world into his Academies and Free School Utopia to drive up standards, arrangements will be made to relax planning laws so that it will be easy for groups to establish their schools on premises that will be less than satisfactory. Also, unqualified staff will be able to work in free schools as teachers. They will be able to employ those without qualified teacher status (QTS) – as is the case at independent schools. “Innovation, diversity and flexibility are at the heart of the free schools policy,” Gove said. “We want the dynamism that characterises the best independent schools to help drive up standards....In that spirit, we will not be setting requirements in relation to qualifications. Instead, we will expect business cases to demonstrate how governing bodies intend to guarantee the highest quality of teaching and leadership in their schools.” This non-sequitur argument just does not stack up: lowering the bar on teacher qualifications will defeat the objective of raising standards and improving the quality of education.

Gove must be applauded for trying to learn from good practice elsewhere. Finland, a country that leads the league of nations educationally, has extremely high entry standards for those wishing to qualify. Gove has heralded that this is precisely what he plans to do, judging from his most recent proposals in the White Paper, *The Importance of Teaching*.

Sweden leads the world in his Free Schools policy. However, Sweden languishes in the lower half of the Programme of International Student Assessment league tables. A tangential issue is that one key purpose of Free Schools is to diversify educational provision. Yet, large chains of

Free School providers dominate the Swedish educational market. Kunskapsskolan, one such chain, is planning to run 30 such schools in England.

The notion of Free Schools can be an invaluable facet of the Big Society, which is the vision that the prime minister is promoting to release the energies of ordinary citizens. Citizens are being galvanised to take initiatives to meet local needs. This has already happened in Lambeth, where a group of parents saw the gap in educational provision and, working with the local authority, established a foundation school. The legislation was already there to enable opportunities for Hitesh, Harry and Hector, Sam, Shabana and Susan to make this happen. Do we need yet more legislation and freedoms to promote local endeavour and creativity?

One wonders whether the prediction of Catherine Paver, a writer and part-time teacher, will come to pass. She averred that ultimately, "Swedish-style Free Schools run by parents won't be free, won't be run by parents and this is not Sweden." Transplanting foreign educational shrubs will not take root in this country if little or no account is taken of the contextual ground in which they meant to flourish.



# Glossary of Educational Acronyms Used in This Issue

ARK	Absolute Return for Kids
CLG	(Department of) Community and Local Government
CSR	Comprehensive Spending Review
cva	contextual value added
DfE	Department for Education
FMSIS	Financial Management of Standards in Schools
FSM	free school meals
GCSEs	General Certificate of Secondary Education
HMCI	Her Majesty's Chief Inspector
ICT	Information and Communication Technology
IFS	Institute of Fiscal Studies
ITT	Initial Teacher Training
LA	Local Authority
NC	National Curriculum
NCSL	National College for Leadership of Schools and Children's Services
OECD	Organisation for Economic Cooperation and Development
Ofqual	Office for Qualifications
Ofsted	Office for Standards in Education
QTS	qualified teacher status
PISA	Programme for International Student Assessment
PRU	Pupil Referral Unit
PwC	Pricewaterhouse Cooper
SATs	Standard Assessment Tests
SEF	Self-Evaluation Form
SENs	Special Educational Needs
SCITT	School Centred Initial Teacher Training
SIP	School Improvement Partner
TES	Times Educational Supplement