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The rise and rise of academy trusts: continuing changes to the state-funded school system in England

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ABSTRACT

This paper delineates the growth of academy trusts in England before exploring government intentions to base the future state-funded school system on 'strong' multi-academy trusts. Academies, directly funded by the central government, first appeared in 2002 as an alternative to local authority-managed provision, with the initial intention of addressing continued underperformance of schools in urban areas. It was not until 2010, however, with an incoming Coalition government that the academisation process was widened, a policy seemingly driven by a desire to limit the influence of local authorities in line with principles of new public management (NPM). The number of academies increased dramatically (for a variety of reasons) to the point where now over half the school population are within them. Individual academies have, since the appointment of Regional School Commissioners in 2014, been encouraged to join formally with other academies as multi-academy trusts (MATs). Whilst by 2022 there were nearly 10,000 academies, most were in MATs with the government signalling its intention through a White Paper to base the future on them. The academisation process has featured several areas of concern, however, not all of which will be resolved by the policy statements contained in this proposal for new legislation.

ARTICLE HISTORY


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Introduction

Ultimately, this exploration into the academisation process of state-funded schools in England will focus on the way in which multi-academy trusts (MATs) are rapidly becoming a core feature of government policy, but first, there is much to understand contextually. An academy in the English state-funded school system is effectively an independent organisation with a direct relationship to the Secretary of State for Education. On gaining approval to

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be established each academy had to become a charitable company limited by guarantee once it left the control of local authorities (LAs), which managed the state-funded school system prior to 2002 when the first academies were opened. The company formed was to become a trust (non-profit making) led by Members (equivalent to shareholders) who appointed a board of trustees (directors) to run the business. In turn, the trustees appointed staff to lead the academy on a day-to-day basis and deliver schooling to students who typically lived locally and attended the academy daily in term time.

That all sounds quite straightforward, but the reality of moving from an original idea of giving schools individual autonomy to the current scenario has lacked continuity and witnessed multiple outcomes, few of which can demonstrate sustained effectiveness and efficiency. In fairness, the situation at the time of writing does show attempts to create greater coherence and standardisation of provision, although there are still aspects of the policy direction which have the potential to expose aspects of the nation's student body to undue risk (but more of that later).

The rise of academies

Building on the concept of City Technology Colleges (CTCs), established by a previous administration, the incoming New Labour government of 1997 took up its role with the intention, *inter alia*, of improving the quality of schools in deprived urban areas by establishing academies which were free of local authority (LA) control and answerable directly to the Secretary of State for Education. Although there had been previous attempts to liberate state-funded schools from local government, notably the establishment of Grant Maintained Schools by the Education Reform Act 1988, LAs remained in control of governance within their area. The notion of an 'academy' broke that mould and gave with it licence for alternative modes of provision and governance.

The move to academisation came at the end of a series of Conservative governments which embraced the concept of new public management, the neoliberalist philosophy of the free market as the driving factor for decision-making at national and local levels (Connell 2013). Whilst this ideology was seemingly not shared by the New Labour government, its incoming Prime Minister (Tony Blair) was not averse to adopting populist ideals and the search for implementing socialist ideals was conducted in this perceived sense of realism, rather than a fixed political stance. The idea of establishing academies grew from a previous Conservative government initiative of the late 1980s of establishing CTCs, supported directly by business and commercial interests, which had independence from the local authority and direct accountability to the Secretary of State for Education. The first CTC was announced in 1987 and fifteen were built in total.

In May 2000 Secretary of State for Education David Blunkett announced 'a more radical approach' and 'substantial resources' would now be provided for the establishment of City Academies (politics.co.uk n.d.). This strategy was to build upon the initiative of CTCs with the opening of City Academies in deprived areas, to be sponsored by business partners, with CTCs to be encouraged to convert into academies. The Learning and Skills Act 2002 created the concept of City Academies, with three opening in that year which all enjoyed a substantial investment in terms of new buildings and enhanced resources. Another feature of the first set of academies was a requirement for a privately funded sponsor to be a key partner in a trust which had a legally binding contract agreement with the state, the Funding Agreement, which governed the way in which the academy was to operate. A further Education Act in 2002 allowed the word 'City' to be removed to allow schools in other areas to join the programme and by 2006 there were 46 academies, including some previous CTCs which had converted.

Each academy's governance structure included members who were to act in a similar way to the shareholders of a company limited by guarantee and invested with the power to change the name of the company or wind it up. It is the role of trust members to endorse and safeguard the trust's Memorandum of Association, to have an overview of the governance arrangements of the trust, to appoint other members and to add or remove trustees from the trust board. 'Trustee' is the name given to a member of the board of directors with responsibility for directing the trust's affairs, for ensuring that it is solvent, well-run and delivering the expected charitable outcomes. The day-to-day management of an academy continued to be conducted by the headteacher and their senior management team, as expected under relevant legislation, and subject to inspection by the Office for Standards in Education (Ofsted, the national inspection service for schools in England).

A confusion of provision

Despite a concerted effort to promote this policy through three successive Labour governments, there were only 207 academies in England in 2010 at the time a new coalition government was elected in 2010. The incoming Secretary of State for Education, Michael Gove, was determined to end the latent power of LAs in relation to schools and sanctioned academisation as a fundamental principle of state-funded schooling, with conversion now being open to any school deemed 'outstanding' by Ofsted. Such schools were to be called a 'Converter Academy'. The Academies Act 2010 further allowed for the Secretary of State to require the academisation of any school that was deemed to be underperforming, for which subsequently there were schools which were forced to become academies often against the will of governors, parents and teachers (Elton and Male 2015). Such schools subsequently

were to be known as a ‘Sponsored Academy’ (i.e. sponsored by a converter academy).

The academisation of state-funded schools was also extended to include new provision, similarly free of local government governance and control, which included free schools, studio schools, university technical colleges (UTCs), special schools and pupil referral units (PRUs). *Free schools* were to be ‘all-ability’ schools which could set their own pay and conditions for staff, change the length of school terms and day and did not have to follow the national curriculum. *Studio schools* were to be small schools (usually with around 300 students), teaching mainstream qualifications through project-based learning, with students working with local employers and a personal coach and following a curriculum designed to give them the skills and qualifications they needed in work, or to take up further education. *UTCs* were to specialise in practical, in addition to academic, subjects leading to technical qualifications. The curriculum was to be designed by the linked university and employers, who also provide work experience for students. A *PRU* is an alternative education provision specifically organised to provide education for children who are not able to attend school and may not otherwise receive suitable education. This could be because they have a short- or long-term illness, have been sick, have been permanently excluded from a mainstream school, or are a new starter waiting for a mainstream school place. *Special schools* are those that provide an education for children with a special educational need or disability. The first special schools opened as academies were in September 2011 and the first PRU opened in September 2012.

The rise and rise of academies

The number of academies or other types of schools ‘liberated’ from local authority control grew rapidly for the rest of the decade and by April 2022 there a total of just under 10,000 which were open (see [Tables 1](#) and [2](#)).

The policy of academisation following 2010 saw many schools seemingly converting to gain additional resources as well as their perceived liberty from local authority control. By April 2022 of the total of open academies, 1339

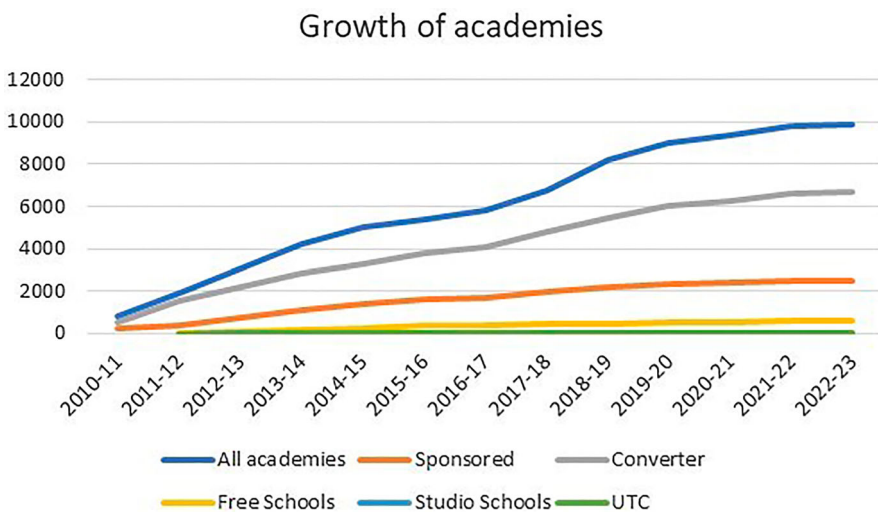
Table 1. Open sponsored academies 2002–2010.

Year	Academies
2002–2003	4
2003–2004	12
2004–2005	17
2005–2006	27
2006–2007	47
2007–2008	83
2008–2009	133
2009–2010	203

Table 2. Open academies 2010–2022.

Year	All academies	Sponsored	Converter	Free schools	Studio schools	UTC
2010–2011	803	274	529			
2011–2012	1907	364	1513	24	6	0
2012–2013	3070	748	2225	81	16	5
2013–2014	4191	1133	2857	174	27	17
2014–2015	5001	1423	3299	252	27	30
2015–2016	5391	1627	3764	382	47	48
2016–2017	5841	1726	4115	393	32	48
2017–2018	6763	1973	4790	425	28	48
2018–2019	8177	2181	5476	442	28	50
2019–2020	8973	2343	6051	507	24	48
2020–2021	9354	2444	6283	557	22	48
2021–2022	9804	2512	6613	610	21	48
2022–2023	9887	2521	6684	613	21	48

remained as single academy trusts (SATs), commonly secondary schools, some of which were established as ‘empty’ multiple academy trusts (MATs) (ACSL, NGA and Browne Jacobsen 2019). This condition carried with it the expectation that the empty SAT would join with other academies. This became the preferred mode of operation, subsequently, with the remaining 8548 academies in 2022 within a MAT of two or more schools and very little chance of any new academy being allowed to be established as a SAT (which had been reduced from a total of 1906 in 2016–1339). Regional School Commissioners (RSCs) have been overseeing academy provision since 2014, actively encouraging the formation of MATs, mergers and rebrokering of academies where necessary (or desired). Prior to the appointment of RSCs, however, there was an extreme liberal approach, seemingly based on the neoliberalist philosophy evident in the Coalition government elected in 2010, which resulted in the atomisation of

**Figure 1.** Growth of academies, free schools and UTCs since 2010.

the national school system (see [Figure 1](#)) and featured complex examples of academies in operation.

In some instances this led to academy chains, seemingly driven by avaricious trusts whose motives appeared to be aggrandisement; in other situations, individual schools sought the sanctuary of academisation rather than remain accountable to the local authority. There were also experiments, such as the creation of trusts by independent schools to support struggling state-funded schools, as well as the creation of free schools, studio schools and UTCs. The pattern appeared to be based on a notion of 'anything goes' so long as it frees schools from local authority control. (Male 2017, 8)

Three main models of grouped academies existed by the time RSCs were appointed:

- the *collaborative partnership* – with no formalised governance structure and academies simply agreeing to work together;
- the *umbrella trust* model – where a group of individual academy trusts set up an overarching trust to provide shared governance and collaboration;
- the *multi-academy trust* model – where academies join to become one legal entity governed by one trust and board of directors (Unison 2012).

An *umbrella trust* could contain academies and non-academy schools and was intended to improve the educational outcomes at the schools. In an umbrella trust, however, the employer of staff normally was the individual academy trust while in a *multi-academy trust* the employer is usually the company which leads the group of academies. There was a suggestion that some of the MATs formed in the early stages were either predatory or formed for reasons that were expedient, rather than strategic. Hill refers to 'manic MATs', for example, where groups of schools rushed 'to huddle together because they are frightened of being 'done to' or taken over by a 'predatory' MAT' (Hill 2016).

The multi-academy trust (MAT) became the preferred direction of travel after the eight RSCs were appointed, especially the development of new ones. Their appointment thus signalled a policy shift from central government to the region, a move that was consolidated through the appointment of a National Schools Commissioner in early 2016, with the role being to hold the RSCs to account for their responsibilities and ensure consistency in decision making (DfE 2016). The commissioners thus determine the policy regarding the structure and operation of academy trusts which now favours the formation of MATs.

RSCs were appointed as directors of the department to take decisions in the Secretary of State's name on the operation of the academies regime. RSCs, with the help of elected Head Teacher Boards, will approve applications for new academies and free schools, approve and monitor sponsor capacity. They will also take intervention action where either performance is poor, working alongside the EFA¹ (which continues

to monitor the financial conduct of academy trusts) or where governance is poor, again working with EFA. (DfE, 2016: 6)

Multi-academy trusts

Within MATs one academy trust is responsible for running two or more academies and will have a master funding agreement with a supplemental funding agreement for each academy. The MAT may include primary and secondary schools, which may choose to convert at different times, and can include also Free Schools, Studio Schools, UTCs, Special Schools and PRUs. Within MATs the key features are:

- the Trust Board has ultimate responsibility for running each academy and will deal with the strategic running of the MAT;
- the Board then typically delegates the day-to-day running of each academy to a local governing body (LGB). The level of delegation can be different for each academy;
- funding is allocated on an individual academy basis;
- single employer, shared buying and sharing resources within the group.

The MAT will have a lead executive figure, commonly named as Chief Executive Officer (CEO), a central team and typically will charge a management fee to each academy school to run common services, with a scheme of delegation for local governing bodies. As of April 2022, there were 1199 MATs which included 86.5% of all academies, free schools, studio schools and UTCs (see [Table 3](#)).

There is a continuing trend since 2016 (first figures available) of MATs increasing in size. [Figure 2](#) shows most MATs now being in the range of three to 20.

Furthermore, by April 2022 it has become clear that MATs are considered central to government intentions to 'improve' schooling outcomes. Firstly, in April 2021 there was an indicator from Gavin Williamson, the then Secretary of State for Education, when he stated at the Confederation of School Trusts (CST) annual conference:

Table 3. Academies, free schools, UTCs and studio schools in trusts and size of trusts (Department for Education, 2022a).

Trust size	Academies, free schools, studio schools and UTCs	% Academies	Trusts	% Trusts
1	1339	13.5	1339	52.8
2	468	4.7	234	9.2
3–5	1780	18.0	460	18.1
6–10	2179	22.0	288	11.3
11–20	2263	22.9	160	6.3
21–30	787	8.0	31	1.2
31–40	515	5.2	15	0.6
41+	556	5.6	11	0.4
Total	9887	100.0	2538	100.0

Size of MATs 2016-22

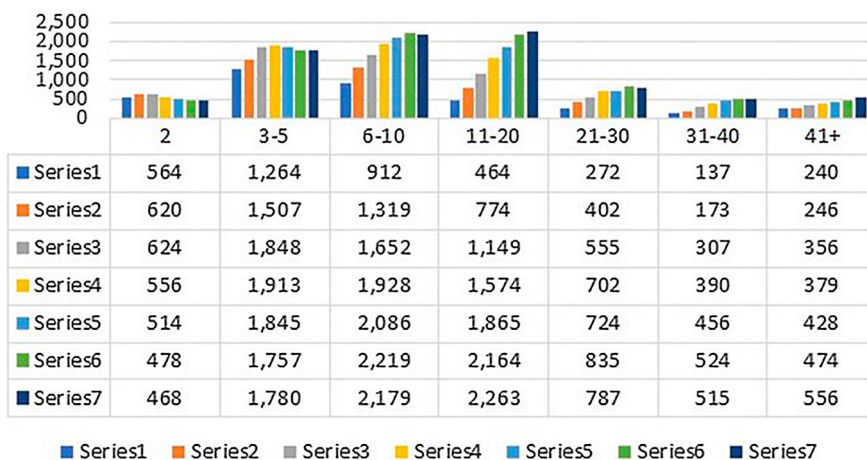


Figure 2. The size of MATs (original source of data = DfE, 2022a).

I want to see us break away from our current pick-and-mix structure of the school system and move towards a single model. One that is built on a foundation of strong multi-academy trusts. And I am actively looking at how we can make that happen. (DfE², 2021a)

This intention was supplemented by the creation of 87 Teaching Schools Hubs (TSHs), opened in the Autumn of 2021, only five of which are not within MATs. The desired role of TSHs is to provide high-quality professional development to teachers at all stages of their careers, taking responsibility for school-based initial teacher training (ITT), the newly devised Early Career Framework (ECF) the suite of National Professional Qualifications (NPQs) and additional continuing professional development (CPD) (DfE 2021b). The TSHs replaced the former network of 750 teaching schools and thus located the power for teacher development largely within MATs (albeit that the TSH is expected to have a level of autonomy). The sector body for TSHs is a DfE appointed TSH Council (TSHC) consisting of 12 members, of which one is from a special school with the rest coming from MATs.

In May 2022, it was announced that the six-year £121m contract for the new National Institute of Teaching had been awarded to the newly established company School Led Development Trust (SLDT), which is a consortium of four high profile MATs (established pre-2010). Their task is to deliver ITT, ECF, NPQs and National Leaders of Education development programmes and to generate and share research and insights into best practice, to improve the quality of teacher training nationwide (DfE 2022c). There was a dispute over the award of the contract with another prominent body, Ambition Institute (a largely government-funded teacher training charity), launching a legal challenge to the DfE decision, describing it as 'erroneous' (Dickens 2022). The DfE has settled this

dispute for an undisclosed amount of funding, with Ambition having demanded £750k in damages for ‘wasted costs’.

In March 2022 the government issued a White Paper³ ‘*Opportunity for all*’ which set the ambition that ‘by 2030 all children will benefit from being taught in a family of schools, with their school in a strong multi academy trust or with plans to join or form one’ (HM Government 2022, 43). This was followed in May with the publication of a guidance document outlining ‘next steps following the schools’ white paper’, a document which outlined the planned regulations and expectations of the move to a school system based on MATs (DfE, 2020c).

Discussion

The government proposals for a school system based on ‘strong’ MATs are an attempt to tidy up what they admit is ‘messy and confusing’ in the White Paper which also outlines the planned regulations. The subsequent document in May 2022 adds to their expectations and ambitions by providing guidance to existing MATs, maintained schools and SATs, LAs and diocesan boards to ensure all schools in England are part of a MAT by 2030 (DfE, 2022d).

The White Paper and implementation plan indicates a proposal to underwrite the state-funded school system with ‘strong’ MATs achieving ‘economies of scale, sharing resources, centralising functions, and ensuring robust financial governance’ (HM Government 2022, 43 and 44). For the first time these documents define a ‘strong’ MAT as being based on the principles of:

- high quality and inclusive education;
- transformative school improvement to quickly improve standards;
- effective and robust strategic governance;
- strong financial management; and
- trains, recruits, develops and deploys their workforce effectively.

Whilst there are many objections to these plans at the time of writing this discussion will focus on several areas of concern regarding academy trusts that may continue to expose the English state-funded school system to risks. Prior to the publication of the White Paper and subsequent implementation guidance these included:

1. A school system has been created that is messy and confusing;
2. The potential for financial impropriety;
3. Stakeholders experiencing a decreased role which has limited democracy;
4. Many opportunities for children to be moved out of mainstream schools;
5. The phenomenon of schools that no one wants (SNOWs);
6. No Ofsted inspection of MATs.

Each will now be explored, in the light of published government intentions and planned regulations, to evaluate whether such issues will continue to pose risks in the future as schools become affiliated to MATs.

1. A messy system

As indicated earlier the process of academisation included free schools, studio schools, university technical colleges (UTCs), special schools and pupil referral units (PRUs) as well as single and multi-academy trusts. Whilst there has been some rationalisation of provision led since 2014 by RSCs, currently, there remains a very confused picture which, in part, relates to the original reasons for establishing a trust, but also one that shows a changing picture with the number of trusts reducing as MATs typically continue to increase the number of academies for which they are responsible. The DfE readily admits to flaws in the current system, as situation also highlighted by multiple contributors to the study of academies (e.g. Ball 2018; Brighouse and Walters 2021; Greany and Higham 2018; Gibson and Outhwaite 2022). In the White Paper it is stated, for example:

The system that has evolved over the past decade is messy and often confusing. Schools, trusts and local authorities have unclear – and often overlapping – roles and responsibilities. Unclear expectations of academies and local authorities permit grey areas which have sometimes allowed vulnerable children to fall through the gaps. Government has not been able to intervene adequately in the small number of trusts that have fallen short in the expectations of parents, or clearly set out through the regulatory system the standards it expects all trusts to achieve. (HM Government 2022, 46)

A new regional structure is to be established, consisting of nine regions (thus matching other government departmental regions), with each region to be led by a Regional Director (RD). RDs will be supported by an advisory board consisting of up to eight members (four who are elected by academies in their region, two appointed by the RD and two co-opted with agreement of the Minister to fill any gaps in skills or expertise). The new boards begin in September 2022 working to the current regulatory framework for RSCs (DfE 2020b), but with the intention of there being a further review to ensure 'risk based regulation and area based commissioning are consistent, complementary and mutually reinforcing' (DfE 2022d, 10).

It is prudent to recognise that the management and governance of maintained schools in England prior to 1988 was conducted under the umbrella of 150 LAs, yet since 2010 we have seen major reductions in their powers and influence. Replacement of such oversight initially with eight RSCs and in future nine RDs (and advisory boards) inevitably means it has been impossible to provide oversight and control of such a school system. There are over 20,000 schools in the country, with some 60% of primary and 20% of secondary schools

still not being academies. Whilst the RSCs and new RDs have the power to intervene in schools deemed to be inadequate or requiring improvement and enforce academisation, they do not have the resources to work with the massive number of schools still judged by Ofsted to be operating as 'Good' or 'Outstanding'. One aspect of the implementation plan, therefore, is to strengthen the role of local authorities to champion the best interests of children in their area. This, it is suggested, 'can be delivered only through a collaborative system in which schools, trusts, LAs and faith bodies, mainly dioceses, work together to build strong and inclusive families of schools in every region' (DfE, 2022d, 13). The proposals also call for LAs to establish MATs of their own.

These are noble ambitions, but ones that offer two sustained risks: persuading reluctant LAs to work with a school system to which they may be politically averse will be problematic and overseeing the provision of MATs established in previous times also presents a huge challenge. In the first of these concerns there is evidence where some areas where there few academies, a position which may be caused either by dogma or indolence. Thus, it is not a given that the required move to a school system based on MATs will be embraced and we stand the risk that some schools will become increasingly isolated in the future. Secondly, there are vested interests within some current MATs that could lead them to be obdurate in joining the aspired transition to become part of a national school system. Some MATs, for example, have a geographic footprint which does not equate to local needs, whilst others (as suggested by Greany and Higham 2018) may prioritise the interests of the school over the interests of others.

2. Potential for financial impropriety

Currently academy trusts are overseen by RSCs, working in conjunction with the Education & Skills Funding Agency (ESFA). In the early days of academy trusts there were, unfortunately, several high-profile cases of financial concerns with many cases of notices to improve and ongoing investigations demonstrated laxity which could be and were exploited. A study by Wilson (2018), for example, showed 76 Financial Notices to Improve had been issued to academy trusts from the ESFA by August of that year. In addition, there were 16 ongoing investigations and 29 reviews of financial and governance in academy trusts at that time, with a further 201 letters to trusts issued about poor or inadequate performance or weaknesses in safeguarding, governance or financial management (DfE 2018). In one instance, in a single academy trust, the ESFA investigation reported no pecuniary interests having been declared despite familial ties between trustees, staff and members of academy trust board. In another case, the ESFA described a trust in which the headteacher and business manager were founding members, trustees and

sole users of the electronic banking system. There were multiple other cases that raised similar concerns.

Subsequent amendment to the Articles of Association (ESFA 2018) has seemingly limited the opportunity for such anomalies to exist, as has been the requirement for fully audited accounts to be filed annually. The ESFA's own list of academy trusts that have been served a 'written notice to improve financial management, control and governance' (ESFA 2022) has 20 'open' notices, however. This suggests there are still too many opportunities and too few accountability measures to stop further governance and financial management irregularities, as was seen within two documentaries aired on BBC TV in 2018 and 2019 which not only presented detailed evidence from the schools, but also showed how the DfE had been unable to control such actions (BBC Panorama 2018, 2019). There is nothing in the White Paper or the implementation framework to suggest changes in regulatory frameworks are needed, despite the evidence that demonstrates there are ongoing difficulties with ensuring financial impropriety or mismanagement. This suggests the risk remains.

3. Reduced role of stakeholders

There has been a radical change to the involvement of stakeholders in the governance of schools since the academisation process began, a phenomenon that has been accelerated with the growth of MATs. Many schools no longer have a governing body as the legal decision-making forum which is representative of their locality and the influence of the local authority has been severely curtailed. Prior to 2002 each state-funded school in England was required to have its own governing body, responsible for decision-making on key issues, which demonstrated a balance between LEAs, parents and the teacher workforce. Their devolved budget from the local authority at that time included most recurrent expenditure, including staffing.

The establishment of academies changed the governance regulations for those schools which, since 2010, have been required to become academies whether by choice (converter) or requirement (sponsored). Each academy still gets a budget allocation based on student numbers, but within MATs are commonly required to contribute to central costs which, in some instances is variable according to current performance. More importantly, however, for MATs the agreement is with the DfE, allowing the board of trustees to decide whether to appoint local governing bodies (LGBs) for individual academies within the trust, and which, if any, governance functions for which the LGBs would take responsibility (Wilkinson 2017).

The acceleration of the academisation process from 2010 has thus witnessed potential disenfranchisement of LAs and parents, especially in MATs. It is now a requirement, for example, that no more than 19.9% of trustees can be LA

Associated People (LAAPs), elected members or employees of an LEA within a four-year period prior to their appointment. Parental representation in governance structures for MATs has also been reduced significantly. Although each LGB with delegated powers must include two elected parents (DfE 2020a, para 18), a member academy within a MAT with no delegated powers can be purely advisory in nature. Indeed, it is possible for an individual academy within a MAT to be included in governance arrangements for several schools without parental representation. Local representation can also be affected within large, geographically spread MATs. With over half the students in the state-funded school system now in academies, the vast majority of which are MATs, governance has seen a significant shift away from local democracy.

The proposals within the implementation guidance is for no change in the proportion of LAAPs on trust boards, although there will be different regulations for member of LA MATs:

There will be no restriction on the number of LA associated persons (LAAPs), elected members or employees of an LA, who can serve as members of the trust. The Department's strong preference is for an academy trust to have at least five members, and we will require at least one member to be independent of any association with the LA. (DfE, 2022d, 7).

The implication is that local representation will continue at the same levels as previously, which means no change in the reduction of local democracy.

4. Permanent exclusions and off-rolling

Currently, there is a complex relationship between LAs and academy trusts which, as indicated above means that 'grey areas [exist] which have sometimes allowed vulnerable children to fall through the gaps' (DfE 2022b, 46).

In keeping with most countries, especially those seeking validation of their school system through international league tables such as the Programme for International Student Assessment (PISA), England is seemingly obsessed with equating 'good' schools with outcomes of student attainment as measured by standard tests. Greany and Higham (2018) concluded that the emerging system was now pushing schools and their headteachers to prioritise 'the interests of the school over the interests of particular groups of, usually more vulnerable children' (12), with some schools being found to be engaged in 'aggressive marketing campaigns and 'cream-skimming' aimed at recruiting particular types of students' (13).

The conclusion offered by Greany and Higham (2018) is not wholly supported by two key pieces of evidence, however, with the 2018 report from the Council for Economic Performance (CEP) and the Timpson Review on School Exclusion (DfE 2019) both suggesting the phenomenon of increased fixed-term and permanent exclusions is not related to type of school, although there is some

evidence that early academy groups (pre-2010) showed a much higher rate of exclusion than converter and sponsor academies opened since 2010 (Machin and Sandi 2019, 2). This conclusion is rapidly qualified, however, with mitigating factors which suggest reasons for higher levels of exclusion in academies 'rather than being used as a strategic means of manipulation to boost measured school performance, the higher rate of exclusion is instead a feature of the rigorously enforced discipline procedures that the pre-2010 academies adopted' (Machin and Sandi 2019, 2).

Nevertheless, exclusions seem to be at unacceptable levels, particularly in secondary schools, 80% of which are academies, with high possibility of students with special needs and/or certain ethnicities being excluded more regularly. Exclusions, either permanent, informal or resulting in-home education are at extraordinary high levels, with Ofsted (2019a) reporting over 19,000 pupils (some 4% of the Year 10 population) not progressing from Year 10–11 in the same state-funded secondary school, with only half re-enrolling at another school. The issue was not related to just the final year of secondary schooling, however, with some 22,000 students leaving at some point between Year 7 and Year 11 and not being recorded in state-funded education again, most of whom were considered as vulnerable. Education Datalab (2018) recognised that some of these students may have moved to independent schools and others will be receiving a broad, effective education through home-schooling. Nevertheless, around 15,400 students were either not recorded as having taken any final Key Stage examination, or, if they did, whose results did not count towards any establishment. Whilst some 50–60% of this group may have left the English school system by having moved to one of the other home nations, emigrated, or, in a small number of sad cases, died, it is estimated the other 6200–7700 pupils remained in the country who did not have results that counted towards any establishment.

The parliamentary Education Select Committee (2018) described the ever-increasing exclusions as a 'scandal'. The report looked at the ways in which alternative provision was seemingly being abused by a sharp increase in the number or permanent exclusions from mainstream schools in England. In this case, the committee report appears to have been triggered by significant evidence and concerns about the over-exclusion of pupils, many of whom end up in alternative provision. There was also an alarming increase in 'hidden' exclusions ranging from those whose parents have been encouraged to take their child out of school voluntarily to children being separated from their peer group and 'taught' in isolation. Sadly, the committee also received evidence of schools deliberately failing to identify children with special educational needs and disabilities (SEND), seemingly for financial reasons.

We also heard that schools are justifying permanent exclusions of pupils with SEND, by claiming that they will get the support that they need in alternative provision, and

exclusion will speed up the assessment process. This then leads to pupils with SEND being left for long periods of time in alternative provision while the assessment takes place, which does not mean that a child's needs are being met. (Education Select Committee 2018, 10)

Clearly, therefore, the possibility exists of changing the school population or reducing the intensity of public scrutiny either through processes of permanent exclusion, off-rolling or through restructuring of a school federation to relocate students to alternative provision. 'Off-rolling' is defined by Ofsted (2019a) as the practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school, rather than the best interests of the pupil. Another, perhaps more subtle way of avoiding the challenge of overcoming sustained underperformance, would be the reorganisation of the multi-school organisation to remove the outcome of some students from the public accountability gaze engendered by the focus on student attainment. To sustain high proportions of success it is possible to remove the scores of lower-performing students from their overall average scores through relocation to other types of provision. New types of schools, created by the Academies Act, 2011, is one such way of shifting the accountability focus. The introduction of UTCs, for example, could allow for a less scrupulous interpretation than intended by the legislation whereby troublesome teenagers are directed toward vocational education rather than traditional academic qualifications.

5. Schools no one wants (SNOWs)

The government report on social mobility (Social Mobility Commission 2017) decried a 'lamentable social mobility track record' and demonstrated that individual chances for young people to achieve adult success were overly reliant on where they were born or lived. Through the application of an index which assesses the education, employability and housing prospects of people living in each of England's 324 local authority areas it shown that large parts of the country remain 'cold spots' in terms of social mobility, with no evidence of change over previous decades. The initial government response was the identification of Opportunity Areas, for which funded strategies were established. By 2019, however, attainment gaps between advantaged and disadvantaged children were reported as getting wider (Social Mobility Commission 2021), with the impact of the pandemic still to manifest itself.

By 2022 the government had identified 55 so called 'cold spots' where school outcomes are the weakest and defined a strategy of 'levelling up' through the creation of Education Investment Areas (HM Government 2022, 46). Given that the overriding policy strategy in this instance is for struggling schools to join 'strong' academy trusts it can be deduced that these are areas where

MATs or RSCs have generally not sought to recruit schools. Once again, this is probably due to the close attention to student outcomes evident in the high-stakes accountability in which our educational institutions, including academies, exist. The point here is, that as yet there has been improvement in social mobility, even a decline, for which the process of academisation has not provided the required (and necessary) response.

6. Inspecting MATs

MATs are not subject to Ofsted inspection, but individual academies within MATs are subject to the formal inspection process. This provides an oblique view of the efficacy of the MAT to support students across the trust but does not expose the board of trustees or the executive staff to judgement. This is despite pressure from the Education Selection Committee (2017) which concluded

the current situation of Ofsted conducting 'batched inspections' is not sustainable or sufficient as MATs expand over the next five to six years. It is not a formal inspection or accountability process and does not necessarily lead to intervention from Ofsted or the Department (para 27).

Similar pressure has been applied by Amanda Spielman, the Chief Inspector, who warned in 2019 that recent academy failures showed how Ofsted's inability to inspect trusts presented 'very real risks' (Weale 2019).

It was not until 2018 that summary evaluations of MATs were introduced, but they are only done with trust consent, offer no gradings, do not cover every trust and do not target those causing concern. By 2021 the summary evaluations of MATs by Ofsted had two stages. During Stage 1, batched inspections of a MAT's academies are carried out, and, once all the inspection reports have been published, the Stage 2 summary evaluation takes place. This is not the same as an inspection and is carried out with the consent and cooperation of the MAT being reviewed. The aim of the evaluation is to give the MAT helpful recommendations on aspects of provision that could be improved and to recognise where the MAT is having a positive impact on the quality of education that its academies provide (Ofsted 2021).

There are no references to Ofsted inspection of MATs in the new proposals which suggest the risk potential remains.

Conclusion

The government intention to manage the state-funded school system in England through strong MATs seems to have both acknowledged and is seeking to rectify some of the concerns expressed earlier in this paper, yet it still shows the potential for undesired and alarming outcomes.

If the intention, for example, is to reduce the current confusion of provision, especially by concentrating on reducing SATs and encouraging a minimum size of MAT, then their intended policy may indeed tidy up the messy school system created since 2010. On the other hand, there are still over 60% of primary schools and over half of special schools/alternative provision maintained by LAs that remain as not part of the academisation process. Previous experience has demonstrated that closure of any such provision, especially small rural schools, can lead to political fallout, with few governments willing to risk their share of the popular vote in pursuit of rationalisation. The backlash through an enforced academisation may be similar and should not be underestimated; neither should the (un)willingness of MATs to adopt schools with a history of challenge. There is no guarantee, therefore, that moving towards a system underwritten by strong MATs will be successful.

Measures to avoid financial impropriety are not specific, either, and there is a danger that the school system remains exposed to possible immoral and corrupt practices. The system currently relies on academy trusts providing an annual audited report with independent verification. The ESFA's own list of academy trusts, however, has 20 'open' notices to improve financial management and 94 further notices that have not been 'closed' since the list was published in March 2014 (ESFA 2022). This represents just over 4% of academy trusts where 'robust financial governance' is or was not effective. It is also 'apparent from a breadth of reports that failings are not routinely identified from accountability systems, but from third parties or 'whistle-blowers' (Allen 2017, 165). Although the White Paper states an intention to establish 'statutory academy trust standards', the system is currently reliant on morality being exhibited at operational level, rather than there being a robust system of control. Given that the notion of academisation is driven by political ideology, the risk remains that the concept of trust providing adequate measures of control is wishful thinking at best and irresponsible overall.

The concerns over lack of democracy remain, with local governing bodies having no residual powers and reliant on delegation. The transfer of accountability from individual school governing bodies to trust boards means the shift of power towards greater parental engagement and choice of schools contained within the 1980 and 1986 Education Acts has been lost. Furthermore, as has been demonstrated above, the engagement of LAs and teachers in the governance of trust is limited by the articles and instruments of government now in place. There are no plans within the White Paper to change this situation statutorily and although there is guidance and encouragement from the DfE to ensure parental involvement, decisions about this will remain entirely with the trust boards. The potential still exists, therefore, for a significant shift away from local democracy.

Just as there are SNOWS, so there are unwanted students for many schools, including academy trusts, with no guarantees that plans within the White Paper

will enhance the life chances for the most disadvantaged pupils who are not only the most vulnerable, but the ones most likely to be the subject of permanent exclusions, off-rolling or restructured school federations. Evidence from the Education Select Committee (2017) highlighted differences for pupils already facing disadvantage:

It's about understanding not just why in 2015/16 0.08 per cent of children were permanently excluded from state funded schools in England, but why, as the Government's Race Disparity Audit revealed, for some groups of children, including black Caribbean and Gypsy Roma and Traveller children, those with special educational needs, pupils eligible for free school meals, children in need and those in care, the rates of exclusion are much higher.

As demonstrated earlier in this paper, the gap is widening and likely to be even worse after the pandemic (Social Mobility Commission 2021), so talk of 'levelling up' contained in the White Paper and the creation of 55 'cold spots' (24 of which are deemed 'priority') to receive additional funding and resources needs to be matched with positive action. The same message of levelling up has been broadcast similarly in previous times, yet the desire to improve social mobility has not been successful, with the situation continuing to worsen. As it stands this pledge to 'level up' represent little more than a vague promise.

Finally, the White Paper suggests the increased focus on strong MATs leading the school system will be matched with greater levels of accountability, but shies away from exposing them to Ofsted inspections. I admit I am not a fan of the national inspection system, but it is difficult to see how this lack of action can be justified given the power to be invested in a collection of school federations that still has not achieved consistency. Recommendations from both the Education Select Committee and the Chief Inspector to inspect MATs have been ignored, with the intention to continue with summary evaluations representing a response which can only be described as a leap of faith. Given some of the actions seen to date, this is an optimistic view at best.

Final thoughts

The rise and rise of academies has been based on an ideological stance for which there is little evidence to justify the claims made by the DfE (2021a) that 'there is clear evidence to show greater school autonomy leads to improved outcomes for pupils' and in the annex to the White Paper which claimed evidence on the impact of strong MATs (DfE 2022b). In the latter case, such claims are being scrutinised following a complaint from the National Education Union (NEU) which claims that the case for academies is 'flawed', with the DfE responding by stated that such claims made are '... mis[re]presenting our published evidence' (Lough 2022). This unresolved argument apart, however, Ofsted's own study on MAT benefits, challenges and functions found 'little

evidence that schools in MATs outperform maintained schools or vice versa, although some MATs are very successful' (Ofsted 2019b, 22). In other words, the future structure of the English state-funded school system is based less on supported evidence and more on a wish and prayer. Not a good policy position!

Notes

1. Then the Education Funding Agency, now Education & Skills Funding Agency (ESFA)
2. Department for Education, referred to here, subsequently and for referencing as DfE.
3. A White Paper is a policy document, setting out proposals for future legislation.

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