

ACADEMY SCHOOLS: CASE UNPROVEN

A report by

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1. Executive Summary

- **Academy schools, described by the Department for Education and Skills (DfES) as 'publicly-funded independent schools', have been one of the most controversial initiatives within Labour's education agenda.**
- **The academy programme is part of the government's response to educational underperformance in deprived areas and to rising demand for school places. The programme was launched in March 2000 by then Secretary of State for Education David Blunkett as 'a radical approach to promote greater diversity and break the cycle of failing schools in inner cities' (Taylor, 2004).**
- **The closest equivalent to the academy programme in a comparable country is the charter schools of the United States. There, the emerging trend suggests that an initiative originally presented as responding to parental concerns about inadequate schools and promoting innovation and diversity is leading to increasing corporate control and standardisation. Within the UK, the academy initiative closely resembles the City Technology Colleges initiative developed by the Conservatives in the 1980s. Lessons from these comparators show that they have contested legacies, and that, while longitudinal research is required, on its own it will not end the debate.**
- **One of the most controversial aspect of the academy programme has been the role of the sponsor. Sponsors name the school and appoint the governing body in return for investing up to £2 million in the school. Concerns have attached to the unaccountable powers of the sponsor, particularly in cases where sponsors appear to be using**

public funds to advance their religious or commercial interests.

- **Academies are exempt from national agreements on pay and conditions. Staff transferring from predecessor schools are employed on the same terms and conditions, but new staff are not covered by national agreements. Teaching and support staff unions have to negotiate on a school-by-school or sponsor-by-sponsor basis.**
- **Academies are removed from local accountability structures and accountable upwards to the DfES and outwards to parents, to the extent that parents can influence their governance by choosing whether or not to send their children to them. High rates of over-subscription indicate that many choose to do so, but the extent of parental choice is highly constrained. The rights of parents within academies are diminished through reduction in parental representation on governing bodies and reduced access to independent appeals and human rights protection.**
- **In a highly-charged policy environment, it is important to gather as much data as possible from existing academy practice. Getting access to academies for research was difficult, however, perhaps reflecting the pressures that such schools are under, but certainly supporting claims that academies are opaque institutions, resistant to scrutiny.**
- **Those stakeholders within and outside academies who were interviewed revealed a mixed and inconclusive picture, suggesting grounds for both optimism and concern. Academies are heterogeneous institutions, some delivering excellent valued-added results in difficult circumstances, others struggling to establish institutional stability.**

- **The freedoms for academies are premised on improved educational performance. Much of the debate thus far has therefore focused on trading performance data. Ofsted reports indicate a mixed picture in the 27 existing academies: a small number are thriving; most are stabilising; four have received critical reports, with one placed in special measures.**
- **Supporters of academies can express a certain amount of frustration given the 'damned if you do, damned if you don't' nature of some of the criticisms against them. If they improve results, it is seen as manipulation of intake; if they perform better than local schools they are seen as sucking away teachers and resources; if they innovate it is seen as locally unaccountable. However if they do none of these things they are criticised as a waste of public money.**
- **Yet these criticisms reflect a real tension between accountability and innovation in the academy policy. The government seeks to trade off accountability to allow experimentation. However, whilst some academies may exhibit excellent practice, there are currently insufficient safeguards to protect the interests of parents, children and staff in academies in the case of bad practice.**
- **The challenge is to preserve the spirit of experimentation that underlies the academy model, whilst tightening the safeguards to ensure children are not adversely affected by unsuccessful innovation or undesirable exposure to sponsors' particular commercial or cultural interests.**
- **Recommendations include a long-term focus on investment in communities of schools in deprived areas rather than prestige projects. Short-term recommendations include bringing academies into line with maintained schools on**

composition of governing bodies, parental appeals processes, workforce protection and procurement. A presumption of transparency needs to be established in academies, with the DfES leading the way.

2. Introduction

Academy schools, described by the Department for Education and Skills (DfES) as 'publicly-funded independent schools', have been one of the most controversial initiatives within Labour's education agenda.

Academies are set up as charitable companies, limited by guarantee. Sponsors provide up to £2 million towards the capital costs. In return, they receive a controlling interest in the company, although the other capital and running costs of academies, including financial risks, remain with the public sector. The assets of the school are transferred from the local authority to the charitable company running the academy. The company agrees to provide educational services at the school according to the terms of a funding agreement signed with the DfES. Consistent with trends in education policy for twenty-five years, the policy positions local authorities as the opponents of educational excellence, and strengthens links between individual schools and the DfES.

Academies do not operate under the same legal framework as maintained schools and are bound only by the terms of their funding agreement with the DfES. Beyond teaching core subjects and carrying out Key Stage 3 assessment tests in English, Maths and Science, academies are 'free to adopt innovative approaches to the content and delivery of the curriculum' (Education and Skills Select Committee, 2005).

The first three academies opened in 2002, a further nine in 2003, five in 2004 and ten in 2005. A majority of those already open or in development are in cities. However, the government is keen to extend the initiative to schools outside cities, and hence has delinked the word 'city' from the academy initiative.

Supporters of the academy programme say that academies inject private finance, business acumen, a new ethos and public investment into areas of particular deprivation. Critics say they are an untested experiment, which cut vulnerable schools off from local authority support,

give too much influence to private investors with their own educational agendas, undermine public accountability and starve nearby schools of resources and good teaching staff.

The controversy over academies intersects with many of the current debates about public service reform: diversity versus universal standards; middle class capture versus better services for the worst off; private involvement versus public accountability; competition versus collaboration between service providers; central diktat versus local diversity. The lack of independent evaluation of academies and the emotive language used – supporters emphasise ‘targeting deprived children’ whereas critics talk of ‘privatising education’ – has created a highly charged policy environment. The Education and Inspections Bill 2006, which proposes the extension of some of the principles of academy schools into the maintained sector (freedom from local authority control, financial and governance support from non-state sponsors), has intensified the controversy. Allegations of misrepresentation and bias flow from both sides.

With 27 academies now open, a further 13 due to open in 2006, and over 130 more in development, the academy initiative is moving from the fringes to the mainstream of education policy. The government is committed to creating 200 academies by 2010, although former Secretary of State for Education Charles Clarke admitted in July 2004 that ‘hope’ rather than evidence lay behind the expansion of the academy programme. The Education and Skills Select Committee (ESSC) estimated that the capital cost of these 200 academies would be nearly £5 billion, and called for the programme to be put on hold until it had been properly evaluated (ESSC, 2005: §20).

The government has commissioned PricewaterhouseCoopers LLP (PwC) to conduct an ‘independent, five year evaluation of the Academies initiative’. According to PwC: ‘The aim of the evaluation is to assess the overall effectiveness of the initiative, in terms of its contribution to educational standards, and to examine the impact of key features of Academies including sponsorship, governance, leadership and buildings’

(PwC, 2004). The terms of reference of the PwC evaluation were agreed privately and bilaterally with the DfES.

Rather than holding back the expansion of the academy programme until the five year evaluation is concluded, the government has made clear that it has confidence in the academy model and wants some of the principles underpinning academy schools to be extended to all schools. As the new education bill passes into law, it is vital that the costs and benefits of the academy programme are more clearly understood.

The purpose of this study is to engage with such debate through an evaluation of academies in the early stages of their institutional careers. The study adopts a triangulated research methodology that seeks to understand the different and often complex features of academies in a fast changing policy-practice environment. The three focal points of the research are: first, the policy context for the creation of academy schools; second, the comparative context, with a particular focus on City Technology Colleges in the UK and academy schools in the US; third, vignettes of stakeholder practice that draw on illuminative examples from inside academy schools. By interconnecting the three elements the study seeks to provide a balanced and holistic account of the complexities of academy development.

The report begins by explaining the background to the creation of academy schools, placing the initiative in the context of other policy changes in the UK and elsewhere. It looks at the experience of the US charter schools that are the closest overseas equivalent of the academy programme. It then considers how academy schools are set up and run, before going on to look at issues of performance in the context of academy autonomy over workforce terms and conditions, curricula, admissions and exclusions. The relationship between 'parent power' and the academy programme is then explored, considering the extent to which academies shift the balance of power between parents and the education establishment. This is followed by chapters based on the responses received to our enquiries from a range of actors in and around some of the

already established academies. A concluding chapter seeks to draw out some of the lessons emerging from the report, and is followed by recommendations.

3. Academy schools: the policy context

The academies programme is part of the government's response to educational underperformance in deprived areas and to rising demand for school places. The programme was launched in March 2000 by then Secretary of State for Education David Blunkett as 'a radical approach to promote greater diversity and break the cycle of failing schools in inner cities' (Taylor, 2004).

The Labour governments since 1997 have developed a number of initiatives to address low levels of education attainment in deprived areas of the country, including Fresh Start, Excellence in Cities and local programmes such as the Keys to Success programme. The Fresh Start initiative was particularly aimed at creating new schools in place of poorly performing ones. It was targeted at schools in which five A*-C grades at GCSE were achieved by less than 15 per cent of pupils in three consecutive years. These schools were considered for closure, to be replaced by a new school on the same site with new staff. Excellence in Cities was a programme targeted at deprived areas, providing resources and strategies to improve teaching and learning, behaviour and attendance, and leadership in schools. Keys to Success covers 68 schools in London and aims to develop diagnostic tools and bespoke programmes for the schools in association with local authorities.

The academies initiative appears to have been prompted by a feeling amongst ministers that existing approaches were not radical enough to challenge entrenched educational underperformance. Academies were to be a 'big bang' alternative, shaking up education provision in deprived areas. They were to continue with the new build approach of Fresh Start, but, to facilitate innovation, academies would have a sponsor bringing a new approach and a contribution to building costs. In 2004 the then schools minister David Miliband set out the rationale for the programme: 'The academies programme is targeted at our communities at greatest disadvantage, and there they need more than a new building or a new head or a new curriculum or a different set

of governors. What they need is all of those things at the same time, and that's why the academies are a systematic attempt to tackle educational underperformance' (BBC, 2004).

Academy schools are a distinctively English policy initiative. As the devolved governments in Scotland, Wales and (prior to its suspension) Northern Ireland develop their own patterns of public service reform, policy development is becoming increasingly differentiated (ESRC, 2006). School league tables have been abandoned in all of these areas, for example (Jeffrey 2004). In Scotland, Keating found, 'an explicit commitment to comprehensive education, largely abandoned in England' (2005: 6). As the government in Westminster develops increasingly radical proposals in health and education, it is England, rather than the devolved areas, that is deviating from established policy norms (ESRC, 2006).

Within England, the academy schools initiative needs to be placed in a broader context of reform. The Labour governments in power in Westminster since 1997 have made reform of public services one of their touchstones issues, with a particular focus on education. This agenda has included large-scale investment in public services and an increase in the recruitment of front-line staff. The academy project is firmly in line with these reform trends, premised as it is on high levels of capital investment, and the opportunity to create financial incentives to attract staff.

Ministers have made clear that additional investment and recruitment will only come in return for service restructuring. In particular reform efforts have focused on making services more responsive to individual users, breaking down silos between the public and private sectors and creating an increasingly competitive environment made up of quasi-independent providers responding to market incentives. Public service providers are urged to import private sector models of consumer responsiveness, and to redesign services to recognise the diverse preferences of users. Users are to be given more direct control over budgets, for example in social care, and greater choice of service

provider, for example in health and social housing. Although critics have raised concerns about the extent to which differentiation is compatible with equity, ministers and advisors have resolutely argued that more choice for all users is the best way to advance equity (See for example Blair, 2004; Le Grand, 2006; Milburn, 2003).

In the delivery of services, Labour has expressed a pragmatic approach to the involvement of private sector providers: as Blair said, 'what matters is not who delivers the service but the outcome it secures' (January 1999). Providers are expected to support and promote a public service ethos, but the idea that the public sector has a monopoly on such an ethos has been rejected (Public Administration Select Committee, 2002). The government has promoted the use of the expertise and entrepreneurial powers of the private sector in redeveloping public services. Independent Diagnostic and Treatment centres in the NHS, for example, and Arms Length Management Organisations in social housing, highlight the growing salience of non-state organisations in core public services.

The academy programme advances these themes in an educational context. It is premised on the value of providing differentiated service to disadvantaged users to make up for poor provision under the ostensibly uniform welfare state. Parent power is an important theme and the involvement of private sector sponsors in providing funding and leadership fits with broader themes about diversifying public service provision. The presumption that schools will flourish the more independence they have from the state derives from the government's assumption that independent providers in education, as well as health, housing and social care, provide more innovative, responsive and dynamic services than the state can provide directly.

The academy programme should therefore be understood as the extension of the broader public service philosophy that has animated the New Labour governments, although its roots can be found in the previous Conservative government's policies and in ideological approaches

developed in other countries. The closest policy antecedents are the City Technology Colleges in the UK and the Charter Schools in the United States. City Technology Colleges are discussed here; Charter schools are analysed in chapter 4.

City Technology Colleges

City Technology Colleges (CTCs), developed by the Conservatives in the mid-1980s, have a number of features that are shared by academy schools. The CTC initiative was announced by Kenneth Baker at the 1986 Conservative party conference, at the height of the Thatcher government's privatisation programme. They were to be a new type of school, based in deprived inner city areas, and run by independent trusts, free from LEA control. Capital funding would come from private promoters, later known as sponsors, and the governing body would be free to decide on pay, conditions of service, staffing levels and on the balance between teaching and non-teaching staff (Whitty *et al*, 1993: 2).

The rationale and structure of CTCs has obvious parallels with academies, and the historical echoes get stronger when looking at the rhetoric used in relation to CTCs. The diagnoses of educational failure, the principles of educational success and the models of educational innovation proposed are strikingly similar. Whereas Margaret Thatcher described CTCs as 'state-independent schools' (Whitty *et al*, 1993: 2), Blair has called academies a model of 'independent state schools' (Blair, 2005a). Just as in 2005, the education white paper appeared to indicate that mainstream schooling would be reshaped on academy lines, so 'Many supporters and critics in 1986 assumed that [CTCs] were a prototype for reshaping the entire education system' (Whitty *et al*, 1993: 2). Just as criticisms have been raised about academy sponsors failing to deliver their financial contribution (Mansell and Stewart, 2004; Taylor and Evans, 2006), so in relation to CTCs '[T]here were persistent claims, in the context of mounting criticism of the proportion of public money going into the programme, that sponsors had promised much more money than they had paid' (Whitty, 1993: 44).

Academy schools have been presented as an alternative to the uniform one-size-fits-all model of secondary education. Similarly, 'At the heart of the CTC movement is the postmodern Thatcherite project of breaking up the public sector and particularly, of challenging the monopoly position of the local government in education. This rhetoric produces the urban comprehensive school as uniformly mediocre and bureaucratised, in contrast to the CTC which is seen as embodying choice, diversity and freedom' (Weiner, 1994: 413). This rhetoric resonates with Tony Blair's speech in October 2005 when he talked about 'the straitjacket of the traditional comprehensive school' (Blair, 2005b).

Fifteen CTCs were created in total, much fewer than the government had originally anticipated, due largely to a shortage of business sponsors with the required financial investment. Whitty *et al* note that those CTCs that were created were popular with parents (1993: 14), and indeed CTCs continue to be oversubscribed (Specialist Schools and Academies Trust, 2005). Their overall performance scores are high: in 2002, 83% of CTC pupils achieved five or more A*-C grades at GCSE compared to a 46% average for nearby schools (Specialist Schools and Academies Trust, 2005). The DfES states that 'CTC intakes are representative of the full range of ability among pupils in their catchment areas and are broadly representative of the community within those areas' (DfES, 2006). There is, however, a requirement that the schools select those 'most likely to benefit from the Colleges' emphasis on science and technology, have the strongest motivation to succeed and intend to continue in full time education or training up to the age of 18' (DfES, 2006). Those selection criteria provide an in-built advantage that might help to explain their better results in comparison to the nearby schools with which they are compared.

The Labour government has drawn explicitly on the CTC initiative in defence of the academy proposal. As Rona Kiley, then head of the Academy Sponsors Trust put it in June 2005, 'Neither are academies an experiment. The model of independence within the state sector has been

comprehensively proved by the experience of city technology colleges (CTCs)' (Kiley, 2005). However, whereas CTCs largely failed to take off, the Labour government is determined to deliver on its promise of 200 academies by 2010.

4. Charter Schools in the United States

The closest equivalent to the academy programme in a comparable country is the charter schools of the United States. A major difference is that charter schools do not have to have a private sponsor, and this means they have more in common with the trust schools envisaged by the government's Education and Inspections Bill. As the charter schools initiative has had more time to be evaluated, and provides a data set of around 3,500 schools compared to only 15 CTCs, it is worth examining what evidence there is about the results. In this chapter, we report on some of the published evidence.

Like other public schools in the United States, charter schools are officially non-selective and do not charge fees. However, unlike other public schools, instead of being managed by a local school district, they make their own decisions about a range of key matters, including curriculum, assessment methods, staff qualifications, remuneration and professional development. The schools are established using a 'charter' which details 'the school's mission, program, goals, students served, methods of assessment, and ways to measure success' (www.uscharterschools.org). The charter serves as a contract between the school and the 'chartering agency', which is normally the local district (sometimes called local education authority), but can be the state or another educational institution, such as a university. The laws under which they operate vary greatly between states, which affects both the nature of the schools and their outcomes, making a generalised evaluation of 'charter schools' not only hazardous but potentially misleading in terms of linking cause and effect.

Like the academy programme, the Charter School movement has its conceptual roots in diverse discourses, from alternative schooling, community/parental empowerment and site-based management, to privatisation and marketisation of public services. The evidence suggests, however, that the latter influences are proving the stronger because of

the actual dynamic of the social and economic context into which they have been born, which includes under-funding of public education.

Ideological influences

Among the charter school movement's antecedents was the US school choice movement, which, over nearly half a century, has itself undergone 'multiple transitions and realignments', as one account has put it, explaining: 'School choice has, in recent years, been promoted as a means to enhance diversity, increase student achievement, provide options to low-income parents and children, create an incentive to develop innovative curricula, and provide public school choices to culturally and ideologically diverse social and ethnic groups. The latest, and perhaps the most promising development in school choice, is the charter school movement (Lane, 1998).

The idea, and the term 'charter school', were promoted in the 1970s by New England educationalist Ray Budde, who suggested that small groups of teachers be allowed to explore new approaches within the framework of a contract with their local school boards. His ideas were taken up by educationalists and others motivated by the continuing inequities of the public school system, and its perpetuation of the disadvantages of socio-economic groups such as inner-city working class people and ethnic minorities. The idea was to extend choice to those groups, because: 'The current choice system, incorporating both the public and private spheres, has resulted in a polarization of American society between those with the financial and personal capacity to exercise choice, and those who, for whatever reason, are unable to choose or are ignorant of their ability to choose. As they presently exist, public schools do not provide equitable means to choose quality education' (Lane, 1998).

The progressive intentions of many supporters of the charter school movement found expression in the support of the American Federation of Teachers (AFT). At its 1988 convention, the AFT adopted a policy that local school boards and unions should be able to set up autonomous public

'schools within schools'. The union's then president, Albert Shanker, explained at the time: 'Many of the delegates teach in districts with huge, impersonal schools. The benefits to students and teachers of breaking up large bureaucracies into small learning communities are immediately apparent. But many other delegates enjoy favourable schools conditions, so school size was not the decisive factor. The main idea that gripped the delegates was the prospect of having hundreds, even thousands, of school teams actively looking for better ways – different methods, technologies, organizations of time and human resources – to produce more learning for more students' (Shanker, 1988a).

In 1988, when the first President George Bush was about to replace Ronald Reagan in the White House, Shanker's proposal was attacked by the then Assistant US Secretary of Education, Chester Finn, on the grounds that there was no need for experimentation. Shanker wrote in response: 'Of course, the trouble is that Mr. Finn and his boss, William Bennett, are not the only ones who know the TRUTH. The education world is full of fanatical believers. The only problem is that they can't agree on what the TRUTH is – and none of them has much evidence to support one or the other's version of it. Aside from that, Finn's approach is like the old-fashioned Soviet commissar's - authoritarian and top-down' (Shanker, 1988).

A decade later, however, Chester Finn had become so enthusiastic a supporter of charter schools that he co-wrote a book advocating them (Finn *et al*, 2000), while Shanker had taken to warning *New York Times* readers to beware panaceas and privatisation. He reported in his weekly column that a company called Education Alternatives Inc. had taken over the running of schools in Baltimore, Maryland, and that test scores had declined (Shanker, 1994a). Later the same year, he wrote: 'The charter school movement is the latest in a long line of educational panaceas, and right now there is a lot of impetus behind it. But it is no more likely to be a cure-all than any of its predecessors' (Shanker, 1994b). Returning to the theme the following week, he warned: 'Given the current enthusiasm for charters, a school that has not yet opened may have many more

applicants than it has places. If these schools select their students according to criteria like grades, interviews and student and parent interest, they will be able to pick kids who are likely to do well – the way private schools do now. Even in states where the law requires charter schools to use a lottery to decide among applicants, self-selection will undoubtedly give charters highly motivated student bodies. It will not be remarkable if these kids achieve at high levels, even if a new school does nothing new or creative' (Shanker, 1994c).

By the time Albert Shanker wrote his final *New York Times* column before his death in 1997, he appeared to be even more concerned that what had been intended as a progressive initiative to improve the public school system could be turning into the means to destroy it: 'Public schools played a big role in holding our nation together. They brought together children of different races, languages, religions and cultures and gave them a common language and a sense of common purpose. We have not outgrown our need for this; far from it. Today, Americans come from more different countries and speak more different languages than ever before. Whenever the problems connected with school reform seem especially tough, I think about this. I think about what public education gave me—a kid who couldn't even speak English when I entered first grade. I think about what it has given me and can give to countless numbers of other kids like me. And I know that keeping public education together is worth whatever effort it takes' (Shanker, 1997).

The reality of charter schools

The trajectory of the views of Shanker and Finn in the 1990s said much about the dynamic of the charter schools experience itself. The first state to take up the charter idea in practice was Minnesota, which passed its charter school law in 1991 and opened schools based on three values, 'opportunity, choice, and responsibility for results'. The example was soon followed by California, and by 2003 all but ten of the 50 states, as well as Puerto Rico and the District of Columbia, had passed charter school laws. The programme was given a further boost that year by the federal No

Child Left Behind Act, which provided for public schools not making 'adequate yearly progress' to be restructured into charter schools. The initiative's 'four pillars' are 'stronger accountability for results, more freedom for states and communities, proven education methods, and more choices for parents' (US Department for Education, 2005).

There are now more than 3,400 charter schools serving over one million students across the US, of which around 70 per cent are new schools, around 20 per cent converted public schools and 10 per cent converted private schools. The states that have not passed charter school laws are Alabama, Kentucky, Maine, Montana, Nebraska, North Dakota, South Dakota, Vermont, Washington and West Virginia. In Washington, the charter school law was passed in 2004 only to be rejected in a referendum later the same year.

As Wells *et al* (2005) put it, the programme 'provides public funds for schools to operate autonomously from the education system' and 'attempts to address parents' and educators' frustration with the traditional public school system' (Wells *et al*, 2005: 219). These dissatisfactions are often grounded, according to the same account, on 1960s and 70s 'equity reforms' that 'failed to deal with the cultural aspect of schooling – namely, whose knowledge and experiences were valued and whose cultural capital was rewarded in the schools' (Wells *et al*, 2005: 219-20).

In theory, 'freedom from federal, state or school district regulation... means freedom to create a curriculum that reflects the history and culture of the students served, to create an environment that respects the integrity of the individual students and diverse cultures, and to create partnerships and bridges among educators, students, parents and the local community' (Wells *et al*, 2005: 227). However, in practice many charter schools are responding to budgetary pressures by ceding authority to private sponsors. Most charter schools have smaller budgets than public schools, and a number of 'Education Management Organisations' (a term, inspired by the example of the Health Management Organisations,

coined by the Wall Street Journal) have entered the market, winning contracts to run charter schools. Indeed, the lack of capacity among small civil society organisations that have been drawn to the charter school movement is one of the drivers of the increasing role of for-profit businesses in running them, as Chester Finn himself has pointed out:

'In Dayton, Ohio, of the seven charter schools currently operating, one is run by an EMO, which, for those of you who don't know, is an education management organization, a private, for-profit company that operates charter schools. One is run by an EMO. One is a conversion school that was formally a public school within the system. And five are mom-and-pop operations. The point to keep in mind — so it's far from a takeover or a conquest of the charter movement, at least in that community, by EMOs.

'Keep in mind, though, what EMOs bring with them that mom-and-pops almost can't do. EMOs bring with them capital, the ability to get hold of a building, the ability to put in furniture and train people to work in it. Mom-and-pop charter schools in almost every state in the country have no access to capital. They have very limited access to startup funds. And people who are founding them are doing it on their personal Visa card' (Finn, 2000).

How are Charter Schools Funded?

Charter schools are publicly funded and are not permitted to charge for tuition. However, AFT research has suggested that many rely heavily on financial support from parents, and that this may have the effect of excluding some children.

'Charters cannot charge tuition, but some impose fees, aggressively solicit contributions from families, and pressure parents to raise funds. While such practices increase a school's budget, they may

make the school inaccessible to some families' (Schwartz 1996, citing AFT 1996).

Charter schools receive public funding on a 'per-pupil' basis. However, what this means in practice varies widely between states, between districts and even within districts. In some, for example Minnesota, charter schools receive per-pupil funding based on the state-average per-pupil base funding. While this is higher than the funding in some local districts it is, by definition, lower than the funding in the wealthiest districts (Wells *et al*, 2005: 220). In other states, such as Massachusetts, they receive the average per-pupil expenditure for the local district of which they are part, which can 'vary a great deal across district lines' (Wells *et al*, 2005). Others again, such as California, negotiate the level of per-pupil funding between the charter school and the chartering agency. In fact, in most states charter schools have to negotiate to some degree (see Wells *et al*, 2005). This means that funding can vary widely even within local districts, and can be dependent on the power, ability and connections of the administrators of any individual school (Wells *et al*, 2005).

In addition to per-pupil funding, charter schools in some states (including Arizona, Florida, Massachusetts, Milwaukee, Minnesota and Rhode Island, and the District of Columbia), receive some public funding for facilities. School districts provide facilities in other states, such as Georgia, Hawaii, Kansas, New Mexico and Wisconsin. However, charter schools in other states receive no state or district money for facilities (National Charter School Finance Study, 2000).

As a result of low per-pupil funding and inadequate facilities funding, many charter schools have found it impossible to manage without attracting private funding. According to Wells *et al* (2005), 'poor communities struggling to make charter school reform work for them must choose between either running under-resourced schools or connecting with private for-profit or non-profit corporations called

“education management organisations” to support them’ (Wells *et al* 2005: 220).

That view is supported by another account, which also warns about the impact commercial sponsorship tends to have on ethos and intake:

'Like all public schools, charters provide compulsory childcare and that costs a lot of money. Imagine if the affluent parents of 30 children looked for someone to provide a program of education for one week for their children – how much would they be willing to pay? Imagine, then, if this were a diverse group of students, some with learning disabilities, some whose parents were less than fully active in parenting, some who did not have English as their first language. More importantly, public schools, charters included, have to deal with social pathologies. Without being able to exclude students, public schools have to deal with this to a greater degree, and schools in high poverty areas even more so. Most telling, however, was the second-hand quote I heard about the man who was seeking financing for his charter school. The first question from the investor was: what were the charter's strategies to keep out problematic students?' (B. Ford, 2005).

Although it is not compulsory for a new charter school to find a private sponsor, in order to get a 'charter', charter school developers must provide a sound budget which includes:

- Start-up cash flow budget,
- Cash flow projection,
- Longer-term (e.g., 3-5 year) balanced operating budget,
- Balance sheet summary of assets and debts,
- Statement about assumptions (e.g. enrolment projections, teacher salaries) underlying fiscal statements, and
- Description of budget development and oversight process.

(www.uscharterschools.org)

Due to inadequate public funding, many charter schools do have to find a private sponsor in order to meet these requirements.

The Impact of EMOs

Use of Education Management Organisations (EMOs) is growing (Bulkley 2002:2). In 2004, a study by the Education Policy Studies Laboratory (EPSL) found that there were 13 for-profit EMOs running more than 10 schools in the US, 8 for-profit EMOs running 4-9 schools and 30 for-profit EMOs running fewer than 4 schools. According to the fullest analysis of their role so far conducted: 'In the early 1990s, EMOs tended to pursue the contract school approach. In the latter half of the 1990s, EMOs have taken the opportunity afforded by permissive charter school legislation and focused on the management of public funded charter schools' (EPSL 2004).

In a study of 15 for-profit EMOs, managing between three and 70 schools each, Bulkley (2002) found that there were 'tensions between [the EMOs'] needs for efficiency, control, and some level of "brand name" consistency and the wishes of members of the school community' (Bulkley 2002:6). Of the 15 companies studied, only one had no predetermined educational programme covering such issues as the school mission, curriculum, assessment strategies, instructional approach and professional development needs (Bulkley 2002:20). Seven companies used a 'mixed model', in which the EMO prescribed some areas more than others. All but one had at least a 'general mission' which was 'consistent across schools' (Bulkley 2002:20), while seven implemented 'program designs that included mission, curriculum, assessments, instructional approaches, professional development, and school organisation' (Bulkley 2002:22). The EMOs also appoint at least some of the school boards. Therefore, although the charter school movement was promoted as a way of empowering groups such as ethnic minorities, it has also 'been accompanied by a growing interest among policy makers and business people in increasing the role of the for-profit sector in the provision of education' (Bulkley 2002:4).

However, it appears that running quality public education profitably is as difficult as one would expect. According to the EPSL study: 'Profitability and a positive return on investment to shareholders continue to be elusive goals for the EMO industry.' And further: 'Losses create pressure for EMOs to show positive financial results. Critics worry that this pressure will lead to policies and actions that are not in the best interest of students. They warn that as profit-seeking businesses, EMOs are apt to consider any business strategy and behavior that is not expressly prohibited by law or regulation' (EPSL 2004). The report cites a case of Charter Schools Inc. contracting with Ryder System Inc. to build a school which then gave that company's employees special enrollment rights. 'Thus, a private entity is purchasing preferential treatment for the children of its employees to attend a public school.'

Who attends Charter Schools?

The following are some of the statistics that emerge from the literature:

- A higher proportion of charter schools (50%) than other public schools (29%) are in inner-city areas.
 - Female students are slightly overrepresented in charter schools compared to other public schools, male students slightly underrepresented. (52% of charter school students are female compared with 49% in traditional public schools).
 - There are fewer students with disabilities in charter schools (8%) than other public schools (11%).
 - There is a significantly higher proportion of Black students in charter schools (31%) than in other public schools (17%).
 - There is a significantly lower proportion of White students in charter schools (45%) than in other public schools (58%).
 - There are similar proportions of Hispanic students, Limited-English-Proficient students and students eligible for free/reduced price lunch in charter and other public schools.
- (All above data from NCES 2003)

- Within each racial / ethnic group, more students in charter schools are from higher income families than those in public schools. For example, 76% of black students in traditional public schools are low-income compared to 68% in charter schools. (Carnoy *et al* 2005)
- 'Seventy percent of all black charter school students attend intensely segregated minority schools compared with 34% of black public school students. In almost every state studied, the average black charter school student attends school with a higher percentage of black students and a lower percentage of white students' (Frankenberg 2003).

The fact that charter schools are concentrated in inner city areas may be enough to explain their higher intake of Black students (though not the reduced level of racial integration in the charter schools). This is important, because, within those urban locations, an early study found that charter schools actually take disproportionately few 'vulnerable, minority and disadvantaged students' (Schwartz 1996). The AFT also suggests that 'given the predominantly central city location of charter schools, their higher percentage of black students compared to the percentage in the national sample of other public schools is not surprising' (AFT 2004:10).

It may indeed be important to look more closely at charter school intake in comparison to other schools in the same region. For example, a study of California charter schools reported that, on average, they enrolled eight percent fewer ELL [English Language Learners] students than their host districts did overall (AFT, 2002: 15 citing Wells *et al.*, 1998). In Texas, where 12% traditional public school students are ELL, only 3% of charter school students are ELL (AFT, 2002: 15). In seven of eight states where information was available, Nelson, Muir and Drown found that charter schools enrolled fewer ELL students than traditional public schools (AFT, 2002: 15 citing Nelson, Muir and Drown, 2000).

Nationwide, 60% charter schools enrol no ELL students and 85% enrol fewer than 10% ELL students (AFT, 2002: 15).

Particularly underrepresented in charter schools are students with disabilities / special educational needs. Rhim and McLaughlin (2001) found that where charter schools are part of local districts there is often an 'absence of specific guidelines' regarding who is responsible for which aspects of education provision (Rhim and McLaughlin, 2001: 377). They also found that many charter school operators and applicants have little experience or knowledge about special education, and most states do not require applicants to explicitly demonstrate their knowledge and plans for special education provision (Rhim and McLaughlin, 2001: 379).

According to the AFT, 'administrators in one-quarter of the [charter] schools examined in one federal study reported that they discouraged parents of at least some special education students from enrolling their children in charter schools' (AFT, 2002: 16). Studies cited by the AFT also report that the special needs students that are in charter schools tend to be those with mild disabilities, and that 'charter schools run by private management companies serve an even smaller proportion of special education students than other charter schools and dramatically fewer than their host school districts serve' (AFT, 2002: 16). Zollers and Ramanathan (1998) found that, in Massachusetts, charter schools run by for-profit EMOs 'routinely ignore special education law and treat students with disabilities as financial liabilities'; and that parents of students with disabilities and/or behavioural difficulties were 'told that the school is not equipped to handle their child and that the programs in regular public schools will serve them better' (Zollers and Ramanathan, 1998).

Some states base the level of special education funding a charter school receives on the average for the local school district rather than on the individual students in the school. This discourages charter schools (presumably especially those seeking to make a profit) from accepting high-cost disabled students.

Performance of Charter Schools

2003 was the first year that charter schools were included in the National Assessment of Educational Progress (NAEP), which is based on standardised assessments of schools' academic performance. There appears to have been some reluctance to publish the results. The NAGB (National Assessment Governing Board) and NCES (National Center for Education Statistics) are responsible for publishing NAEP results, but did not publish charter schools' NAEP results with traditional public school NAEP results in November 2003. They announced instead that there would be a NAEP Charter School Report published in January 2004. This was then postponed until June 2004 and then again until December 2004 (AFT, 2004), when it was eventually published (but dated November 2003).

The report found that there was 'no measurable difference' in reading scores between charter schools and other public schools, but that there was a 'lower average mathematic score overall for fourth-grade students in charter schools' (NCES, 2003: 7). (Both fourth and eighth grades were measured, but only fourth grade included a big enough sample to be statistically significant). However, 'higher percentages of charter schools fourth grade students are black and attend schools in central cities ... when comparing the performance of charter and other public school students, it is important to compare students who share a common characteristic' (NCES, 2003: 1). The report goes on to state that, although charter mathematics scores were lower than other public scores, 'the mathematics performance of White, Black, and Hispanic fourth-graders in charter school was not measurably different from the performance of fourth graders with similar racial/ethnic backgrounds in other public schools' (NCES, 2003: 1). The report also suggests that, given their high ratios of Black and Hispanic students, charter schools are doing particularly well in achieving similar overall reading scores to other public schools with fewer 'minority' students (NCES, 2003: 1).

Closer examination of the statistics (NCES 2003) reveals, however, that some groups are systematically underachieving in charter schools. Female fourth grade students did significantly less well in charter schools in both mathematics (average scale score in public schools: 233, charter schools: 228) and reading (public schools: 220, charter schools: 215), as did students who are eligible for free/reduced price school lunch (reading: public schools: 201, charter schools: 195; mathematics: public schools: 222, charter schools, 216). 'Central city' students did significantly less well in mathematics (public schools: 227, charter schools: 221). As central city students and students from low-income families are both groups that did not perform well in the public school system compared to other students, the indication that they did *even less well* in charter schools is clearly of some significance. There were no groups of students who did significantly better in charter schools.

Other studies have also reported that charter school students are lagging behind public school students. Bifulco and Ladd (2004) found that 'students make considerably smaller achievement gains in charter schools than they would have in public schools' in North Carolina (Bifulco and Ladd 2004: abstract). Eberts and Hollenbeck (2001) found that 'students attending charter schools in Michigan are not reaching the same levels of achievement as students in traditional public schools in the same districts' (Eberts and Hollenbeck 2001: abstract). Other studies, however, found that charter school students were doing well. A study in Texas found that, although students suffered from the initial move into a charter school, they ultimately perform better in both mathematics and reading, and that African-American students are doing particularly well (Booker *et al*, 2004). Another study, which looked at a very large sample of charter school students across the US, found that

'compared to students in the nearest regular public school, charter students are 4 percent more likely to be proficient in reading and 2 percent more likely to be proficient in math, on their state's exams. Compared to students in the nearest regular public school with a similar racial composition, charter students are 5 percent

more likely to be proficient in reading and 3 percent more likely to be proficient in math.' (Hoxby, 2004).

However, Roy and Mishel (no date) argue that Hoxby's findings are invalid on the grounds that 'her method of comparing charter schools to their neighbouring public schools (and to those neighbouring public schools with a similar racial composition) inadequately controls for student backgrounds'.

How much can be deduced from these duelling studies is a moot point, not least because their conflicting results are based on variable methodologies, which are as much the subject of academic debate as the results they produce. Any methodology is limited by the impossibility of a genuine counter-factual, in that, obviously, the same student's progress cannot be measured in two schools simultaneously. Much of the methodological debate concerns the suitability of various proxy ways of comparing like with like. As another commentary has put it: 'The opportunistic and relatively crude studies done to date are actually reasonably good for the early stages of scientific inquiry, but they are not sound bases for policy' (Hill, 2005).

In addition, charter schools are heterogeneous in character, in a range of respects which include ethos, locality and the level of funding provided to them from the public purse. Drawing aggregate conclusions about them would, therefore, fail to derive the benefit that the system is supposed to produce, of enabling successful innovation to thrive while punishing failure. (This begs the question, of course, of how success and failure are defined.) The EPSL study reported that 63 charter schools had indeed closed in the previous five years, and the reasons given for some of the closures makes disturbing reading. For examples (all from EPSL 2004, which cites newspaper articles at its sources):

- Chancellor Beacon Academies had its contract to run Options Public Charter School in Washington, D.C., terminated after it was

discovered that the principal was a 'felon on probation when the company hired him.'

- The same company asked Tampa in Florida to relieve it of its running of North Tampa Alternative Charter School because 'they would not be able to make a profit on the school given the current level of funding'.
- Philadelphia closed a further five of Chancellor Beacon's charter schools because the 'company had not performed up to expectations'.
- Wichita, Kansas, closed two schools run by Edison Schools because of 'declining enrolment, high teacher turnover, and unimpressive test scores'.
- Dallas, Texas, closed seven of Edison's schools there because 'student achievement gains...did not pace gains made by students in surrounding schools.'

Of course, if around five per cent of charter schools have closed, it means that 95 per cent have survived. Moreover, the fact that some school districts have taken action to close those with poor performance could suggest the regulated market is working in the public interest. However, if quality control is to be achieved through competitive pressures, its victims are those students whose education is undermined by failure and closure.

Some conventional schools fail too, however, and, in any event, as one commentary based on a review of the competing evaluations has put it: 'It should...be noted that whether studies draw positive or negative conclusions about charter school effectiveness, the differences are not strong. This is for two reasons. First, outcomes for many charter schools are virtually identical to the comparison groups. Second, although some charter schools have outstanding results, schools getting poor results statistically offset them. As with traditional public school results, averages conceal as much as they reveal' (Hill 2005).

Teachers in charter schools

There is little published information about recruitment policies and labour relations in charter schools. It is clear, however, that they employ much higher proportions of teachers without 'regular' teaching certificates and teachers who have fewer than four years' teaching experience than public schools (NCES 2003:9). The Center for Education Reform (CER) (a pro charter group) website publishes articles which argue that there is no evidence to suggest that certified teachers are better teachers (Maranto 2005, CER 2005).

For the past decade, charter school teachers have generally not been unionised, and charter schools 'have operated unhindered by some state regulations and without union contracts' (Vaishnave 2005). Teachers' unions have expressed concerns that charter schools are not academically effective, and that they are not accountable and do not meet the same labour standards as other public schools (National Education Association (NEA) website). The NEA is reported to be running a campaign to unionize charter school teachers and to secure better contracts and labour rights in charter schools (Bluey 2004).

In August 2005 it was reported that 50 of Massachusetts 2,000 charter teachers had joined Massachusetts Federation of Teachers (Vaishnave 2005). This development occurred against a background of apparently growing discontent among charter school teachers about their conditions of employment. Teachers complained about not being consulted on important issues. In some cases, their contracts gave them minimal employment security and localised pay systems meant that 'people teaching next door can be paid more for no apparent reason.' (Vaishnave 2005).

The government in the UK is aware of the relevance of the charter schools model to its academy programme. Analysis of charter schools was one of the key elements of the first PwC report, sent to the DfES in 2003. The PwC findings, not made public until February 2005, support the

evidence discussed here. Their analysis found that improvements in educational outcomes in charter schools had been modest, and that there was a danger of creating a two-tier school system in which the middle classes benefited from the better schools (PwC, 2003).

The charter schools analysis highlights the multi-dimensional nature of educational innovation. Charter schools differ from mainstream schools in their legal status, their financing, their intake and their labour relations. Crucially, the schools also differed from *each other* on these variables. The heterogeneous nature of charter schools is reflected in the academy programme in the UK, as the next chapters highlight.

5.. How Academies are set up and run

To understand the role of academies it is necessary to look in more detail at how they are set up and run, including the role of the sponsor, the specialism, workforce practices, and relationships with government and client groups.

How are academy schools created?

Areas with 'failing' schools or insufficient school places are eligible for academies. Sponsors come forward either by making a direct contact to the DfES or through the Specialist Schools and Academies Trust. Part funded by the DfES and charged with promoting academies and specialist schools, the Trust can 'matchmake' between schools and sponsors. Sponsors must then work with the DfES to investigate the feasibility of an academy, including identifying a suitable site.

Sponsors submit detailed plans and the DfES must then consult the local authority (LA) where the academy is to be based and any neighbouring authority with a significant proportion of potential pupils. There is no requirement to undertake direct consultation with parents or the local community. Community consultation is only required if an existing school is being closed, in which case a local School Organisation Committee (SOC), comprised of parents, teachers and community interests, takes an initial decision about whether or not to close a school. In some cases SOCs have been overruled by a government-appointed Schools Adjudicator, as in the case of Abbey Wood School in southeast London, which is being closed and replaced by St Paul's Academy despite resistance from the local SOC.

Controversy has surrounded the earmarking of schools as 'failing', with some schools claiming that they have been put in 'special measures' by Ofsted simply to strengthen the case for an academy. In Coninsbrough near Doncaster, for example, the Northcliffe school was unexpectedly put

in special measures in 2004 amid accusations of such a strategy (Brown, 2004). In Islington and Milton Keynes accusations were made that schools praised by Ofsted were being turned into academies following pressure from the DfES (Woodward, 2005). The closure of Kingsland School in Hackney was announced immediately after an Ofsted report found it was improving, and an academy is now being built on its site.

The local authority must give approval if an academy proposal is to go ahead (including ceding claims to the land), although once created academies operate largely beyond local authority control. There are financial incentives for LAs to approve academies, as doing so facilitates access to capital funding from the DfES. All secondary schools are due to have their building stock upgraded over the next 10-15 years as part of the Building Schools for the Future (BSF) programme. However, by becoming an academy a school can access building improvement funds much more quickly than if it waits in the queue with other schools. In Milton Keynes, the headteacher of a school earmarked for replacement by an academy reported that without academy status his school would have to wait until 2016 to get BSF funds (Woodward, 2005).

The financial advantages of academy status have therefore led some local authorities to support the academy programme, even though it results in reduced LA control over schools. In Kent and Stockport, the local authorities have gone so far as to propose themselves as sponsors of new academies, which may enable them to retain their control in the new environment.

If sponsors and the DfES reach agreement to proceed with a new academy, they enter into a funding agreement which defines the terms under which the academy is to provide education services. Running costs are paid directly to the school from the DfES, bypassing the LA. Civil servants at the DfES provide support to the academies, with each Academy having a designated Adviser. The DFES shares with the Specialist Schools and Academies Trust responsibility for ensuring that sponsors are contributing as effectively as possible to the programme.

Table 1 shows the 27 open academies, their location, specialism and sponsor. Fourteen of the existing academies are in London. The most common specialism, offered by 12 of the academies, is business and enterprise. Nine have a technology specialism. Table 2 shows the 36 academies listed by the DfES as being 'in development'. Of these, 19 will have a business and/or enterprise specialism. Sport, performing arts and technology are among the other specialisms to be offered by the academies.

As the tables show, academy sponsors fall mainly into two distinct groups. Some are business entrepreneurs or businesses; others are from faith organisations that already provide education. A small number of academies do not have new sponsors but rather are transfers from the CTCs, set up in the 1980s with business sponsors. The government appears keen to widen the sponsorship base and announced in December 2005 that universities would sponsor some of the new academies, although they would not be required to make the initial investment of £2 million (Evans and Taylor, 2005).

Sponsors are encouraged to bring entrepreneurial principles into education. Those aspects of school management that are seen as fostering uniformity in the maintained sector are minimised: local authority oversight, national workforce and pay agreements, and the national curriculum. The DfES argues, 'The involvement of sponsors from the voluntary and business sector or faith groups will allow them to bring their skills and expertise to each Academy' (DfES, 2005). Sponsors are seen as playing a central part in developing the right leadership and ethos.

Table 1: Open Academies

Academy	Location	Date of opening	Sponsor	Specialism
The Business Academy	Bexley	2002	Sir David Garrard, Chairman, Garrard Education Trust	Business and Enterprise
Greig Academy	Haringey	2002	Greig Trust and the Church of England	ICT
Unity Academy	Middlesbrough	2002	Amey plc	ICT
Capital City Academy	Brent	2003	Sir Frank Lowe	Sports
City Academy	Bristol	2003	Consortium of sponsors inc. John Laycock, a Director of Bristol City Football Club, University of the West of England, Bristol Business West	Sports
West London Academy	Ealing	2003	Alec Reed, founder and Chairman of Reed Executive plc	Sports and enterprise
Manchester Academy	Manchester	2003	United Learning Trust and Manchester Science Park Ltd	Business and enterprise
King's Academy	Middlesbrough	2003	Emmanuel Schools Foundation	Business and enterprise
Djanogly City Academy	Nottingham	2003	Former CTC (original sponsor: Sir Harry Djanogly)	ICT
City of London Academy	Southwark	2003	Corporation of London	Business and enterprise
Academy at Peckham	Peckham	2003	Lord Harris of Peckham	Business and performing arts
Walsall City Academy	Walsall	2003	Mercers' Company and Thomas Telford Online	Technology
London Academy	Barnet	2004	Peter Shalson, Chairman of SGI Ltd, a venture capital company	Business, enterprise and technology
Mossbourne Community Academy	Hackney	2004	Clive Bourne, life president of Seabourne Group plc	Technology
Stockley Academy	Hillingdon	2004	Barry Townsley, Chairman of stockbrokers Insinger Townsley, and others	Science and technology

Lambeth Academy	Lambeth	2004	United Learning Trust (The Church Schools Company)	Business, enterprise and language
Northampton Academy	Northampton	2004	United Learning Trust (The Church Schools Company)	Sports, business and enterprise
Trinity Academy	Doncaster	2005	Sir Peter Vardy, (through Emmanuel Schools' Foundation)	Business and enterprise
St Paul's Academy	Greenwich	2005	Roman Catholic Diocese of Southwark	Sport and enterprise
Salford City Academy	Salford	2005	United Learning Trust and the Manchester Diocese	Sport, business and enterprise
Marlowe Academy	Kent	2005	Jointly sponsored by Roger De Haan (main sponsor) and Kent County Council. Pfizer has also contributed an endowment fund for the school.	Business and the performing arts
The Harefield Academy	Hillingdon	2005	Four businessmen (not named by DfES)	Sport, health and wellbeing
Haberdashers Aske's Knights Academy	Lewisham	2005	Principal sponsor is the Haberdashers Livery Company	Sport and ICT
Haberdashers Aske's Hatcham College Academy	Lewisham	2005	Principal sponsor is the Haberdashers Livery Company	Music and ICT
Dixons City Academy	Bradford	2005	Former CTC (Original sponsor: Dixons Plc)	Performing arts
Academy of St Francis Assisi	Liverpool	2005	Anglican Diocese of Liverpool and the Roman Catholic Archdiocese of Liverpool.	Environment
Macmillan Academy	Liverpool	2005	Former CTC (Original sponsors: BAT Industries and Sir John Hall)	Science, PE, outdoor education

Source: DfES, <http://www.standards.dfes.gov.uk/academies/projects/openacademies/?version=1>

Table 2 - Academies in Development

Academy	Date of opening	Sponsor	Specialism
Barnsley	2006	United Learning Trust	Business and enterprise
Blackburn with Darwen		Rod Aldridge, Executive Chairman of Capita	
Bradford	2007	Toc H (a national community support charity) and the Church of England	Citizenship and enterprise
Bristol 2	2008	Society of Merchant Venturers, a historic Bristol based organisation	Business and enterprise
Bristol 3 Oasis Hengrove	2009	Oasis Trust	Performing and visual arts
Brunel, Hillingdon 3	2007	HSBC Education Trust and Brunel University	Mathematics, science, engineering and technology
Croydon	2006	Lord Harris of Peckham and The Whitgift Foundation	Business and enterprise with Design and Technology
Enfield		Oasis, a Christian trust	Business and enterprise
Hackney 2	2006	Jack Petchey Foundation	Medicine and health care
Hackney 3	2006	UBS	Maths and music
Herefordshire 1	2007	Steiner Schools Waldorf Fellowship	Environment
Islington		London Diocesan Board for Schools	Humanities and Citizenship
Kensington and Chelsea	2009	London Diocese Board of Education in partnership with the Royal Borough of Kensington and Chelsea	Science
Kent 2		Roger de Haan. King's School Canterbury will contribute some sponsorship	Media arts and European culture.
Kent 3	2007	Kent LEA	Technologies, business and enterprise, sport
Leeds	2006	Church of England and Intercity Companies	Design and construction
Leicester City		Church of England and Intercity Companies	Business and Enterprise, Food Technology

Lewisham 1		Archdiocese of Southwark and the De La Salle Congregation	Business and Enterprise
Liverpool 1	2006	Liverpool University & Granada Learning	Business and enterprise specialism
Newcastle	2008	Lord Laidlaw of Rothiemay	ICT and Business enterprise
North Huyton	2008	Diocese and Catholic Archdiocese of Liverpool	Environment
Northampton 2 (Corby)	2007	Garfield Weston Foundation, Bee Bee Developments and Brooke Weston CTC	Business and enterprise
Peterborough	2007	Deacon's Trust and Perkins Engines.	Science and Maths
Reading	2006	John Madejski, Chairman of Reading Football Club	Sport
Sandwell 1		Mercers' Company, Thomas Telford Online, HSBC, Tarmac Group Ltd and West Bromwich Albion Football Club	Sport, business and enterprise
Sandwell 2	2008	Eric Payne	Design and Enterprise
Sheffield 1		United Learning Trust	Performing arts and technology
Sheffield 2		United Learning Trust	Business and enterprise
Slough		Arbib Foundation	Science
Solihull	2006	Bob Edmiston, Chairman and Chief Executive of IM Group Limited	Business and enterprise
Southwark 4		Absolute Return for Kids (ARK)	Performing arts
Southwark 6		Lord Harris	Business and enterprise
Stockport 1		United Learning Trust in partnership with Stockport Metropolitan Borough Council	Sport with business and enterprise
Waltham Forest		TBC	
Wandsworth	2007	Prospect Education (Technology) Trust	ICT and Design Technology
Westminster Academy, Westminster	2006	Chelsfield plc	International business and enterprise
Paddington Academy, Westminster	2006	United Learning Trust	Media, Performing Arts, Business and Enterprise
Westminster 3		The Archdiocese of Westminster	Maths, computing

Source: DfES, <http://www.standards.dfes.gov.uk/academies/projects/development/?version=1>

The second PwC monitoring report investigated attitudes to sponsors within the 11 academies open at that time, using survey and interview data to assess student, staff and parent perceptions. It notes that 'many aspects of the sponsorship and governance arrangements were just beginning to emerge'. The report found that most parents and staff were positive about the role of the sponsor, although 'there seemed to be a lack of understanding about the impact of the sponsor's role and the wider governance arrangement amongst both staff and parents' (PwC, 2004: 14). Forty-six percent of teachers in academy schools felt that the sponsors were involved in curriculum planning, rather than restricting themselves to strategic issues. The PwC report appears somewhat disingenuous in its presentation of data, however. A finding that two-thirds of staff 'recognised that the governors and sponsors brought expertise to the Academy which would not otherwise have been available' was derived by excluding the 37% and 60% percent that answered 'don't know' when asked about the sponsor and governing body respectively (PwC, 2004: 9).

Some aspects of sponsorship have generated controversy beyond particular school settings. Criticisms of the sponsorship system have included:

- Lack of educational experience. Whilst some sponsors have prior experience of running educational institutions (for example, running independent schools), many come directly from a commercial background. In addition to appointing governors and senior staff, sponsors take the lead in building design and there are concerns that lack of educational expertise has contributed to inappropriate school buildings. Staff at academy schools interviewed by PwC for its 2004 report reported that some of the new buildings were not 'fit for purpose' with inadequate staff work places and poor classroom layout (PwC, 2004).
- Inappropriate interference in the school curriculum. Concerns have been raised about an over-emphasis on teaching business

skills over other skills at some academies. Religious indoctrination of pupils has also been raised as a concern at some schools, and highlighted by Parliament's Joint Committee on Human Rights (2006). For example, staff and students at academy schools do not have the same rights as their counterparts in maintained schools to withdraw from acts of worship. Although academies have robustly denied that they are departing from the national curriculum by teaching creationism in science lessons, the Joint Committee also noted that children in academies cannot complain to the LEA about the way that the national curriculum is being taught in the way that children in maintained schools are able to do.

- **Inappropriate incentives to become sponsors.** Police are investigating the alleged sale of honours, following revelations that potential academy sponsors were told that they could be nominated for a CBE, an OBE or a knighthood. Two academy sponsors were nominated for knighthoods, and later had the nominations withdrawn following revelations that they had made secret donations to the Labour Party.
- Lack of checks on potential sponsors. Given the influence that sponsors may have on school ethos and curriculum content, critics highlight an apparent absence of checks on sponsors. For example, the DfES has indicated that it does not conduct Criminal Records checks on sponsors (Heller, 2005).

- Poor financial oversight. Sponsors and governing bodies gain access to public funds with few controls on the money is spent. Research by the TES showed that some academies were granting contracts to companies in which the sponsor had a financial interest, failing to use standard school procurement systems (Mansell and Stewart, 2004). The DfES has relaxed the requirement that all sponsors provide £2m in capital funding, and it may be difficult to assess whether and how sponsors have made a financial contribution.

The extent to which these elements create problems in practice will vary from academy to academy. Central to many of these criticisms are concerns about the lack of safeguards when problems arise. The government has premised reduced oversight on improved levels of educational attainment. The terms of this trade-off are explored in the next chapter.

6. Academy Performance

The rationale for academy schools can best be understood as a trade-off. Schools that were previously owned by the local authority and subject to local political accountability have been transferred, via funding agreements, to private bodies, who are bound by the terms of the agreement but not bound by the education law that covers maintained schools. In return for these freedoms, academies are expected to deliver improved educational standards in areas traditionally known for educational underperformance. To understand the terms of this trade-off it is important to understand more about what can be gained and lost. This chapter discusses academy performance in the context of issues such as admissions, special educational needs, workforce relations and local accountability.

Improving Standards

The government presents academies as an innovative model of school governance designed primarily to tackle long-term educational underperformance in disadvantaged areas. According to the DfES: 'They will raise standards by innovative approaches to management, governance, teaching and the curriculum' (DfES, 2005).

Education Secretary Ruth Kelly has strongly defended academies on the basis of their potential to improve educational standards for children poorly served by existing schools: 'For these children, nothing has worked for them before, absolutely nothing. They've been trapped in a cycle of failure, and the city academies programme is the chance for a new energy, to bring a new purpose to an area, as well as the new capital buildings and injections of money' (Woodward and Smithers, 2005).

The DfES criteria for success of academies highlight the importance of educational improvement to the academy programme. The PwC

evaluation is designed to test how far the academies meet a series of targets set out by the DfES:

1. To add greater value in terms of performance against national trends compared with schools with similar characteristics at Key Stage 3, GCSE and A-level within two years of opening in terms of value-added and in gross achievement terms.
2. To raise achievement rates of pupils to at least national averages at Key Stage 3, GCSE and A-level within four years of opening. In particular, to raise achievement rates of groups which currently underachieve and pupils with SEN.
3. To help raise achievement rates of pupils in other local schools, including feeder primary schools, by sharing facilities and expertise within four years of opening.
4. To increase the proportion of pupils who stay in education after compulsory school age and enter further or higher education after sixth form studies (where appropriate).
5. To increase attendance by reducing authorised and unauthorised absences and decrease permanent exclusion levels compared to schools with similar characteristics within two years of opening.
6. To be regarded as centres of excellence in their specialism(s).

(The Education Network, 2005)

Two annual reports have so far been produced by PwC (PwC, 2003, 2004), but given that no academy has yet been open for four years, and the majority of academies have been open for less than 18 months, most academies cannot yet be tested against these criteria.

In a debate characterised by claim and counterclaim, performance data offer ostensibly hard evidence, although criteria for their collection and interpretation are contested. GCSE performance data show that most academies are improving their performance year on year; in total, GCSE pass rates at academies improved at four times the national average in 2004-05 (Wintour and Smithers, 2005). Results are uneven across

academies, however, and three have had critical Ofsted reports whilst a fourth has been put in special measures (See www.ofsted.gov.uk).

Several factors make it difficult to evaluate the added value of academies to date. The first is the short timescale available and the small number of case study academies generating data. The volatility of short-term education performance is acknowledged by the second PwC report, although it has not stopped critics making political capital out of disappointing GCSE results in some academies. Nor has it prevented the government from heralding successes in other academies. The Prime Minister has said that the academies have already been successful in improving performance, helping to 'eradicate the chronic underperformance' in some schools (Garner and Grice, 2004).

The second problem with studying performance data from existing academies is the contested nature of the measurement tools. The comparability of GCSE data may be limited if:

- Students take the Thomas Telford ICT GCSE rather than Maths and English
- GCSE figures do not make clear what proportion of students are entered for exams
- Academies are not compared with appropriate predecessor schools or schools with similar characteristics.

There are accusations that the data available on academies are distorted by all these factors. Since the Freedom of Information Act does not apply to academies, it is difficult to access the background data necessary to study existing GCSE results in context.

An additional difficulty in using GCSE data is that some academies begin with a year 7 intake, and build up their intake year on year. This approach is designed to instil the ethos of the new school in one cohort at a time. However it means that Key Stage 3 data will not be available until three years after the creation of the school, and GCSE not for five years.

Moreover, it defies comparison with schools that did not have the luxury of such staged growth.

Academies are specialist schools and, like other specialist schools, can select up to 10 percent of pupils on their aptitude in a prescribed specialism. Admission arrangements are agreed with the Secretary of State for Education and must 'have regard to' the code of practice on admissions. Some academies use lotteries and banded intakes to ensure a mixed intake. Some have developed their own application procedures for parents, whereas others are part of an LEA-wide application process. All academies must publish their admissions policies annually after consultation with the LEA or other admission authorities for primary, special and secondary schools located within the relevant area. Changes to published admissions policy can only be made in event of major changes in circumstance, through application to the Secretary of State.

Academies have been accused of manipulating their intake to maximise their results. Analysis of the funding agreements of the 27 academies show that half of them use aptitude tests, whereas only 6 percent of specialist schools use such tests (Paton, 2006). There are concerns that, by that route and others, many children with special educational needs (SEN) may be excluded. Higher than average levels of exclusion have been reported at academies (Gorard, 2005). In its evidence to the Education and Skills Select Committee inquiry into the latest White Paper, the Advisory Centre for Education ACE noted:

'Admission of pupils with statements of special educational needs is an additional problem where academies are concerned. Unlike most other publicly funded schools, academies are not "maintained schools" and are not legally required to admit pupils where local authorities name them in statements. Problems have arisen and the DfES has constructed an elaborate dispute resolution procedure where the Secretary of State mediates between the local authority and the academy. Where parents stand in this process is not clear.

'Additionally, ACE has obtained early and tentative figures from the DfES for 2003/4 which show that academies' exclusions of pupils with statements of special educational needs are also worrying as pupils with statements were excluded at more than twice the rate of pupils with statements in other secondary schools.

'Government exclusions guidance stresses that the difficult behaviour of pupils with statements should be managed as far as possible by use of the special needs framework rather than the use of exclusions. We see the figures above as indicating problems with autonomous, market-driven schools and such pupils' (ACE 2005).

The PwC evaluation report highlighted a 'lack of clarity' at academies about provision for special educational needs (PwC, 2004). The Secretary of State has appointed advisors from the consultancy firm KPMG to advise on special educational needs appeals involving academies; it is as yet unclear what relationship the KPMG team will have to statutorily appointed SEN Tribunals.

The Education and Skills Select Committee has also raised concerns about academies' intake: 'We are also concerned that some of the good results achieved by some Academies may have come at the price of excluding those children that are harder to teach and reducing the proportion of children in the school from deprived backgrounds (whom they were originally intended to serve)' (ESSC, 2005: §29).

A Guardian study found that academies were taking a smaller proportion of pupils on free school meals than the schools they replaced (Taylor, 2005). The Prime Minister's response to the article was to praise the academies for taking a mixed ability intake (Blair, 2005c). That response is rather different from that given by the then Schools' Minister David Miliband in a radio interview in 2004 who emphasised, 'The academies programme is not about changing the children, it's about changing the provision for them' (BBC, 2004).

A related point about academy performance is that it cannot be studied in isolation from educational standards in the local area. One of the most sustained critiques of academies comes from those who favour investment in inner city areas, but fear that the creation of a few flagship academies will destabilise rather than improve overall performance in such areas (Millar, 2005). Whilst education performance data for local schools come with some of the health warnings given above, The Education Network (TEN, 2005) points out that, according to the second PwC report, all the schools local to the three academies that opened in 2002 have improved their GCSE performance at or above the rate of national improvement. Clearly this finding can be interpreted in a number of ways: that the academy has not damaged but has lifted performance in other local schools; that such schools are doing well with local authority support, suggesting that the academy model is not necessary; that all the schools are improving for reasons that have nothing to do with the academy; and so on. These contrasting interpretations highlight the difficulties of using raw performance data to draw policy conclusions.

If the benefits of academies arise from their ability to improve educational standards for disadvantaged children, these benefits are thus far unproven. Only a longitudinal study, incorporating comparator schools, will provide the necessary evidence, as a number of education academics have pointed out (Woods *et al*, 2005; Hatcher, 2006). Even then much of the data will remain contested. What is *gained* from academies is therefore currently unclear. More obvious at the present time is what is *lost* in the creation of academies: workforce protection and local accountability. These issues are considered below.

Workforce issues

The academy model premises improved educational standards on withdrawal from national pay and workforce agreements for teaching staff and from locally agreed employment conditions for support staff. As in

other areas of public service reform, the ethos of entrepreneurialism and service excellence has been seen as incompatible with national standardisation. Academy schools have been given much greater freedom than maintained schools to develop their own workforce practices, raising questions about how much has been gained and lost through this liberalisation.

All teachers at academies have to have qualified teacher status, and since 2005 academies have been required to employ staff registered with the General Teaching Council. Academy schools are not bound by national agreements on pay and workforce. They get no more money for staff than other schools, but can alter pay differentials. Teachers transferring to an academy from a pre-existing school have their terms and conditions protected, but new teachers do not have to be employed on the same basis. The 2004 PwC monitoring report reported that the combination of transfer staff with protected terms and conditions and new staff without was creating tension in some schools.

Unions representing teaching and support staff have been broadly sceptical, if not openly hostile, about the academy initiative, describing it as 'privatisation by stealth' (NASUWT), which will 'benefit the many at the expense of the few' (NUT) and is 'not in the long-term interest of the provision of state education free to all' (ATL). A motion condemning academies was passed at the 2005 TUC conference. Trade union opposition to academies has mainly focused on specific issues around worsening terms and conditions such as the expansion of duties which members are expected to perform, including working evenings and weekends. At one academy, staff were balloted on strike action in May 2005 following claims of endemic indiscipline, and agreed a work to rule strategy to signal their concerns (L. Ford, 2005).

Concerns have been expressed about the use of unqualified teachers in academies. The Teachfirst initiative, in which graduates are given a short course in teacher training and provided with placements in inner city schools, has been one controversial measure. The DfES website

acknowledges: 'Some Academies are seeking to enhance recruitment through Teachfirst; others are creating structures which use a large number of ASTs [Advanced Skills Teachers] or a greater number of adults other than teachers. In addition the flexibilities that Academies have should allow them to be in the forefront in applying school workforce reform strategies' (DfES, 2005). Unions representing school support staff, including Unison, GMB and the T&G, have expressed concern about the use of term-time only contracts, and the problems of a two-tier workforce if academies seek to pay less for school support staff than surrounding schools.

Much of the anxiety felt by unions at the academy initiative reflects the suspension of national bargaining arrangements at academies. Unions must negotiate relationships with principals and sponsors on a school-by-school – or sponsor-by-sponsor – basis. The creation of consortia of sponsors, such as the United Learning Trust (ULT), which is involved in 11 academies, assists union bargaining. At the national level, UTL has concluded a joint recognition agreement with ATL, NAHT, NASUWT, NUT, SHA, PAT and UNISON, on terms that are felt to be equal to the maintained sector. A number of sponsors have expressed an interest in creating franchises of schools, including Lord Harris and ARK, and such arrangements may facilitate collective bargaining. However, with individual sponsors, negotiations proceed at a local level and there is insufficient data with which to assess or compare agreements across schools or between unions.

This fragmented approach increases pressures on local union organisation, making it more difficult for unions to develop a coherent picture of what is happening across academies. Since trade union facilities time (used for local organising, campaigning and case work), is not automatically protected in academies it can be harder for unions to organise within the schools. The fragmentation also negates the premise of egalitarian pay and conditions for public sector teachers. The 2003 School Workforce Agreement was specifically premised on the need to reform school workforce practices – giving teachers more time to plan,

prepare and assess – in order to improve standards. Given the emphasis on performance in academies, it is unclear why they are not required to implement the agreement.

Accountability

To understand the implications of academies for accountability it is useful to distinguish between the 'long route' to accountability, via political representatives, and the 'short route' via direct responsiveness of producers to local people (World Bank, 2003). In the case of schools, the long route of accountability would be via local elected representatives and the Secretary of State for Education, whereas the short route would involve schools being directly responsive to parents and local communities.

Academies reconstruct both the long and short routes of accountability. Focusing first on the long route, the academy structure makes two important changes. The first is that the schools are subject to national rather than local political accountability. Responsibility passes upwards to the Department for Education and Skills (DfES) in Whitehall. The long route of accountability could be seen as neutral as to whether accountability is delivered locally or nationally, although there are *prima facie* grounds for believing that local accountability would be more immediate and sensitive to local conditions and therefore preferable to national accountability. The principle of delegating authority as close as practicable to service users is, indeed, at the heart of modern approaches to governance as espoused by the government.

For local government representatives, this lack of local accountability has been the most troubling aspect of the academy initiative. Whilst the DfES remains closely involved in monitoring academies, the link to a local elected body is lost. As the Campaign for State Education (CASE) puts it: 'Whatever their shortcomings, Local Authorities and school governors are subject to re-election and direct lobbying by parents. They can thus be held to account while sponsors and Whitehall civil servants cannot be' (CASE, 2005). Some critics of academies have raised fears that central government might be reluctant to criticise academies because of the political capital invested in the academy programme and the fear of putting off future or current

sponsors. Recent revelations of links between academy sponsors and secret loans to the Labour Party highlight potential conflicts of interest for senior policy-makers.

The second important shift in the long route to accountability is that the nature of accountability changes. It is not a simple case of national control replacing local control, since many powers are passed outwards to a sponsor rather than upwards to the DfES. The assets of the school are no longer publicly owned, indeed the school itself becomes an 'independent' school. It is no longer a part of the public sector, a point underlined by Ruth Kelly's decision that academies were not covered by Freedom of Information legislation. Academies provide education according to the terms of the funding agreement with the DfES, not according to mainstream education law. Thus any provision for admissions, exclusions, special educational needs, and indeed the applicability of the Human Rights Act, is made on a one-off basis with the school in an agreement which is agreed bilaterally by sponsor and DfES and on which there is no consultation with the local authority, parents or local communities. Indeed, the funding agreements were confidential until a Freedom of Information claim to the DfES led to their publication in February 2006.

Long and short routes of accountability are sometimes assumed to be pulling in opposite directions, as the needs of service users clash with those of political representatives. However, in relation to academies, parents, local communities and political representatives have a common interest in enhancing the transparency of academies. Thus far there appears to have been a presumption against transparency. The DfES originally refused to publish the first annual evaluation report from PwC. The Guardian obtained a copy under the Freedom of Information act, 14 months after it was sent to the DfES, and it has now been put on the DfES website. The second report was published, although again six months after being sent to the DfES. It has been alleged that staff at two academies have been asked to sign 'gagging clauses' restricting them from talking publicly about 'academy business' (Parkinson, 2005). The presumption

against transparency in academies has fuelled rather than dampened the suspicions of those sceptical about the academy programme.

PwC notes that the DfES does retain accountability for academies through safeguards built into the funding agreements and through the capacity to appoint one more governor than the sponsor in the event that the school is seen to be failing. Academy Advisors from the Department will make termly visits to the academy, and academies are subject to inspection by Ofsted (2004: 13). As the second PwC monitoring report on academies notes: '[T]he Department clearly takes on some of the function of an LEA [Local Education Authority]; administering the funding, dealing with day-to-day queries and providing ongoing support' (PwC, 2004: 12). However, the report questioned how far the Department has the capacity to undertake this role effectively. In addition, the exclusion of academies from statutory obligations under freedom of information and human rights legislation also limits the legal scope of accountability.

In relation to the short route of accountability to parents and local people, the second PwC report makes clear that this is a priority for the schools: 'Academy sponsors are clear that ultimately they are accountable to the pupils and their parents for the educational standards they achieve' (2004: 12-13). Thus academies are designed to compensate for a decrease in local political accountability by improving accountability to parents and 'ultimately' to pupils. The institutional arrangements for accountability to parents and pupils are, therefore, of some importance to the government's case for academies, and are explored in the next chapter.

7. Parent Power

Evaluating the case for academies depends in part on understanding their capacity to win the confidence of parents, and provide opportunities for parents to be more involved in their children's learning. The importance of parental involvement to attainment is widely accepted, as a recent report by the National Confederation of Parent Teacher Associations has pointed out (NCPTA, 2005). The NCPTA also highlights, however, the distinction between parental involvement in schools, which it strongly favours, and 'parent power', about which it is profoundly sceptical.

It is 'parent power' that is at the heart of the government's case for academies. Tony Blair outlined the argument on September 12 last year in a speech at the City of London Academy. Arguing that 'the logic of changing to the specialist schools, of starting city academies, of giving greater freedom to schools in who they hire, what they pay, how they run their school day, is very clear,' the Prime Minister explained:

'It is to escape the straitjacket of the traditional comprehensive school and embrace the idea of genuinely independent non-fee paying state schools. It is to break down the barriers to new providers, to schools associating with outside sponsors, to the ability to start and expand schools; and to give parental choice its proper place.

'This will never mean every parent has the place they want for their child. But it will mean that their preferences start shaping the way the system works. Hence, city academies. Independent state schools are what they are. And the test of their success will not come in media stories about the odd case of failure (and incidentally such stories could be written, but rarely are, about the non-academy failures); it will come in the list of parents trying to get into school.'

Choice as the mode of parent power

The Prime Minister is here not only championing 'parent power' but defining its mode as the exercise of choice. He says, 'It is not government edict that is determining the fate of city academies, but parent power - parents are choosing city academies, and that's good enough for me' (Blair, 2005b).

Academy schools are heavily over-subscribed – by 64 percent in 2004 – suggesting that parents are keen to send their children to the new schools. Indeed, in a number of areas, academies were created after campaigns by local parents. The PwC report showed high levels of parental satisfaction with academies, with nine out of ten parents expressing satisfaction – although some of these were interviewed *before* their children started to attend an academy (PwC, 2004).

There are, however, flaws in the claim that parent power manifests itself in the attempts of parents to get their children into academies. The playing field is clearly tilted in favour of academies to the extent that parents are offered a state-of-the-art building, investment on much larger scale than is available to other local schools, and new school leadership unencumbered by local failures. Parents are choosing not between schools that share those advantages but between them and schools that do not. Indeed, as Melissa Benn and Fiona Millar (2006) point out, the fact that many more parents are applying for places in academies than there are places available could be said to demonstrate lack of parent power, since by definition many are disappointed.

Moreover, there are several features of academies that suggest that academies result in a reduction rather than increase in parents' rights:

- *Reduction of parent role on governing body:* Formal parental influence over academies is less than over maintained schools. Parent governors can be co-opted onto the

governing board rather than elected as in maintained schools, and there is only a requirement for one parent on the governing body. The PwC report released in June 2005 found that some academy governing bodies did not currently have staff and parent representatives, although there was an intention for these groups to be included on the governing body or subcommittees at some stage in the future (PwC, 2004: 10). Governing bodies were primarily composed of members 'co-opted from the business and/or the personal circumstances of the sponsor(s)' (PwC, 2004: 10).

- *Reduction in parental rights:* Procedures for admissions, exclusions and SEN are contained in the funding agreements which until recently parents could not access. Whilst academies are expected to operate on a similar basis to maintained schools, concerns have been expressed about differences that operate in practice. Whereas most academies follow DfES guidelines in setting up independent appeals panels for exclusions, some do not. At Haberdashers' Aske's Hatcham College and Haberdashers' Aske's Knights Academy, for example, the funding agreements state that parental appeals following permanent exclusion will be heard by governors – even though it is the Chair of Governors, along with the Principal, who will have agreed the permanent exclusion in the first place. In relation to the curriculum, parents in academies do not have the right, as they have in maintained schools, to complain to the LEA about the way that the national curriculum is being taught.

- *Ambiguous status of academies in human rights law:* Parliament's Joint Committee on Human Rights (2006) noted that, although the government asserts that academies are public authorities and subject to the HRA, the case law indicates that academies are *not* likely to be considered public authorities by the courts. Parents and children would

therefore not be able to rely on claiming European Convention rights against schools. According to *Children Now* magazine, 'there is mounting concern that pupils attending academies have fewer rights than those at local authority maintained schools'. It quotes David Wolfe, of the specialist human rights law firm Matrix Chambers, as noting that 'it is pretty likely a child in an academy would not have human rights protection in the same way that they would in a maintained school' (*Children Now*, 2006)

- *Pressure on Ofsted over academy reports:* Accountability to potential parents may be weakened if there is a repeat of the effort by the sponsor of Bexley Academy, Sir David Garrard, to suppress a critical report (BBC, 2004). After Garrard threatened legal action, Ofsted agreed to put its findings about unsatisfactory teaching and learning into a letter to the principal rather than a formal report.

Parents groups and academies

Among alternative models of parent power to the choice approach is one that involves parents in the creation of schools. This has been an important part of the charter schools story in the USA, at least in its earlier years, and is an agenda to which the government in the UK appears sympathetic (DfES, 2005). Evidence from the United States, discussed in Chapter 4, highlights the role of parents in initiating the charter schools programme to redress decades of educational underperformance, especially in inner cities. In England, and especially in London, there is some evidence of support among some groups of parents for the idea that they should be enabled by the state to set up independent schools that match their particular aspirations and preferences. In particular there has been a movement to secure improvements in education attainment for under-achieving ethnic minority students, including some demand for 'alternative' community schools.

Diane Abbott, the Labour MP for Hackney North and Stoke Newington, (whose lack of confidence in her local comprehensive schools was expressed in her decision to send her own son to the private City of London School) has led a movement to improve secondary education for Black children. With the support of the Mayor of London, Ken Livingstone, she has organised a series of 'London Schools and the Black Child' conferences which have produced a range of proposals to tackle the problem of under-achievement by Black boys in particular. Among the sessions at the 2003 conference was one focusing on 'Alternative Community Schools for African-Caribbean children'. Yet, despite attracting 200 participants to the session (there are in total 3,000 names on the database maintained by the conference organisers), the conference report reveals that the number of parents interested in taking it further was small: 'over 40 participants signed up for follow-up action towards setting up and running their own schools' (Mayor of London, 2003). The fact that the large majority even of those who attended the session did not show interest in such follow-up suggests that, while the problems of under-achievement addressed by the conference are beyond dispute, the idea of tackling it by setting up independent schools for Black children attracts much less support.

Moreover, when it is proposed, the idea attracts robust opposition from within the Black community. When the London Mayor's advisor, Lee Jasper, suggested that Black parents should group together to win state finance to set up separate schools, others, such as Tony Sewell, strongly opposed the idea. Moreover, former Ofsted chief David Bell warned that nation building and citizenship in Britain could be undermined by the approach taken by some existing independent faith schools.

There is much more support for supplementary schools, run independently on Saturdays and after the normal school day, but precisely as supplements rather than replacements to existing provision. The 'London Schools and the Black Child' conferences have also revealed much stronger support for improving existing schools in various ways, to tackle what is seen as their institutional racism, than for replacing them.

Diane Abbott herself insists there is no single solution to the problem, and highlights the point by both urging that there should be more Black leadership of schools and pointing to the successes of Sir Michael Kilshaw, who is not Black, in raising the attainment of Black boys. Sir Michael is now principal of Hackney's first academy, Mossbourne, but was previously headteacher of a Catholic comprehensive school in another east London borough, Newham.

'After an article I wrote in The Observer some years ago, Michael Kilshaw wrote to me and said you ought to come to my school and see what I do about it,' Abbott recalls. She took up the offer, and found a school with an 'extraordinary atmosphere' of calm and order. 'It wasn't a Black school as such but it was in Newham and it was 95 per cent Black and it got such good results that the government used it as an example of what to do about Black boys', Abbott says. Key measures in the successful approach had been individual student targets, a system of after-school homework clubs and well organised academic mentoring.

Sir Michael has taken such techniques to Mossbourne, and yet Diane Abbott comments: 'The trouble with the academies is that, popular as they are and supportive as I am of Mossbourne, there is a danger that they take us back to that past. All the research shows that if you introduce an element of selection, working class children will lose out. If you have a borough like Hackney and have four academies and four wonderful heads there will still be residue of children and I know what those children will look like.' She adds: 'We know what parent power means in London. In practice, it means giving power to small groups of white middle class parents, or if not to capture by one ethnic group as opposed to another, the best organised. Actually if you want to empower the breadth of the parent body in inner city areas you have to look to the local education authority.'

In a number of cases, parents groups struggling with insufficient local school places have had to take different routes in efforts to exercise power in the system, as the case studies below illustrate.

Case 1 – The Holborn and St Pancras Secondary School Campaign

Parents in Camden are campaigning intensively for a new secondary school. The Holborn and St Pancras Secondary School Campaign's website address – www.whereismyschool.org.uk – sums up their aim, which is to persuade their local council, the London Borough of Camden, to build a secondary school for their children. The campaigners say they want 'our children to go to secondary school with the same children they live near and go to primary school with', and which 'reflects the character and population of the area we live in – culturally diverse and inclusive.'

The parents have carried out in-depth research, a task that might reasonably be expected of councillors and their employees. They have discovered that in the three council wards in which they live – Holborn & Covent Garden, Bloomsbury and Kings Cross, homes to the University of London and the British Library – around 250 children reach secondary transfer each year. 'If we assume, based on a borough wide average, that 78% of these require a state maintained place, the figure is 204,' the campaign's website explains, adding: 'This is the number looking for a secondary school for just this year.' Yet there is not a single school for them.

The campaign has shown that 2005's Year 6 graduates dispersed to 13 schools in other parts of Camden, other London boroughs or even further afield. Moreover:

'We know from Camden's own figures that last year at least 86 children went out of borough to secondary school from this area, but our understanding is that these figures include only those who

apply through Camden's transfer system. Very large numbers of local children are already having to go out of borough for primary school places, due to local shortage at that level, and are therefore applying through other LEAs.

'For each local family you speak to you will hear of another family that has moved out of the area because of the lack of secondary provision. Children who have grown up together are separated. The effect on the community is deeply destructive and this lack of provision for our children deeply unfair.

'What local people want the council to provide is a local, mixed, non-denominational community school ... There is nothing locally and our nearest out of borough schools are oversubscribed.'

The campaigners have studied the council's projections about meeting demand by expanding other local schools, and carefully measured catchment area distances and the like. They make a compelling case that, even if other schools were expanded to the maximum feasible extent, their children would remain outside their range. 'It comes down to numbers and distance,' states their website. 'This is not about choice.' The website adds:

'It has often been said that there is nowhere to build a school in this area. We know this is not true. We have been doing the council's job by researching possible sites. In the face of such a clear need, Camden must provide a site in the area which needs it.

This community must not be deprived of essential facilities because of the price of land. It is this community, not the soil itself, which makes this a great area to live and work in. We are not a wealthy community but our children should be valued as highly as children anywhere.'

Campaigners have emphasised that they want to work with Camden council as their elected representatives, but they realise that in

the current policy climate they might only be offered an academy. 'I'm not in the business of campaigning against academies,' says Emma Jones, the campaign's spokesperson. 'But the whole parent power thing is associated with wanting academies. The government seems to be saying, we will give parents the right to ask for a new school, but if you don't want an academy, you won't get it.' Yet, of the 800 who have signed the campaign's petition, not a single parent has so far indicated that they want it to be an academy, she said.

Case 2 - Secondary Schools Campaign in Lambeth (SSLIC)

In Lambeth, predicted to have a shortfall of 1,500 school places by 2011, parents have been actively involved in supporting the creation of three new schools, including two academies (the Lambeth Academy and a proposed Nelson Mandela academy). The websites for the parent-led Secondary Schools Campaign in Lambeth and the Nelson Mandela Foundation highlight parental dissatisfaction with existing school provision in the area, particularly a lack of school places.

To create the Nelson Mandela school parents have set up a fundraising foundation to raise money for an academy, rather than relying on a private sponsor. The advantages of the academy model for these campaigners is that it gives them the opportunity to work directly with the DfES in the face of perceived resistance from the local authority. Just as some local authorities have been creative, and proposed themselves as sponsors to gain access to capital funding, so parents have seen the pragmatic advantages of the academy model.

The key principles of SSCIL do not neatly fit into the academy model, however, and their proposal about school governance directly contradicts it by advocating that:

- Parents and children want co-educational, non-denominational, non-selective 11-18 schools in their neighbourhoods

- Parents and other local people should be genuinely consulted on all aspects of schooling
- All new secondary schools should be governed as current community schools are, with a full contingent of parent and community governors
- Children's views about schools should be listened to and acted upon; for examples, their desire to go on to secondary school with their friends from primary school, and their desire to have play and outdoor facilities, not just school buildings.

The call here is for more local school places rather than for involvement of private sponsors or preferential treatment over existing schools. Indeed, Lambeth school governors organised a poll of parents in a school threatened with closure to make way for an academy and found 84 per cent opposed to the plan. However, an advantage of the academy model is supposed to be that the preferences of parents as expressed in the principles of SSCIL could be written into the framework agreement between the school and the DfES. It remains to be seen whether the government would back an academy established with such an ethos.

Case 3 - Conisbrough and Denaby Parents Action Group (CADPAG)

Rather than using the academy route to advance their interests, parents in some areas have exerted their power to prevent establishment of academies. For example, the Conisbrough and Denaby Parents Action Group (CADPAG) was formed in 2004 after their local council decided to close Northcliffe Comprehensive and replace it with West Doncaster Academy. The campaigners were opposed to allowing a private organisation to gain control of a local public service, and their alarm was intensified by the identity of the proposed sponsor, the evangelical Christian foundation set up by Sir Peter Vardy, a car dealer. They argued:

'As the constitution of the school's governing body stands, there is to be only one parent governor representing the views of around

1250 families, one LEA representative, and five Vardy Foundation nominees. This "Board of Directors" will be intended to replace the two traditional, and much larger, governing bodies.'

In addition to arguing that the voice of parents would be weakened by the governance arrangements if the academy went ahead, the parents complained that it had been insufficiently heard during the planning process. 'To most people the idea of "consultation" means listening to both views and then deciding or voting on the idea,' states the CADPAG website. 'This is not what consultation means to the LEA and the Vardy group. To them it means presentation. The "consultation" meetings that have been scheduled are rushed, brief and the agenda firmly fixed in favour of pushing through an Academy as quickly as possible.'

CADPAG was successful nonetheless, because its vigorous campaign was well supported locally, and widely reported in national and local media, with particular emphasis on the prospect of creationism and other fundamentalist beliefs creeping into the curriculum and culture of the proposed academy.

Case 4 - Campaign Against Academies in Merton (CAAM)

The CADPAG complaint about inadequate consultation with parents has been echoed by a more recent campaign in the south London borough of Merton. There, in early 2005, the local authority announced that two of its comprehensives, Tamworth Manor and Mitcham Vale, would be turned into academies under the sponsorship of carpet retailer Lord Harris. The Campaign Against Academies in Merton (CAAM) was quickly established by concerned local parents, teachers and school governors, none of whom had been consulted.

'It seems that just a handful of councillors knew of the decision before it was announced,' according to CAAM's website. 'The staff of the two schools were not informed beforehand and the parents first learned of

it from the press announcement. The secrecy has continued.' Lord Harris found protesters outside his shop with banners stating 'Our Schools are Not for Sale' and later withdrew his plans for Mitcham Vale School. Yet even that information was not conveyed to parents for 'weeks', say Merton campaigners, and 'when a new sponsor was found, there was no announcement until the detailed agreement had been drawn up and the proposals were about to be sent to the government'.

Case 5 - Waltham Forest Campaign Against Academies

Parent power was also effective in the east London borough Waltham Forest. As in Doncaster, the Waltham Forest parents were opposed to a school being taken over by Jasper Conran, the retailing millionaire. They first went through the conventional routes of democratic voice, such as information-gathering, letter-writing, petitions and consultation. 'But we quickly realised that the councillors were never going to change their minds,' their campaign website comments. 'A rumour was gaining credence - if Waltham Forest councillors rejected an academy, no money would be released for refurbishing all the other secondary schools. Some even admitted that if this was the only way to get £24 million, they would vote for it, even though they were opposed to the principle of academies! It was then we decided to take the campaign outwards. We challenged Conran to a debate but got no reply. Then we organised a picket of Debenhams in Oxford Street where Conran has an outlet under the 'J' label. Plans were also afoot to take the message to other town centres.'

Those plans proved unnecessary after Conran pulled out, but since then there have been reports that the United Learning Trust, an arm of the Church Schools Company, is preparing to take Conran's place - and that Conran is seeking to sponsor an academy elsewhere.

It seems, then, as the Prime Minister says, that there are many determined parents, ready to put themselves out to promote better

schools for their children. But there are few signs that parents have taken ownership of the academy model, as some parents groups did with US charter schools. Rather, many parents are campaigning for local community schools where they have none, to save them where they are threatened with closure, and against academies in several places where they are planned. Insofar as they are working together to create academies, or accepting their establishment, this appears to be a pragmatic response to the reality of government policy, rather than an endorsement of it. Diane Abbott (2004) has noted: 'It is very much Tony Blair's position that communities like Hackney accept city academies or they do not get new secondary schools at all.'

8. In and around academies

In a highly contested policy environment, it remains unclear whether academies are hindering or promoting significant improvements in schooling, given the lack of available independent research data. This chapter explores tensions between these perspectives in and around academy practice and brings together recurring themes and issues arising from the discussion so far. It explores some of the contested issues involved in academy developments from the perspectives of academy heads, neighbouring schools, teacher-union representatives and sponsors.

In the timescale available for the research the study focused mainly on the professional voice of academies. At the same time it also reflects on some of the limitations and possibilities of this approach, revealing a number of problems experienced in gaining research access to academy schools. Despite concern expressed in Parliament about the lack of evidence underpinning academy developments, academies remain largely research-free zones compared to the rest of the maintained school sector. A number of factors explain this phenomenon and need to be considered before discussing the data.

Methodology

The original intention of the study was to undertake eight case studies of academy schools, involving interviews and data gathering with a range of key stakeholders – principals, teachers, pupils, parents, governors, unions, local authorities, governors, sponsors and non-academy heads. By mid October 2005 letters of invitation to participate in the study were sent out to 27 Academy Principals. In addition to outlining details of the research aims and methodology, key questions, confidentiality clauses, information about the timetable, sponsors and funders, the letter of invitation emphasised the partnership focus of the research at two levels. First, by offering academies the opportunity to

provide their own inside view of their mission, voice and values, missing in current debate. Second, by addressing the evidence gap relating to the distinctive contribution of academies in the context of their local communities.

Of the 27 academies contacted, four expressed interest in being involved in the research on a limited basis and invited researchers to visit their institutions. Five declined to be involved without stating reasons and five declined stating reasons of workload and related factors that we consider below. Additional follow up contacts with the 13 non-respondents elicited the interest of three academies prepared to participate through telephone and email contact. Of the remaining ten, seven did not reply and three cited problems of workload. Further email and telephone contacts with the seven non-responding academies resulted in further non-response. No sponsors agreed to be interviewed for the project.

From letter, telephone and email conversations with the 15 responding academy heads, the feedback indicated a number of factors limiting their participation in the research. Issues varied in emphasis between sensitivity and exposure to external surveillance over admissions, selection, sponsorship, funding and relations with partner schools and local authorities. Though not particularly fazed by the prevailing political and media attention, academy heads expressed no desire to become hostages to fortune in a climate where performance was being constantly assessed. As one principal commented 'We've got schools to run...that's our main priority'. For others meeting a host of external demands relating to preparing for or responding to inspection, stiff performance targets, workforce reform and dealing with, what another head described, as "on the hoof" demands from the DFES', all put pressure on what principals saw as the core business of improving teaching, learning and the curriculum. At a time when some academies were barely up and running, and growing their staff, pupil intake and school cultures, collaborating with research was not high on the agenda.

Whatever the legitimate explanations or excuses for academies' non-involvement in the research process, there is no escaping the

'goldfish bowl effect' in which academies have sought to protect themselves from the threat of external scrutiny. If this says much about the politicisation of academy schools in the context of contemporary education policy, it restricts the flow of evidence-based research on which school improvements depend.

Given the low response rate, the authors took a 'vignette' approach involving the use of qualitative and quantitative approaches designed to capture a range of stakeholder perspectives. The data that follows has been gleaned from a variety of methods and sources. Primary sources include visits to academies, interviews and questionnaires, involving academy heads, senior staff, teacher and union representatives, including heads of non-academy schools and contacts with local authorities. In addition a number of supplementary secondary sources were used including inspection reports, minuted confidential documents, academy web and blog sites, academy trust sources, official documents, research papers, media, press and documentary material. The narratives that follow – mainly involving academy heads, teachers and union representatives, non-academy heads and sponsors – are compiled from both primary and secondary sources. Where such data is in the public domain it is referenced or attributed; elsewhere individuals' names have been anonymised, although, where appropriate, the bodies that they represent have not.

Whilst not exhaustive, nor able to provide a representative sample of academies, the chapter aims to offer a balanced portrayal of key professional perspectives in a research-shy environment. The narratives that follow have been selected from a representative cross-section of perspectives gleaned from the data. Attention focuses first on Academy principals.

Academy Principals

Academy Principals are primarily engaged in school improvement, which often involves profound change. They and their colleagues are under immense pressure to meet exacting standards and targets, working largely within the communities and catchments of their predecessor schools.

Many principals are excited about the potential of their schools to offer innovation and high performance in areas that have historically been dogged by educational underachievement, as the narratives in Box 1 show. There is recognition among heads of a need for root and branch change among schools in deprived areas that have suffered significant neglect, underfunding and low achievement over many years. Among some principals, though, there is some scepticism about the DfES' relentless commitment to innovation. As one put it: 'To abandon is to innovate...it's a favoured DfES catchphrase' (Academy Principal).

Despite their enhanced independent powers, academies still have to deliver on the same target, inspection and audit criteria as maintained schools. The 'goldfish bowl' effect involves scrutiny from a variety of external sources and, not least, from within the academies. Academy heads and their staff know that they have to square a number of quality circles, including management and workforce restructuring, improving the quality of teaching and learning, establishing successful school-community-business partnerships, as well as improving test and examination grades to meet national targets from often low levels. Such pressures may help to explain why a number of academies have had a high turnover of senior managers in their first few years. The first 17 academies have had 30 principals in total, and two academies are onto their third principal (Unison, 2006). These perspectives are reflected in Box 2.

Box 1: Academies as Innovators

'We will be the only secondary school in (the county) that does not have to follow the national curriculum. That will give us a lot of freedom and we will be challenging convention. It is tremendously exciting and part of the wider programme to regenerate XYZ town. Clearly we will be going out on a limb but we will be the only truly comprehensive school in the area' (Academy Principal, *The Guardian*, 5 September 2005).

'There is a lot of criticism of the Academy Programme...there's a lot of hot air talked about it...and there are risks...at its simplest it's saying look we have got some schools that, under the way they have been run up to now, have not flourished...and there are a hundred reasons for that...but nevertheless those reasons have not been addressed well enough to get the change needed to meet the needs of needy pupils. They are in challenging areas. So, why not start a completely fresh approach in these areas: and why not bring in commitment and expertise from people who have been very successful in other areas because maybe that mix can achieve some real change' (Academy Principal, *Transcript from Teacher's TV interview*).

'Essentially our intention is school improvement from that which had been offered in this place in the past – not necessarily in comparison with other schools – however we also accentuate vocational education and ICT in teaching and learning. The Academy is characterised by distributed leadership. We use the mini-school concept (House Based)...a community school taking part in many collaborative projects e.g. extended school day... Root and branch change is needed for academies from predecessor schools; academies in such circumstances were not eligible for Specialist School/College status for many years' (Academy Principal, questionnaire response).

'I believe the first step in innovative practice is to become a good school based on good teaching and learning – then you can aim to articulate a new teaching and learning pedagogy. We are driven by our core values...our aim is to articulate our aspirations through the curriculum [and] there is wide community/governor input in place. We are a "hub" for many activities in the community, sport, supplementary school provision, post-16, adult learning...' (Academy Principal, questionnaire response).

Box 2: The Goldfish Bowl

'We are under almost constant scrutiny from a wide variety of sources and are invited to participate in a large number of projects ranging from LEA, DfES, HMI, OFSTED, PricewaterhouseCoopers, etc. as well as press of all shapes and sizes, national and international, and individuals and organisations involved in academic research...we also expect our second HMI Inspection (shortly). All of this becomes rather distracting of our day-to-day focus' (Academy Principal, email correspondence with authors).

'...the study of this academy is naturally "limited" by the fact that it is still a very new organisation and is still learning, growing and adapting to the circumstances in which we were planted. We are by no means a "steady-state" environment and we are particularly conscious of the imperative to achieve sustainable long term impact rather than focusing too sharply on early successes or failures. A little like the study of history, we feel the need for some greater passage of time before looking back and making judgements on "how not to do it". Our early rise in GCSE results in our first two years, for example, can create for some a sense that we have already "cracked it" but the honeymoon and new building factors have also to be taken into consideration' (Academy Principal, interview with authors).

'The most challenging aspect of our work is the meeting of challenging targets. No pressure. We remain committed to local neighbourhood recruitment and will therefore balance this with the need to meet targets. The downside is the constant spotlight and raised expectations in an area of significant deprivation' (Academy Principal, interview with authors).

'We have taken over from the notorious XYZ school. Achievement levels are low: this is compounded by the selective system which has historically resulted in a sink school. The school had a change of name in the past and is situated alongside one of the area's more disadvantaged estates. Many local people expect us to fail. As the sink school we are under-subscribed and take many in year admissions. Currently we have taken 100 new students into years 8-11 this year. Many of them have been eased out of other schools or are in care and have recently arrived in the area. SEN is high. So too, are the numbers of students in care. We have the highest number of EAL students in the area and historically have a school roll based on students who have not chosen to come here. First choices in our current year 7 were 32 – we have 104 on role in year 7' (Academy Principal interview with authors).

There is, therefore, recognition amongst principals that the pressure is on, that they are required to produce better results than their predecessor institutions. Equally, there is recognition that their pupil intake and catchments have changed little and that the zones of transition in which they operate remain fluid and often unstable. However, the pressure to innovate in the spotlight and at speed is an opportunity, in the words of one principal: '...to articulate a new teaching and learning pedagogy....' (Interview with authors).

There is also recognition that the honeymoon effect of the glitz, new buildings and resources will not last. The expectation among some critics that academies will get round this by skewing results (by admissions and by selection) to meet targets is rebutted by these academy heads who see such practices as counterproductive to their longer term goals. As one put it, in an interview with the authors:

'The intake is more local and more balanced than the intake of the predecessor school (which was empty and therefore filled up with new arrivals, significantly from overseas, from a wide area).... As we become more popular locally, including among higher achieving families, the quality in terms of prior attainment is rising but we still are a high FSM school (about 34%), have high mobility (21% last year) and low prior attainment (e.g. in KS3 which are the year groups admitted to the Academy, 38-48% in bottom quartile on standardized tests).'

The narratives here reveal a commitment to improving teaching and learning as the main drivers of raising level of achievements among both pupils and teachers. How far sponsors add value to this process remains an open question, as do pressures linked to more mundane issues of management, buildings, estates, personnel, workforce development, business and community partnerships, that occupy much head and teacher time and energy.

Neighbours' Perspectives

The perspectives that follow reveal a mixed response from the heads of neighbouring schools to academies in their midst. On the one hand there is understanding and support for fellow professionals struggling with very real issues of school improvement in difficult circumstances. On the other, there is deep concern expressed about the policy planting and displacement that academies are seen to generate in an already overcrowded and competitive school market.

For some non-academy heads the priority is to integrate the academy into the local family of schools and provide the necessary support to ensure that it succeeds where its predecessors did not. As two heads put it, in questionnaire responses:

'We are aware of the need to succeed... The Academy is in its formative stage. It was formed from a failing school and still needs to prove the doubters wrong, despite its new buildings. They need support from us, e.g. curriculum planning, longer term exchange of ideas, staff Inset...'

'The local academy is highly regarded for its progress and innovation. It works within one of the three city clusters of which our school is a member. The principal is a close friend and colleague with whom I and others share ideas...we have benefited from the Academy structure...lots of ideas borrowed and shared'.

This collaborative viewpoint is not shared by the head of a sixth form college, bordered by three academies, who bemoans his 17 percent funding gap and what he terms the 'the gap between government rhetoric on academies and the reality' (Neighbouring Headteacher, questionnaire response).

Other local secondary heads in this study were ambivalent about academies, recognising on the one hand the need for innovation but, on the other, reporting mixed experiences of working in partnership with academies – a key element of the academy mission. According to one:

'We work in collaboration with the academies when they agree to be team players! One Academy does, the other doesn't. The Principal (in the first academy) works well with other heads but with many similar staff and the same children it will take time to turn the school around. Anyone can improve exam results by changing the intake, but that isn't the point is it?' (questionnaire response).

Another responded,

'If the very many millions of pounds had been shared out more equitably, all schools in our authority could be working towards success. On the other hand, sometimes you need a change of leader or governance to move forward, and simply throwing money at a problem won't necessarily solve it' (questionnaire response).

A number of non-academy heads were more resistant to the academies, reporting concerns about the destabilising impact of academies on local education provision, as reported in Box 3.

Box 3: Neighbouring Principals

'If they are responsibly set up in consultation and collaboration with other local schools, academies might have a valuable part to play. However, none of the academies in XYZ has shown any responsibility across the whole area. Their effect has therefore been very destructive. The perception of the community is that the academies set high standards of behaviour when in fact they just transfer their behaviour issues to other schools' (Neighbouring Headteacher, questionnaire response).

'As we are a successful school, I am sure parents choose us before the Academy.... I do think we all deserve better. My school has obtained a very positive OFSTED and experienced a 25 percent hike in GCSE results. We take far more needy children and the academy does employ covert selection procedures (especially via special needs)' (Neighbouring Headteacher, questionnaire response).

'Look at the catchment of Academy schools before they became academies – measure by postcodes and FSM (free school meals). Then compare. They do better because they are not the same children. The local academy has 9 percent FSM ... the school it replaced had 46%'.... Where did they all go?' (Neighbouring Headteacher, questionnaire response).

'...the whole process of different schools being managed and funded in a variety of ways is divisive. We just want to be a community comprehensive which is a focal point for the local area which does its best to provide the best possible education for those students who live in the area. We do receive Academy students in the 6th Form. The XYZ group in Y12 at the Academy was sent here. We are happy to provide the service, but there are funding issues here' (Neighbouring Headteacher, questionnaire response).

'...it is totally unjust that a "failing school" should be funded when good local schools are left to struggle in appalling facilities. The decision to change the XYZ school into an academy, creating 700 extra places at a time when secondary school rolls are falling – was extremely short sighted. Because of the "glitz and the glamour" of an academy other local schools with good academic records and outstanding value added scores are threatened with closure or amalgamation' (Neighbouring Headteacher, questionnaire response).

'Academies are seen largely as a threat... Also with some envy due to money that went into the building, staffing, etc... The impact on intake is there for all to see. Leaders in this school are determined to continue offering high quality education for all children. Unfortunately for us many parents have gone for the "new". I am unhappy about returning to a tiered system of education' (Neighbouring Headteacher, questionnaire response)

These narratives indicate that new buildings and state of the art facilities create a culture of the 'new' that threatens neighbouring institutions sharing a similar mission to raise standards but without the same resources. The concern that successful neighbouring schools have is about disparities and inequalities in the distribution of resources, and in the way academy-local school collaboration operates intermittently. The issue of why 'failing schools' are rewarded is also raised by some, including concerns about covert forms of selection adopted by academies, which skew pupil intake and special needs provision ('transferring behavioural issues') under pressure to improve performance. Whilst evidence of this is patchy, it is less likely to occur if, as the narratives indicate, academies and neighbourhood schools can operate in collaboration and local partnership. At the moment the picture appears to be mixed.

As well as neighbouring schools, academies have a significant impact on the local authority, limiting its control over capital assets and educational provision in a community. One Chief Education Officer of a local authority set out his perspective on the range of issues raised in an interview with the authors:

'...from an LA perspective the issues are likely to be around the separation/isolation of the academy from other local schools, the degree of unregulated power over issues such as admissions and what is taught, the separate arrangements for children with SEN, the power to exclude pupils and thereby pass problems to the LA and other local schools, the lack of access by the LA and officers, the exclusion of local democracy from its governance, the permanence of the influence of sponsors (over ethos, curriculum management etc.) in exchange for what is in public spending terms a tiny investment, and the requirement of the taxpayer to fund the consequences in perpetuity. Fundamentally, schools have learnt to live in and manage the market, achieving some quite sophisticated trade-offs between self-interest and broader public good through collaborations. Academies are intended to disrupt that and create

instability – why else are they so securely outside of local accountability? Some of the union issues – conditions of service and so on – are probably of lesser interest, except insofar as LAs may have problems over staff transfers or become implicated when there are industrial relations issues – everyone thinks it’s “the Council” at the end of the day’.

Crucial points are raised here about the local community of schools, and the difficulties councils face if teachers, parents and members of the public hold them to account for schools over which they have minimal control.

Teachers' perspectives

Teachers acting as union representatives in the academies were asked for their perspective on the shift to academy status. Viewpoints vary, reflecting an emerging picture of diverse provision, and variety of situation, context and initial attitude.

It is clear that on issues such as union recognition, the situation varies from academy to academy, as the following questionnaire responses from teachers in two different academies illustrate:

'The academy has no formal recognition with any teacher union. The academy states that it has implemented workforce reform but it picks and chooses the bits it likes. The Blue Book states 1265 teacher hours. We do 1650.... We have to undertake lunchtime duties... Teachers still have to photocopy, collate reports etc'.

'The academy has formal recognition agreements with NUT, UNISON, SHA, NAHT...and is applying provisions of school teachers pay, conditions and workforce agreements. I have yet to see any advantages as we only became an academy in September 2005'.

Other problematic aspects of working in academies were raised by teacher respondents, such as the high number of unqualified teachers or the lack of SEN-trained staff. As another stated on a questionnaire response, 'There are disadvantages in having two different contracts: TUPE and the new academy contract'. (TUPE stands for Transfer of Undertakings (Protection of Employment), which are regulations under which transferred employees, but not new joiners, enjoy limited continuity of their employment status, terms and conditions.)

From the more detailed questionnaire returns teacher union respondents gave varied perspectives on the academies, some praising their commitment to challenging poor performance, others criticising the

buildings or commenting that it was too early to draw firm conclusions, as shown in Box 4.

Box 4: Attitudes of Teacher Union Representatives in Academies

'Some schools were wary of us "poaching" their pupils at first but now things seem to be as they were under the LEA. Most parents in this area send their children to the nearest school regardless of anything else.... (and) we have always entered all eligible students for GCSE exams, except in exceptional circumstances' (questionnaire response).

'On the performance of academies I think it will take quite a few years before there is enough data to make an informed opinion or judgement' (questionnaire response).

'The Academy is in a low land/house price area (deprived) but it is an oversubscribed school which takes students from all areas and all backgrounds' (questionnaire response).

'The advantages of working in the academy are access to new technology... The benefit of the sponsor is the increased access to the new technology. Every student at KS3 has access to a laptop in most schools. Disadvantages are the Hours, Contact Periods and short notice to complete tasks...' (questionnaire response).

'Most neighbouring schools resent the fact that the academy has access to the additional resources. (However) the local community think that the academy is doing a good job. School policies reflect the needs of the students. Networking between some school faculties is good...' (questionnaire response).

'...the new building is already too small for purpose...the rooms are too small... For example, the food room was designed with a concrete ceiling (unlawful) etc' (questionnaire response).

'...we have loads of unqualified teachers and non teaching staff brought in on various contracts. Unions seem to be doing nothing to oppose dilution' (*Anonymous teacher: from an Academy School Blog Site*).

'...the Academy will replace a sink school which has been in special measures and in serious weakness for many years and even gone through a closure and re-opening under a new name! Nothing has worked to date. I was in the difficult position of having to be in favour of moves toward an academy or the LEA and the DfES would simply close the school and we would have had to cope with redundancies' (questionnaire response).

The diversity of perspectives from the teachers' union representatives may reflect the early phases and stages of academy development, the fact that academies and their environments are indeed

heterogeneous, or diversity among our respondents. Although the situation appears to be variable, some concerns raised by teachers' representatives suggest practices that are in some cases contradictory to the academies' stated mission.

Sponsors' perspectives and perspectives about sponsors

The sponsors in the schools that we contacted were not available for interview. This in itself is an important research finding, given the influence that sponsors exert over the design, management, curriculum and ethos of academies. In the absence of direct perspectives from the sponsor, it was necessary to rely on the perspectives of academy principals, teacher union representatives and documentary sources, to inform an understanding of the sponsor role.

The picture is diffuse given the range of sponsors, including their direct and indirect influence on the leadership, management, governance and everyday management of the school. The clearest agreed view of the role of the sponsor, though not without controversy, is that of the individual entrepreneur. Unlike trusts, business consortia, dioceses, LEAs, universities or foundations, individual sponsors are recognised in and around the institution, chairing panels and governors' meetings, and generally 'walking and talking' around the building.

As the following accounts indicate there is an air of philanthropy about sponsor involvement, including their local roots and commitments to the area. They are seen by principals (and themselves) as having clout and influence in the places that matter, that allow them to exert leverage 'in the corridors of power' that may benefit the academy, via their business experience, networks and influence. How this works in practice within and outside the school remains unclear, including the perspectives of 'partner' schools that do not share the benefits of such advocacy. Less clear too are the ways in which more corporate bodies and trusts exert influence as 'owners' of schools through direct and less visible cultures of power and influence. The perspective of individual sponsors wanting 'to give something back' to the communities whence they came is a recurring theme, echoing Whitty *et al's* (1993) study of CTCs more than a decade ago.

Box 5 below gives the perspective of some sponsors, whilst Box 6 shows the attitudes of some other stakeholders to the sponsor.

Box 5: The Sponsors' Perspective

'I was absolutely delighted to contribute to this excellent initiative for the young people of Hackney, so that they have the opportunity to fulfil their full potential. I was born and worked in Hackney so my roots are here. I can't stress enough that education is an essential part of life and we want to give children the best possible start. Now we have the opportunity to try out new ideas and ensure the new school is a centre of excellence catering for children of all abilities and backgrounds. This is a fantastic start for the school. We have one of the best head teachers in the country who has an impressive track record and has won national honours' (*Clive Bourne (Sponsor) – Mossbourne Community Academy. Prospectus (Hackney)*).

'...for a long time I thought I'd like to do something...to give back something... I was very fortunate in my life. I talked to various people about what I could do and they made various suggestions which I didn't think I'd do really well... And then this academy idea came up... I didn't quite realise what I was getting into I don't think. There was a very nice person who looked after the academies for the government called Andrew Adonis. I met with him at Downing Street and he talked to me about it, and he persuaded me, and I said alright, we'll have a go...' (*Sir Frank Lowe, Capital Academy (transcript from Teacher TV: <http://www.teachers.TV/StrandProgramme.do>)*).

'...my answer is that if you want to settle for 25 per cent passing their exams and the school only being half full, well OK. But I want to give you a school that is better. Look at the results of the schools we've run after three to five years: we've turned around every single school... I was very lucky. I wasn't very clever at school but I feel I've been lucky in life... I come from Peckham and I think that it is sad to see a school with no opportunities for the kids' (*Lord Harris of Peckham (Sunday Telegraph, 30 October 2005)*).

Box 6: Perspectives on the Sponsor

Academy Principals:

'The drive and commitment of the sponsors, their own life experience and the networks of like-minded people they bring with them combine to create a different context' (*P. O'Hear, Principal. Capital City Academy, 'This academy is all about success' (Daily Telegraph 12 July 2005)*).

'XYZ is sponsor and chair of the board of trustees and governors. The LEA is also a joint sponsor and is actively involved. XYZ doesn't impose though he is very keen on the community idea and mentoring which is part of our ethos. He's a local person with business connections and networks in the area, with particular interests in local regeneration. XYZ has attracted additional sports and other facilities to the school that allows for community involvement...he influences people to get involved...including business, the LEA and local universities...' (Academy Principal, interview with the authors).

'Trustee-appointed Governors are appointed by the Members of the Trust (in law all are appointed by this means) and they reflect the network that the Trust members – specifically our sponsor in the first instance – want to link with the school. They reflect his contacts in the world of sports, arts and advertising and bring to our table contacts quite unlike those of typical deprived area state schools, arguably one of the added values of academies. But they also contain one Community rep – who is a local Councillor and was chair of governors of the predecessor school' (Academy Principal, interview with the authors).

The Teacher:

'...you don't want paid directors instead of governors. I assure you. The Board of Directors at the Academy where I work are businessmen, religious bigots and bigoted religious businessmen... The catering company that supplies our Turkey Twizzlers is part owned by one of the sponsor/directors. They sacked the dinner supervisors who were on peanuts, and now the staff supervise in their "free periods". We sell coke and crisps and choccie bars to kids on free dinners. Christian ethos? My arse. (*Anonymous Teacher: Academy Blog site 2005*).

The Former Head

'Millions, millions... what I could have done with those millions....' (*Max Morris. A previous Head of Willesden High School, replaced by the Capital City Academy (Teacher TV: op cit)*).

The contested and often contradictory narratives explored so far reveal a mixed and inconclusive picture, suggesting grounds for both optimism and concern around key issues considered earlier in the report. Some testimony challenges the caricatured version of the motivations of sponsors and the culture they introduce to schools, while other accounts provide anecdotal evidence in support of the critique of the academy programme. Precisely because the available evidence continues to provide an unclear and ambiguous picture, the debate is bound to focus instead on rival political approaches to education reform. In the chapter that follows we pull some of the main themes and issues together from this study in order to address prospects for the future.

9. Conclusions

The academy schools programme is at an early stage rendering conclusive findings about its benefits and problems elusive. This means not only that we take a tentative tone in our conclusions but also that the government should perhaps do likewise and proceed with more caution and with increased commitment to evidence-based policy making.

Supporters of academies are proposing to put money into those areas of the country that need it most, and are offering a new model of education rather than unfunded good intentions. They can express a certain amount of frustration given the 'damned if you do, damned if you don't' nature of some of the criticisms against them. If they improve results, it is seen as manipulation of intake; if they perform better than local schools they are seen as sucking away teachers and resources; if they innovate it is seen as locally unaccountable. However if they do none of these things they are criticised as a waste of public money.

Yet for those people who are sceptical about the academy initiative, these sustained, if cross-cutting, criticisms reflect an anxiety about experimentation with a model that takes away public accountability without clear evidence of a return. The experience of the US charter schools, far from suggesting that the academy programme should be given time, suggests rather that some of the concerns expressed earlier by critics are being increasingly vindicated by maturing experience.

The importance and limits of evidence-based policy

In this context, it is hardly surprising that so many commentators on academies have reached the same conclusion: suspend the academy programme and use existing academies as pilots to assess the success of the model over a longer period before rolling it out more widely. As the Education and Skills Select Committee wrote in a 2005 report: 'We

welcome the Government's desire to invest in the schools serving these communities. But the Government should ensure that the current programme of Academies is thoroughly evaluated, both in respect of the performance of individual academies and the impact on neighbouring schools, before embarking on a major expansion of an untested model' (ESSC, 2005: §25). It goes on, 'Despite the Government's proclaimed attachment to evidence-based policy, expensive schemes seem to be rolled out before being adequately tested and evaluated compared to other less expensive alternatives' (ESSC, 2005: §37).

Evaluation must look at a full range of indicators, including the impact on other local schools, and crucially whether any benefits that academies bring result from their innovative governance structures rather than the generous capital funding. Such an evaluation needs to be based on multi-stakeholder involvement at every stage, from drafting the terms of reference and identifying sources of evidence, to reporting and presenting the findings.

The Government does not accept that it should pause, even to allow its own five year evaluation by PwC to be completed: 'We cannot wait five years for the study. These children only get one chance in life and we can't afford to wait that long before we make the radical break with the past, which Academies represent' (ESSC, 2005). Such emotive language only frustrates those who seek to give academies a fair chance.

So too does the excessive secrecy surrounding academies. As *The Education Network* puts it: 'Overall, there is a need for a fundamental change of approach to the debate around Academies. It doesn't help anybody that it is shrouded in secrecy, lack of hard data, disingenuous interpretation of the data that is selectively available, etc., that is bound to create the polarised positions that are now being taken up by many' (TEN, 2005: 13).

Some of the reluctance of the DfES and academies themselves to release information clearly stems from a desire to minimise the 'goldfish

bowl' effect, in which new schools are so heavily scrutinised that it is hard for them to stabilise as institutions. Given the large financial and political capital invested in these schools, there is pressure on academies to show improvement quickly, which is liable to increase the defensiveness of such schools. Overall, however, academies appear to be performing poorly on all of the accountability measures. If a loss in accountability is a necessary trade-off in order to tackle long-term educational underperformance, it is necessary to establish *how much* accountability – to parents and political representatives – should be given up on the basis of an unproven model of educational excellence.

In addition to tackling the secrecy culture around academies, more attention needs to be paid to exploring the factors associated with the success of successful comprehensive schools in deprived areas that have not gone down the academy route. Good quality leadership and staff are among the vital ingredients of school success, factors that could be nurtured outside of the academy model (Brighouse, 2006). Moreover, such an evaluation of success factors in existing comprehensive schools could identify the role those factors can play in particular local circumstances, and show how innovations of various kinds are contributing. There are many good stories to tell, and the government could play the key role in upscaling success from school to school and local authority to local authority. Speaking at the City of London Academy in September 2005, the Prime Minister noted the strong improvements in standards in schools across the country, with higher results, better teacher recruitment, and better-resourced schools. However, the success stories were used as the premise for arguing for new institutional forms in schools rather than for recognising the strengths of schools rooted in local communities.

Longitudinal data on academy performance will ultimately play an important role in determining their success, although it is unlikely to settle the matter conclusively. Despite twenty years of data on charter schools,

critics and supporters of the model continue to trade statistics. This highlights three limitations to assuming that longitudinal data will answer the question as to whether academies are a successful policy initiative. First, rival research methodologies will continue to produce conflicting data about school performance. Second, the criteria for success will continue to be disputed – in particular how much accountability to parents and local communities should be surrendered in order to improve performance. Third, the contested data is likely to reflect a genuine heterogeneity in the cases, with averages concealing more than they reveal. Even with only a small number of academies, issues of diversity are crucially important and require further attention.

A Mixed Picture

It is clear that academies are not homogeneous institutions. They do not follow a set pattern and are highly diverse, both individually and as a category, in terms of their institutional antecedents, ethos, specialisms, location, stage and phase of development. Equally their forms of governance and accountability vary through Trusts, Business Consortia, LEA, HE, Foundation, Diocese and individual sponsors. Whilst some academies project their distinctive curricula, others emphasise their ethos and mission in raising levels of achievement and standards.

It is this heterogeneity which in part explains the rival narratives that exist in relation to academies. On the one hand it is possible to position the academy initiative as a highly progressive attempt to draw on a wide skills base in order to improve educational attainment in some of the weakest schools in the country. On the other hand, the history of academies can be written up as one in which rich sponsors, some seemingly intent on religious indoctrination, were handed public assets and the opportunity to gerrymander intakes in order to improve results.

In short there is no straightforward answer to the question of what is distinctive about academies, other than that business can take over the

running of a publicly funded school, rather than serve as one of several valued external partners. On the ground the trade-off for pragmatic academy leaders is to make the best of the advantages and disadvantages offered to them, as any headteacher would do, and to utilise the resources available to raise standards of achievement. As with a number of earlier initiatives – such as TVEI, CTCs, Specialist Status schools, Gifted and Talented and so on – the space between policy and practice allows some room for innovative manoeuvre.

There is concern though that the heterogeneity of academies, and the presumption of institutional autonomy that goes along with it, will do little to rectify existing market differentiation within and between schools. Whilst the current focus is on admissions, tests, banding, setting and selection by academic and vocational streaming, the wider policy implications of rectifying anomalies between 'winning' and 'losing' schools will not be affected by 200 academy schools. Many have a feeling of *déjà vu*, that the academy programme will prove to be another avoidance of the bigger picture of educational inequality, rather than its solution.

Schools in Partnership

Had government better prepared the ground for academy provision in deprived areas through consultation with parents, heads, teacher unions and LEAs – as it did with the Business and Enterprise communities – the reception to academies might have been more positive. Through adopting a command and business-led approach, government has created a backlash against its policies at both structural and local levels. Despite the public rhetoric about parent power more fundamental issues of parent participation and community involvement in school reform remain conspicuous by their absence. Whilst the paradigm for school improvement through performance and independence remains dominant, little attention has been given to the cultural building blocks of school improvement - leadership, pedagogy, parent, pupil and community involvement - that promote learning and improved performance. Moreover, unfettered institutional autonomy, without checks and

balances, runs the risk of relegating school governance and accountability to a subsidiary function separated off from school improvement.

Whilst there is evidence that schools welcome a greater degree of independence and autonomy over their affairs and benefit from it, there is no evidence that heads of academies or partner schools are seeking unilateral independence from local or central government. As the narratives in this study suggest there are important gains to be made in improving schooling through school, community, parent and government partnership that operate on the basis of sharing resources and expertise in a high trust environment. However the narrow emphasis on independence, performance and targets alone, without addressing ways of building learning cultures of pedagogy - is a pressing national priority. Academies need to be developed as partners with local schools, rather than competitors, which requires sensitivity to a range of issues, including how to deal with surplus school places.

Back to the Future

It appears that the government is committed to that feature of academies which is most controversial and unproven: the involvement of private and not-for-profit organisations that offer little political or parental accountability or partnership. The government could put those critics who see the academy programme as a Trojan horse for privatisation at their ease, and change the terms of the debate, by delinking academy schools from commercial interests. The evidence about the dynamic of US charter schools – and specifically the indication that local autonomy is over time being eclipsed by corporate takeover – only intensifies concerns about the longer term impact of introducing private sector sponsorship.

Concerns remain about the suitability of the ethos brought into the education system by self-selecting sponsors, whether or not their motivation is commercial. By definition – and, indeed, this is one of the government's central justifications for the academy programme – sponsors bring their own values into the schools they run. This is where

the issue of public accountability becomes crucial. A key role of government is to enable society to accommodate diverse interests and cultural values, and this obligation surely has no more significant arena than the governance of education.

If parents are to be forced to choose between rival value systems in their choice of schools, rather than being able to expect that their local school will equip their child with the knowledge and skills required to be a discerning citizen of a pluralistic society, the academy school programme surely has profound implications. That concern is multiplied by the reality that all parents will in fact enjoy very limited choice, and some considerably less than others, because the market will be far from perfect. It will be distorted by asymmetries of local supply, information and parental capacity. In short, parents may be faced at best with a choice between unsatisfactory options, and at worst with no choice at all.

Perhaps the most telling verdict on the academy programme comes from US charter school advocate Chester Finn in response to a question from a British trade unionist at the seminar reported in Chapter 4. Told that the American policy would soon be replicated in Britain, Finn replied that his inspiration had in fact been the old grant maintained schools that New Labour abolished. If that remark is taken seriously, it would appear that, alongside the great expansion in schools funding, Tony Blair's legacy may turn out to be to having taken British secondary education back to where he found it.

10. Recommendations

It has been noted before that policy reform has a cyclical character, and it is unsurprising that this is evident in education policy. Bureaucratic solutions that emphasise uniformity are rejected in favour of local autonomy, which brings with it variations in standard that reinvigorate campaigns for bureau-professional control. The following recommendations suggest ways in which the strengths of experimentation and local diversity can be preserved whilst dealing with some of the most problematic aspects of academies.

1. Support the principle of differential funding and experimentation in deprived areas, but work on resourcing local communities of schools rather than single prestige projects.

2. Where academies have been created, ensure that parents and communities are represented on governing bodies at a level comparable to (or beyond) maintained schools.

3. Put the admissions, exclusions and SEN arrangements of academies on a statutory footing, with the same entitlements for parents as at maintained schools. For example, an academy should be required to take an SEN child when the school is named in the statement.

4. Require academies to use standard good practice in local procurement, e.g. gaining three bids for tenders, to minimise the appearance of conflicts of interest for the sponsor.

5. Extend Freedom of Information laws to academy schools and confirm the application of the Human Rights Act to academies. Create a presumption of transparency in the creation and operation of academies in place of the existing presumption of secrecy. Ensure that academies uphold long-standing equality legislation prohibiting discrimination on the basis of gender, race and disability, and apply new legislation on equal treatment based on age, religion or belief and sexuality.

6. Provide enhanced workforce protection, applying national workforce agreements to academies and matching local good practice for support staff, such as the Best Value Code of Practice.

7. Recognise, consult and negotiate with school workforce trades unions. In particular, make provision for trades union facilities time arrangements and support trades union facilities time agreements.

8. Commission an independent, longitudinal study on academy schools which investigates their impact on educational standards and on the workforce.

9. Place a moratorium on academy schools to allow data gathering on existing academies before any further expansion in the number of such schools.

11. Bibliography

Abbott, Diane (2004) 'Blair asks private schools to help run academies', *Sunday Times*, October 10.

Advisory Centre for Education (2005) Advisory Centre for Education (ACE) (2005) *Evidence for the Education and Skills Select Committee Inquiry into the Schools White Paper*, November.

American Federation of Teachers (AFT) (2002) *Do Charter Schools Measure up? The Charter School Experiment After 10 Years*. <http://www.aft.org/pubs-reports/downloads/teachers/charterreport02.pdf>

American Federation of Teachers (AFT) (2004) 'Charter School Achievement on the 2003 National Assessment of Educational Progress', F. Howard Nelson, Bella Rosenberg and Nancy van Meter, August.

BBC (2004) Transcript of 'File on Four' – Academies, 23 November. www.news.bbc.co.uk/nol/shared/bsp/hi/pdfs/fileon4_20041123_academies.pdf

Benn, Melissa and Millar, Fiona (2006) *A Comprehensive Future: Quality and Equality for all our Children*. London: Compass.

Bifulco, R and Ladd, H (2004) *The Impacts of Charter School on Student Achievement: Evidence from North Carolina*, the Terry Sandford Institute. <http://www.asu.edu/educ/epsl/EPRU/articles/EPRU-0412-76-OWI.pdf>

Blair, Tony (1999) Modernising Public Services Speech, 26 January. <http://www.number10.gov.uk/output/Page1273.asp>

Blair, Tony (2004) Speech to the TUC, 15 September

Blair, Tony (2005a) Speech on Education at Downing Street, 24 October 2005. <http://www.number10.gov.uk/output/Page8363.asp>

Blair, Tony (2005b) Speech on Education to City of London Academy, 12 September. <http://www.number-10.gov.uk/output/page8181.asp>

Blair, Tony (2005c) 'We must never concede the politics of aspiration for all'. *Guardian*, 18 November.

Bluey, R (2004) 'Teachers' Unions Spend Big Bucks to Infiltrate Charter Schools' on *CNSnews.com*, 14 January. <http://www.cnsnews.com/ViewNation.asp?Page=%5CNation%5Carchive%5C200401%5CNAT20040114a.html>

Booker, K, Gilpatric, SM, Gronberg, T, Jansen, D (2004) *Charter School Performance in Texas*. <http://www.tamu.edu/perc/publication/0410.pdf>

Brighouse, Tim and David Woods (2006) *The Joy of Teaching*, London: RoutledgeFalmer.

Brown, Andrew (2004) 'Academy Schools at the Creation', *Prospect*, December.

Bulkley, K (2002) 'Balancing Act: Educational Management Organizations and Charter School Autonomy', Paper prepared for the AERA Annual Meeting in New Orleans, LA, April 1-5.

Carnoy, M, Jacobsen, R, Mishel, L, Rothstein, R (2005) *The Charter School Dust-Up: Examining the Evidence On Enrolment And Achievement*, Teachers College Press / Economic Policy Institute.

CASE (The Campaign for State Education) (2005) 'Academies Briefing'. <http://www.casenet.org.uk/academies.html>

Center for Education Reform (CER) (2005) *Study Finds Certified Teachers Aren't Always the Most Qualified*.

<http://www.edreform.com/index.cfm?fuseAction=document&documentID=2011§ionID=32&NEWSYEAR=2005>

Children Now (2006) 'Row over pupils' rights escalates', David Singleton, in *Children Now*, 15-21 February 2006, Haymarket Publishing, p.12

DfES (2005) <http://www.standards.dfes.gov.uk/academies/>

DfES (2006) 'City Technology Colleges: Background'.

<http://www.standards.dfes.gov.uk/academies/ctcs/ctcbackground/?version=1>

Eberts, RW and Hollenbeck, KM (2001) *An Examination of Student Achievement in Michigan Charter Schools* Upjohn Institute Staff Working Paper No. 01-68.

<http://www.upjohninst.org/publications/wp/01-68.pdf> on 19/11/2005

Economic and Social Research Council (ESRC) (2006) Final Report, Devolution and Constitutional Change Programme,

http://www.devolution.ac.uk/final_report.htm

Education and Skills Select Committee (ESSC) (2005) *Secondary Education*, Fifth Report, 2004-2005.

<http://www.publications.parliament.uk/pa/cm200405/cmselect/cmmeduski/86/8602.htm>

Education Policy Studies Laboratory (EPSL) (2004) *Profile of For-Profit Management Companies Sixth Annual Report 2003-2004*, Arizona State University. www.asu.edu

Evans, Rob and Taylor, Matthew (2005) 'Universities in move to sponsor academies', *The Guardian*, 5 December.

Finn, Chester (2000) *Vouchers and Charter Schools: The Latest Evidence*, transcript of Brookings Institution seminar, February 24, 2000, at <http://www.brookings.edu/comm/transcripts20000224.htm>

Finn, Chester, Manno, Bruno and Vanourek, Gregg (2000) *Charter Schools in Action: Renewing Public Education*. Princeton, N.Y.: Princeton University Press.

Fitz, J and Beers, B (2002) 'Education Management Organisations and the Privatisation of Public Education: a cross-national comparison of the USA and Britain' in *Comparative Education* 38(2), 137-154.

Ford, Brian (2005) 'The Significance of Charter Schools and the Privatization of Standards: holding the wolf by the ears', in *Policy Futures in Education* Vol. 3, no. 1.

Ford, Liz (2005) 'Teachers at failed academy vote to strike', *Guardian Unlimited*, 2 June.

<http://education.guardian.co.uk/newschools/story/0,,1497744,00.html>

Frankenberg, E. and Lee, C. (2003, September 5). *Charter schools and race: A lost opportunity for integrated education*. *Education Policy Analysis Archives*, 11(32). <http://epaa.asu.edu/epaa/v11n32/>

Garner, Richard and Grice, Andrew (2004) 'Clarke's plan to increase academies is risky, say MP', *The Independent*, 8 July.

Gorard, Stephen (2005) 'Academies as the "future of schooling": is this an evidence-based policy?', *Journal of Education Policy*, 20 (3).

Hatcher, R. (2006) 'Privatisation and Sponsorship: the re-agenting of the school system in England', *Journal of Education Policy* (forthcoming).

Hattersley, Roy (2004) 'Hidden agenda', *Education Guardian*, 13 July.

Heller, Richard (2005) 'Responses from DfES to questions from Richard Heller on academy schools', unpublished. Please contact the author for more information: richardkheller@hotmail.com

Hill, Paul T. (2005) 'Assessing Achievement in Charter Schools', in *Hopes, Fears and Reality: A Balanced Look at American Charter Schools in 2005*, University of Washington National Charter School Research Project

Hoxby, C (2004) 'A Straightforward Comparison of Charter Schools and Regular Public Schools in the United States' Mimeo. Harvard University. <http://post.economics.harvard.edu/faculty/hoxby/papers/hoxbyallcharters.pdf>

Joint Committee on Human Rights (2006), Ninth Report, *Schools White Paper*,
<http://www.parliament.the-stationery-office.co.uk/pa/jt200506/jtselect/jtrightts/113/11302.htm>

Keating, Michael (2005) Policy Making and Policy Divergence in Scotland after Devolution. March,
<http://www.devolution.ac.uk/pdfdata/Briefing%2021%20-%20Keating.pdf>

Kiley, Rona (2005) 'Not a word from our sponsors', letter to *Education Guardian*, 7 June.

Lane, Brett (1998) *Choice Matters: Policy Alternatives and Implications for Charter Schools*, Northwest Regional Education Laboratory, Portland, Oregon.

Le Grand (2006) 'The Blair Legacy: Choice and Competition in Public Services, Public Lecture, London School of Economics, 21 February
<http://www.lse.ac.uk/collections/LSEPublicLecturesAndEvents/pdf/20060221-LeGrand.pdf>

Mansell, Warwick and Stewart, William (2004) 'Academies going cheap?' *Times Education Supplement*, 13 August

Maranto, R. (2005) *Are Certified Teachers Qualified Teachers? The Case Against Teacher Certification*.

<http://www.edreform.com/index.cfm?fuseAction=document&documentID=2005§ionID=32&NEWSYEAR=2005>

Mayor of London (2003) Conference: Report London Schools and the Black Child 2: The Search for Solutions, July

<http://www.london.gov.uk/mayor/education/labc/LSBC2003conferencereport.pdf>

Milburn, Alan (2005) Speech to the Fabian Society, 16 January,

<http://politics.guardian.co.uk/thinktanks/story/0,,1392375,00.html>

Millar, Fiona 2005, 'The Trouble with Andrew Adonis', *Education Guardian*, 17 May.

(National Charter School Finance Survey 2000. Cited in *Venturesome Capital: State Charter School Finance Systems*. American Federation of Teachers Educational Foundation, 2000.

<http://www.aft.org/charterfinance/venturesome/index.html>

NCES 2003 *America's Charter Schools: Results From the NAEP 2003 Pilot Study*, National Center for Education Statistics, November

<http://nces.ed.gov/nationsreportcard/studies/charter/2005456.asp>

Nelson, FH, Muir, E, Drown, R. (2000) *Venturesome Capital: State Charter School Finance Systems*.

<http://www.aft.org/topics/charters/downloads/Venturesome.pdf>

NCPTA (2005) National Confederation Parent Teacher Associations, *Submission to the Education and Skills Select Committee on the Education White Paper: Higher Standards, Better Schools for All*.

Parkinson, J. (2005) 'Why the fuss over city academies?', BBC, 17 March, <http://news.bbc.co.uk/1/low/education/4357383.stm>

PASC (Public Administration Select Committee). 2002. *A Public Service Ethos*, Seventh Report, Session 2001-02m, <http://www.publications.parliament.uk/pa/cm200102/cmselect/cmpublic/263/26302.htm>

Paton, Graeme (2006) 'Nearly Half of Academies Select their Students' Times Education Supplement (TES), 10 February.

PwC (PricewaterhouseCoopers LLP) (2003) Academies Evaluation: Annual Report, November. <http://www.standards.dfes.gov.uk/academies/pdf/Annualreport2003.pdf?version=1>

PwC (PricewaterhouseCoopers LLP) (2004) Academies Evaluation: Second Annual Report, December. <http://www.standards.dfes.gov.uk/academies/pdf/AcademiesEval2ndReport.pdf?version=1>

Rhim, Lauren M. and McLaughlin, Margaret J. (2001) 'Special Education in American Charter Schools: state level policy, practice and tensions', *Cambridge Journal of Education*, 31 (3), November.

Roy, J and Mishel, L 'Advantage None: Re-Examining Hoxby's Finding of Charter School Benefits', Economic Policy Institute. <http://www.tamu.edu/perc/publication/0410.pdf>

Schwartz, W (1996) 'How well are Charter Schools Serving Urban and Minority Students?' New York: ERIC Clearinghouse on Urban Education.

<http://www.ericdigests.org/1998-1/charter.htm>

Shanker, Albert (1988, 1) 'A Charter for Change', *New York Times*, July 10, 1988

Shanker, Albert (1988, 2) 'Less Truth, Fewer Consequences', *New York Times*, July 17, 1988.

Shanker, Albert (1994, 1) 'Barnum Was Right', *New York Times*, October 23, 1994.

Shanker, Albert (1994, 2) 'Every School a Charter', *New York Times*, December 11, 1994

Shanker, Albert (1994, 3) 'Questions About Charters', *New York Times*, December 18, 1994.

Shanker, Albert (1997) 'Keeping Public Education Together', *New York Times*, March 2, 1997.

Specialist Schools and Academies Trust (2005) 'City Technology Colleges', <http://www.schoolsnetwork.org.uk/affiliation/ctcs/default.aspx>

Taylor, Matthew (2004) 'New blow to city academies as fashion designer withdraw £2m sponsorship', *The Guardian*, 3 December.

Taylor, Matthew (2005) 'Are city academies really helping the poorest children?' *The Guardian*, 31 October.

Taylor, Matthew and Evans, Rob (2006) 'Sponsors fail to hand over academy cash', *The Guardian*, 3 May.

The Education Network (TEN) 'Academies Evaluation, 2nd Annual Report', 29 June.

Unison (2006) *Academies Called to Account*, February
<http://www.unison.org.uk/file/A2340.pdf>

US Department for Education (2005) 'No Child Left Behind: Overview'.
<http://www.ed.gov/nclb/overview/intro/edpicks.jhtml?src=ln>

Vaishnave, A (2005) 'Some charter teachers join union: Labor gets start in school system', *The Boston Globe*, 10 August.
http://www.boston.com/news/local/articles/2005/08/10/some_charter_teachers_join_union/

Weiner, Gaby (1994) 'Review: *Specialisation and Choice in Urban Education: the City Technology College experiment*, Geoff Whitty, Tony Edwards and Sharon Gerwitz (eds), London: Routledge', *British Journal of Sociology of Education*, 15 (3), 415-420.

Wells, A, Scott, J, Alejandra, L, Holme, J 'Charter School Reform and the Shifting Meaning of Educational Equity: Greater voice and Greater Inequality?' in Petrovich, J and Wells, A (eds.) (2005) *Bringing Equity Back: Research for a New Era in American Educational Policy*. New York and London: Teacher's College Press

Whitty, Geoff, Edwards, Tony and Gerwitz, Sharon (1993) *Specialisation and Choice in Urban Education*, London: Routledge.

Wintour, Patrick and Smithers, Rebecca (2005) 'City Academies are Unstoppable Says Blair', *Guardian*, 12 September.

Woods, P., Woods G. and Gunter. H. (2005) 'Academy Schools: Sponsors, Specialisms and Varieties of Entrepreneurial Leadership'. Paper presented at the Annual Conference of the British Leadership Management and Administration Society, Milton Keynes, September.

Woodward, Will (2005) 'Open and shut case', *Education Guardian*, 14 June.

Woodward, Will and Smithers, Rebecca (2005) 'Starting Over', *Education Guardian*, 17 May.

World Bank (2003) *World Development Report 2004: Making Services Work for Poor People*.

Zollers, NJ & Ramanathan, AK (1998) 'For-Profit Charter Schools and Students with Disabilities: The Sordid Side of the Business of Schooling' in *Phi Delta Kappan*, 80(4), 297-304 Bloomington: Phi Delta Kappan.

12. Glossary

ACE	Advisory Centre for Education
AFT	American Federation of Teachers
ARK	Absolute Return for Kids
AST	Advanced Skills Teacher
ATL	Association of Teachers and Lecturers
BSF	Building Schools for the Future
CAAM	Campaign Against Academies in Merton
CADPAG	Conisbrough and Denaby Parents Action Group
CASE	The Campaign for State Education
CER	Center for Education Reform
CTC	City Technology College
DfES	Department for Education and Skills
EMO	Education Management Organisation
EPSL	Education Policy Studies Laboratory
ESRC	Economic and Social Research Council
ESSC	Education and Skills Select Committee
GCSE	General Certificate of Secondary Education
GMB	General and Municipal Boilerworkers Union
ICT	Information and Communication Technology
LA	Local authority
LEA	Local Education Authority
LSE	London School of Economics and Political Science
NAEP	National Assessment of Educational Progress
NAGB	National Assessment Governing Board
NAHT	National Association of Headteachers
NASUWT	National Association of Schoolmasters Union of Women Teachers
NCES	National Center for Education Statistics
NEA	National Education Association
NUT	National Union of Teachers
PASC	Public Administration Select Committee
PAT	Professional Association of Teachers
PwC	PricewaterhouseCoopers LLP

SHA	Secondary Heads Association
SSLIC	Secondary Schools Campaign in Lambeth
SEN	Special Educational Needs
SOC	School Organisation Committee
T&G	Transport and General Workers Union
TEN	The Education Network
TES	Times Education Supplement
ULT	United Learning Trust