

2015

# THE EDUCATION AND ADOPTION BILL

# MISSING THE POINT



**NAHT, ATL and NUT are working together to express our concerns that, unamended, the Education and Adoption Bill will remove an important layer of democracy and public involvement in schools and in communities across the country.**

**There are fundamental problems facing our education system, but the Education and Adoption Bill will do little or nothing to address them.**

**The Government needs to take urgent action to address the following problems.**

### **The problem – recruitment and retention of teachers**

Teacher vacancies increased by a third in the last year. Almost one in five maths and English lessons are now taught by those without even an A-level qualification in those subjects.

Schools in disadvantaged areas can find it particularly hard to recruit. Schools are increasingly having to rely on expensive private supply agencies which take a substantial cut – in the range of £250 to £500 per week per teacher. These are costs schools can ill afford, particularly when combined with deep cuts to child mental health and social services.

There is also **an exodus of experienced teachers leaving the profession** before they reach retirement age – more than one in ten teachers left the profession last year.

### **The problem – unsupported leadership**

Teachers and school leaders expect to be accountable. However, **Ofsted's high**

**stakes, largely unreliable school inspections do everyone a disservice.**

School leaders have job security akin to football managers, fearing one bad result. Yet the dismantling of the former National College for School Leadership has led to weak leadership development and training to support heads, their senior teams and the leaders of the future.

### **The problem – providing a place at school for every child**

The Local Government Association has warned that a £12 billion cost of creating places for the **900,000 extra pupils expected at England's schools over the next decade** could push schools to breaking point.

### **The problem – school budgets stretched**

The Institute for Fiscal Studies (IFS) has warned that **schools are facing a funding crisis**. When the extra costs of teachers' pensions, national insurance contributions and wage increases are included, the real-terms reduction in spending could be nearly 12%.

### **The Government's solution – looking the other way**

The Government's Education and Adoption Bill will do nothing to address these fundamental problems. It imposes a new duty on the Secretary of State to turn 'failing' schools – those Ofsted deems to require significant improvement or to be in special measures – into sponsored academies. In addition, from 2016, a new category of 'coasting' schools will be created and schools labelled in this way will be at risk of forced academisation.

Yet there is **no evidence that forced academisation per se results in improved educational standards**. The UK statistics authority has cautioned the Department for Education (DfE) that it cannot claim a causal link between academy status and improvements in test results. The National Foundation for Educational Research concluded that: “Pupil progress in sponsored academies compared to similar non-academies is not significantly different over time.”

The Sutton Trust report, *Chain Effects 2015*, shows that some academy sponsors have failed to improve the outcomes of their most disadvantaged students. Moreover, if the Government’s definition of coasting schools was to be applied to the academy chains analysed in the report, some 44% of the schools within these chains would be ‘coasting’, with 26 out of 34 chains having at least one school in this group.

Despite this, the Government has prevented Ofsted from inspecting academy chains; and the DfE refuses to release its internal grading of academy chain sponsors. Speaking anonymously, academy chain sponsors have themselves expressed major misgivings about funding, capacity and the Government’s ability to manage further expansion.

### **The Government’s solution – creating a democratic deficit**

The Education and Adoption Bill not only fails to address the key challenges facing England’s education system – teacher supply, leadership development, school place provision, funding – **it also corrupts the public service ethos**. It undermines good governance and the

effective oversight of the school system, and denies parents the fundamental right to be involved in their children’s education.

The Bill greatly increases the powers of the Secretary of State for Education to intervene in schools, including ordering a school to become an academy and selecting its sponsor. The Bill **proposes a greater role for unelected and unaccountable Regional School Commissioners**, working with Head Teacher Boards, at the same time as a big reduction in the powers of elected local authorities in respect of school improvement, oversight and accountability.

If an academy order is made in respect of a ‘failing’ or ‘coasting’ school there will be no consultation with current and prospective parents, staff, the local authority or the wider community about the school’s conversion into a sponsored academy. Nor will there be any discussion about the identity of the sponsor. In introducing the Bill, the Secretary of State described consultations with parents and other local people as ‘obstacles’ and ‘roadblocks’.

### **The Bill removes important rights and responsibilities for school governors.**

Currently school governors have a legal duty to ‘act in the best interests of their school’. However, under the Bill, if a school is subject to an academy order, governors will be duty bound to take all steps necessary to facilitate academy conversion and the transfer of the school to the sponsor chosen by the Secretary of State.

This Bill really isn’t needed, but if it is to become legislation it must be amended.

It is **for these reasons that ATL, NAHT and NUT are proposing nine amendments** to the Bill in respect of the following:

- Coasting schools – this clause should be deleted. Ofsted already has sufficient powers to determine whether a school is providing an appropriate standard of education.
- Performance standards and safety warning notices – governors must retain the right to make representations where these notices are issued.
- Duty to make academy orders – this clause should be deleted. There must be flexibility when it comes to deciding the best way forward for a school to improve.
- Appeals process against issuing of academy orders – the ability for schools to appeal against an unjustly issued academy order is a basic democratic right.
- Consultation about the identity of the academy sponsor – governors and parents must have a right to have a say on whether a proposed sponsor is right for their school.
- Consultation with parents and staff – this is surely a basic democratic right where a school's future is at stake?
- Duty to facilitate conversion – school governors have a duty to act in the best interests of their school and to listen to parents. They should not be railroaded into a course of action they do not support.
- Academy proprietors with a proven record of success – the recent Sutton Trust report demonstrated that many academy chains were letting down their disadvantaged pupils.
- Power to inspect academy chains – if chains are to take on more schools, Ofsted must inspect them in the same way that they inspect local authorities.

**For further information please do not hesitate to contact the following:**

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