

The Department for Education White Paper: *Educational Excellence Everywhere*

The Government's Plans for the Academisation of Schools in England

INTRODUCTION

The Government's policy paper *Educational Excellence Everywhere* published in March 2016 by the Department for Education (DfE), is a White Paper setting out the Government's vision for schools in England for the next five years.

The White Paper is a combination of some new proposals and some rehashing or extending of existing policies. A summary of the proposals is listed in Annex 1 to this briefing.

To read in full the DfE White Paper – *Educational Excellence Everywhere* – go to www.gov.uk/government/publications/educational-excellence-everywhere.

This briefing note focuses specifically on the proposals relating to the academisation of schools in England.

ACADEMISATION

When the White Paper was announced, there was a great deal of focus on 'forced academisation' to the extent that most people thought that was all the White Paper was about, that it was a new policy and that all schools would be forced to become academies in a short space of time, some thought by September 2017.

None of this was correct.

'Forced academisation' is not new. Schools have been 'forced' into academisation since 2010 when the Academies Act was introduced, using processes such as:

- early adopter schools being bribed with financial incentives;
- DfE officials cold-calling schools to press school leaders and governors to academise;
- funding pressures exerted on local authorities to encourage them to support academisation;
- Regional Schools Commissioners (RSCs) appointed with a remit to broker academies; and
- Ofsted outcomes used to pressurise schools to convert.

Most recently, the Education and Adoption Act 2016 removed the requirement on the Secretary of State for Education to consult with governors and parents about academy conversion, giving her a duty to issue an academy order to any school deemed by Ofsted to be inadequate.

The new element in the White Paper in relation to academisation was the intention of the Government that all schools should secure academy status by 2020, or have a plan to do so.

Schools that did not have a plan for academy conversion by 2020 would be forced to become academies by 2022.

Briefing

The Government had no legal powers to do this and would have needed to introduce legislation to enable it to realise this policy ambition.

However, this proposal attracted widespread opposition from a range of organisations, including the NASUWT, but most significantly from Conservative backbench MPs and local councillors.

This opposition continued to grow and on 6th May the Government announced that it was dropping the plans for all schools to become academies.

However, schools need to be aware that, although there are now no plans to legislate for this change, there is still likely to be pressure on schools to convert to academy status.

At the time of the publication of the White Paper, less than two thirds of secondary schools were academies and fewer than one in five primary schools were academies.

The Government's proposals for the academisation are based on the assertion that academy status, in and of itself, will result in better educational standards for pupils.

There is no evidence to support that claim.

Evidence indicates that academies, in general, perform no better and no worse than the generality of schools:

'Current evidence does not allow us to draw firm conclusions on whether academies are a positive force for change. According to the research that we have seen, it is too early to judge whether academies raise standards overall or for disadvantaged children.'

House of Commons Education Committee, 'Academies and Free Schools' report, January 2015.

'Inadequate' schools

The Secretary of State now has a duty to issue an academy order to all schools judged to be 'inadequate' by Ofsted. This is the only category to which this applies automatically.

The governing body and the local authority are under a legal duty to facilitate the conversion of the school into an academy and the RSCs (see below for more detail) will have a role to identify a suitable sponsor.

Schools that are the subject of an academy order will be required to comply with the order.

Schools 'requiring improvement'

If a school has been identified as requiring improvement, this does not mean it will automatically be subject to intervention or required to consider academy status.

'Coasting' schools

For secondary schools, a school will be 'coasting' if in 2014 and 2015 fewer than 60% of children achieve 5 A* to C GCSEs, including English and mathematics, and they are below the median level of expected progress and in 2016 they fall below a level set against **the new Progress 8 measure**. This level will be set after the 2016 results are available, to ensure it is suitable.

A school will have to be below those levels in all three years to be defined as 'coasting'. By 2018 the definition of 'coasting' will be based entirely on Progress 8 and will not have an attainment element.

At primary level, the definition will apply to those schools who for the first two years have seen fewer than 85% of children achieving level 4, the secondary-ready standard, in reading, writing and maths, and which have also seen below-average proportions of pupils making expected progress between age 7 and age 11, followed by a year below a 'coasting' level set against the new accountability regime which will see

children being expected to achieve a new higher expected standard and schools being measured against a new measure of progress.

The 'coasting' definition will capture performance in 2014, 2015 and 2016. Therefore, it will not be known until 2016 how many schools will be captured within the definition.

Secondary schools currently fall beneath the Government's floor standards if fewer than 40% of children achieve five or more A* to C GCSEs, including English and maths, and if the proportion of pupils making expected progress between Key Stage 2 and 4 in English and maths is below the median.

Primary schools are considered below the floor standards if fewer than 65% of children achieve level 4 in reading, writing and maths, and if the proportion of pupils making expected progress between Key Stage 1 and Key Stage 2 in reading, writing and maths is below the median.

RSCs (see below for more details on their role) will be able to take any action in any school which falls within the official definition of 'coasting'.

RSCs have powers to intervene if a school cannot show a sufficient plan and the necessary capacity to bring about improvement.

However, there should not be a presumption of academisation as the sole means of securing necessary improvement. The circumstances of each school will be distinctive and there is a range of improvement strategies that should be considered, not only academisation.

Where a school is below the floor standards or where an RSC has concerns about a school's capacity to improve, the RSC may seek to identify a new sponsor.

'Outstanding'/'good' schools

There is no requirement on 'outstanding'/'good' schools to become academies.

These schools can only be encouraged to move to academy status.

Warning notices

The Education and Adoption Act 2016 provides for the Secretary of State to be given new powers in relation to maintained schools. This includes the power to issue warning notices to maintained schools and the power to require the governing body of a maintained school that is 'eligible for intervention' to enter into arrangements with an academy sponsor.

This is the most ambiguous of the provisions as there is no clear definition on when these notices will be issued.

THE ROLE OF THE REGIONAL SCHOOLS COMMISSIONERS

Regional Schools Commissioners (RSCs), introduced in 2014, play a key role in academy conversion, under new powers resulting from the Education and Adoption Act 2016.

RSCs are appointed as senior civil servants in the Department for Education (DfE) with specific responsibility for securing new academies and intervening in underperforming academies in their areas.

There are eight RSC regions across England.

These are:

- East Midlands and the Humber (RSC Jennifer Bexon-Smith);
- East of England and North-East London (RSC Tim Coulson);
- Lancashire and West Yorkshire (RSC Vicky Beer);
- North of England (RSC Janet Renou);
- North-West London and South-Central England (RSC Martin Post);
- South-East England and South London (RSC Dominic Herrington);
- South West England (RSC Rebecca Clark);
- West Midlands (RSC Pank Patel).

Each RSC reports to the Schools Commissioner for England, Sir David Carter, who is accountable to the Secretary of State.

RSCs take decisions on behalf of the Secretary of State and are supported in their work by a Headteacher Board comprising six to eight elected, appointed and co-opted individuals.

Four members are elected by academy headteachers in each region. In order to stand for election, headteachers must *'be currently serving or have recently served (within two years of the election date) as a headteacher of an academy rated by Ofsted as either good or outstanding overall with outstanding leadership and management'*.

The first cohort of members of Headteacher Boards was appointed in September 2014, with a maximum three-year term of office. Members may also be co-opted for shorter terms of office *'depending on the circumstances and the agreement reached between the parties'*.

In addition, the Government's White Paper proposes to expand the role of RSCs to include new powers to commission support and intervention for any schools identified as 'underperforming'.

RSCs have no power to, and should not seek to, force 'outstanding'/'good' schools to become academies. However, they may seek to encourage such schools to play an enhanced role in supporting underperforming schools by forming a multi-academy trust (MAT).

All RSCs have a regional Vision Statement, setting out their aims and commitments within their regions.

RSCs also operate within a national framework as determined by the Ministers and the Schools Commissioner for England.

The NASUWT has established regular contact with the Schools Commissioner for England.

NASUWT members should contact the Union if:

- there is engagement with or intervention by the RSC that causes concern;
- considerable influence is exerted to become an academy or where the school is not consulted on intervention strategies;
- a warning notice is issued to the school.

For further information about the work of RSCs in England, go to: www.gov.uk/government/organisations/schools-commissioners-group.

The NASUWT strongly advises school leaders:

- not to rush into hasty reforms of collaborative structures or institutional change;
- to be wary of agencies which may be offering advice for school leaders and governing bodies to immediately consider a process to identify options for their school to enter into a formal partnership of some description, citing the changing educational landscape as a reason to do so. However, this would be premature, particularly for outstanding/good schools;
- not to act on any proposals contained in the White Paper as these are subject to change and amendment.

Where a governing body proposes that their school should convert to academy status or become a part of a MAT, members should contact the NASUWT for advice and support.

The NASUWT has produced a suite of frequently asked questions and answers for teachers, governors and parents on academy conversion.

These can be found on www.nasuwt.org.uk/AcademyFAQs.

Sixth-form colleges

NASUWT members who have responsibility for sixth-form provision should seek information and advice from the NASUWT regarding the progress of area-based reviews and plans for sixth-form provision in their areas, as there is now an option for colleges to convert to academy status.

SCHOOL AND ACADEMY FUNDING

The Government is proposing major changes to the system for funding all schools and academies.

There are proposals under consultation, underpinning the White Paper, for a national funding formula with all schools funded directly by the Government, eventually without any involvement from local authorities. The proposed date is 2019/20.

Changes to the factors in the funding methodology will result in a redistribution of funding allocations across all schools, meaning that there will be 'winners' and 'losers'.

The NASUWT has rejected the Government's claim that a national funding formula would bring about greater fairness just because all schools and academies would be funded on the same basis, especially at a time when the quantum of school funding is being reduced and school budgets are under pressure.

The NASUWT has responded in detail to the first part of the funding consultation and the Union's detailed response can be found at www.nasuwt.org.uk/SchoolFunding.

The second part of the consultation is due to be issued before the end of the Summer term 2016.

When it is issued, it is likely that many schools will be seriously concerned about the Government's proposals for the introduction of a new national funding formula as it could create significant turbulence in school budgets.

However, the Government has not yet confirmed the extent of the changes that will be made to the school funding system and when the proposals are issued they will be subject to consultation. Schools are, therefore, strongly advised not to make any budget decisions and staffing changes based on speculation about the future of the national funding formula.

The NASUWT is engaging with the Government about its funding proposals and will be seeking to ensure that the educational entitlements of pupils in all schools, including academies, are protected.

The NASUWT does, however, advise schools to consider carefully the importance of developing and deepening the partnership working arrangements they have in place with other schools and consider the potential for widening collaboration with other schools and other bodies.

Working collaboratively has the potential to safeguard the interests of all schools, whilst securing greater economies of scale, particularly at a time when budgets are under pressure.

Many schools have already demonstrated the capacity and benefits of working together by forming co-operative schools trusts. For further information about co-operative schools solutions, go to: www.nasuwt.org.uk/Whatsnew/NASUWTNews/Nationalnewsitems/NASUWT_012270.

Pay and conditions

The NASUWT has developed a raft of pay and conditions policies for academies and other schools to ensure not only that the working conditions of teachers and headteachers are protected, but also to secure high-quality educational standards.

The NASUWT's model policy guidance and checklists, when adhered to, prevent discrimination and unlawful practice and comply with legal requirements.

For further information about these model policies, go to: www.nasuwt.org.uk.

ANNEX 1

Educational Excellence Everywhere, The White Paper (March 2016)

Chapter 1: Our vision for educational excellence everywhere

This chapter sets out the Department for Education's (DfE's) vision which is expanded upon in the subsequent chapters. It asserts that every child and young person in this country deserves a world-class education that allows them to reach their full potential and prepares them to succeed in adult life in modern Britain. Our education system must compete with those around the world.

The DfE will focus on intensively tackling areas of the country that have lagged behind for too long.

The DfE's approach includes supported autonomy to drive up standards for all. Over the next five years, the Government will continue that devolution of power, while helping to develop a smarter system in which these teachers and leaders can work.

The DfE will support improvement by building capacity and creating the conditions that will allow schools in all areas to use their freedom effectively, rather than just intervening in the case of failure.

The elected government should set out the outcomes, not the method. This Government will very rarely dictate how these outcomes should be achieved.

The DfE will do more to strengthen the school-led system by ensuring that extra support is available for schools and leaders to draw on where it is needed, while it is needed. This means carefully developing and targeting the scaffolding from Initial Teacher Training (ITT) to school improvement support.

Those leaders that achieve great outcomes for children should be encouraged and enabled to extend their reach and to keep raising their game. Those that do not can be challenged and given access to support to improve, or be turned around by stronger providers.

The DfE will both empower the best leaders and do more to set them up for success, particularly in the areas of greatest need.

Chapter 2: Great teachers – everywhere they're needed

Key Proposals

Qualified Teacher Status (QTS) will be replaced with a stronger, more challenging accreditation based on classroom practice. The White Paper says that full accreditation will only be achieved after teachers have demonstrated their proficiency over a sustained period in the classroom. The headteacher will decide when a teacher has achieved the required level for accreditation and make a recommendation that the teacher be accredited. The White Paper says that the recommendation will be ratified by a high-performing school such as a teaching school.

The Department for Education (DfE) will create a free national teacher vacancy website service and states that the Government wants to encourage schools to use the service to advertise jobs, including part-time and job-share posts. It wants schools to develop more part-time and job-share working arrangements.

The Government plans to target the recruitment of teachers of shortage subjects: science, technology, engineering and mathematics (STEM subjects).

The White Paper recognises the need to retain high-quality higher education-based training routes. It is clear that the main aim is for schools to be responsible for Initial Teaching Training (ITT). To this end, the White Paper sets out plans to increase the proportion of ITT delivered by schools. It refers to plans to establish more teaching schools, particularly in areas where there is currently limited coverage.

The White Paper indicates its support for the establishment of the College of Teaching. In this chapter it also makes reference to existing work to develop a new Standard for Teachers' Professional Development and for this to provide a gold standard for effective continuing professional development (CPD). It asserts that teachers will have access to, and use of, high-quality evidence.

Chapter 3: Great leaders running our schools and at the heart of our system

Key Proposals

The DfE places greater emphasis on school leaders identifying and training the 'next generation' of school leaders and encourages more leadership training to be delivered by successful schools.

Leadership qualifications will be redesigned so that they more closely reflect the demands of the changing educational landscape, including the growth of executive headteacher and multi-academy trust (MAT) chief-executive roles.

A new gold standard of educational leadership will be designed and there will be reforms to the leadership qualifications with the Foundation for Excellence Leadership.

There will be incentives within the accountability system to incentivise headteachers to take on schools in challenging circumstances, and those schools in challenging circumstances which appoint a new headteacher will have a period of 30 months between inspections. There will be 'targeted initiatives' to boost leadership capacity in challenging areas.

There will be an Excellence in Leadership Fund for the 'best' MATs to tackle leadership challenges in areas where 'great' leaders are most needed and activity will be funded, undertaken in collaboration with the Association of School and College Leaders (ASCL), aimed at groups who are under-represented in leadership positions.

This chapter promotes the idea of more flexible and part-time working for school leaders.

The DfE wants to move to a fully skills-based governorship model by removing the requirement to appoint a parent governor. MATs and schools will be helped to develop a governor competence framework. A system will be developed that alerts governing bodies to when there might be problems about school performance. A database of all those involved in school governance will be established to assist the barring of unsuitable individuals.

Chapter 4: A school-led system with every school an academy, empowered pupils, parents and communities and a clearly defined role for local government

Key Proposals

The DfE sets out its vision that every school is to be converted to academy status by 2022 and local authority maintenance of schools will cease.

Local authorities are to be given a statutory duty to facilitate academy conversion and the Government will acquire powers to intervene in local authorities unable to discharge responsibilities to facilitate academy conversion effectively.

Maintained schools that do not have a plan to convert to academy status by 2020 will be subject to forced academisation.

The DfE will establish a 'growth fund' for MATs to facilitate the creation of new MATs and support the growth of existing effective MATs and will work with church and faith groups, including the National Society of the Church of England and the Catholic Education Service, to ensure that all schools with a religious character can become academies in ways that secure their continuing religious ethos. The Government will develop a new Memorandum of Understanding with church and faith groups to establish the nature of the relationship between Regional Schools Commissioners (RSCs) and diocesan authorities.

The DfE will take control of local authority-owned land leased to academy schools.

The MAT model will be privileged over the standalone academy model in the development of policy, based on the view that the minimum effective size of a MAT is 10-15 schools. Small schools will be part of MAT structures in all but exceptional circumstances. High-performing maintained schools and standalone academies will be encouraged by RSCs to form MATs.

The DfE will consult on giving parents the power to petition RSCs to allow a school to transfer to a new MAT. The Secretary of State will be able to take over the running of schools in circumstances where sponsoring trusts withdraw.

The Government will approve the opening of 500 new free schools and University Technology Colleges (UTCs) by 2020 and more assistance will be provided to UTCs in recruiting pupils.

The DfE will provide funding to build schools to serve new housing developments.

The DfE will establish a consistent legal basis for the operation of all academies and free schools, securing an 'effective balance' between local autonomy and central control.

A Parent Portal will be launched to help parents to understand and navigate the school system, providing information on the curriculum, expected levels of pupil progress and achievement and the 'critical and respected role of the teacher.'

The DfE will revise parental complaints and admission procedures, making it easier for parents to escalate complaints to the DfE.

The Government will introduce proposals to allow summer-born children to delay entry to reception classes.

School sixth forms will be removed from the provisions of the School Admissions Code.

Local authorities will take on a reformed role focused on: ensuring every child has a school place; ensuring that the needs of vulnerable children are met; and acting as champions for parents and families.

The DfE will review the statutory roles of the Director of Children's Services and the Lead Member for Children's Services to take account of reforms to the remit of local authorities in relation to education.

Chapter 5: Preventing underperformance and helping schools go from good to great: school-led improvement, with scaffolding and support where it's needed

Key Proposals

The Government's vision is that there will be a move to a school-led system of supported autonomy.

There will be legislation to enable the responsibility for school improvement to sit with teaching schools and there will be up to 300 more teaching schools and 800 more National Leaders for Education (NLEs).

A new Intervention Fund will be established for RSCs to commission school improvement support from within the system for failing and coasting schools and a pilot will be established, 'Achieving Excellence Areas', in areas identified as underperforming. A new approach to designating teaching schools and appointing NLEs will be piloted. Programmes will be targeted to secure 'sufficient high quality teachers, leaders, system leaders, sponsors and members or governing boards'. The AEA approach will be piloted from September 2016 and rolled out from September 2017.

The development of an online matching portal to enable schools to find partners and system leader support will be investigated.

Chapter 6: High expectations and a world-leading curriculum for all

Key Proposals

Additional funding will be provided directly to 25% of secondary schools to enable them to extend the school day and develop new provision for their pupils, including those that build character.

Reforms to assessment and qualifications will be embedded. A knowledge-based curriculum is to be complemented by the development of character traits and fundamental British values.

There will be more than £1 billion provided to support the development of the National Citizen Service so that 60% of 16 year olds can access the programme by 2021. This will involve providing support including through the new Education Against Hate website.

Greater use of evidence-based teaching materials will be encouraged to raise standards and cut unnecessary workload.

There will be an aim to increase the proportion of entries by girls in maths and science subjects by 20% during this Parliament.

Legislation changes could be considered to extend the role of Virtual School Heads and the role and responsibilities of the designated teacher for looked-after children who have left care under an adoption order.

Professionals in schools will have access to training on specific impairments such as dyslexia and autism and develop the evidence base about how best to support such pupils. Mainstream schools will support Alternative Provision providers to deliver a broad and balanced curriculum and high-quality teaching by sharing subject specialists and facilities. Schools will be responsible for budgets from which Alternative Provision is funded.

A minimum curriculum standard will be established and there will be a clear expectation that all pupils in Alternative Provision will have access to a broad and balanced curriculum. The White Paper says that the Government intends to review what is happening in practice for all children with special educational needs (SEN), not just those with education, health and care (EHC) plans.

New research will be established to show how pupils arrive in Alternative Provision and there will be further development and evidence on what works.

An innovation fund will be launched to test new approaches to support pupils who move directly from Alternative Provision to post-16 education.

Chapter 7: Fair, stretching accountability, ambitious for every child

Key Proposals

The DfE will work with Ofsted to ensure inspection is fair and increasingly focused on underperformance and to introduce 'improvement periods' that allow time for improvement when a school is taken over as part of a planned intervention. Ofsted will consult on removing the separate graded judgements on the quality of teaching, learning and assessment to help clarify that the focus of inspection is on outcomes. The DfE states that this should remove some of the pressures on teachers around inspections and support teacher autonomy.

There will be new accountability measures for multi-academy trusts (MATs), publishing MAT performance tables.

Improved and more accessible school performance data will be published and a new website introduced for parents, aiming to make it easier for them to access information about their child's education.

As set out in the Education and Adoption Act, RSCs will take on new, strengthened powers of intervention in maintained schools to intervene promptly, turning all failing maintained schools into academies with strong sponsors and matching failing academies to new sponsors where appropriate. RSCs' powers to intervene will take precedence over the local authority.

Chapter 8: The right resources in the right hands: investing every penny where it can do the most good

Key Proposals

The White Paper includes the proposal to introduce a national funding formula for fairer and clearer funding of schools based on the needs and characteristics of pupils, and the best use of these funds.

A new, fair national funding formula for schools, and for allocating high-needs funding to local authorities for special educational needs and alternative provision, will be introduced.

The effectiveness of pupil premium spending will be improved by encouraging schools to adopt evidence-based strategies, drawing on evidence from the Education Endowment Fund (EEF).

Schools will be supported to improve their financial health and efficiency through tools, guidance and direct support such as training and better national frameworks for procurement.

Improvement and maintenance of the school estate (buildings and grounds) will be ensured so that those responsible for school buildings get a fair share of funding and have the right incentives to make effective use of the school estate.

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