

Public Bill Committee

EDUCATION AND ADOPTION BILL

WRITTEN EVIDENCE

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Written evidence

Written submission submitted by Dr Rebecca Allen, Director, Education Datalab (EAB 01)

BACKGROUND ON AUTHOR AND ORGANISATION

Education Datalab, part of the non-profit company FFT Education Ltd, produces independent research on education policy and practice. Dr Rebecca Allen is Director of Education Datalab, on leave from her academic position as Reader in Economics of Education at UCL Institute of Education. She is an expert in the analysis of large scale administrative and survey datasets, including the National Pupil Database and School Workforce Census.

SUMMARY

In this note I address the question of how coasting schools might best be defined. I argue that the social gradient in the distribution of inadequate Ofsted judgements has produced a perceived need to address underperformance of schools serving more affluent communities. Progress 8 cannot straightforwardly be used to identify coasting schools because it also displays a social gradient in its distribution. I offer two alternative metrics—contextual value-added and families of schools comparisons. I discuss how best to avoid the problem of volatility in small primary school performance. I offer some additional data metrics that should be used to determine which schools fall into the coasting schools group.

The legislation on coasting schools is needed because Ofsted’s remit and guidance to inspectors is not well-aligned with public policy goals.

1. It is generally agreed that there are schools who provide a perfectly adequate education, but who could do a great deal better for the pupils they educate. They are far more likely to be situated in more affluent communities where there is a steady of supply of teachers willing to work at the school, where pupil mobility is low, and where the school does not have to routinely compensate for significant social dysfunction in families.

2. Ofsted does not judge these schools to be inadequate. This is because inspectors observe lessons and practices that are satisfactory or good, compared to the *typical* school they visit. The result is a very strong social skew in Ofsted judgements:

- 2 out of 380 secondary schools with a free school meals (FSM6) proportion below 10% were most recently judged as inadequate; 45/353 schools with FSM6 over 50% were judged as inadequate.
- 221/380 secondary schools with FSM6 below 10% were judged as outstanding; 53/353 schools with FSM6 over 50% were judged as outstanding.
- 14/2493 primary schools with a free school meals (FSM6) proportion below 10% were judged as inadequate; 78/2915 schools with a free school meals (FSM6) proportion over 50% were judged as inadequate.
- 664/2493 primary schools with FSM6 below 10% were judged as outstanding; 293/2915 schools with FSM6 over 50% were judged as outstanding.

3. This social skew in Ofsted judgements is not a priori wrong if we want the judgements to reflect the quality of teaching and learning they observe. But an alternative approach would be to ask Ofsted to judge whether schools are providing a high quality education, *compared to other schools that operate in similar social circumstances*.

4. This would lead to so-called “coasting” schools being judged as poor, since their exam performance, and the quality of observed practices would be poor, *relative to schools inspectors have visited who have similar social circumstances*. In my opinion, this modification of Ofsted’s remit and guidance would remove the need for new legislation to tackle coasting schools in the manner described in the draft Bill.

A DEFINITION OF COASTING SCHOOLS BASED ON PROGRESS 8 REPLICATES THE SOCIAL GRADIENT PROBLEM OF OFSTED JUDGEMENTS

5. The social gradient in Ofsted judgements highlights how important it is that the data used to define a school as coasting is capable of identifying relative underperformance of more affluent schools. This implies that it must be based on some measure that takes into account the social setting of the school, rather than simple raw outcome measures. Assuming we follow the Secretary of State’s indication that it will be based on three years of data (e.g. a measure falling below a particular value in each of the last 3 years), there are three broad approaches worth discussing for secondary schools:

Progress 8

6. Progress 8 will be used by Government as the main accountability metric from 2016 onwards. It judges how each pupil performs at GCSEs in maths, English, any 3 of the English Baccalaureate subjects (sciences, history or geography, languages, computer science), and any 3 other subjects by comparison with pupils who achieved the same Key Stage Two fine grade at age 11. Any school scoring below -0.5 (i.e. an average of half

a grade below expectations for each pupil) falls below the floor target. About 300 schools would have fallen below the floor in 2014.

7. Progress 8 would seem to be a good candidate to define coasting schools because it is being introduced into the accountability framework anyway and is well-aligned with a curriculum that Government would like schools to deliver. However, it is actually highly unsuitable, for two reasons.

8. First, it cannot be used for a number of years. To define coasting schools we need a lagged measure of performance. Schools cannot be held accountable for attainment on Progress 8 for the period of time where their curriculum may not have been well-aligned. This means coasting schools cannot be identified on this metric until Autumn 2018 (when data for 2016, 2017 and 2018 is available). And during its introduction it is important to bear in mind that the distribution of Progress 8 scores achieved by schools is likely to substantially alter as subject-entry patterns change and as GCSEs are re-scaled onto the 0-9 scores.

9. Second, Progress 8 displays exactly the same social gradient across schools that it is important to avoid.¹ Schools in more affluent areas will, on average, achieve higher Progress 8 scores and so it would be impossible to use it to label them as coasting. To give an idea of the magnitude of the problem, in 2014:²

- Just 42/380 with FSM6 below 10% had a negative Progress 8 score.
- 191/347 with FSM6 over 50% had a negative Progress 8 score.

10. It is not always obvious why the social gradient in Progress 8 should emerge, given that it accounts the pupil's Key Stage Two prior attainment. There are many reasons why, of which the most important is that pupils in schools have clustering of social circumstances so that a low attaining pupil who attends a relatively affluent school is likely to have a supportive home environment and thus do better at GCSE than a low attaining pupil in a less affluent school.

Contextual value-added

11. Contextual value-added (CVA) was a performance measure used in the latter part of the last Labour government that uses regression analysis to “remove” the social gradient in school performance, thus giving schools with affluent and deprived intakes an equal “chance” of doing well.³ The formula for doing so is complex for schools to understand because it includes measures of the child's socio-demographic background and prior attainment and the school's average socio-demographic make-up.

12. By forcing all schools to have an equal chance of doing well across the spectrum of school intake characteristics it makes an enormous assumption that there are equal numbers of effective schools serving deprived communities as there are serving affluent communities. We have good reasons to suspect this is not the case. However, for the purposes of identifying coasting schools this would seem to be a nice property.

13. Although a pupil's best 8 GCSE results were originally used in the measure (with a double count for maths and English), any outcome measure could be used to calculate CVA, including Attainment 8. It would even be possible to use a gradual transition towards Attainment 8, so that the outcome measure is:

- 2014: English, maths (both with a double count) and any other 6 GCSEs or equivalents.
- 2015: English, maths (both with a double count), any 2 EBacc subjects and any other 4 GCSEs or equivalents.
- 2016 onwards: English, maths (both with a double count), any 3 EBacc subjects and any other 3 GCSEs or equivalents (i.e. Attainment 8).

Families of Schools comparisons

14. The Department for Education, the Educational Endowment Foundation and others have created Families of Schools that allow judgement of whether a school is doing well, relative to other schools with a similar pupil intake. Creating these Families of Schools is not without controversy because choices have to be made about the size of a group and factors to determine inclusion. However, they could provide an intuitively appealing way to judge whether or not a school is coasting.

IDENTIFYING COASTING PRIMARY SCHOOLS IS MORE DIFFICULT

15. It is not possible to consider what Key Stage Two outcome measures should be used to identify coasting primary schools until the Standards and Testing Authority release further details of the tests. But regardless of the measure used, primary schools experience higher volatility in exam results for reasons entirely out of the control of the headteacher. This is especially true for single form entry primary schools where numbers sitting tests are small.

¹ We show how Progress 8 varies with the average intake attainment of schools here: <http://www.educationdatalab.org.uk/Blog/May-2015/Why-do-pupils-at-schools-with-the-most-able-intake.aspx#>

² This “choose your own coasting schools” tool explores this relationship further: <http://www.educationdatalab.org.uk/Blog/June-2015/Choose-your-own-coasting-schools.aspx#>

³ Further discussion of the differences between Progress 8 and CVA are here: <http://www.educationdatalab.org.uk/Blog/May-2015/We-cannot-compare-the-effectiveness-of-schools-wit.aspx#>

16. The impact of this volatility obviously generally means that any performance metric is less well correlated with the true quality of school teaching and practices in any particular year. If we set a coasting schools definition that requires performance below a particular level in each of 3 years, it is likely that truly coasting schools escape identification because the volatility in the metric raises their performance above the threshold for an individual year.

17. To provide a magnitude of the problem, just 5.7% of primary schools fall into the bottom 25% of the CVA distribution for each of 2012, 2013 and 2014. By comparison, for secondary schools this figure is 7.6%.

18. Any solutions to dealing with volatility are rather unsatisfactory. It would generally be much better to measure primary school performance using a 3-year rolling average. But to take 3 separate 3-year rolling averages would stretch inclusion of information on a primary school's last 5 years of performance.

IDENTIFYING THE PERFORMANCE OF PUPIL SUB-GROUPS INCREASES VOLATILITY OF MEASURE

19. If the coasting schools definition includes monitoring of the performance of particular sub-groups, such as Pupil Premium children, this necessarily reduces the number of children that the metric is calculated on and so increases the volatility of the measure. So, this should not be done for primary schools and I would recommend it is not done for secondary schools because it would substantially reduce the reliability of the measure.

DISTINGUISHING COASTING FROM STRUGGLING TO STAY AFLOAT

20. If coasting is solely defined by performance data, it will misidentify schools that are “paddling hard to keep their head above water”. Some schools face dynamic pressures such that they expend an enormous amount of energy just to achieve mediocre exam results year after year. Some of these dynamic pressures are identifiable in administrative data. One is levels of pupil mobility, particularly receiving children who are migrants or who have been excluded from other schools in the past. The other is schools situated in towns or counties with structurally high teacher mobility.

THE ARRIVAL OF A NEW HEADTEACHER MUST RE-START THE COASTING SCHOOLS CLOCK

21. We should think of the arrival of a new headteacher as an intervention in itself. That individual should have three years to implement changes before the school can be deemed to be coasting. The consequences of not including this break-clause in the definition are very serious indeed since otherwise no prospective headteacher would be prepared to join a school with a year or more of relative underperformance.

HOW SHOULD WE CHOOSE HOW MANY SCHOOLS WE LABEL AS COASTING?

22. The debate about which schools are subject to intervention, or to receive extra support, has always been in terms of how many are failing, or coasting—defined in terms of not hitting a certain standard. I would turn the question around and ask: at any given point in time, how many schools can we reasonably support to improve? And how can we make sure those schools get help?⁴

23. There are very real resource constraints—excellent headteachers looking for a new school, time of the Regional Schools Commissioners, inspectors with hours to devote to school improvement or proven academy sponsors pursuing growth.

24. In any case, the judgement of “coasting” is fundamentally a relative one, as all judgements we make on schools are. This is true in data—our perspective on what it is possible for a school to achieve is necessarily revealed through the performance of others. And equally inspectors' perspectives on what they see when they walk through a school's door is shaped by what they've seen elsewhere.

June 2015

Written evidence submitted by Link Maker Systems (EAB 02)

SUMMARY

1. Regional adoption agencies would bring much needed improvements in some areas. Any mergers would also involve a great deal of disruption and cost for agencies already struggling with the de-stabilising effects of recent court cases. The government should therefore identify agencies in the first instance that could gain most from merging, and assist them to come together in a way that maximizes the benefits and minimises the risk of disruption or unintended consequences. The lessons learned should then inform the planning of any future mergers.

⁴ I make this argument more fully in Schools Week here: <http://schoolsweek.co.uk/how-many-schools-should-we-be-trying-to-help/>

2. While an increase in the scale of adoption agencies may result in some children being matched more effectively, research indicates that children with complex needs may actually wait longer. These children are more likely to require a search beyond their own region for a suitable placement, and barriers to interagency matching, and a sense of “self-sufficiency” in larger agencies, may together make the situation for these children worse.

3. The current barriers to interagency matching must be understood and addressed specifically, whether or not regional agencies are created. The problems will not be wholly solved by increasing agency size, and could be solved in other ways. Key issues that are dealt with in this submission are the interagency fee, variation in practice and policy, and sharing of adopters.

4. Adoption is first and foremost a service for children, but adopters also deserve fair treatment. At the point of considering adoption, most adopters have a choice of agencies and can choose the one that best meets their needs. It is important for adopters to also have the option of changing agency if the relationship with a social worker or manager breaks down. Regional agencies would reduce, or for many adopters remove, this choice. This should be one of the considerations in deciding the scale of any merger, and an alternative route should be provided for adopters who have problems with their agency that cannot be resolved internally.

5. The Adoption Register should be re-imagined to bring more benefit to the sector. It is not performing well as a tool for matching, and since agencies are avoiding its use the available data is far from complete. A mechanism should be employed to ensure that all children with a plan for adoption, and all adopters, are registered so that a detailed and accurate picture is always available. At the same time, the remit of the Register should change to one of monitoring and assessing this overall picture, and the journeys of individual children who wait the longest.

6. Greater benefit for more children could be achieved by a broadening of the Bill, or with further Bills. There are deep-rooted problems elsewhere in children’s social care. Within fostering for example, financial and organizational considerations play a large part in the choice of placements, often leaving little room for the individual needs of the child. This results in unsuitable placements and multiple care moves, which contribute to the emotional and behavioral difficulties of children. This will include many of the children who subsequently struggle to find adoptive placements, and to focus on matching solely within adoption misses perhaps the largest part of the picture, and the area of greatest potential improvement.

INTRODUCTION

7. Link Maker is a social enterprise run by adoptive parents that provides online systems for collaboration in children’s social care. In 2014 it introduced “Adoption Link”, a website allowing adopters to take a lead in identifying potential matches, and crucially also giving social workers access to over 2,200 approved adopters UK-wide. Both adopters and social workers view the service as the most useful available for finding matches (Practitioner survey / 2, Dance) It is being used by 80% of Local Authorities in England to match between 30 and 40 children per month (1, performance data). “Placement Link” will soon offer the same benefits within fostering and residential care.

8. The Adoption Link service has significantly improved matching in a short space of time, and has brought about a number of positive changes in practice. For example, Local Authorities are now identifying matches with adopters from other agencies much earlier, before the granting of a placement order. This in turn has removed one of the incentives for Local Authorities to try to match “in-house”, rather than looking more widely. The case has successfully been made that effective systems can themselves bring about great improvements in efficiency, collaboration and practice, whatever the scale of the organisations using them.

9. Our submitted evidence draws on our experience and usage statistics, and on other data and research. Adoption Link has conducted two surveys relating to the Bill, referenced below as “Adopter survey” (based on 655 responses) and “Practitioner survey” (based on 302 responses). Each survey consisted of a small number of quantitative questions, and an open invitation to express views relating to the Bill. Links to the full findings of each survey can be found at the end of this submission.

MERGING THE RIGHT AGENCIES

10. In the survey, adoption practitioners highlighted areas in which some agencies would perform better at a larger scale:

“For small agencies who are surrounded by other small agencies it will open up the pool of children/adopters and get rid of the geographical issues associated with support.”

“For those LA’s and agencies who don’t collaborate and only place within their authority will be made to consider matching outside at a much earlier stage.”

(Practitioner survey)

11. Some also referenced existing merged services that they consider to have been successful, with respect to the scale of the merger:

“Four 4 adoption work closely already in terms of family finding and are continuing to look at whether we can work even more closely in the future. I don’t think that merging with a greater number of agencies or with other agencies will be necessary or helpful; a maximum of 4 agencies works best, I would say from experience gained thus far.”

(Practitioner survey)

12. Practitioners felt, on the whole, that their agencies already collaborate well. A significant majority of comments expressed this:

“I believe that as a service we always endeavour to be child led in our family finding—this means that we will search countrywide to find adopters who can best meet the child’s individual needs. We do not see how we can alter our practise to make it more effective or collaborative as we currently work in this manner.”

“The addition of Adoption Link to the matching arena has proved useful and did not require a total merger with any authority, rather a clearly defined process with user involvement.”

“We have always collaborated with other agencies regionally and this continues to offer the best results for our children; I don’t see why it should be necessary to merge services to do this.”

(Practitioner survey)

13. Many practitioners felt that merging would be ineffective, or counter-productive:

“It would not help at all, it would do the opposite.. It would be a massive hindrance. It would cause enormous upheaval ... and the reorganisation which would detract from our core tasks.”

“The children for whom we have difficulty finding suitable adopters are, in terms of their needs, basically the same children everyone has difficulty homefinding for. Sharing resources—the way we do now or by merging services—would not change that basic shortfall of suitable resources but what merging would do is add layers of fudgability between resource need, identification of that need and (most importantly) recruitment activity and thus make it less likely that we would improve services further.”

“It would be like making a steam train when a sports car is what we need. Adoption Link has had an enormous impact on the way we work, increasingly so as other agencies bit by bit have begun using it—the difference is still extending, some agencies local to us have only started using A/L very very recently, the full benefits are yet to be felt.”

(Practitioner survey)

14. Prospective adopters were more critical of how agencies currently work together, and were more optimistic about the benefits of regional adoption agencies.

“Some agencies choose not to work with other agencies. Meaning that there might be a match for you but your agency will not pursue this match.”

(Adopter survey)

THE “SELF SUFFICIENCY” RISK

15. On the face of things, if an agency were reluctant to collaborate with others in matching, increasing the size of that agency would improve the situation. There are problems with this however.

A study into matching practice commissioned by the Government has indicated that within larger authorities children with complex needs can actually experience more delay than within smaller agencies:

“A key difference was in local authorities’ willingness to widen the search for adoptive families and place out of area. A reluctance to pursue inter-agency placements affected 70% of delayed cases in three county authorities and featured rarely in the other seven authorities. County authorities, which were more able to place in house than smaller agencies in urban areas, used inter-agency placements less, which led to more delay in finding placements for children with complex needs (although they were good at achieving swift matches for children without complex needs).”

(3, Farmer & Dance)

16. A service such as Adoption Link will tend to hold the children who are harder to place, since other children are more likely to be matched “in-house”. Of the 250 children matched through Adoption Link so far, approximately half were placed with families from a neighboring region. Around a further 25% were placed with families from further away than this. For these children, even with the creation of regional adoption agencies, the barriers to finding the right match would still apply. This would indicate that many other children who might otherwise be placed with a suitable family from a different region would still face these barriers, and may wait longer if their agency tended to rely on its own resources.

THE INTERAGENCY FEE

17. The interagency fee is a significant barrier to children being matched with suitable families. It is paid by a Local Authority on placing a child with an adopter from a different agency, to cover the cost of recruiting, assessing and supporting the adopter. Depending on whether an agency is paying or receiving the fee, it may view it as being too high, or too low. Either way, the end result can be a Local Authority favoring its “own” adopters above those from elsewhere, or worse, not considering families from other agencies at all.

Several practitioners commented on this:

“some agencies do not have funding for interagency placements which has the reverse effect and children in some areas are waiting longer and are older as a consequence.”

“whilst the inter agency fee remains I doubt it will make much difference”

(Practitioner survey)

18. ...as well as adopters:

“We have enquired about children who we feel we would be a good match for and have heard nothing back simply because we are not part of their agency and told by our agency that interagency transfers cost too much money.”

“The interagency fee cost us a match just before panel. They went with a local authority couple at the v last minute. Scrap inter agency fees and the priority that local authority adopters have over other agencies. Both are causing problems.”

(Adopter survey)

19. Regardless of the extent to which regional agencies are created, an alternative financial mechanism must be found for interagency placements. This may be a national fund that removes the need for agencies to exchange a fee directly, and would create a level playing field that would ensure that children’s needs are at the centre of matching decisions.

VARIATION IN PRACTICE, POLICY AND SUPPORT

20. A further barrier to agencies collaborating effectively in matching is the variation that may exist in agency’s processes, and how they support families. As with the interagency fee, creating regional agencies would address this problem only to the extent of potential matches within the region. A recent investigation of adopter’s experiences of matching summarized that:

“Some adopters wrote of having formed the impression that interagency matches were harder work for the agency and they explained how they were told that interagency matches can be problematic because of distance (both for the adopters and child in terms of introductions and contact visits—and for social workers in finding the time to travel for visits). Differences between agencies in protocols and practices had also been identified to adopters as potential problems, as had concerns about access to post-adoption support.”

(2, Dance)

21. This was also commented on by practitioners:

“what would help is if there were more consistency in how agencies support adopters financially (eg expenses to attend meetings etc prior to panel, settling in grants, eligibility for adoption allowances etc) it is variable and confusing for all involved.”

(Practitioner survey)

22. And by adopters:

“I am concerned by the delays caused by poor communication within and between agencies as well as the difference in procedures followed by agencies, which is confusing when you are adopting outside your own agency and/ or region.”

(Adopter survey)

SHARING ADOPTERS

23. A wider range of adopters could be made available for children simply by clarifying regulations and guidance. Some Local Authorities still resist making their adopters available for children elsewhere, and adopters are currently unable to challenge this. Approved adopters are often “held on to” for 3 months or more, while there may well be children waiting in other areas for which they could be a suitable family.

“it is of concern that some 29% of respondents (nearly a third) felt that they were not encouraged to search widely for a match—or, if they were, this was only several months after approval.”

(2, Dance)

“Our local authority seem reluctant to share our profile even though they have very few children waiting for adoption.”

“we had to wait three months after being approved as adoptive parents before we could have the option of being matched with children regionally/nationally outside of the county which has delayed things and been very frustrating.”

(Adopter survey)

24. In the current climate, with relatively more adopters compared to children waiting, the impact of this on children may be somewhat reduced. In different times, when adopters are in shorter supply, the impact may be significant. In any case it reduces choice, and is unfairly restrictive for adopters wanting to offer a home to a child.

25. The problems of the interagency fee, practice variation and sharing of adopters must be solved whether or not agencies merge. If agencies do not merge, solving these problems may still go a long way to removing barriers to effective collaboration in matching. If regional agencies are created it is just as important that these issues are addressed. Otherwise, as the study (3) suggests, for some children the wait for a suitable match may actually become longer, rather than shorter.

ADOPTER CHOICE

26. Variations in agency policy can, as well as creating problems, be to the advantage of prospective adopters. Over 40% of adopters felt that it was “very important” to them to be able to speak to a number of agencies, and choose the one that was the best fit for them. More significantly, over 80% felt it was “very important” to have the option of changing to an alternative agency in their area if things aren’t working out. 40% of prospective adopters had had cause to consider changing agency during their process. (Adopter survey)

This was commented on by adopters:

“We were amazed at how each agency LA or VA can have differing criteria.”

(Adopter survey)

27. ...and also practitioners:

“I do not feel merging services is the right way forward. As a voluntary agency we feel choice and diversity is very important to give a service which enables adopters to find the agency best for them.”

(Practitioner survey)

28. In this respect, there is an argument for not increasing the scale of agencies too far, and not beyond a scale that would allow most people a workable travelling time to at least two different agency offices. There is also an argument for ensuring a minimum level of inclusivity, service and accountability within all agencies. One adopter commented:

“I think the issue is to make sure that every agency is inclusive rather than have a myriad of agencies catering for specific adopters.”

(Adopter survey)

29. One major issue that currently exists is the lack of a suitable place for adopters to turn if they feel they have been mistreated by an agency, either during approval or matching. The Independent Review Mechanism (IRM) exists for adopters who have been given a “no” at panel, but in any other situation an adopter has only the agency’s own complaints procedure at their disposal. This is often not considered a viable option due the fear of appearing “difficult”, and losing the chance of an onward journey with any agency.

30. A new service should be made available nationally to provide impartial arbitration for adopters in such cases. The service would serve to monitor experiences, and provide new transparency and accountability of agency practice. This would be beneficial in any event, but particularly if adopters’ ability to change agency were reduced.

THE ADOPTION REGISTER

31. The Adoption Register should be re-imagined to bring more benefit to the sector, as it is not performing well as a tool for interagency matching. The current statutory basis of the Register stifles innovation from other sources, and 70% of practitioners felt that the legal requirement should change. (Practitioner survey). Compared to the Register, around 4 times more adopters find Adoption Link ‘very useful’ for finding links (2, Dance), while around 6 times more social workers find it “very useful” for finding matches (Practitioner survey).

32. The deficiencies with the Register were commented on by practitioners:

“In the past four years I don’t think I have made any matches either through the consortium or the register. My view on the register is that it always seems one step behind.”

“We are having little success through Adoption Register, or publishing children in various magazines. Adoption Link has been much more helpful in getting results, and finding adopters for children, and we have made a good number of inter-agency placements.”

(Practitioner survey)

33. The data available from the Register is incomplete, with only around 400 of the 3,000 children waiting. Several practitioners highlighted the need for complete data:

“I think all agencies should place children on the Register mainly for national stat purposes so that a clear record can be kept.”

“I think there need to be a central record of the children and families available nationally, that is why I support retaining the compulsory use of the adoption register.”

(Practitioner survey)

34. We believe that agencies should have the freedom, in law, to use whichever family-finding tools they feel are most appropriate. In many cases, for children who are not difficult to place, a local or regional search in the first instance may be more appropriate. Services such as Adoption Link provide this degree of control while allowing a search to be quickly widened at any point, reducing delay. This is one of the reasons why it has become a preferred tool both for individual agencies, and for regional consortia that wish to work together as closely as possible.

35. At the same time we believe that Government should retain a statutory way to ensure that the best is being done for the hardest to place children, as well as having a detailed, accurate set of data on the children and adopters who are waiting. Currently this data is difficult to collect, and is only as accurate as the periodic data collection process allows. An example of how valuable data could be made available can be found on the Adoption Link website, which presents a detailed picture of the children, and adopters, currently on the system. This can be broken down into regions, and expanded to show detail of, for example, adopters' criteria and children's needs. (1, Adoption Link performance data)

36. We propose that whenever an agency decides that a child or sibling group should be placed for adoption, it should lodge basic statistical information with the Register, such as age and ethnicity. The agency would be given, in turn, a reference code that would be required on all future documentation, such as court papers, and referrals to family-finding services. In this way, it would be possible to cross-reference every child's current situation without sharing, or storing, identifying information.

37. Where a child or sibling group has been waiting for a long time, the Register would be aware in every case and would be able to follow-up with the Local Authority involved, and examine the reasons for the lack of progress. As well as monitoring and reporting, the Register could assist agencies in making the best choices for a child, including exploring other placement schemes and permanence options.

38. REFERENCES

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June 2015

Written evidence submitted by the NSPCC (EAB 03)

EXECUTIVE SUMMARY

1. Revelations about Jimmy Savile and recent headlines about the Goddard Inquiry have brought historical child abuse to the forefront of the public consciousness. But it's also vital that we do not forget children who are suffering now.

2. Children entering care have frequently experienced abuse or neglect. It is therefore unsurprising that they have significantly higher rates of mental health disorders. **Around 45% of children in care have a mental health disorder, compared with 10% of the general child population.**

3. The NSPCC welcomes the Government's intentions around adoption via the Bill. However, adoption is one of numerous possible permanent solutions for children in care. What is more important is ensuring that all children in care receive the right support to help them overcome issues of mental ill health, improve their life chances through better educational achievements, and ultimately become happier children.

4. Currently the mental health needs of children in care frequently go unassessed and unsupported. We urge the Government to include measures in the Education and Adoption Bill to improve the emotional wellbeing of all children in care, not just those who are adopted.

5. All children entering care should receive an automatic specialist assessment focussed on mental health, immediately followed by any necessary support to help them deal with issues of mental ill health identified in the assessment.

6. As well as a clear moral case for action, there is a compelling economic argument as there are significant associated cost-savings.

7. We would be happy to give oral evidence to the Committee should that be helpful.

SOLUTIONS OF PERMANENCE FOR CHILDREN IN CARE

8. The NSPCC welcomes the Government's intentions around adoption. Adoption can provide children in care with a loving, stable placement that improves their outcomes later in life and their emotional wellbeing. However, in order to attain those outcomes for children in care the necessary mental health support must be available.

9. Before the Queen's Speech the Minister of State for Children and Families stated that "more than 3,000 children remain waiting to be matched with their new parents, with more than half having spent 18 months in care despite there being adopters readily available".⁵

10. The Department's own data though, as of 31 March 2014, showed that there were over 68,000 children being looked-after in England. Out of all placements during the year ending 31 March 2014, only 6% were for adoption, whereas 57% were foster placements.⁶

11. Adoption is not the only solution for children in care. We believe it is crucial that the scope of the Bill is widened to provide support for all children in care.

MENTAL HEALTH OF CHILDREN IN CARE

12. Children in care have frequently experienced abuse or neglect. For 62% of children, or 42,460, who were in care in England in 2013/14, the primary reason was because they had suffered abuse or neglect.⁷ In other categories though, such as absent parenting or family dysfunction, the child may also have suffered abuse or neglect but it might not have been categorised as the primary reason. Overall, the vast majority of children who enter care have experienced abuse or neglect.

13. It is therefore unsurprising that children in care have significantly higher rates of emotional and behavioural disorders and difficulties than their counterparts in the general child population. **Around 45% of children in care in Great Britain are clinically rated as having a diagnosable mental health disorder, compared with 10% of the general child population aged 5-15 years.**⁸

14. Although not all children in care are destined to have or develop a mental health disorder or difficulty, and not all children who are abused suffer the same consequences, children and young people in care are likely to have lived with trauma and difficulties over and above those experienced by their peers. A sizeable proportion of children enter the care system with pre-existing emotional and behavioural difficulties.

⁵ Timpson, Edward (2014) *New measures to end delay for children awaiting adoption*, available at <https://www.gov.uk/government/news/new-measures-to-end-delay-for-children-awaiting-adoption>

⁶ Department for Education (2014), Table B4 in "Children looked-after in England, including adoption", *National tables: SFR36/2014*, available at <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption--2>

⁷ *Ibid.*, (2014) Table A1

⁸ Green, H., McGinnity, A., Meltzer, H., Ford, T., & Goodman, R. (2005) *Mental health of children and young people in Great Britain, 2004. A survey by the Office for National Statistics*. London: Palgrave

LACK OF MENTAL HEALTH ASSESSMENTS AND SUPPORT FOR CHILDREN IN CARE

Failure to assess

15. Despite the significant prevalence of mental health issues among children in care, these needs frequently remain unassessed and subsequently unidentified.

16. Children entering care undergo a health assessment and review. This is normally conducted around 20 days after entering care by a paediatrician or GP. It is usually not someone with specialist expertise concerning looked-after children. Emotional wellbeing should be part of that assessment but our research has found that this is not strong enough and focuses on physical health, contrary to existing guidance. Inspections by the Care Quality Commission also found that in many local authorities, wellbeing and mental health are often neglected.

17. Since 2008, local authorities in England have been required to ensure all children in care between the ages of 4 and 16 inclusive, and who have been in care for at least twelve months, have a screening test to measure their emotional and behavioural health, using Strengths and Difficulties Questionnaire (SDQ) scores from parents or carers. The SDQ is a brief behavioural screening questionnaire that can examine emotional symptoms, peer relationship problems, hyperactivity/inattention, conduct problems, and prosocial behaviour. We do not propose abolishing the SDQ, but there are several reasons why this does not achieve the same benefits as a specialist mental health assessment:

- It often does not happen until children have been in care for at least twelve months, meaning mental health needs go unidentified when children enter care.
- The data is analysed on a macro level, meaning children's individual needs are not sufficiently considered.
- The data is analysed by looking at average scores across local authorities. By failing to assess year on year within local authorities it is impossible to see if improvement has actually taken place.
- Research suggests the SDQ is less good at identifying emotional problems.⁹
- The completion rate of SDQs in English local authorities also varies substantially. In 2014, a quarter of local authorities had a completion rate of 90 per cent or above, while 8 per cent of local authorities had a completion rate of 30 per cent or lower.¹⁰

LACK OF SUPPORT

18. The mental health needs of looked-after children frequently remain unmet, which puts them at risk of further harm. The shortage of therapeutic services for children in care is well documented, and something that children in care, foster carers, and social workers have specifically articulated as an issue.¹¹ **One study found that 49% of children in care with a mental health problem were not receiving or accessing a service from CAMHS.**¹²

19. However, it is not just that services do not have sufficient capacity. Children in care often struggle to access mental health support due to:

- A failure to make appropriate referrals, whether due to workload pressure or the expectation that the referral will not be accepted.
- Inappropriate restrictive eligibility criteria for services mean referrals are often turned down, e.g. CAMHS refuses to provide a service to a child not in a stable placement.
- There is a lack of services for children who do not meet the CAMHS threshold.
- Young people only receive support when they are at the point of crisis.
- Long waiting lists for specialist services.
- Long delays for young people who are placed out of area while health services negotiate the cost of their mental health assessment and treatment.
- Support services are not accessible and fail to engage children and young people.
- The majority of CAMHS models lack statutory resources.

CASE STUDY

One young adult, Liza*, told the NSPCC that before turning 16 she had around 15 placements. Liza experienced some form of CAMHS about five times when she was 14 but it wasn't successful. She had to travel from an out of area placement where she lived, back to her local authority after school, which was extremely tiring.

⁹ Goodman R., Ford T., Gatward R., and Meltzer H. (2000) Using the Strengths and Difficulties Questionnaire (SDQ) to screen for child psychiatric disorders in a community sample. *The British Journal of Psychiatry*, 177, pp.534–539

¹⁰ "Outcomes for children looked-after by local authorities", SFR49/14, Local tables, Table LA7 "Emotional and behavioural health of children looked-after continuously for 12 months at 31 March for whom a Strengths and Difficulties Questionnaire (SDQ) was completed, by Local Authority".

¹¹ Bonfield, S., Collins, S., Guishard-Pine, J. & Langdon, P. (2010) "Help-seeking by foster-carers for their 'looked-after' children: the role of mental health literacy and treatment attitudes", *British Journal of Social Work*, 40(5):1335-1352

¹² *Ibid.*, (2010)

Liza believes she would really have benefited from more stable placements and easier access to therapeutic services which would not require her traveling long distances.

*Names have been changed to protect identity.

DEFICIENCIES OF RECENT MEASURES

20. We welcome measures in recent years to address the lack of mental health support for some children in care, but they have not gone far enough.

21. In September 2013, the Adoption Support Fund was introduced to provide new funding worth £19.3 million to help children recover from their previous experiences, bond with their adoptive families and settle into their new lives. However, the Fund can only be used to pay for therapeutic services that can benefit children in care under adoption.

22. In June 2015, £4.5 million in new funding was provided for regional adoption agencies to help place children to be adopted, which was intended to end delays for children awaiting adoption. But as already stated, in the most recent year that data is available, only 6% of placements in England were for adoption compared to 57% that were foster placements.

23. With the right support, children in care can overcome issues of mental ill health, improve their life chances through better educational achievements, and ultimately become happier, more content children who can move beyond the traumas that might have caused them to go into care in the first place. We urge the Government to take immediate action to better support the mental health of all children in care. The Education and Adoption Bill is a clear opportunity that should not be squandered.

THE SOLUTION

24. In England:

- All children should receive an automatic specialist assessment focussed on mental health upon entering care.
- Children in care then have a right to receive any necessary support immediately to help them deal with issues of mental ill health identified in the assessment.
- There should be regular monitoring of children's mental health outcomes, which feeds into what support the child receives, to ensure that it contributes to the improved emotional wellbeing of the child.

25. Although the Bill is applicable to England and Wales, the draft Care Planning, Placement and Case Review (Wales) Regulations 2015 and the draft Code of Practice on the exercise of social services functions under Part 6 (looked-after and accommodated children) of the Social Services and Well-being (Wales) Act 2014 is the appropriate legislative vehicle to achieve this solution in Wales.

What could an assessment look like?

26. It is difficult to estimate an average mental health assessment both in format, because every child's needs will be different, and in cost because the average costs of a CAMHS or other type of assessment for a child in care are not available in the public domain. Based on consultation though with mental health services in various local authorities, we anticipate the following description of a mental health assessment would be suitable for the majority of children in care:

- 1 hour consultation with the child's social worker (and/or other members of the child's professional network).
- 1 hour reading previous reports about the child (e.g. core assessment).
- 1.5 hour(s) consultation with the foster carer and/or the child or young person.
- 2 hours report writing.

What does support look like?

27. It would be wrong to prescriptively outline what therapeutic support should look like. Children in care with mental health disorders will present with individual symptoms that require tailored support. There are lots of types of services that might improve young people's wellbeing and mental health. A local authority could employ two trained counsellors and offer a counselling service, or they could employ a team of therapeutic social workers, or the best solutions might lie in CAMHS.

28. We are not simply calling for more CAMHS though. Children in care should have a right to the necessary mental health support, which is why the legislative framework needs to be strengthened. The system must be improved with effective, evidence-based mental health treatment for looked-after children to provide the right kinds of services, not just more CAMHS. We want commissioners to be more open-minded and creative about what local mental health support is provided. If there are evidence-based and accessible services that are effective, it does not matter who provides them.

29. Spending must be balanced towards early intervention rather than crisis intervention. Early support for looked-after children and their carers is likely to be more cost-effective, as well as preventing the distress caused to children by placement breakdown.

30. It is critical that local commissioners provide a spectrum of integrated services and support that meet the needs of looked-after children and young people in their area. The Government's recent "Future in Mind" report called for "A step change in how care is delivered, moving away from a system defined in terms of the services organisations provide (the 'tiered' model) towards one built around the needs of children, young people and their families."¹³

31. An early intervention approach to promoting the emotional wellbeing of looked-after children will require effective joint commissioning arrangements between health, social care and education to design integrated services for looked-after children, their carers and birth families.

BENEFITS OF PROVIDING SUPPORT

32. To estimate the costs of providing a mental health assessment and support to children in care, we rely on the "Unit Costs of Health & Social Care 2014" report, and research by the University of Loughborough. The former is compiled by the Personal Social Services Research Unit at the University of Kent and commissioned and funded by the Department of Health and Education, with the intention of providing authoritative cost information about health and social care services. The latter was commissioned for an NSPCC report on "Achieving emotional wellbeing for looked-after children" to be published on 6 July 2015. If helpful, the NSPCC can provide more detailed cost breakdowns.

Cost of assessment

33. Based on the assessment described in paragraph 26, we estimate the cost of assessment per child at £480.50.

34. The annual cost of providing mental health assessments for all children entering care in England is £14,621,615.

Cost of support

35. In 2013-14 in England 17,348 children were in care, had a diagnosable mental health disorder, and were not receiving support.¹⁴ The cost of providing mental health support to children in care not already receiving it is £67,865,376.

36. Therefore the total estimated cost in England of providing mental health assessments to all children entering care, and support to those children with mental health disorders not already receiving it, would be £82,486,991.

Saving by providing support

37. We appreciate this could be perceived as unrealistic in times of reduced government spending. However, as well as the moral argument already set out, there is a clear cost-saving argument.

38. The 2010 Demos report "In Loco Parentis" provides forecast calculations of the later life costs of young person "A" who had a stable experience of care and left with good mental health and good qualifications, and young person "B" who had ten separate placements and left care with mental health problems and no qualifications.¹⁵

39. The report calculates the cost to the state of each of these young people between ages 16 and 30, estimating that:

- Young person "A" may cost the state £20,119.10 by age 30 if she went on to university and secured a graduate job.
- Young person "B" may cost the state £111,923.99 by age 30 if she experienced unemployment, underemployment and mental health problems.

40. Young people who are poorly supported in care continue to be at risk of poor outcomes throughout the rest of their life and increased costs to the state may also continue throughout that young person's adult life. Using 2013-14 as an example, 30,430 children entered care. Between the ages of 16 and 30, if the state overspent by £91,804.89 on each child due to placement issues and the child leaving care with mental health problems and no qualifications, there is an unnecessary cost to the state of £2,793,622,802.70 over the 14 years when those children are aged 16 to 30.

¹³ Department of Health and NHS England (2015), *Future in mind*, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414024/Childrens_Mental_Health.pdf p. 16

¹⁴ *Ibid.*, (2014) Table A1; Meltzer, H., Gatward, R., Corbin, T., Goodman, R., & Ford, T. (2003). *The mental health of young people looked-after by local authorities in England*. London: The Stationary Office.

¹⁵ Bazalgette, Louise, Hannon, Celia, and Wood, Claudia (2010) *To deliver the best for looked-after children, the state must be a confident parent...* Demos: London, available at http://www.demos.co.uk/files/In_Loco_Parentis_-_web.pdf?1277484312

CONCLUSION

41. There is a clear moral and economic case for ensuring all children in care receive the necessary mental health support to enable them to rebuild their lives. The NSPCC urges the Government to widen the scope of the Bill to consider solutions beyond adoption to improve the emotional wellbeing of children in care.

ABOUT THE NSPCC

The NSPCC fights to end child abuse in the UK by helping children who have been abused to rebuild their lives, protecting children at risk, and finding the best ways of preventing child abuse from happening. We achieve this through a combination of service provision, campaigning and public education.

June 2015

Written evidence submitted by Acorn Care and Education (EAB 04)

EXECUTIVE SUMMARY

1. Established in 2005, Acorn Care and Education is the UK's leading provider of education and care for the most vulnerable and hardest to place young people. Our submission relates to the proposed changes to legislation on academies, set out in the Education and Adoption Bill.

2. Acorn welcomes the government's continued support for the academies programme and the recognition of the benefits that a high quality sponsor can bring to a failing school.

3. Acorn sponsors an Alternative Provision (AP) Multi Academy Trust (MAT), comprising of six regional AP Academies and a medical AP Academy, in Cornwall and, recently, Stone Lodge Academy in Ipswich whose pupils have moderate learning difficulties.

4. Acorn believes that high quality academy sponsorship can enable schools to make real improvements. However, it is essential that only organisations with relevant expertise are able to take on academy sponsorship and that this only occurs when this would be the most appropriate option for the school concerned. This is particularly key for schools that provide education for pupils with special educational and complex needs.

5. Acorn has demonstrated significant success in driving improvements at the academies we sponsor. As such we hope that our experience will serve as a useful example to inform the Committee's consideration of the measures in the Bill, ultimately to ensure that they will bring about the best possible outcomes for all pupils.

6. We would be delighted to present further evidence to the Committee on this aspect of the Bill.

BACKGROUND ON ACORN CARE AND EDUCATION

7. Established in 2005, Acorn Care and Education is the UK's leading provider of education and care for the most vulnerable and hardest to place young people.

8. Our specialist professionals provide the highest standard of education and care for over 2,400 children and young people with challenging and complex learning difficulties, in well-resourced schools and high quality fostering or residential settings.

9. We run 16 successful specialist schools as well as one of the biggest fostering networks in the UK, employing over 200 social workers and 100 teachers, and are committed to achieving excellent long-term outcomes for children at the best possible value.

10. In addition Acorn is completing the second full academic year of sponsoring an Alternative Provision (AP) Multi Academy Trust (MAT) in Cornwall. We have also recently undertaken the sponsorship of Stone Lodge Academy (formerly Beacon Hill School) in Ipswich, having been asked to take on its sponsorship after it was put into special measures.

11. We do not support our sponsorship by top-slicing any of the academies' funding, nor do we generate any profit from our sponsorship. Instead we focus on setting up the right governance structure for the academies, improving the academies' leadership and providing support to drive necessary improvements. We also ensure that funding is used to ensure the best possible outcomes for the pupils at the schools.

12. Acorn is continuously looking for innovative ways to drive up standards in the delivery of our services. Through working closely with local authorities, our third sector partners, parents and children, we are better able to identify need and develop unique models of care and provision where there are gaps.

ACORN'S ACADEMY SPONSORSHIP

13. Acorn's evidence submission relates to the proposed changes to academies legislation, in particular in relation to the identity of academy sponsors. We very much welcome the government's continued support for the academies programme and the recognition of the benefits that a high quality sponsor can bring to a failing school.

14. Acorn believes that high quality sponsors can bring about real improvements to schools that are struggling to provide appropriate education and support for their pupils. This is especially important for schools that provide education for children and young people with special educational and complex needs. As such it is essential that, where a school is subject to an Academy order, an identified sponsor must be relevant, with evident quality of service, and able to drive the improvements necessary to meet the needs of the individual pupils at the school.

15. Acorn has demonstrated significant success in this area and as such we hope that our experience in sponsoring academies and delivering improvements will serve as a useful example to inform the Committee's consideration of the measures in the Bill.

16. Acorn is in the second full academic year of sponsoring an Alternative Provision (AP) Multi Academy Trust (MAT) in Cornwall. Acorn Academy Cornwall is an Alternative Provision (AP) MAT that is comprised of six regional AP Academies and the Community and Hospital Education Service (CHES), a medical AP Academy.

17. The CHES provides education for pupils who are unable to attend school due to medical reasons. This ensures that children and young people with health needs that impede their attendance at school have access to high quality educational opportunities, with the expectation that they will return to school as soon as possible. Pupils educated through CHES receive their education through a combination of individual teaching and online learning, based on an individual timetable which is tailored to their medical needs.

18. The six AP Academies (APAs) provide education for mainstream pupils who have been permanently excluded or are at risk of permanent exclusion or on an intervention basis. They provide tailored support for pupils with complex needs and, where possible, help them to reintegrate into mainstream or special schools or, if in the last four terms of Key Stage 4 (KS4), integration into the world of work or further education. Pupils from Key Stages 1 to 4 are educated by the multi-academy trust.

19. We have used our expertise in providing care and education for young people with complex needs to re-engage pupils at the schools with their learning through early intervention and the development of personalised learning programmes. These programmes are developed based on the specific needs of each pupil and are linked to the national curriculum and, at KS4, linked to both academic qualifications and vocational education, depending on the best route for the individual pupil.

20. Acorn undertook sponsorship of the MAT to help drive improvements, share expertise and provide central oversight of the schools in order to drive up standards and outcomes for their pupils. A key area of focus is improvement in governance in all its aspects.

21. Acorn established a Board for the MAT and a series of Board Sub-Committees to ensure that adequate decisions and regular monitoring of all aspects of performance are in place. The Board is chaired by an independent Chair who has relevant experience from the public sector. Focus has been placed on developing an effective Board by including representation from the referring schools, local charities and council employees.

22. The MAT Board has supported the executive team in making key decisions, including the relocation of one of the AP Academies to new, more suitable premises and investing in management information systems.

23. In addition, efficiency gains through more effective procurement post-conversion, have been achieved, enabling more of the MAT's funding to be deployed in delivering its core educational purpose.

24. Since Acorn undertook sponsorship, two academies have been rated Outstanding in All Areas by Ofsted (one moving from Good, the other a first inspection) and two have been rated Good (one moving from Adequate).

25. Acorn has also recently undertaken the sponsorship of Stone Lodge Academy (formerly Beacon Hill School) in Ipswich, having been asked to do so after the school was put into special measures. We plan to use our experience in driving improvements at the academies in Cornwall to support Stone Lodge in the development of its own improvement programme, ultimately to ensure positive outcomes for the school's pupils, all of whom have complex social, emotional and communication difficulties.

26. We believe that our work with the MAT in Cornwall, and our plans for Stone Lodge, demonstrate the positive outcomes that can be achieved through the introduction of new skills, governance and methodologies and the investment of time by an effective sponsor that understands the specific needs of the school's pupils. This is particularly important for schools that provide specialist education and support to pupils with complex needs; it is essential that an academy sponsor for those schools has the requisite expertise to offer the most appropriate support for the pupils, to drive improvements and ensure that the best possible outcomes for each pupil are achieved.

June 2015

ANNEX A: LIST OF ACORN ACADEMIES

- *Acorn Academy Cornwall*—converted to Academy in June 2013;
- North Cornwall APA, Delabole—rated Good in April 2015;

- Nine Maidens APA, Redruth—rated Good in October 2012;
 - Restormel APA, St Austell—rated Good in January 2013;
 - Caradon APA, Liskeard—rated Good in September 2012;
 - Glynn House APA, Truro—rated Good in April 2015;
 - Penwith APA, Penzance—rated Outstanding in May 2015; and
 - The Community and Hospital Education Service (CHES), Camborne—rated Outstanding in May 2015.
- Stone Lodge Academy, Ipswich.

Written Evidence submitted by the Catholic Education Service (CES) (EAB 05)

EXECUTIVE SUMMARY

- The evidence is being submitted by the Catholic Education Service (CES) on behalf of the 20 Catholic dioceses across England and the Catholic Bishops' Conference of England and Wales.
- The CES broadly welcomes the Bill and its aim to raise standards in education however we do not support sponsored academies as the only solution to inadequate schools.
- We believe it is essential that consultation is undertaken with the appropriate diocese and school trustees before determining any action to tackle coasting or inadequate schools.
- We welcome the provision in the Bill for the appropriate consultation of school trustees and diocese when identifying an academy sponsor.

INTRODUCTION

1. The CES represents 2156 Voluntary Aided, Academy and Independent schools in England on national education policies. Of the 2024 maintained Catholic schools in England, 386 are academies. These are often found as part of multi-academy trusts. Catholic schools on average outperform other schools at both GCSE and in Ofsted Inspections.

2. There are 20 Catholic dioceses in England, each led by a diocesan Bishop, who is responsible for ensuring that Catholic schools are conducted in accordance with Catholic Canon Law. The Diocese is a long-term strategic partner with the State in the provision of schools, and the Bishop's recognition in numerous Education Acts as the 'appropriate diocesan authority' for all Catholic schools illustrates this. In each diocese the Bishop appoints a Diocesan Schools' Commissioner to lead the team that supports Catholic schools. Catholic schools are run in accordance with their trust deed. The trust deeds states the legal duties of the dioceses and schools' trustees to preserve the Catholic character of the school. This reflects the Church ownership of the school land and buildings.

3. Given the Church's investment and historic stake in Catholic schools, dioceses and school trustees have the expertise and the mandate to make informed decisions regarding standards in Catholic schools.

SECTIONS 2, 4, 5 & 6—IMPORTANCE OF CONSULTATION RELATING TO INTERVENTION POWERS

4. The Bill grants greater powers of intervention to the Secretary of State in a range of circumstances. The intention is that these powers, and existing rarely used powers of the Secretary of State, will become routinely used by the new Regional Schools Commissioners (RSCs).

5. These powers lack the safeguards associated with similar powers used by local authorities, but may well become as widely used by the RSCs.

6. We are concerned that the powers given to the new RSCs may cut across existing working practice. Local authorities and Department for Education officials who currently make decisions about school support understand the dioceses' legal duties to preserve and develop the Catholic character of their school.

7. In particular we are concerned about new powers granted to RSCs under Section 5 of the Bill. Usually an IEB is put in place following discussion between the local authority and the diocese, with carefully considered agreements as to its operation, including in relation to its members. To do this the diocese and local authority agree a memorandum of understanding (see Appendix 1.) This enables the school to continue to comply with its trust deed through a Church appointed majority on the IEB. Our concern is that an RSC would unintentionally cut across this established arrangement.

8. Therefore, it is important that the Bill, and associated regulations and guidance, explicitly recognise the legal duties that dioceses and schools' trustees have to preserve the Catholic character of the school.

SECTION 7—DUTY TO MAKE AN ACADEMY ORDER

9. In the case of an inadequate school the Secretary of State must make an Academy order (Section 7). We are concerned that the Secretary of State is removing her discretion to consider alternative options that might be more appropriate for local circumstances.

10. We agree that in many situations academy conversion with a sponsor or as part of a multi-academy trust can be effective to support a school to raise educational standards. However, in some circumstance there may be other solutions that are more educationally effective.

11. Sometimes, it will be inappropriate or practically challenging for an inadequate school to become an academy. For example, a very small school in a rural setting may struggle to find a sponsor or multi academy trust to support it.

12. There are many examples where the diocese has drawn on its expertise to successfully raise standards in a Catholic school using interventions other than an academy conversion. St Joseph's Catholic Primary School in Crayford was given an overall grade 4 with Special measures following its Ofsted inspection in May 2012. As an alternative to forced academy conversion, the Archdiocese of Southwark brokered a support programme led by the Headteacher of St Catherine's Catholic Secondary School in Crayford. The Headteacher used expertise in a number of Catholic schools in Bexley to improve the school and in June 2013 the school received an overall grade 2 from Ofsted. The support programme was so successful that all Catholic schools in Bexley (7 primary schools, 2 secondary schools and 1 sixth form college) formed the Corpus Christi Partnership which is a school improvement and support board where all schools are committed to collaborative working and supporting schools in areas where support is needed.

13. Any decisions regarding academy conversion should be arrived at following a full and proper consultation with the trustees and diocese for all Church schools. The consultation should take place before any decision to make the Academy order.

SECTION 9—CONSULTATION ABOUT ACADEMY SPONSORS

14. We welcome the provision on the face of the Bill that the Secretary of State must consult with the trustees of the school and the appropriate religious body, which in the case of Catholic schools is always the local diocese.

15. By consulting with the relevant diocese, there is a guarantee that the sponsor will not contradict the school or academy's trust deeds and utilises the experience and expertise of the diocese.

16. One such example is in the Diocese of Hallam. The diocese has set up the Hallam Schools Partnership Academy Trust, known locally as the "Safe Haven Trust", to sponsor inadequate Catholic schools. When a school is found to be inadequate by Ofsted or identified as high risk by the diocese, it is taken into the Safe Haven Trust. The Safe Haven Trust holds regular meetings, brokers support and monitors the academies to raise standards. Once the academy has reached the required standards, it then leaves the trust, creating space for other schools which require support. The success of the Safe Haven Trust can be attributed to the strong support and attention provided by the diocese.

17. The Safe Haven Trust has successfully raised standards in two schools in the past two year. Both schools were judged as requiring special measures by Ofsted in 2013. These schools became academies and were incorporated into the Safe Haven Trust. The diocese, through the Safe Haven Trust, helped drive significant improvement in both of the schools, making changes to the leadership and governance. Both schools were judged to be 'good' in their first inspection as an academy.

APPENDIX 1

CATHOLIC EDUCATION SERVICE

Model Agreement with a Local Authority in respect of an IEB in a Catholic School

Diocese of [.....] and

[..... Local Authority]

Memorandum of Understanding relating to the proposed establishment of an Interim Executive Board at a Catholic School

..... Catholic School

Preamble

[..... Local Authority] has made formal proposals to exercise its powers under section [65 of the Education and Inspections Act 2006]*, subject to the approval of the Secretary of State, to provide for the governing body of [..... Catholic School] to consist of Interim Executive Members under Schedule [6]* of that Act.

[..... Catholic School] was founded by and is part of the Catholic Church. It is a Catholic School in accordance with canon 803 of the Code of Canon Law, recognised by and subject to the jurisdiction of the [Bishop of]. [..... Catholic School] is in the trusteeship of the [Diocese of] and maintained by the [..... Local Authority].

Agreement

This Memorandum of Understanding records formally the commitment of the [Diocese of] and [..... Local Authority] to safeguard the Catholic character of the School.

Accordingly, in the event of an Interim Executive Board being established, it is agreed that:

1. the terms of appointment of all Interim Executive Members are to include terms that the Members are to secure that:
 - a. the Catholic character of the school is preserved and developed, and
 - b. the school is conducted in accordance with the school’s instrument of government (except in relation to the composition of the governing body) and the school’s trust deed;
2. initially and at any time during the existence of an Interim Executive Board the majority of Interim Executive Members and any person nominated to be Chairman thereof are to be appointed from among those persons nominated by the [Bishop of];
3. if a shadow governing body is at any time appointed for the school, all shadow foundation governors are to be appointed from among those persons nominated by the [Bishop of].

Dated [.....]

.....
 [Director of Education]
 on behalf of the
 [..... Local Authority]

.....
 [Director of Education]
 on behalf of the
 [Diocese of]

*in Wales: [14 of the School Standards and Organisation (Wales) Act 2013] and [1] respectively.

Written evidence submitted by the Bishop of Ely, Chair of the National Society Council and Lead Bishop on Education in the House of Lords. (EAB06)

SUMMARY

- This submission is made by the Bishop of Ely, Chair of the National Society Council which speaks on behalf of the Church of England’s education function nationally.
- The Church of England supports and welcomes the Bill’s aim of raising standards in schools but does not believe that sponsored academies provide the only solution where schools are failing.
- We are concerned that there should be full consultation with Dioceses and school trustees before decisions are taken on interventions in coasting or inadequate schools.
- The Church urges that the new legislation as well as any associated guidance and regulations recognise and support the protection of the religious character and ethos of Church schools.

EDUCATION AND ADOPTION BILL

Consultation on use of intervention powers

1. The Church of England urges that Parliament, in considering the Bill, notes the church’s role, commitment and track record, and ensures that the legislation, any supporting regulations and guidance **explicitly recognises the importance of Diocesan families of church schools and the legal duty of Dioceses and school trustees to protect and develop the religious character of those schools.**

2. We welcome the requirement to consult with Dioceses and school trustees on the identity of any sponsor but would wish to see **clear statutory guidance that ensures that Dioceses and school trustees can fulfil their legal duties around religious character.**

3. We would also urge that the new powers for the Secretary of State to establish Interim Executive Boards should **take into account the religious character of any church school.**

Duty to make an Academy order

4. The Church of England’s Education Office has reviewed the provisions of the Bill and understands that the Secretary of State is committed to raising standards as quickly as possible in all schools. It notes however that the Bill removes her discretion to decide that there may be a solution to improve a school rated 4 by Ofsted, other than issuing an Academy order. **We believe that academy conversion may not always be the best solution in the light of local circumstances.**

5. Many of the church’s schools are very small (fewer than 100 on roll). While local circumstances may require that the school continues in existence, it may be difficult for that school to operate within a corporate model (even within a group of schools) with the attendant risks of insolvency. In these situations we suggest that **joining a federation of maintained schools** (ie schools that are not academies) may be a more financially viable solution and still lead to the necessary improvement in standards. Many examples of where such a route has been successful can be found in the Diocese of Norwich, which has a lot of very small rural schools. The Trinity Federation has four small schools, three were previously ‘Requires Improvement’ or borderline ‘Special Measures’. Those schools are now rated ‘Good’ and the other school, which was rated ‘Good’, is now ‘Outstanding’. This rating was given partly because of what it was contributing to the federation as well as what it was receiving from it.

6. The provisions of Clause 4 introduce a new power for the Secretary of State to require schools to enter into arrangements including contractual arrangements for advice and federations with other schools. Thus it would be possible for her to use this power to achieve the result referred to in the previous paragraph if she **retained the discretion not to make an academy order** in respect of schools rated 4 by Ofsted.

The Church of England’s involvement in education

7. The Church of England has a strong network of schools. There are 4,700 schools distributed across the country (around 25% of all schools educating 20% of children). Of these 4,500 are primary schools and 200 are secondary. A little over 500 are now academies.

8. On the basis of the statistics currently available 75% of Church of England secondary schools are rated ‘Good’ or ‘Outstanding’ by Ofsted. That is 4% higher than the national average for non-Church of England schools. And 84% of Church of England primary schools are rated ‘Good’ or ‘Outstanding’ by Ofsted, which is 3% higher than the national average for non-Church of England schools.

9. The Church of England is organised into Dioceses, each under the care of a Diocesan Bishop. Each Diocese also has a Diocesan Board of Education (also under the care and oversight of the Diocesan Bishop) and a Diocesan Director of Education who take responsibility for the church schools in the Dioceses. There are 40 such boards.

10. The church has worked constructively as a partner of the state since the state began to establish its own schools and that cooperation continues to be evident. Where schools wish to convert to academy status this will generally be supported (subject to conditions around the preservation of the religious character of the school)

and where an academy solution seems the best way to improve standards in a school, the church works with the Department for Education to identify a way forward that will protect the ethos of the school as well as securing an improvement in the standard of education.

The Church of England's involvement in the academy programme

11. The Academies Act 2010 made clear the government's requirement that all schools should ensure that children are receiving a good education and the church has responded to this by monitoring the effectiveness of its schools and taking active steps to improve that effectiveness. This has been supported both by grant funding from the Department for Education (the Sponsor Capacity Grant) and by the commitment of additional funds by the church locally to enable the initial development of local capacity to support its schools. Indeed the monitoring and support of school effectiveness was something that certain Dioceses (eg London and Southwark) were already engaged in prior to 2010. While the formal intervention powers rest with Local Authorities and the Secretary of State, Dioceses work with both parties to support improvement in their schools where intervention is required.

12. The church schools in each Diocese are a key part of the church family in that area and while the church also engages with and supports non-church schools (often through the presence of parish priests on community school governing bodies and/or through regular pastoral support from the clergy) it is important that the coherence of that family is retained and the religious character of the schools maintained and developed. That religious character is not optional but a key element of the foundation of the school.

13. In most Dioceses there is a mix of voluntary aided (church majority on the governing body) and voluntary controlled schools (church minority on the governing body). Model documentation has been developed to permit mixed models of multi-academy trusts so that schools of different characters can be linked in groups to support each other. It is clearly the case however that any voluntary aided school should only form part of a grouping where there is a church majority at the highest level of governance. In a MAT this will mean at member ("shareholder") and director level. Similarly, there must be church representation at member and director level (albeit in a minority) for any MAT containing voluntary controlled schools.

14. Many Dioceses have established Diocesan-led multi-academy trusts to promote cooperation and support between their schools and to ensure the maintenance of the church character and ethos of those schools in a way that will survive changes of personnel into the future.

15. Diocesan Directors of Education and their teams seek to work constructively with the Regional Schools Commissioners to ensure the best education for the children in their care. Particular examples of how this can work well can be found firstly in the Diocese of Ely, where the Diocesan multi-academy trust currently contains 15 primary schools and is likely to be 20 strong by the end of the year. The MAT contains an almost equal mix of good schools and those that are less strong and the strength of the good schools is leveraged to support the others and transform performance. The policy of the Diocesan Board of Education in Ely is that any school that becomes an academy will only do so by joining the Diocesan MAT. In the Diocese of Bath and Wells the Diocesan Board of Education has a different model (also supported by the RSC) where schools are generally expected to join the Diocesan MAT, church school led MATs, or a church school federation.

16. The church is committed to continuing to play a significant role in education in this country based on the schools in its care and their continuing religious character. In order to do this it recognises that careful strategic planning is required to meet the challenge of the change in the way in which schools are organised, supported and funded. This ensures the management of change in a sustainable way. While the church also wishes to play its part as a good neighbour working with academies and schools other than church schools, its ability to plan strategically and therefore contribute constructively to children's education, would be undermined without continued cooperative working between RSCs and Diocesan Directors. This cooperative approach (as demonstrated so well in the Eastern Region and in the South West as mentioned above) means that the church can use the capacity of its family of schools to support each other in raising standards while properly preserving their religious character.

July 2015

Written evidence submitted by Professor Becky Francis (EAB 07)

Submission of written evidence on the Education & Adoption Bill, based on my notes for the Scrutiny Committee, 30.6.15

I want to begin by re-stating my support for the Bill's impetus to support struggling schools to improve, and especially to ensure that all schools are adequately supporting the educational experiences and outcomes of young people from disadvantaged backgrounds.

DEFINITION OF "COASTING SCHOOLS"

I am concerned that the indicator published on 29.6.15 floats free from Ofsted accountability and grades. This risks confusion for schools and parents, both in terms of the agendas on which schools are being held to

account, and in terms of outcomes (given it is currently possible that schools graded “Outstanding” might also be identified as “coasting”). Ofsted is seen as the chief authority by parents, and application of a different set of accountability measures also risks undermining Ofsted’s authority. If Ofsted’s own data-driven assessments are seen as flawed, these ought to be amended, rather than imposing separate accountability measures from a different source.

In terms of the shift represented by the newly published approach, it is worth noting that my report “(Un)Satisfactory” (RSA, 2011), which contributed to what was then termed the “coasting schools” policy agenda by demonstrating the unacceptable relationship between school quality and pupil disadvantage, based its analysis on Ofsted grades and reports. Analysis focused on those schools that had been ‘stuck’ at satisfactory for 2 Ofsted inspections or more (16% at the time), and had been rated Grade 3 or below for the judgement of “capacity to improve”.

SCHOOL IMPROVEMENT, AND SPONSORSHIP

It is quite right that struggling schools need to be supported to improve, rather than simply publicising their inadequacies (which often makes bad situations worse, given the impact on staffing and school rolls). However, there does need to be more than one method for securing improvement—especially as the advocated method (academy sponsorship) is not yet well-evidenced.

In fact, to say that academy sponsorship is not yet well-evidenced may not be quite right, as there is increasing evidence to show that the impact is patchy at best. The Education Select Committee Inquiry into Academies and Free Schools (2015) was clear the evidence is mixed. And stripping out qualification equivalencies, and GCSE retakes, appears to have had an especially detrimental impact on results for sponsor academies and chains. Work carried out with colleagues for the Sutton Trust (‘Chain Effects?’, Hutchings, Francis & deVries, 2014) showed a handful of chains achieving transformational improvement combined with relatively high attainment outcomes across a range of measures. However, it also showed a similar number performing very poorly. We are currently completing analysis of the 2013–14 outcomes, and will send the Committee a copy of the report on publication. However, our initial findings suggest that this trend has been extended in the intervening year, including some of those chains identified as having low results and no improvement falling back further in the intervening period. One way to explain the pattern is to say, rather than a typical pattern of reversion to the mean, academy chains seem to be showing increasing polarisation between the effective ones (which continue to improve for disadvantaged students) and the ineffective ones (which have got worse).

GOING FORWARD

Hence I suggest that struggling schools should be able to be supported by a range of suitable improvement agencies, including successful academy chains, maintained school federations, an outstanding local school partner where one exists, or even successful LA provision. The criteria should be quality, capacity, track record, and strategic vision, rather than provider type.

This expansion of potential improvement agencies might help the DfE/RSCs in expanding the pool of potential providers—this is especially significant, because the evidence suggests they need to raise bar on commissioning, and also begin removing schools from sponsors more systematically and transparently.

On commissioning, evidence to the Education Select Committee Inquiry from the DfE showed extraordinarily high rates of sponsor approval: only 25 out of 704 applications to become a sponsor had been declined (3.6%) as of November 2014. Perhaps it is unsurprising, then, that far from all are thriving. We need tighter, transparent criteria for commissioning sponsorship. I suggest that the criteria should be four-fold, as follows:

1. Quality (in terms of attainment, and offer to students)
2. Capacity
3. Strength of track record (against transparent criteria)
4. Clarity of strategic model and educational vision/strategy (including the governance model, school improvement strategy, regional coherence, envisaged rate of expansion etc).

Clearly for sponsors that are new and therefore unable to evidence track record, it would be especially important that the other elements are particularly robust and well scrutinised.

As greater numbers of sponsors enter the system, it will also be vital that the mechanisms to remove failing sponsors also become more robust and systematically-applied. Emerging evidence highlights the necessity of this to ensure school improvement, and evidently this will be especially vital if sponsorship is to be the main systemic vehicle for school improvement. As was argued by the Academies Commission (2013), the current seven Year contact (funding agreement) should be reduced to five years. Seven years is far too long for a school to remain in the hands of a sponsor that does not secure improvement. In the US, charters (contracts) are typically for three to five years, and evidence to the Education Select Committee Inquiry suggested that these tight contracts, coupled with rigorous assessment and non-renewal where necessary, are key to success.

Finally, we do of course have evidence of some sponsor chains with exceptionally strong success. The NAO concluded that DfE did not yet know why some academy chains are more successful than others (see

Education Select Committee Inquiry Report). It is imperative that steps are taken to ensure that we learn from the successful sponsors, and spread these lessons across the system.

July 2015

REFERENCES:

Academies Commission (2013) *Unleashing Greatness: How to get the best from an academised system*, London: RSA/Pearson Think Tank.

Education Select Committee (2015) *Academies and Free Schools: Fourth report of session 2014–15*, London: TSO.

Francis, B (2011) *Un/Satisfactory? Enhancing life chances by improving “satisfactory” schools*, London: The RSA, <http://www.thersa.org/about-us/media/press-releases/disadvantaged-pupils-stuck-in-unsatisfactory-schools,-says-rsa-report>

Hutchings, M, Francis, B & De Vries, R (2014) *Chain Effects? The impact of academy chains on low income students*, London: The Sutton Trust.

Written evidence submitted by the British Humanist Association (EAB 08)

ABOUT THE BRITISH HUMANIST ASSOCIATION

1. The British Humanist Association (BHA) is the national charity working on behalf of non-religious people who seek to live ethical and fulfilling lives on the basis of reason and humanity. It is the largest organisation in the UK campaigning for an end to religious privilege and to discrimination based on religion or belief, and for a secular state.

2. The BHA has a long history of contributing towards and improving state education. We provide materials and advice to parents, governors, students, teachers and academics. We also work closely with others on wider equalities issues in a range of forums. The BHA is a member of the National Children’s Bureau Sex Education Forum (SEF), the Children’s Rights Alliance for England (CRAE), Rights of the Child UK (ROCK) and the Religious Education Council for England and Wales.

SUMMARY OF RESPONSE

3. We are concerned that this Bill may affect a large increase in the number of “faith ethos” Academies in England, with or without local communities’ knowledge, input or support. We believe that the Bill should contain provision for parents or local communities to be consulted with about the identity of the academy sponsor and a full record of which schools have a “faith ethos” should be kept by the government and made readily available to the public.

4. Beyond that, we believe that powers currently afforded to “faith ethos” schools be removed and reserved only for academies formally designated or registered with a religious character. This would have the effect of removing the category of “faith ethos” schools altogether, bringing the academy system in line with the maintained sector.

“FAITH ETHOS” ACADEMIES

5. The BHA has had long-standing concerns regarding the status of “faith ethos” Academies and Free Schools. These are Academies and Free Schools that are not legally registered as having a religious character, but nonetheless are run by an organisation with a religious ethos. As such, they are entitled to exert control over some aspects of governance, employment and curriculum at the school on the basis of their religion.

6. In the maintained sector, a school that wishes to set their admissions arrangements, employ staff, appoint governors or set aspects of their curriculum on the basis of their religion, must be formally designated as having a religious character.ⁱ It is also the case that Academies and Free Schools, if they wish to have the fullest available control in these areas, must also be formally registered or designated.ⁱⁱ

7. However, as all Academies and Free Schools enjoy a large number of freedoms, faith groups that do not formally register their schools as having a religious character are still afforded significant control over the school. These “faith ethos” schools may religiously select all governors; use a religious genuine occupational requirement in appointing senior staff;ⁱⁱⁱ and also put a religious slant on some aspects of the curriculum, such as sex and relationships education (SRE).^{iv}

8. Importantly, an Academy can gain or lose a “faith ethos” at any time simply through a change in ownership or, in converting, by way of the trust that sponsors it having a religious character. There are two issues with this.

9. Firstly, the government does not record the “faith ethos” of academies. As of 2012, the government now records which Free School applications will have a “faith ethos”;^v but the same was not true prior to 2012 and is not true of academies that were formerly maintained schools.^{vi} It is unclear, therefore, whether the government

knows which schools are which on this score and it is certainly not known to the public. If a parent is to make informed choices about the schooling of their child, it seems only right that they should know whether a school has a particular religious character or not.

10. The second issue is that an Academy can gain a “faith ethos”, with all the powers that entails, without any discussion or consultation with the local community. There is a degree to which the Bill may be seen to address this problem by proposing to require consultation about the identity of the Academy sponsor (though not on the conversion itself) for schools that are “eligible for intervention”. As outlined in Section 9 of the Bill, this consultation must include trustees of the school and the person or persons by whom the foundation governors are appointed (and in the case of a school with a religious character, the appropriate religious body).

11. However, the Bill will not require consultation with the local community—that is, parents with children already at the school, those with children at feeder schools, those with children at other potentially affected schools in the area, etc. There is also no requirement to consult with teachers.

12. Whilst we recognise the Government’s desire to “streamline” the conversion process, we are concerned that limiting the requirements for consultation in this way fails to provide an adequate safeguard against a school acquiring a “faith ethos” against the wishes of parents and the wider local community.

13. By way of example, in 2011 Tudor Grange Academy, a secondary school without a religious character in Solihull, was approached by the Diocese of Birmingham to sponsor a failing Church of England primary school that was being forced by the Government to convert to an Academy. The Executive Principal of the secondary school, Jennifer Bexon-Smith (now the Regional Schools Commissioner for West Midlands), welcomed the approach and sought to enter a formal association with the Diocese. The affiliation agreement included commitments by the school to ‘seek to celebrate and acknowledge the importance of spirituality and faith to our school life’, and to ‘acknowledge the affiliation with the Diocesan Board of Education in material produced and published by the school’. To be clear, Tudor Grange is a school with no religious character and this affiliation was not consulted upon.

14. In 2013, Tudor Grange put forward plans to alter its admissions criteria in order to give priority to children attending two religiously selective Church of England Primary schools, one of which was the school it took over sponsorship of as outlined above. In effect, these changes proposed to make a school without a religious character religiously selective. Incidentally, it was revealed during this process that Mrs Bexon-Smith was also a trustee of the Diocese of Birmingham Educational Trust, whose objects include “establishing and maintaining Academies (primarily but not exclusively Church of England Academies) under the direction of the Diocesan Board of Education”.^{vii}

15. Regrettably, the provisions in this Bill do little to allay concerns about arrangements like this becoming prevalent. Section 10 of the Bill confers upon the governing body of the school (as well as the local authority) the duty to take all reasonable steps to facilitate conversion. In light of this duty, it seems fair to suggest that the governing body of the school will be predisposed towards support for entering into arrangements with sponsors who are either able to put themselves forward quickly or who have the existing structure to expedite the conversion process.

16. As you will be aware, the Church of England and the Catholic Church are, by some distance, the largest and oldest providers of schools aside from local authorities, and they thus tend to be in the strongest position to sponsor schools that have been ordered to convert. It does not seem unreasonable to suggest, therefore, that the provisions in this Bill may well lead to a significant increase in the number of schools with no religious character which, with no input (or even support) from the local area, convert to become “faith ethos” academies.

17. At a minimum, there should be clarity as to which schools have a “faith ethos”, presented in a coherent and easily accessible manner. Not simply so that parents can be fully informed about their local schools, but also so that the Department for Education has an accurate picture with which it can plan accordingly.

18. We also believe that the inclusion of a provision to require consultation with the local community would mitigate the possibility of ‘faith’ schools being located in communities that do not want them or to which they are not suited. Or, indeed, of children returning to their school after the holidays to find that it now possesses a distinct “faith ethos”.

19. Further, we believe the Bill represents an opportunity to remove the “faith ethos” category altogether, leaving only designated or registered religious schools as is the case in the maintained sector. To achieve this, we would recommend that the Government prevents providers/sponsors that are not designated or registered from using genuine occupation requirement in employment, appointing governors on faith grounds or being part of a religious academy chain.

REFERENCES

ⁱ For religious designation of maintained schools, section 5 of *The Religious Character of Schools (Designation Procedure) Regulations 1998*—<http://www.legislation.gov.uk/ukxi/1999/2432/made>

ⁱⁱ For religious designation of Academies and Free Schools see section 124B of the School Standards and Framework Act 1998 or (if the Academy is a converter faith school) see section 6(8) of the Academies Act 2010.

ⁱⁱⁱ In January 2012 Julian Huppert MP asked a parliamentary question to confirming this is possible; see the last paragraph of Schools Minister Nick Gibb’s answer at <http://www.theyworkforyou.com/wrans/?id=2012-01-23a.90376.h>

^{iv} Freedom of the curriculum depends on what the Department for Education are willing to agree to when negotiating a funding agreement. For RE and collective worship, the rules in the model funding agreement are the same as those for maintained schools, i.e. RE must be religiously neutral, and collective worship must be Christian. For PSHE and SRE, there is very little that is required, so schools can teach what they like. For other curriculum subjects, it depends upon what the government considers “broad and balanced”, and what Ofsted would be happy with when inspecting a school. The relatively recent requirement that Academy Trusts are precluded from ‘the teaching, as an evidence-based view or theory, of any view or theory that is contrary to established scientific and/or historical evidence and explanations’ is another limit.

^v As of 2012, the mainstream free school application form asked first, “Do you intend that your proposed school will be designated as having a religious character?” and then, “Do you intend your proposed school to have a faith ethos (but will not be designated as having a religious character)?” <http://media.education.gov.uk/assets/files/pdf/a/application%20form%20-%20mainstream.doc>

^{vi} In January 2012 the BHA submitted a Freedom of Information request to the Department for Education asking them if they knew which schools have a “faith ethos”, and if so, to list them. The department replied saying that they did not know. See <https://humanism.org.uk/2012/04/18/news-1022/>

^{vii} For full details, see “Non-religious Academy in Solihull decides to religiously select in admissions”: <https://humanism.org.uk/2013/04/15/non-religious-academy-in-solihull-decides-to-religiously-select-in-admissions/>

Written evidence submitted by PTA UK (EAB 09)

1. PTA UK

1.1. Established in 1956, PTA UK is the UK’s leading membership organisation for parent bodies/groups such as Parent Teacher Associations (PTAs) and Friends groups.

1.2. Representing the biggest network of PTA fundraisers in the UK, our vision is for every school to have the benefit of a successful and supportive PTA to enhance the educational experience and future opportunities for all our children.

1.3. Dedicated to the development and support of all PTAs nationwide, in the last year we’ve helped almost **14,000 member organisations** across the UK raise in excess of **£120 million** for their local school.

1.4. Our expert advisers provide members with support, advice and wide range of benefits and the latest innovations needed for running a successful parent group in local communities.

1.5. Working to directly enhance the education and futures of all our children, **we act as the voice for all PTAs and parents** on the issues that matter.

1.6. We know that **engaging parents helps children reach their potential** at school and drives up achievement, helping bridge the attainment gap and supports social justice but **parents currently seem absent from the education agenda**. PTA UK is passionate about getting to the heart of what really matters to parents and, through their PTA or related body, support them to **play a full role in their child’s school life and education to create better outcomes for all**.

1.7. As a national charity, we are the only member organisation for parent groups to **reinvest profits** in innovating services for parents and schools.

2. PARENTAL ENGAGEMENT IN EDUCATION

2.1. Research into the effect of parents on their children’s educational success is considerable and is only summarised here. In short, this states that **parents matter to their children’s education and is important for achieving social justice**.

2.2. Parents have **five times** more influence on achievement at age seven than school. This diminishes as children get older but parents still have more influence on achievement than school at age 11. Whilst school has much more influence at age 16, parents still have some influence.¹

2.3. Charles Desforgesⁱⁱ states that “parental involvement in the form of ‘at home good parenting’ has a **significant positive effect on children’s attainment** and adjustment even after all other factors shaping attainment have been taken out of the equation”.

2.4. However, this relationship isn’t just about what happens in the home, “Typically parents and caregivers are a child’s first and most interested teachers. This role does not cease to exist when children enter school; in fact, families play a critical role in the education of their children. Working with the school, parents and caregivers can help create **collaborative partnerships** that support all aspects of a child’s achievement at school”.ⁱⁱⁱ

2.5. Research conducted by the University of Warwick goes further, “**Parental engagement is a powerful lever for raising achievement** in schools. When parents and teachers work together to improve learning, the gains in achievement are significant”.^{iv} John Hattie reports that “the effect of parental engagement over a student’s school career is equivalent to adding two or three years to that student’s education”.^v

3. PARENTS WANT A SAY

3.1. PTA UK recently^{vi} commissioned YouGov to poll 1,000 English parents:

3.1.1. An emphatic **85%** told us they **wanted a say in how their child is educated**

3.1.2. **79%** want to **support** their child’s school.

3.2. PTA UK calls for **parents to be involved** in a timely way with any developments in a school. Parents should be able to have a say early on in any development, **to avoid conflict and misunderstanding** and to support them **to play a full role in their child’s school life and education to create better outcomes for all.**

4. CLAUSE 8 (2): CONSULTATION ON CONVERSION

4.1. The risk of this clause is that it undermines the home-school relationship at a time when this is needed to support change and may put the new school structure at a deficit. It signals to parents that their views aren’t to be considered and positions them as unimportant despite the prevailing research that confirms their engagement as important to their child’s education.

July 2015

REFERENCES

i Sacker et al (2002): Social inequality in educational achievement and psychological adjustment throughout childhood: magnitude and mechanisms. *Social Science and Medicine*, 55, 863-880

ii Desforges: *The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievements and Adjustment* (2003)

iii Larocque, Kleinman and Darling: *Parental Involvement: The Missing Link in School Achievement* (2011)

iv *Engaging Parents in Raising Achievement – Do Parents Know They Matter* (Harris & Goodall / University of Warwick / 2007)

v John Hattie, *Visible Learning: A Synthesis of Over 800 Meta-Analysis Relating to Achievement* (London: Routledge, 2008)

vi 29 May to 3 June 2015

Written evidence submitted by Janet Downs (EAB10)

I am a retired teacher, education researcher and blogger on the Local Schools Network.

SUMMARY OF EVIDENCE

The education part of the Bill is based on the false premise that academy conversion is the only method of school improvement. This is not true. The Bill gives the Secretary of State (SoS), future as well as present, powers to force schools to become sponsored academies, to force governing bodies and local authorities (LAs) to cooperate, and to force LAs to close schools – this gives too much power to the SoS. The Bill removes the ability of parents and others to exercise their democratic rights by giving the SoS power to ignore any protests against enforced academy conversion – this cannot be acceptable. The increased role of Regional Schools Commissioners in monitoring improvement plans for ‘coasting schools’ before deciding whether academy conversion is required will add further to the work of already overstretched RSCs. This is likely to lead to flawed decisions. There is also a conflict of interest between this new responsibility and the way RSCs are remunerated.

SUBMISSION

1. ‘This is a bill that will make provision about schools in England that are causing concern, including provision about their conversion into academies and about intervention powers’. ‘Causing concern’ is a vague concept. ‘Causing concern’ can be whatever the SoS, future as well as present, decides ‘concern’ is.

2. ‘The Bill takes forward a range of Government commitments which are intended to improve education for all children.’ The Bill’s main method of improvement is academy status. There is increasing evidence that changing the structure of schools does not ‘improve education for all children’. The Education Select Committee told politicians to stop exaggerating academy success.¹⁶ The National Audit Office found informal interventions such as local support were more effective than formal interventions such as academy conversion.¹⁷ The Centre for Longitudinal Studies found ‘no evidence that government investment in particular school structures or types – for example, academies, free schools or faith schools – has been effective in improving the performance of pupils from poor backgrounds...’.¹⁸

3. ‘It also ensures that intervention is possible in a new category of schools, labelled ‘coasting schools’, where such intervention is deemed necessary.’ ‘Coasting schools’ has been defined as secondary schools which don’t reach a new increased threshold of 60% and whose pupils don’t reach the median for progress over a period of three years. For primary schools, the threshold has been increased to 85%. These higher thresholds will be applied retrospectively – schools deemed above the threshold in 2013/14 will now be below the threshold.

4. The ‘coasting schools’ definition will disproportionately affect schools with lower ability intakes especially non-selective schools in selective areas.¹⁹ It will, however, not identify those schools with an intake skewed to the top end where pupils don’t make as much progress as should be expected. A grammar school, for example, would easily get over the 60% threshold but does anyone think that a selective school where fewer than 90% of their pupils don’t reach the benchmark is successful? Their intake was specially chosen to gain at least Grade C GCSEs – fewer than 90% gaining the benchmark should ring alarm bells. But the definition as it stands would still allow such schools to fall through the net.

5. The ‘coasting schools’ definition ignores Ofsted judgements. This implies that Ofsted is irrelevant and the only way to judge schools is by results and ‘progress’. A school previously found Good or better could be judged as ‘coasting’ irrespective of the quality of education provided. The Education Endowment Fund found many below-floor schools (described as EEF schools) were in fact doing a good job in difficult circumstances: ‘...a very high proportion of EEF secondary schools received a rating of ‘Outstanding’ in their most recent Ofsted inspection; similarly, almost a quarter of EEF secondary schools receive a ‘contextual value added’ score that is significantly above the national average.’²⁰ The Coalition scrapped contextual value added but it remains important to consider a school’s context before deciding whether it’s ‘coasting’ or not.

6. The Bill ‘provides no such consultation requirement if a school is eligible for intervention and subject to an Academy order which has been made under section 4(A1) or (1)(b) of the Academies Act 2010 (schools eligible for intervention).’ This removes the democratic right of parents and others to influence the future of their schools. This goes against the Government’s alleged support for localism whereby local people have more say on local issues. The Bill allows for even more centralised control.

7. ‘The new section allows the Secretary of State to revoke any Academy order issued under section 4(A1) or (1)(b) of the Academies Act 2010 (schools eligible for intervention), for example if the Secretary of State decides it would be better to direct the local authority to close the school’. The Academies programme has already made it more difficult for LAs to manage school place supply effectively. Giving the SoS – future as well as present – the power to direct school closure undermines this ability further. It would be better to offer struggling schools local support than close it. The National Audit Office (see above) found informal interventions were more effective than formal ones such as academy conversion. The same applies to school closure which seems an extreme measure to apply to struggling schools.

8. ‘The Bill is intended to improve the overall quality of education received by children in England...Swifter intervention in all failing schools and some coasting schools will need to be paid for from the Department for Education’s budget and is therefore likely to result in an increase in public spending.’ As mentioned above, the NAO found informal interventions to be more effective than academy conversion. They are also considerably cheaper.

9. There is a conflict of interest between the requirement for Regional Schools Commissioners to decide whether a ‘coasting school’ is providing sufficient plans for improvement to avoid academy conversion and the performance incentive which rewards RSCs for the number of academy conversions. There are only eight RSCs and these have few staff. It is difficult to see how RSCs will have enough time and resources to do their present job correctly without heaping more responsibility on to them.

¹⁶ <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmeduc/258/258.pdf>

¹⁷ <http://schoolsweek.co.uk/nao-critical-lessons/>

¹⁸ <http://www.cls.ioe.ac.uk/news.aspx?itemid=3022&itemTitle=School+type+does+not+affect+children%E2%80%99s+ability+to+succeed%2c+review+suggests&siteid=27&siteSectionTitle=News&returnlink=news.aspx%3fsiteid%3d27%26siteSectionTitle%3dNews>

¹⁹ <http://schoolsweek.co.uk/if-you-really-want-to-find-coasting-schools-here-is-the-definition-you-need/>

²⁰ https://educationendowmentfoundation.org.uk/uploads/pdf/EEF_target_schools_and_studentsFINAL.pdf

CONCLUSION

The education part of this Bill should be scrapped. It is bad legislation which goes against the evidence. The Secretary of State Nicky Morgan told the Times (Saturday 4 July 2015) that happiness was as important as exam grades. She was right but her policies increase pressure on schools which in turn increases pressure on pupils. Research commissioned by the NUT (published 4 July 2015) found the stringent accountability measures in England were having a negative effect on children and young people. This backed up the OECD warning, given in 2011, that there was too much emphasis on exam grades in England. This, he OECD said, was a cause for concern. Since then it has worsened and will get even worse.

July 2015

Written Evidence submitted by Christopher Curtis (EAB 11)

1. This evidence is submitted by Christopher Curtis. Until I took early retirement in 2014 I was Headteacher of a large, successful Church 11-18 school for 18 years. Before that, I was Acting Head in a school in difficulties, where I had previously been Deputy Head. I have well over 30 years of successful teaching experience, in a range of subjects and a variety of schools. My views are based on long experience in leading and improving schools.

2. I am strongly opposed to sections 1 -12 of the Bill, in principle and in practice, and believe that these provisions should be rejected or radically amended.

3. In principle, it is self-evidently wrong to vest unlimited power and authority in any person, even the Secretary of State for Education, especially when such power is exercised without meaningful scrutiny or accountability. As drafted, the Bill allows the Secretary of State to define which schools should be eligible for intervention; to decide, without any other criteria or accountability, when to intervene in those schools; to appoint anyone she wishes to take control of those schools and to impose changes on those schools as she wishes. All this without any consultation with those affected by her decisions, and with a duty imposed on anyone involved in the governance of the school to follow her wishes and timescale, whatever their view of the intervention.

4. Politically, this has been justified as a need for speed. I am sure the Minister for Transport, or Business, or Health would like the power to define the criteria for “intervention”, to appoint whoever he would like to implement plans, without consultation and with a duty on anyone involved to support his actions and timescale. I am sure there is a case for every minister to be given such powers. They are not given, and I hope never would be, because that would be the end of democracy and because hard-won experience is that powers of this kind inevitably lead to bad decisions and failures. Building consensus, agreeing plans and winning support from those most affected and involved can take a little more time and effort, but is much more likely to lead to sustainable and effective change.

5. The need to build consensus is particularly important for a Government which does not have majority support in the country, even if it has a narrow majority in the House.

6. We avoid giving unsupervised power because, sooner or later, it leads to corruption. There are vast sums of public money, huge assets and powerful influence involved in intervening in schools. As the committee has noted, impressive careers and salaries are already being carved out within Academy chains and by individuals. In order to access this field of opportunity, someone has to “sign up” to a particular ideology of education and leadership: faith in Ofsted, the EBacc, quick fixes and targets – perilously close to a party political position. It is inevitable that a Secretary of State and key advisors will appoint people who echo their views and approaches, who may not be the best qualified or most appropriate people to make a real difference to pupils and their families.

7. Finally on matters of principle, these sections represent the final stage of a unprecedented (and in my view deeply wrong) take-over of education by central government. I suspect that the committee will simply accept this to be the case, but I would at least urge that this question is asked and properly answered: “What gives the Secretary of State the right to take schools from their current ‘owners’ (whether local authorities, churches or other foundations and the communities they represent and serve) and give them to private companies and individuals?”

8. Practically, the Bill is built on foundations that were never designed to support it.

- a. Ofsted judgements are simply not reliable enough, and never will be, to form the basis for radical plans for schools. Any inspection is a snapshot. At best, (and Ofsted is far from this in practice) an inspection describes how a school is at a particular moment and might identify one or two factors which contribute to that state of affairs (good or bad). Inspection can explore correlation (e.g. between outcomes in particular exams and social deprivation) but inspection can say very little about causation. One of the deepest criticisms of Ofsted is that it (deliberately in my view) confuses correlation, causation and explanation. It currently makes the devastating error of believing that observation

straightforwardly determines appropriate response. Genuine attempts to improve schools have to be based in exploring complex causative factors in order to address the real issues.

- b. As Ofqual have repeatedly pointed out, the examination systems is not designed to meet the range of uses imposed on it by politicians. I would be very critical indeed of Ofqual, but it has done what it was asked. Systems are now in place that will deliver consistent results from year to year. As schools improve, pass marks will automatically increase to keep proportions at each grade steady, though this will be hidden behind the scenes. Changes in results for an individual school must, therefore, relate to changes in that school's position relative to other schools. This might be due to improved teaching and learning, but might be changes in the ability of the school's intake or (as I suspect is often the case) the temporary boost of whatever "gaming" works at present. In the new examinations system, schools as a whole will be "coasting": results across the country will be static from year to year. There might be a case for a school whose performance is falling relative to others to be investigated, but taking drastic powers to intervene in what will be a typical school, where results are basically static, is misguided.
- c. Of course, "progress" is simply a comparison of examination results in two exams (typically SATS and GCSEs) so there is no real benefit in measuring progress for these purposes, except that it makes some allowance for the ability of the children being tested. Once results are controlled to be consistent from year, aggregate progress should be static too.
- d. Others have pointed out very articulately, the impact of using averages and medians in such a situation. By definition, half of schools will be below, and half above, average at any one time. The Education Select Committee made this very point to Mr Gove in the past. He replied that it was possible for all schools to be above (a previous) average, if all schools were improving. With grades controlled to prevent "grade inflation" that is simply no longer the case.
- e. As others have pointed out, there is no credible evidence that forcing a school to become a sponsored Academy has any impact on its improvement. Putting it bluntly, there is little or no evidence that the "experts in school improvement" are any better at improving schools than any other group – some of them do improve particular schools and some do not. The same organisation may appear more successful in some of its schools than in others.

9. I would like to end with some suggestions. Assuming that the committee will not accept my preference to reject outright sections 1 – 12 of the Bill, I would suggest:

- a. That the definition of which schools are eligible for direct intervention by the Secretary of State should be made by Parliament and not by a Minister in regulations. This could be a schedule in the Bill or Act that could be amended from time to time without great difficulty. That definition should be written to reserve this power for rare and extreme cases.
- b. Retain a duty on the Secretary of State to consult with at least the parents of children and the staff currently at a school in which she proposes to intervene.
- c. Impose a duty on the Secretary of State to report all such proposed interventions to Parliament and to further report (e.g. every year thereafter) on the outcomes of the intervention.
- d. Impose a duty on the Secretary of State to appoint people and organisations for intervention only from a register maintained for this purpose. Criteria for entry to the register, and the register itself, should be public and reported to Parliament. The register should be maintained by civil servants with an annual round of applications (and removals). One of the criteria for entry to the register should be proper registration of business and political interests and affiliations. A procedure for removal from the register (e.g. in case of wrongdoing) should be in place. Principles common to public appointments should be followed when individuals or organisations are needed for a particular intervention. The reasons why a particular person or organisation was selected for a particular intervention should be stated publicly and reported to Parliament.
- e. Entry to the register should be open to a range of people and organisations, not just Academy chains.
- f. Where intervention involves becoming a sponsored Academy, there should be a duty on the Secretary of State to protect the assets (buildings, land, budget) of the taken-over school for the benefit of its pupils and community.
- g. Similar requirements (e.g. use of people and organisations from the register, transparent criteria for intervention and consultation and a duty to report) should be imposed on other authorities (local and Church) who have the right to intervene in some schools.

July 2015

Written evidence submitted by the National Secular Society (EAB 12)

ABOUT THE NATIONAL SECULAR SOCIETY

1. This submission is made by the National Secular Society (NSS). The NSS is a not-for-profit non-governmental organisation founded in 1866, funded by its members and by donations. It campaigns for a diverse society where all are free to practise their faith, change it, or to have no faith at all. The NSS advocates

separation of religion and state and promotes secularism as the best means to create a society in which people of all religions or none can live together fairly and cohesively.

SUMMARY

2. We are concerned that, without adequate safeguards, the proposals to require ‘coasting’ maintained schools to become academies could lead to an increase in the proportion of faith ethos and religious designated academies. Schools eligible for intervention which join faith academy chains could be at risk of acquiring a religious designation or faith ethos upon conversion, or subsequently, with no opportunity for parents and other stakeholders within the wider community be consulted.

POTENTIAL LOSS OF SECULAR PROVISION

3. Faith schools are often defended in terms of parental choice. However, the proliferation of faith schools also serves to restrict choice for parents who do not want a religious education for their children, or who do not share the faith of the local school. In some parts of the country, parents are left with little other option but to send their child to a school with a religious ethos. This seriously undermines their ability to raise their children in accordance with their own religious or philosophical convictions. To ensure everyone’s right to raise their children in accordance with their own religious or philosophical convictions is respected equally, we favour inclusive secular schools which promote universal, rather than religion specific, values.

4. Given that the Church of England is the biggest sponsor of academies in England, it is reasonable to expect that forced academisation could result in a significant number of schools joining Church or other faith-based academy chains resulting in a loss of secular school provision.

5. The Church’s intention to expand its Mission through non-Church schools is evidenced by a quote from a Diocesan Secretary in the *Church of England’s Church School of the Future Review*:²¹

“We have moved forward with affiliation and we do have some affiliated schools. We are keen to see such schools as part of our mission and we feel that we don’t have to own these schools. So, through having affiliated schools with a clear link between diocese, school and parish, we are doing what we want to do, which is to promote the Christian ethos.”(Diocesan Secretary)

6. Speaking in her capacity as Second Church Estates Commissioner at Third Reading, Caroline Spelman told MPs that the Church will continue to develop diocesan and Church school-led multi-academy trusts *which include community schools*.

7. Seeking to allay fears expressed by the National Secular Society, that the Church may take control of previously non-Church schools, Ms Spelman told MPs at Second Reading that Church federations, such as the Trinity federation and the Pilgrim federation in the Norwich diocese, “demonstrated how the individuality of each school has been maintained.”²²

8. All schools within the Trinity federation and the Pilgrim federation are, in fact, religiously designated. In the case of the Pilgrim federation, two of its four schools – Kelling CE Primary and Walsingham CE Primary – were in fact community schools until as recently as 2011.

9. Rather than allay our fears, this example demonstrates that by joining faith-based academy chains, community schools will be at risk of taking on a religious designation or ethos.

10. Once converted into an academy, the permissive and informal nature of adopting a ‘faith ethos’ (as opposed to a formal religious designation) means the religious character of a school can change fundamentally without consultation and at any time simply through a change in the governing authority.

11. The Department for Education’s failure to record which academies and free schools have a ‘faith ethos’ is highly problematic in that it makes impossible for the Department to ensure an appropriate level of secular education is being provided in any given area. This casual approach to adopting a ‘faith ethos’ needs to be remedied to ensure access to secular education is not being negligently and unwittingly eroded.

RELIGIOUS FREEDOM CONCERNS

12. Responding directly to concerns put to the Minister of State for Schools, Nick Gibb, by the National Secular Society on 24 June, the DfE stated:

*“Our policy remains that any decision to allow a school to become a faith academy would be carefully considered and only be made where it is the right solution to raise standards in that school. Securing long term and sustained improvement is our priority and outweighs other considerations.”
(Our emphasis).*

²¹ [https://www.churchofengland.org/media/1418393/the%20church%20school%20of%20the%20future%20review%20-%20march%202012\[1\].pdf](https://www.churchofengland.org/media/1418393/the%20church%20school%20of%20the%20future%20review%20-%20march%202012[1].pdf)

²² 22 Jun 2015: Column 659 http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150622/debtext/150622-0002.htm#150622-0002.htm_spnew106

13. We would urge the Bill Committee not to take such a frivolous approach to the State's duty to respect the right of parents to ensure their children's education is in conformity with their own religious and philosophical convictions.

14. Whilst Article 2 of the First Protocol (Right to education) does not require the Government to provide or subsidise any specific type of education, we hope the Committee will share our view that it should at least give parents the right to expect a religiously neutral education without a distinctive religious character that runs counter to their own beliefs.

15. Given England's religiously diverse population – around half of whom now self-identify as non-religious (by-far the single largest group), any increase in the proportion of religiously designated or faith ethos schools is likely to seriously impede parents' ability to secure such an education.

16. Clause eight of the Bill, which scraps the requirement to hold a consultation before the Education Secretary begins the academy conversion of a school will deny parents, pupils and other stakeholders a vital opportunity to input into a decision which may have a significant impact on the character of the education provided by their local school.

17. We also draw the Committee's attention to Article 12 of the Convention of the Rights of the Child (Respect for the views of the child). This requires states to ensure that when adults are making decisions which affect children, children have the right to say what they think should happen and have their opinions taken into account. The removal of the requirement to consult denies them this opportunity.

18. The passing of a Bill which enables a faith-based education to be imposed on young people, regardless of their or their parents' wishes would be at odds with principles of fairness and equality. We urge the Committee to recognise that respecting young people's right to religious freedom is part of, and not separate from, looking after their best interests.

19. We note that Clause 9 of the Bill places a duty on the Secretary of State to consult the appropriate religious body where a school eligible for intervention has a religious character. In effect, this is likely to ensure that there is no loss of denominational provision. We believe the same consideration should be made to preserve the secular nature of community schools subject to forced academy conversion.

RECOMMENDATIONS

20. We recommend the inclusion of a provision to ensure that upon conversion, and for a reasonable period of time subsequently, no non-religiously designated school would be permitted to acquire a religious designation or faith ethos.

21. Failing that, we recommend the inclusion of a provision to require consultation with the local community to mitigate the possibility of non-religiously designated schools acquiring a faith ethos without the clear support of parents, pupils, teachers and the wider community.

July 2015

Written evidence submitted by Inigo Woolf, Chief Executive, The London Diocesan Board for Schools (EAB 13)

SUMMARY

1. Conversion of Schools in Special Measures to Academies is not always appropriate and the Secretary of State should have some flexibility to act in the best interest of pupils.

2. The proposals for Interim Executive Boards in respect of Church schools could be improved.

INTRODUCTION

3. The London Diocesan Board for Schools (LDBS) acts as the Diocesan Board of Education for the Diocese of London; the Board has oversight for 155 maintained schools which educate 55,000 pupils. The Board has been involved in school improvement activities for over 25 years and 87% of our family of schools are good or outstanding.

DUTY TO MAKE ACADEMY ORDERS

4. The LDBS supports the conversion of schools to academies where it is in the best interest of the pupils. In addition there is a rigorous due diligence process which ensures that the school converting is sustainable financially.

5. If there is a safeguarding issue, Ofsted is required to put the school into Special Measures. It may be an outstanding school and rapid action is required to address the safeguarding issue. By the time the safeguarding issue is resolved the school can regain its outstanding status. To deflect the school from concentrating on the major issue would not be in the best interest of pupils.

6. In both instances where a school is not financially sustainable and speed of action is required the Secretary of State and her Regional School Commissioners should have flexibility to determine the most appropriate structure for the particular school.

INTERIM EXECUTIVE BOARDS

7. At present any proposal from a local authority to set up an Interim Executive Board for a Church of England School requires the Diocesan Board for Education to be consulted. The active involvement of the Diocese in Interim Executive Boards has enabled improvements in the opportunities for pupils to be fast tracked with great success.

8. The LDBS welcomes the Secretary of State's willingness to become pro-active in the formation of IEBs as proposals initiated by the Diocese have not always been acted on as quickly by local authorities as we would like.

9. We would not wish to lose our ability to propose the formation of an IEB nor lose the requirement for consultation with us. We would therefore support the evidence provided by the Catholic Education Service.

July 2015

Written evidence submitted by the Association of Teachers and Lecturers (ATL) (EAB 14)

EXECUTIVE SUMMARY

1. The prime purpose of this Bill is to further (if it were possible) impose an unproven ideology on schools, namely that academisation is the only solution for schools which need support in order to improve the quality of the education they provide. As the DfE is, at this moment, re-brokering academy sponsorship for a significant number of schools because of poor performance and support from their existing sponsor, and as a significant number of schools are identified as requiring a change of sponsor, ATL asks: what provisions are there in the Bill to establish comprehensive and effective support mechanisms to improve individual school performance? Beyond forced academisation, the policy cupboard is bare. Government and parliament should be embarrassed that the Bill means that the system acts not to guarantee the best interests of children but acts to support political ideology.

2. The Bill brings in an arbitrary and unclear diagnosis of coasting and a panacea of academisation when there is no clear evidence that the medicine works. This is made clearer when we look at the major role being played by the Regional School Commissioners (RSC) in selecting academy sponsors for schools and in determining budgets. The very reason for existence of the RSC is to increase the number of academies and the number of schools converted remains one of their key performance indicators.²³ The best interests of children and communities do not appear to be the priority for RSCs, whose remit is driven by ideology not judgement and evidence. Whilst some academies have improved learning outcomes, many haven't, yet it is unlikely that any school which comes to the attention of the RSC will remain as a community school. Any commission with these powers must be neutral.

3. Evidence shows there are no guarantees that academisation will benefit pupils. But the process, even the prospect of academisation, is not impact neutral. Changing the school structure is likely to be disruptive to existing pupils and parents alike. Teaching and learning suffers when change is imposed rather than teachers being the owners of school improvement – unsettling and deprofessionalising the school's workforce in this way does not serve the interests of pupils preparing for exams. Rather than tinkering with school structures the government should be funding intervention in schools in the form of targeted support agreed in conjunction with the school and the local community. Our vision for reform of the inspection system in England shows how this could work.²⁴

4. Given the lack of evidence supporting widespread academisation, the speed with which this bill is passing through parliament lacks justification. Legislative scrutiny will be weak as a result. It is remarkable that the Bill committee has not taken evidence from any of the unions representing teachers, only from the head teacher organisations and we would welcome the opportunity to discuss the Bill further with the Committee.

WHO WE ARE

5. ATL, the education union, is an independent, registered trade union and professional association. We recognise the link between education policy and members' conditions of service. Our evidence-based policy making enables us to campaign and negotiate from a position of strength. AMiE is the trade union and professional association for leaders and managers in colleges and schools, and is a distinct section of ATL. We champion good practices and achieve better working lives for our members.

6. We help members, as their careers develop, through first rate research, advice, information and legal advice. ATL is affiliated to the Trades Union Congress (TUC), Irish Congress of Trade Unions (ICTU),

²³ Schools Week, *Commissioners must convert schools*, 19 December 2014

²⁴ ATL, *A new vision for inspection of schools*, March 2015

European Trade Union Committee for Education (ETUCE) and Education International (EI). ATL is not affiliated to any political party and seeks to work constructively with all the main political parties.

ATL POLICY

7. ATL remains unconvinced that academy conversion is suitable for all schools or that the academies programme is working. The Education Select Committee has concluded that it is too early to say whether academies are a positive force for change, and we know from the Public Accounts Committee that 18 academy chains were prevented from expanding further because of concerns about standards in their schools. In addition, data based on both 'best eight' and 'best eight including equivalents' scores, of all local authorities (100) and chains (20) which had at least five secondary schools in September 2013 shows that three of the 20 chains achieved significantly above average value added in 2014, but nine were significantly below average. Whereas 13 of the 100 LAs achieved significantly above average, but only 10 were significantly below average.²⁵

8. ATL remains committed to improving educational standards across the board and believes that this is best achieved by making the profession attractive to graduates with fair reward and the recognition, by the political class and the media, that the constant undermining of the teaching profession is very damaging to educational standards. Academisation is a diversion from the core role of educating for both the teachers and school management as they need to develop, discuss, agree and implement a whole raft of HR policies. Distractions over pay, employment security and career progression are not side effects to be written off when academisation offers no guarantees for pupils of a better education.

9. The previous coalition government's workload challenge demonstrated clearly that teachers and school leaders are burdened by unsustainable workloads which, combined with an absence of effective career long professional development, results in large numbers of teachers, at all stages of their career, leaving the profession. The teacher recruitment and retention crisis, more than any other cause, will negatively affect educational standards and it is this issue which the government should tackle rather than extending, yet further, its obsession with school structures.

10. A recent study by National Foundation for Educational Research (NFER) looks at how performance in academy secondary schools compares to performance in similar non-academies, in an attempt to find out whether becoming an academy has led to better progress for pupils than they might have made otherwise. The report has three key findings:

- progress between Key Stage 2 and Key Stage 4 outcomes on a range of performance measures, is higher after two years in sponsored academies compared to similar non-academy schools.
- there was no significant difference in attainment progress after two years between converter academies and similar non-academy schools. Converter schools tend to be higher performing schools already, and have been open for a shorter period of time.
- attainment progress in sponsored academies compared to similar non-academies is not significantly different over time when the outcome is measured as GCSE points, excluding equivalent qualifications such as BTECs. This suggests that sponsored academies either use more equivalent qualifications, or that their pupils do better in them.²⁶

COASTING SCHOOLS

11. ATL believes it is essential that there is a clear definition of what a coasting school looks like so there is consistency in outcomes. There must be no confusion about the criteria applied to a school before it falls into this category. The evolution of the definition of what the Secretary of State believes is a coasting school was chaotic. First the Secretary of State thought that it was not important for the Bill, then an arbitrary definition emerged at the second reading and then a third when it is realised that the definition will not work immediately. This is a result of the government's haste in presenting the Bill and speeding through the legislative process without allowing time for proper deliberation.

12. Local Schools Network has estimated that at least 2,833 schools currently fall under the Secretary of State's evolving definition of coasting. Of the 814 potentially coasting secondary schools 22% are sponsored academies and 20% converter academies.²⁷ What is of more concern is that of the potentially coasting secondary schools, 125 (15%) had a Best 8 value added measure above the national average. These 125 schools serve some of the most deprived communities and successfully support their pupils in making significant progress. How can the proposed definition be fair when it ignores this achievement?

13. Defining a coasting school in this way is difficult and will become increasingly so over time. Each cohort sitting GCSEs for the next six years will have experienced a different curriculum and qualifications system to the one before; even if all cohorts were made up of an identical group of students comparing progress between cohorts fairly would be impossible.

²⁵ DfE, *Measuring the performance of schools within academy chains and local authorities SFR 09/2015*, 19 March 2015

²⁶ NFER and LGA, *Analysis of academy school performance in GCSEs 2013*, October 2014

²⁷ Local Schools Network, *Morgan targets almost 3,000 schools as "coasting"*, 29 June 2015

14. Experience shows that when tests and examinations are changed there is a drop in performance while schools work out what's needed. This is followed by an increase over a few years as young people and teachers learn how the tests work, before the results settle down.

15. Our children come from a wide range of backgrounds and cover a huge ability range; within schools the makeup of cohorts can vary enormously year on year. Therefore a sudden change in attainment data does not always signify academic progress; sometimes it is a reflection of the divergent makeup of successive year groups. Putting too much weight on one change would ignore this reality and the challenges of measuring pupil progress and attainment. The new progress 8 system will not recognise that each child is an individual but will consider them only as a data point in relation to an average score.

16. We rightly expect schools to treat their pupils as individual children, providing personalised teaching and learning opportunities to help them flourish. Our accountability system is at odds with this notion and including any measure of pupil progress in a coasting school definition will create a harmful incentive to view children as data points and scores, not as unique individuals.

17. For the first three years (before the use of progress 8 as the measure) the focus will be on absolute outcomes – 65% A* to C passes at GCSE and 85% level 4 in English and maths at KS2. The reality is that there are many schools, particularly those with socially advantaged intakes, that will achieve these absolute outcomes but will be coasting, because, given the quality of their intake, they should be achieving much better. There is every possibility that these schools will escape the coasting category, but that schools with disadvantaged pupil intakes, which are doing everything they can to improve the life chances of their pupils, will be subject to yet another accountability measure which names and shames them, but gives them no adequate support. We question whether there is any academic evidence to suggest that three years is a statistically significant period on which to be able to make this judgement.

18. We must return to who will be making the decision that a school is coasting. This should not be left to the RSCs as they have a politically driven agenda which means that the community, parents, pupils and school staff cannot rely on them to provide an objective analysis and determine what is in the best interests of the pupil's education.

WARNING NOTICES

19. Schools must be given the opportunity to improve and time to receive the support that they need to achieve the standards the pupils deserve. When a school is issued with a warning notice by a local authority the local authority can deploy additional resources to target the failings of the school and turn it around. This Bill does nothing to allow for sufficient time to be given for a school to address concerns before being forced into academy status.

20. ATL is concerned that the Bill gives the Secretary of State the authority to override a warning order issued by a local authority and issue one of her/his own. An additional concern is the removal of any appeal procedure or representation mechanism for governing bodies against warning notices issued.

DUTY TO MAKE ACADEMY ORDERS

21. ATL is concerned that the Bill places a statutory duty on the Secretary of State to make an academy order when a school is identified as eligible for intervention. We believe that this is too blunt an instrument and that there must be a process by which the decision to convert a school is not automatic and certainly not taken by a politician remote from the local community with deliberately little consideration of circumstance and need.

CONSULTATION

22. ATL strongly believes that schools are a local community asset. They play a vital role in the community in bringing together families from across the area. It is essential that the voice of the local community is heard when any decision is made on the future of a school.

23. If the Secretary of State finds the current method of the local community 'obstructive' then we need to find a better way of ensuring that their voice is heard and listened to. If we want parents to play an active part in their child's education then they must be involved in decisions being made about their local school. ATL suggests that the Bill is amended to allow for the inclusion of a consultation and appeal process. This process should be consulted on so that all sides have confidence in the process.

24. It is also worrying that the local governance of the school, either the local authority or the governing body, will have no say at all in the sponsor assigned to the school. Under the current provisions of the Bill they must simply agree to the decision made by the RSC and fully cooperate in the process. We must retain an element of local accountability in the academisation process and this can only be achieved if the local authority and governing body are responsible to the parents at the school. Again, ATL urges the Committee to consider amending the Bill so that local accountability remains.

EQUALITIES

25. ATL is concerned that the data on academies shows that they are not as diverse or inclusive as community schools. The latest statistics show that:-

- fewer pupils are eligible for and receive free schools meals in academies than in community schools;²⁸
- fewer pupils from the BAME community attend academies than community secondary;²⁹ and
- fewer pupils in academies have English as a second language, compared with community schools.³⁰

26. There remains a duty on local authorities to find a place for all pupils within their area. If the academies refuse to take all pupils or exclude those that are difficult to teach then there will remain just one school within an area which will be where all of these pupils will be forced to attend.

CONCLUSION

27. This Bill is being rushed through the parliamentary process in undue haste. With the lack of evidence that the academies programme works and improves the education of pupils, there is no justification for this. Previous mass academisation projects following legislation rushed through parliament have been criticised for being costly, lacking any test of value for money and being poorly overseen by government. We have seen academy chains and individual schools challenged for their financial probity and academic record. This Bill must ensure that there are sufficient robust safeguards and mechanisms in place before we hand the remaining community schools over to academy sponsors.

July 2015

Written evidence submitted by Bill Griffiths (EAB 15)

I am responding to the proposals within the Bill as a headteacher, Primary Consultant and National Leader.

THE DEFINITION OF 'COASTING' SCHOOLS IS SIMPLISTIC AND UNINTELLIGENT

Floor targets for all schools, regardless of context, without differentiation, has always been a flawed concept. In my direct experience there is plenty of evidence that more affluent areas are underchallenged by L4 targets as they achieve 100% year after year. However such schools have suspiciously low L5 or L6 performance. If there is a measure it needs to reflect the level of affluence and prior advantage. Banding by IDACI quintiles would be fairer. 85% L4 is wholly unrealistic in some turbulent inner city schools and underwhelming in the suburbs.

SIZE OF SCHOOL

In a one form entry a child is 3%. In a small village school it can be 7% or more so falling below 85% could be one to five children. In Ofsted judgement less than 5 children is an insignificant size of group. Statistically and in reality of pupil movement a small school could be above the line one month and below it at SATS month.

SEN AND HIGH CHALLENGE FAMILIES

We must not penalise schools for admitting such children. My school has a proud record with severe SEN but this brings down our L4. This year admitting 2 SEN who were rejected by other schools drop our performance by 7%. On top of this they drain our resources meaning we have less funding for intervention for other children. This is unfair.

VALUE ADDED AND PROGRESS MEASURES

It is clear having analysed EYFS data and KS1 data that affluent areas tend to suppress data so that the progress measure is protected. Top quintile areas citing national average entry profile is not logical or reliable. All schools may be less positive with judgements on younger children in fear of the progress measure. Corruption of the system is present now but will only get worse if the Bill becomes law.

FORCED SPONSORSHIP

There is no evidence that sponsors are effective over time with schools in different phases or contexts. Indeed even HMI agree that secondary schools sponsoring primary schools is flawed and even foolish. There is an assumption that because a school is good or outstanding it is capable of providing training and support to improve another. I have spoken to both secondary and primary schools who have received support but felt it was inadequate. There is no quality assurance of the potential sponsor and I am sure many sponsors have weaker teaching than the so called coasting school.

²⁸ DfE, *School Lunch take-up Survey 2013 to 2014*, January 2015

²⁹ DfE, *Schools, pupils and their characteristics January 2015*, 11 June 2015

³⁰ Ibid

THREAT V DEVELOPMENT

The role of the RSC and the threat of takeover will weaken research and risk taking. A play safe no change culture will develop as schools will not dare risk any new approach. All schools will be average and excellent new pedagogy will be stifled.

FUNDING

Funding is a lottery. My school is County by half a mile. If I were in the City I would have thousands more to fund support programs and SEN. Yet I have City children and high challenge. My floor targets will be the same. This being the case makes a common floor target grossly unfair.

July 2015

Written evidence submitted by Pete Bentley (EAB 16)

I have been professionally involved with adoption for many years initially as an adoption social worker with a Local Authority, then as a consultant employed by the British Association of Adoption and Fostering for 15 years, an author of independent reports to the courts where the possibility of adoption was involved and currently as the independent chair of a Local Authority adoption panel. I am a registered social worker (reg no: SW21718). The views expressed are my professional views alone.

SUMMARY:

I support the proposed legislation in clause 13 but make some suggested amendments to ensure that adoption is not be singled out for preferential treatment in relation to other forms of permanence. I refer to the judgment in the case of 're B-S' as providing a partial explanation as to why applications for placement orders have fallen and suggest consideration be given to introducing provisions, not presently in the Bill, aimed to further protect potential adopters from a legal challenge from birth parents when they apply to the Court for an adoption order.

- 1) I agree with the proposed amendments in respect of broadening the role of regional agencies to encompass all possible avenues to permanence, not just adoption. I also believe that before implementation a proper evaluation of possible 'unintended' consequences should be undertaken by the adoption sector to better inform the wording of the eventual Act – it would be very regrettable if a Bill whose intention is to make the adoption process more efficient turns out to have the opposite effect (particularly if a consequence may be the loss of families currently made available by the Voluntary Adoption Agencies). I also support the amendment which proposes substituting the word 'order' for 'direction'.
- 2a) I draw attention to the reply given by Sir Martin Narey giving evidence on behalf of the Adoption Leadership Board at Q111 in the evidence session of the committee when he stated ... *'In 1975, there were 24,000 adoptions a year in England. Adoptions have been in long-term decline'*.
- 2b) I suggest that the following quote from paragraphs 2.2 to 2.4 of the then Prime Minister's consultation paper on a 'review of adoption' (written in 2000) explains the reasons for the major decrease from 20,000 in the seventies.
The total number of adoptions in England has fallen from around 20,000 per year in 1970 to 4,100 in 1999. This principally reflects the sharp reduction in the number of babies of unmarried mothers given up for adoption, driven by the decrease in stigma associated with illegitimacy and single motherhood, and the increased access to contraception and abortion....In contrast to the overall number of adoptions, adoptions of children from care have remained relatively stable over the last 30 years, at around 2,000 per year.
- 2c) Should the committee require verification on this could I suggest that the House of Commons Library be asked to comment, or that evidence be taken from, for example, The British Association of Adoption and Fostering (BAAF)?
- 3a) I also commend the Council of Europe report, published in January 2015 and entitled 'Social Services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States', which provides an overview of policy in respect of adoption in other Council of Europe countries. For example it states at para 72 *'England and Wales are really unique in Europe in placing so many children for adoption, in particular in the young age group which is "popular" on the adoption market.*
- 4) In regard to the major reduction in the number of applications for Placement Orders since the case of 'Re B-S' I suggest that the reason may at least be partially explained by the President of the Family Division's remarks at para's 30,39 and 40 of his judgment:
30. *We have real concerns, shared by other judges, about the recurrent inadequacy of the analysis and reasoning put forward in support of the case for adoption, both in the materials put before the court by local authorities and guardians and also in too many judgments. This is nothing new. But it is time to call a halt.*

39. *Most experienced family judges will unhappily have had too much exposure to material as anodyne and inadequate as that described here by Ryder LJ.*
40. *This sloppy practice must stop. It is simply unacceptable in a forensic context where the issues are so grave and the stakes, for both child and parent, so high.*
- 4a) I suggest that the President in ‘calling a halt’ is arguably implying that prior to ‘re B-S’ Placement Order applications had not always been presented to the Courts with high quality evidence by Local Authorities and in addition had not been properly scrutinised by children’s guardians and the Courts.
- 5) Although not at present part of the Bill it may be appropriate for consideration to be given to including an amendment to Sec 47 of the Adoption and Children Act 2002 to give more protection to potential adopters at the time they apply to the court for an adoption order. However such a provision would of course need to be article 6 and 8 compliant. I will briefly explain my point:
- 5a) In the case of a child that the Local Authority has a Care Order in respect of, and whom they believe should be placed for adoption, firstly a Court has to make a Placement Order (The intention of the 2002 Act, I would argue, is that it is at the application for a Placement Order stage that the birth parents have their ‘legal’ opportunity to oppose the making of the Order). Then after ‘matching’ and a decision by the Local Authority that the child should be placed with particular adopters, the child is formally placed. After this stage the birth parents are not allowed in law to apply to the Court to revoke the Placement Order.
- 5b) However, when the adopters formally apply to the Court for an Adoption Order (typically many months after the child is placed with them and after the child has formed attachments to them), the birth parent is able to apply to the Court for leave to oppose the Adoption Order if they can demonstrate both a change in circumstances since the Placement Order was made, and that it is in the interests of the child for leave to be given. If leave is given the birth parent can then go on to oppose the making of the Adoption Order which may or may not be successful. Obviously the very fact of the birth parent applying for leave can be very stressful for the adopters.
- 5c) However in the last 6 months or so there have been two cases where a child has been returned to birth family members by the Court following the application for an Adoption Order by the adopters. In both cases there was no criticism of the adopters by the court. Cases like this are rare but prior to these two cases there have apparently been no similar cases since the 2002 Act came into force.
- 5d) The two cases are: ‘re LG’ (a child) [2015] EWFC 52 – where the child after being placed with adopters at the age of 6 months old was removed after being cared for by the adopters for 8 months and ‘re A and B’ [2014] EWFC 47 (Fam) – where the child was placed with the adopters at 7 months old and removed after being placed with them for 13 months.
- 5e) I suggest that the judgments of ‘re B’ and ‘re B-S’ have ‘opened the door’ a little to allow for birth parents to apply for leave to oppose an adoption order at the time the adopters make their application to the court. In particular I suggest that para 74 (vii) and (viii) of the Presidents judgment in re B-S may have significance:
- 74 vii) *The mere fact that the child has been placed with prospective adopters cannot be determinative, nor can the mere passage of time. On the other hand, the older the child and the longer the child has been placed the greater the adverse impacts of disturbing the arrangements are likely to be.*
- viii) *The judge must always bear in mind that what is paramount in every adoption case is the welfare of the child “throughout his life”. Given modern expectation of life, this means that, with a young child, one is looking far ahead into a very distant future – upwards of eighty or even ninety years. Against this perspective, judges must be careful not to attach undue weight to the short term consequences for the child if leave to oppose is given.*
- 5f) My suggested amendment to Sec 47 would be along the lines of only allowing the Local Authority with the Placement Order (and not the birth parents) to oppose an Adoption Order application if that application was made within six months of the child being formally placed under the adoption agency regulations 2005 with the approved adopters. Other proposals may be preferred and the time limit of six months is only an initial suggestion.

REFERENCES:

The Prime Minister’s review on adoption (consultation paper) – July 2000.

Social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member states—Council of Europe January 2015.

Re B [2013] UKSC 33.

Re B-S [2013] EWCA Civ 1146.

Re LG (a child) [2015] EWFC 52.

Re A and B and Rotherham borough council [2014] EWFC 47 (Fam).

July 2015

Written evidence submitted by Adoption UK (EAB 17)

INTRODUCTION

1. Adoption UK is the leading charity providing support, awareness and understanding for those parenting or supporting children who cannot live with their birth parents.

2. Over 10,000 members provide a strong, supportive community and the largest voice of adopters in the UK.

SUMMARY OF OUR WRITTEN EVIDENCE

3. We support the Government's intent, following on from the progress made by the Coalition Government, to ensure that children for whom adoption is the right route to permanence are not subject to avoidable delay, are found the best possible match with an adoptive family and have their needs fully identified and met. Adoption transforms children's lives and brings joy to their families.

4. We agree with the Government's analysis of the problems still besetting the adoption system in England. We in the main support the direction of travel in the Regionalising Adoption paper but we believe the Bill is reductive and fails to take the opportunity to address issues that are of primary importance to adoptive families – being heard – getting timely support – ensuring their child has a good experience of education and does well.

5. We accept that the Government supports these principles but we are disappointed that the Bill only focuses on structure and allows limited or no opportunity for amendment to address more fundamental concerns of adoptive families. In our recent survey of our members the priorities for change were clear. They may be achieved through sector consolidation but the Bill fails to demonstrate how legislation will achieve greater certainty of positive change.

THE CHALLENGES THE GOVERNMENT ARE TRYING TO ADDRESS

6. We consider that the Government has identified four key challenges in the adoption system, which if resolved, would lead to the likelihood that children for whom adoption is the right pathway to permanence will be placed without unnecessary delay, their social workers will have a wide choice of suitable placements and their families will benefit from a wide range of support for their children and themselves.

7. Our overriding interest is to see the quality of the adoption system improve to meet the needs of adoptive families. We support a consolidation of the adoption system only if it improves the quality, sufficiency and accessibility to good timely matching and the advice and support that adopted children and their families need.

8. We believe that the previous Government introduced a number of measures that go some way to improving this – less avoidable delay, better understanding of performance at local, regional and national levels, more support to adopted children and their families through the pupil premium and the Adoption Support Fund and a range of other measures. We support the overall policy direction that continues with the current government but continue to have concerns about the quality of implementation at local levels and the risk that investment is either not used well or is replacing savings made at a local level.

9. The paper "Regionalising adoption" sets out the Government's approach to stimulating reform of the adoption "market". The paper sets out the issues to be addressed through regionalisation, either locally led or enforced by the proposed powers in Section 13 of the Bill. These issues are:

10. Inefficiencies – we agree that efficiencies could be found. We have long believed that adoption is not an issue that can be managed solely within a local authority. This has been acknowledged for some while through legislation, e.g. the development of the Adoption Register, policy e.g. the interagency fee, and in practice, e.g. through regional adoption consortia and the placement of children with voluntary adoption agencies.

11. It is the case that in the best interests of children many are best placed outside of their home local authority to remove the risk from birth parents or to find the right family to meet an individual child's needs. Farmer and Dance (2010) identified the risk of local authorities narrowing the range of placements for consideration.

12. The government has accurately identified that there are c180 adoption agencies in England, placing at a recent highpoint only 5,050 children in one year. Local authorities vary in the scale of their adoption activity and have varying degrees of ability to recruit families due to demographic issues. On the face of it this does not seem to be a good use of public money as each agency carries the cost of a separate infrastructure as required by Ofsted and other practice and managerial requirements.

13. We also know that the cost of recruiting and approving an adoptive placement varies significantly as does the quality. There is no evidence that there is a relationship between quality and cost. We do know that overall the quality of the voluntary adoption agencies, as assessed by Ofsted, is better than local authority

agencies though this generalisation risks disguising the excellent performance of a number of local authority agencies e.g. Hampshire.

14. Our experience as a member of the Consortium of Voluntary Adoption Agencies (CVAA) and the experience of our Chief Executive, who when a Director at Action for Children led the Adoption Agency there, is that voluntary adoption agencies (VAAs), whilst in some cases being small in size, have the track record and ability to find and support families who take “hard to place” children that local authorities can find it hard to recruit. Some of these agencies are specialist and may only place a small number of children a year but they find families for children who would otherwise stay in care indefinitely. The previous and current government have recognised the value of this sector through funding expansion and capacity building grants.

15. We would be concerned if efficiency was solely seen through the prism of scale. Value for money must be achieved however and we believe that consolidation, particularly if locally led and consensual, will improve the system as long as we do not lose specialism, recognise that there is no direct relationship between size and cost and be absolutely clear that the measure of success of any change will be measured by improvements in quality, more placement options for children and less avoidable delay.

16. Matching – we agree that some children wait too long and we are alarmed at the rising trend in reversal decisions – where children have a plan for adoption that changes at a later date. There were 1,450 reversal decisions last year. In at least half the cases the reason for this is that a family cannot be found.

17. The Government cites that as at September 2014 3,470 children were waiting for a placement. The recently published Adoption Leadership Board figures show this figure has reduced to 2,960 by the end of December 2014. We are concerned as to whether these are accurate figures. All other evidence – the low use of matching services and that there are less than 600 children on the adoption register suggests that the number of children waiting is much lower. Of the reported 2,960 we think that many are technically waiting but will be subject to reversal decisions at some stage. Either way the difficulty we still have in finding families for too many children argues the case for an improved approach to matching.

18. We do question though why the numbers on the adoption register are at such great variance with the reported number of children waiting. The register is one of the previous initiatives to improve matching. If local authorities are ignoring the requirement to place children on the register what does this tell us about other planned reforms to improve the sharing of information about children and adopters waiting? Similarly before embarking on structural change it would be valuable to understand whether or not the equalisation of the interagency fee has improved matching across local authority or consortia boundaries. The recent pre-budget announcement of the £30m allocated by Government to cover the fee seems to suggest that it has not. We must ensure that further changes at national or regional level are informed by the best evidence available to us. This has been the strength of the adoption reform programme to date.

19. Recruitment – We know there are numerically enough new adopters waiting for children to meet the level of placement demand but we also know that there is a mismatch between the profile of these children and the adopters’ preferences. The challenge is finding families for the “the hard to place” children. Recruiting from a wider base does occur through consortia and matching services, whether it happens enough is a moot point – probably not in our view.

20. We believe that the development of a regional approach to adoption must be combined with a strategic approach to adopter recruitment that is led by a full analysis of the profile of children in the adoption “pipeline”. We have seen remarkable improvements in the recruitment of new adopters over the past couple of years but we have the current mismatch referred to above and evidence of a significant drop in the number of new adopters coming into the system as agencies appear to be closing the doors in the context of the significant fall in the number of ADM and Placement Order decisions post Re B-S. Were this tend to reverse in the short to medium term, as it may with the injection of the aforementioned £30m, we may find ourselves back where we started pre reforms with an adopter shortfall. A key test of any approach to consolidation of the recruitment end of the adoption process must be its ability to flex with trends in the numbers of children coming through the system and its ability to recruit families who can meet the needs of specific children.

21. Adoption support – we have provided the previous government with sufficient evidence on the lack of access to the right support provided in a timely way to influence the development and implementation of the Adoption Support Fund and the Pupil Premium. The evidence of our members’ experiences also informed the work leading up to the publication of the Future Minds report where the needs of adopted children were recognised and understood. Julie Selwyn’s research – “Beyond the Adoption Order” – clearly identified the extent of the unmet need. We have contributed to thinking and proposals for a regional or sub-regional approach to adoption support. Our thinking is informed by the success of other initiatives that have brought together the voice of parents, multi-disciplinary expertise co-located, new and fully accessible services. Many adopters support this approach. The benefit would be to bring specialist multi-disciplinary and cross sector expertise together. Current local provision is too patchy and the number of adopted children does not justify 152 local adoption support service arrangements. This approach would we believe best release the potential of the Adoption Support Fund.

 ISSUES

22. There are a number of issues that we believe need to be addressed in any locally led or nationally directed developments. We would like to see evidence of a commitment to address these issues in amendments to the Bill or in the supporting regulations.

23. First the paper “Regionalising adoption” makes limited reference to the voice of adopted children and their parents in the development of regional arrangements. **The biggest and most often stated view of adopters is that they are not listened to.** They had begun to believe that they were – we fear that they will not be consulted and involved in decisions about new arrangements unless there is a clear **requirement** upon agencies to do this.

24. Second consolidation does not automatically lead to service improvement. We know the cost of structural change both financially but also in the experience of the end user of services. Given the already inconsistent approach to adoption support across the country and the growing anecdotal evidence that access to the resources of the Adoption Support Fund is being hindered by local authorities it is, in our view, even more important that a better “guarantee” of timely support is available to adopted children and their families in a time of structural upheaval. We note the Minister’s comments in the Committee discussion on 2 July but agree with the Opposition that the Adoption Support Fund and a duty to provide are not mutually exclusive. Each would strengthen and reinforce the other.

25. Third governance is an issue that requires clarification. The regionalisation agenda in Wales was delivered in the context of a national adoption service being established. This issue is potentially one that has stood in the way of consolidation to date and may inhibit ground up developments. Adopters experiencing problems currently find it very hard to get resolution to their concerns. This is within the context of very clear lines of accountability in individual local authorities. We are concerned that this may worsen unless there is clarity about local accountability. There are different models open to consideration, an absolute necessity is the formal involvement of the voice of the end users in the vision, design and governance of any new arrangements.

26. Adoptive parents understand the system, their children’s needs and the varying quality of provision. They are the nation’s greatest unpaid human asset, parenting children failed by others, many of whom are deeply disturbed by their early life experiences. Many adopters deal with the legacy of their child’s severe maltreatment for their whole lives without respite. They rightly expect a strong say in the support they receive; to fail to engage that would be ultimately undermining of the improvements that are desired by Government. This may not be subject to an amendment but does need to be formalised in the arrangements for the development of regional agencies. Adoption UK is well placed and willing to advise on this matter.

27. Fourth we are concerned that the voluntary adoption sector is sidelined in the developments. The “Regionalising adoption” paper highlights good examples of the sector being involved in innovation. The sector is concerned that the move to regionalisation will marginalise the sector. This was the experience in Wales. The sector has about 20% share of the adopter recruitment market, has a track record of finding families for harder to place children and overall gains better Ofsted inspection ratings. The sector already deals with a deeply entrenched approach to sequential matching and may often be third choice, only considered where a local match or a match with local authority consortia partners cannot be found. This approach and the difficulty some agencies have in parts of the country to fully engage with consortia, risks voluntary agencies not being full partners to regional developments. This would be a missed opportunity and

MISSED OPPORTUNITIES

28. There are two main missed opportunities that require legislative change. The Bill focuses solely on powers to change who provides adoption services. Adoption UK would like to see amendments on two issues of significant concern to adopters:

Education

29. Adopted children are significantly behind other children at KS2. They are only marginally ahead of looked after children. Many schools and teachers are not equipped with the understanding or skills to effectively manage and teach children who have experienced significant early childhood trauma and maltreatment. 70% of children adopted from care have experienced this.

30. Priority school admissions and the pupil premium were welcome introductions but our research shows that over 40% of adoptive parents cannot ascertain from their school how the pupil premium is being used. We want to see the powers of the Virtual Head extended to include children adopted from care as well as LAC. This would include the transfer of the pupil premium from the school to the Virtual Head and a requirement for a Pupil Education Plan to be in place for every adopted child (subject to the agreement of the parent[s]).

Entitlement to support

31. For a decade there has been an entitlement for adopters to receive an assessment of their child’s support needs if requested. The duty to provide this is now covered by a duty to promote this entitlement following the legislation last year. There is no duty to provide the support that the assessment identifies is required. This duty, if in place, should cover the range of needs including those that would fall under the remit of CAMHS.

32. The Coalition Government was pushed on this by ourselves and the House of Lords Select Committee on Adoption but were not inclined to legislate. The Coalition introduced the Adoption Support Fund as an alternative response. Whilst this is welcome it is not sufficient and we are already seeing local authorities limiting adopter access to the Fund. Once the costs of the Fund are met or partially met by local authorities after this year we believe that access to the Fund may become more restricted further strengthening the case for a duty to provide.

July 2015

Written evidence submitted by the Southwark Diocesan Board of Education (SDBE) (EAB 18)

1. EXECUTIVE SUMMARY

1.1 The evidence is being submitted by the SDBE on behalf of the 106 schools in the Diocese.

1.2 The SDBE supports the aim of the Bill to raise standards in education; however, we do not support the mandatory conversion of schools into sponsored academies as the only solution to inadequate schools.

1.3 We believe it is essential that consultation is undertaken with the appropriate diocese and school trustees before determining any action to tackle coasting or inadequate schools.

1.4 We welcome the provision in the Bill requiring consultation of the Diocese and school trustees if there is a need to determine an academy sponsor.

2. INTRODUCTION

2.1 The SDBE supports 106 Church of England School in the Diocese across 12 Local Authorities education 37,000 pupils. 88% of the schools are currently rated 'good or better'. The SDBE has a strong established track record of delivering school improvement in a variety of forms which includes working with other partners.

2.2 This Diocese, with others, is a long-term strategic partner with the State in the provision of schools, in conjunction with the National Society.

2.3 Given the Church's investment and historic stake in Church of England schools, dioceses and school trustees have the expertise and the mandate to make informed decisions regarding standards in our schools.

3. SECTIONS 2,4,5 & 6 - IMPORTANCE OF CONSULTATION RELATING TO INTERVENTION POWERS

3.1 The Bill grants greater powers of intervention to the Secretary of State in a range of circumstances. The intention is that these powers, and existing rarely used powers of the Secretary of State, will become routinely used by the new Regional Schools Commissioners (RSCs).

3.2 These powers lack the safeguards associated with similar powers used by local authorities, but may well become widely used by the RSCs. We have already seen variability in approaches by RSC's across Diocesan Boards of Education which could lead to a lack of consistency in the implementation of the Bill and equity for schools.

3.3 We are concerned that the powers given to the new RSCs may cut across existing working practice. Local authorities and Department for Education officials who currently make decisions about school support understand the dioceses' and trustees' legal duties to preserve and develop the Christian character of their school. They also understand the capacity of our Diocesan Board of Education to deliver school improvement and support a range of school activities. Many academy chains have little or no experience of Church of England Schools and do not understand their legal status.

3.4 In particular we are concerned about new powers granted to RSCs under Section 5 of the Bill. Usually an IEB is put in place following discussion between the local authority and the diocese, with carefully considered agreements as to its operation, including in relation to its members and how the Christian character of the school will be preserved. This enables the school to continue to comply with its trust deed through a Church appointed majority on the IEB. Our concern is that an RSC would unintentionally cut across this established arrangement.

3.5 Therefore, it is important that the Bill, and associated regulations and guidance, explicitly recognize the legal duties that dioceses and schools' trustees have to preserve the Christian character of their schools and explain how they will continue to be able to carry out these duties if subject to an academy order under the new legislation.

3.6 The SDBE has evidence to show that a range of strategies can be used to bring about the rapid improvement required to move a school from Inadequate to Good within a reasonable timescale in order that systems and structures become embedded for long term sustainability. The conversion of a school to an academy is just one of these strategies.

4. SECTION 7 - DUTY TO MAKE AN ACADEMY ORDER

4.1 In the case of an inadequate school the Secretary of State must make an Academy order (Section 7). We are concerned that the Secretary of State is removing her discretion to consider alternative options that might be more appropriate for local circumstances. The word 'must' should be changed to 'may' in the context of Church of England Schools to support the notion of full consultation with the Diocese. The same should be true for Maintained schools.

4.2 We agree that in a few situations academy conversion with a sponsor or as part of a multi-academy trust can be effective to support a school to raise educational standards. However, in most circumstance there may be other solutions that are more educationally effective which we can evidence across the SDBE.

4.3 Sometimes, it will be inappropriate or practically challenging for an inadequate school to become an academy especially in terms of going through structural change at a time when the school needs to focus on the core business of teaching and learning. It may also be the case that new leadership is secured within a short time frame of a school being judged 'inadequate' and that this will bring about the rapid change required. Again the SDBE has evidence of this.

4.4 There are many examples where the diocese has drawn on its expertise to successfully raise standards in a Church of England school using interventions other than an academy conversion e.g. entering into a federation with a strong school, replacing a Governing Body with an IEB, replacing a Headteacher with an exemplary leader, putting a rigorous structure of accountability around the school for a set period of time.

4.5 Any decisions regarding academy conversion should be arrived at following a full and proper consultation with the trustees and diocese for all Church schools. The consultation should take place before any decision to make the Academy order.

5. SECTION 9 – CONSULTATION ABOUT ACADEMY SPONSORS

5.1 We welcome the provision on the face of the Bill that the Secretary of State must consult with the trustees of the school and the appropriate religious body. However there is no detail to the nature and structure of this consultation.

5.2 By consulting with the relevant diocese, there is an assurance that the sponsor will not contradict the school or academy's trust deeds and utilizes the experience and expertise of the diocese.

July 2015

Written evidence submitted by Stephen Gorard, Professor of Education and Public Policy, Durham University, UK (EAB 19)

THE AUTHOR

Professor Gorard is an expert on school compositions, school outcomes, and interventions to reduce the poverty gradient in attainment at school. He is the author of *Overcoming disadvantage in education*, London: Routledge, and around 1,000 other books and publications including most recently:

Gorard, S (2015) The complex determinants of school intake characteristics, England 1989 to 2014, *Cambridge Journal of Education*, <http://dx.doi.org/10.1080/0305764X.2015.1045446>

Gorard, S, Siddiqui, N and See, BH (2015) How effective is a summer school for catch-up attainment in English and maths?, *International Journal of Educational Research*, (forthcoming)

Siddiqui, N, Gorard, S and See, BH (2015) Accelerated Reader as a literacy catch-up intervention during the primary to secondary school transition phase, *Educational Review*, 10.1080/00131911.2015.1067883

See, BH and Gorard, S (2015) The role of parents in young people's education - a causal study, *Oxford Review of Education*, 41, 3, 346-366, 10.1080/03054985.2015.1031648

Gorard, S, Siddiqui, N and See, BH (2015) An evaluation of the 'Switch-on reading' literacy catch-up programme, *British Educational Research Journal*, DOI: 10.1002/berj.3157

THREE PROBLEMS

In order not to repeat evidence that has been, and will be, submitted by others, this brief summary draws attention to evidence on three issues that will turn out to be problems for the Bill in respect of converting 'coasting' schools into Academies.

1. The definition used for 'coasting' will continue to be unfair to the staff and students in schools facing greater challenges in areas of relative disadvantage. It is clear that judgements about the purported quality of schools, whether from OFSTED or DfE, routinely become entangled with variable school compositions. For decades, schools giving cause for concern or placed in special measures have tended to be in deprived areas such as inner-cities. These schools face the challenges of dealing with

one or more of the following – high levels of disadvantage, high student mobility, temporary issues caused by immigration such as having English as a second language, and higher levels of unrecognised special needs. Setting an arbitrary level such as 60% of pupils meeting a target, such as a KS4 level 2 indicator, shows no recognition of this compositional problem and its geographical basis. If the national average for all schools is above 60% (as it is), the fact that some schools, including grammar schools, are above this and other are below tells us more about the inequalities of school intakes than about what goes on in those schools.

2. There is no convincing evidence that Academies, per se, are ‘better’ than the schools they replace or supplant. Therefore, making schools convert to Academies will have no benefit – the schools will be no more effective with an equivalent student intake. It is clear that individual school outcomes are a largely consequence of their student intakes. Special schools have lower attainment results than the national average because they recruit only children with severe learning challenges. Grammar schools have higher than average results because they recruit only children with high levels of pre-existing attainment. These results are clearly not because one set of schools is good and the other bad. And so it is with all schools. Insofar as we can explain school outcomes (80%-90% accuracy) they are entirely predictable from the prior attainment and socio-economic characteristics of their student intake. There is no consistently better school or type of school. Any purported school ‘effects’ are tiny in comparison to the composition effect, and wildly volatile from year to year. The quickest way for a school to raise its results is to change the nature of its intake. In which case it is no longer dealing with an ‘equivalent intake’.
3. There is strong evidence that diversification and fragmentation of what is intended to be a national system of schools is linked to higher socio-economic segregation between schools, and all of the dangers that this entails. It is peculiar that what is intended to be national taxpayer-funded system for all in which it should not matter where one lives or which school one attends is being converted into a set of disparate schools and chains. Even considering only mainstream settings, we have faith and secular, specialist and non-specialist, 11-16, 11-18, 13-18 and so on, Foundation, CTCs, selective and comprehensive, Academies and Free Schools. Each of these gives families a reason to choose a school other than its effectiveness. This is linked to segregation which is higher than that imposed by geographical, economic and housing differences. Segregation here means that children of particular kinds are more strongly clustered in specific schools than is necessary. This is linked to a higher poverty gradient in attainment, worse civic participation, lower aspirations and life chances. The quickest and cheapest way to eliminate schools below the ‘coasting’ threshold would be to change the allocation system so that all school took their fair share of disadvantage and low attainers. But this would mean moving schools towards uniformity – elimination of selection, faith bases, specialisms and so on. If we know which of the types of schools above is the best then all schools should be of that type, and all families should be able to use them. Give that, in fact, we do not know which type of school is best, there is no reason to have any variation anyway. So again, all citizens and all tax-payers should have the same opportunities wherever they live.

July 2015

Gorard, S (2014) The link between Academies in England, pupil outcomes and local patterns of socio-economic segregation between schools, *Research Papers in Education*, 29, 3, 268-284, DOI:10.1080/02671522.2014.885726.

Gorard, S, Hordosy, R and Siddiqui, N (2013) How stable are ‘school effects’ assessed by a value-added technique?, *International Education Studies*, 6, 1, 1-9, <http://dx.doi.org/10.5539/ies.v6n1p1>.

Written evidence submitted by Kent Schools Hope (EAB 20)

I am a parent in Kent organising a new group to try to give concerned parents a democratic say on the secondary education system used in our region. Kent offers selective education but many people in Kent prefer comprehensive education. My group is concerned that the grammar school ballot is not workable in practice (see recommendation 30 Select Committee Secondary Education Fifth Report of Session 2004–05) so we are campaigning for legislation changes to offer an effective way for the people of Kent to have a say on our school system.

Our concerns with the Education and Adoption Bill 2015-16 lie in the fact that Kent offers a selective school system, while the majority of the country has comprehensive education and no new selective schools.

We are glad to see that the government is addressing the problem of coasting schools, however in a selective county like Kent we feel that consideration should be given to the differences between pupil intake and achievements in secondary moderns and grammar schools.

We believe parents should have say on their children’s education and fair treatment in all counties, and our concerns with this bill are:

- 1) The ‘coasting’ definition does not take into account the different achievements of pupils in selective schools and secondary moderns in an area like Kent. There will be higher exam marks in a grammar

school yet those pupils might not be achieving full potential. In a school of high achievers the ‘coasting’ definition should be adapted to also cover these schools. If the government feels academies are the best way to improve schools then underachieving grammar schools should also become academies.

- 2) Legislation to effect change within selective schools (the grammar school ballot, School Standards and Framework Act 1998) does not apply to academies. If grammar schools convert to academies yet retain selective status, how will parents have a say on the education method in that school? We are also concerned about the wider impact of trying to effect change in a selective county such as Kent. We would ask for some consideration to be given to the impact this bill has on the grammar school ballot, and campaigns for comprehensive education in selective school areas.

EVIDENCE RELATING TO POINT 1:

— <http://schoolsweek.co.uk/one-in-five-secondary-moderns-could-fit-the-definition/>

‘Analysis by Education Datalab has found that nearly one in five secondary schools (18 per cent) in local authorities that also have grammar schools would be defined as “coasting” if data from 2012-14 were used.

The percentage of these schools – secondary moderns – is higher than the 13 per cent of all secondary schools likely to be judged as coasting.

None of the 122 grammar schools in selective areas would be classed as coasting under the new definition.’

EVIDENCE RELATING TO POINT 2:

— The Education (Grammar School Ballots) Regulations 1998.

— Grammar school ballots discussed in the Select Committee on Education and Skills report of July 2004.

— Recommendation 30 Select Committee Secondary Education Fifth Report of Session 2004–05.

July 2015

Written evidence submitted by a group of Church of England diocesan boards of education (EAB 21)

SUMMARY

This evidence is being submitted jointly by the Boards of Education of the Church of England dioceses of Liverpool, West Yorkshire and the Dales, Chester, Leicester, Bath and Wells, Blackburn, Rochester, Ely, Hereford, Lincoln, Exeter, Oxford, Coventry, Chichester, Sheffield, Durham, Newcastle, Birmingham, Gloucester, Southwark, Bristol, Lichfield, St Alban's, Norwich, Chelmsford, Carlisle and Canterbury. It is also supported by the Association of Anglican Directors of Education (AADE).

It has been drafted in support of the submissions already publicly available from the National Society and the Catholic Education Service.

The dioceses seek changes to the Bill that protect the religious character of their schools in these processes, and the charitable nature of the institutions and of their site trustees.

THE DIOCESAN BOARDS OF EDUCATION

1. Diocesan Boards of Education (DBEs) are the diocesan bodies with statutory responsibility under the Diocesan Boards of Education Measure 1991 for Church of England Schools in their area. The DBEs represented here are simply a group of Church of England dioceses that have chosen to provide evidence together. Between them they are the religious authorities (and in many cases the trustees) for the majority of Church of England maintained schools and academies. The AADE represents all Church of England Diocesan Directors of Education who are between them responsible for over four and a half thousand schools and academies. They therefore comment from the perspective of everyday practitioners who are constantly involved in the running of their schools and have various statutory responsibilities for them. Their collaboration is at the heart of all procedures addressing the standards of their schools and of all relevant academy conversions. They hope therefore that their observations will be of material assistance to the Committee in considering how the legislation as proposed in the Bill will work in practice.

CONCERNS

2. The DBEs have responsibilities both in respect of the educational standards of their schools and with regard to their Church of England religious character. In both of these they work in partnership with other interested bodies such as Local Authorities (for maintained schools), the DfE and EFA, the relevant site trustees (which may be the Vicar and Churchwardens) and, of course, the schools themselves. In order for these partnerships to work effectively and efficiently, it is necessary for there to be a clear and unambiguous legal framework within which the network of well established relationships and professional practices can continue. Where the legal framework is flawed or of uncertain effect then constant problems occur and much time and money is wasted. Our comments below are intended to assist in producing clear effective legislation that will

assist our twin aims of high quality education in the context of a strong church ethos. Our experience is that in our schools the two tend to be found together.

3. In our view it is entirely right that the providers of schools and academies should be called to account for the standards of their schools. This has been the thrust of legislation since the creation of grant maintained schools. However, there is a delicate point at which being called to account tips over into being controlled, and we urge the Committee to consider with care the dividing line between the two, especially in the light of the inevitably limited capacity of the DfE and EFA in these times of financial stringency. That it seems to be envisaged that the Secretary of State's new powers will be largely exercised by Regional Commissioners raises additional concerns about capacity and comparability of decision-making.

4. A further very significant point is that when control results in decisions that affect the continuance and effectiveness of the religious character of our schools and of the trusts on which they are held, then we suggest that education legislation is in danger of affecting the charitable status and character of our schools and their trusts. This seems to us to need very careful consideration, and we ask the Committee to seek assurances from the Secretary of State that Charity Commission advice has been taken on this point, and to make it public. The Bill appears to be capable of being used to remove or reduce the effectiveness of the religious character of our schools and to affect quite radically their charitable nature and character. This may not be intended, but clarity on the face of the Bill is required to ensure that provisions are not such that they could be used in this way.

5. There is also a related point concerning the necessary independence of charitable institutions, as are all academies and voluntary and foundation schools, together with any site trustees they may have. We wonder whether the levels of control and direction that would accumulate in the hands of the Secretary of State were the Bill to be enacted as drafted would not compromise the independence of these school charities beyond what it is reasonable to impose on charitable bodies. After all, to be an executive arm of the EFA is not a charitable purpose! Again we urge that Charity Commission advice be sought and brought to the Committee.

6. These may seem rather abstract points, but in fact they are intensely practical in the day to day operation of standards and academy conversions processes and touch on a number of drafting points in the Bill:

- (a) We strongly believe that the statutory duties and responsibilities of religious authorities and site trustees should be recognised on the face of the Bill by something more than a right to be consulted. This applies both to clauses 2-6 and to the radical changes to present legislation included in clauses 7-12.
- (b) The definition of "coasting schools" is being covered by Regulations which we have only today seen in draft. We are grateful for this but note that this represents a very major extension of Secretary of State powers over schools that might well be doing a perfectly good job. While to challenge them is in our view right we urge that this should not be by means of a mechanism which would allow the Secretary of State to press for the transfer of such schools with a religious character to the management of non-religious bodies.
- (c) Dioceses and Local Authorities are used to working together to address standards issues and we support the view put forward by others that in order that ethos and trust issues can be harnessed in support of improving standards, real diocesan involvement in the creation of Interim Executive Boards (whether established by Local Authorities or by the Secretary of State) is essential.
- (d) We support too the call by both the National Society and the Catholic Education Service for the powers contained within clauses 2,4,5 and 6 to be exercised in constant collaboration with the relevant religious body since they will no doubt (and rightly in our view) come to be more frequently used. Hence both site trustees and religious authorities need to be consulted in respect of all the options proposed in these clauses and we would like to see a requirement in the Bill that arrangements about the governance of a school must always be such as to take into account any religious character that a school has by virtue of its trust deeds or otherwise. To have such a requirement on the face of the Bill is in our view essential to ensure the smooth and efficient working of the various processes. Arguments cost money and create delays!
- (e) Clause 7 appears to us to take us immediately to some serious practical problems. In combination with clause 1 it leads to a situation where a substantial number of schools (and consequently some Church of England schools) will be in receipt of academy orders (whether under the new proposed s4(A1) or under the existing s4(1)(b) of the Academies Act) which have not been sought by the governing body. We do not believe that any Church of England school has yet been converted under s4(1)(b) and that consequently this route has never been tested in practice. In the case of voluntary conversions, section 3(4) of the Academies Act provides that a governing body may apply for Academy status only with the consent of the trustees of the school and the persons by whom the foundation governors are appointed. Under the proposed powers the current practical arrangement of using a letter of conditional consent which enables us and our site trustees to ensure that academy conversions take place with full protection for the religious character of the institution and the requirements of the site trust deeds will not obtain. Mere consultation is not a sufficient replacement for this and we fear that many conversions will be held up because we have to find other ways of ensuring that appropriate company articles are used, appropriate company members and directors prescribed and all appropriate powers included in both the articles and the relevant funding agreements. If the present straightforward power we have

to ensure all of this is removed for these groups of conversions (as would be the case with present drafting) then we fear that the practical effects on the ground will be to create disruption, resentment and extra cost. Some way of requiring our continued agreement (not just a right to be consulted) is in practice essential.

- (f) In part this is because the site trustees must protect and respect their trusts and cannot be directed to do any other. It is our view also that the same applies to the governors of religious voluntary schools in their charitable capacity. They have a duty to protect the Church of England character of their schools and may not be directed not to do so. If we as the religious authorities are not enabled to ensure that conversions happen only with conditions to guarantee the religious character of the school, not only dioceses but the site trustees (who in the Church of England may be small groups of local folk) will be put in an unbearable position. Yet in the end no conversion can happen without them making their site available – which they cannot do in breach of their trust. Risking this kind of situation seems not to make sense.
- (g) The combination of clauses 1 and 7-12 also results in the odd position that a good or outstanding school seeking conversion with an inappropriate partner could be prevented from doing so by the diocese, while a weak or coasting school could be taken into a totally inappropriate Multi Academy Trust without the diocese being able to prevent this. This will put us all in some most invidious positions locally as we attempt to work with Regional Schools Commissioners to broker effective solutions.

CONCLUSIONS

7. As a group of dioceses we are not at all opposed to the declared aims of this Bill. However, as a sample of the bodies and individuals who will have to make it work on the ground we are concerned to have:

- (a) a clear, justified and long term definition of “coasting schools”;
- (b) clear provisions on the face of the Bill to require our active involvement and that of site trustees in the various processes set out in clauses 2-6;
- (c) a requirement in the Bill that all these processes recognise and support the religious character of our schools; and
- (d) an amendment to ensure that the processes of the new proposed s 4(A1) and the existing s 4(1)(b) of the Academies Act cannot go forward without the consent of the religious authority and the site trustees.

8. It is our view that without these changes major practical problems will in fact occur in respect of individual conversions and other procedures and will have to be solved at substantial local cost both financial and in relationship terms.

9. We share the Secretary of State’s determination to improve the life chances of children and young people and believe that if our suggestions are implemented, the aims of the Education Bill will be expedited more effectively.

Signed:

The Diocesan Directors of Education of the dioceses of Liverpool, West Yorkshire and the Dales, Chester, Leicester, Bath and Wells, Blackburn, Rochester, Ely, Hereford, Lincoln, Exeter, Oxford, Coventry, Chichester, Sheffield, Durham, Newcastle, Birmingham, Gloucester, Southwark, Bristol, Lichfield, St Alban’s, Norwich, Chelmsford, Carlisle and Canterbury: and the Association of Anglican Directors of Education.

July 2015

Written evidence submitted by UNISON (EAB 22)

UNISON

Is the largest education union in the UK, with 350,000 members working for employers ranging from early years, through schools, careers services, further education colleges, 6th form colleges, Ofsted and higher education institutions. Around 250,000 members work as support staff in schools.

SUMMARY

1. Consultation with local stakeholders before a school becomes an academy is an important part of community engagement and should not be abolished. This was agreed by the previous government, after considerable debate in both Houses during the passing of the 2010 Academies Act. Clauses 8 and 9 of the Bill should be deleted and replaced with words that would call for all consultations to be meaningful, open and transparent

2. The proposals to force some ‘coasting schools’ to become academies are flawed and relevant clauses deleted.

INTRODUCTION

3. The rapid expansion of the academies programme has seen a focus on structure that has at times diverted attention from the need to focus on improving teaching and learning. Schools, as well as places of learning, also act as community hubs and engines of improvement, providing the workers and ‘good citizens’ of the future. Parents and other stakeholders need to be engaged in decisions that affect their children, so attempts to duck difficult debates will only build resentment and mistrust. Our evidence focuses on two key areas where we think the bill should be amended:

CONSULTATION: CLAUSES 8 AND 9

4. Consultation was not in the original draft of the 2010 Academies Bill. However there was considerable debate in both Houses about the gap in the draft legislation around lack of consultation. Many debates were held on the proposed lack of engagement with local communities and relevant stakeholders when schools were to become academies or on the introduction of free schools. The strength of feeling in both houses and across parties saw the government accept the logic of the debate and insert clauses on consultation. These clauses were themselves subject to strengthening amendments late on.

5. Indeed the government accepted that consultation was valuable. Lord Hill during the Academies Bill supported consulting with the community. He argued against an amendment that would have enforced consultation with local authorities saying: “It is our view that with regard to local decision-making involving individual school, teachers and parent is about as local as it is possible to get”.

6. We are therefore surprised that the government’s new Education and Adoption bill attempts to overturn this local scrutiny that both Houses introduced. And we are disappointed that the government wishes to return to its initial draft of the 2010 Academies bill – in effect strong arming through forced conversions in secret and in cases against the will of the local people.

7. Similarly, clause 8 re-introduces words similar to those in the original draft of the Academies bill that allow converting academies to consult ‘after an academy order’ – or a ‘sham consultation’ as Lord Whitty called it in the debate in the House of Lords at the Committee stage in 2010. An argument that the government eventually accepted, deleting the words before the Act was passed.

8. Interestingly, this Education Bill accepts that consultation is important for some. So in clause 9 trustees, persons appointed by foundation governors and the appropriate religious body must be consulted. It is shame that such courtesy will no longer be offered to all local communities and people working at all converting schools, if this bill is not amended.

9. The government has argued it needs to get rid of consultation as the current process has been abused – yet over 4,000 academies and free schools were introduced over the last parliament. Against this a comparatively small number of opposition campaigns became high profile. These have mostly been in schools forced to convert, where the furore has been due to the realisation that once the academy process has begun it is very difficult to turn it around, unless a big fuss is made.

10. If the consultation process were a genuine one; seen to be more open, with a more transparent process and the chance for a considered outcome, we would be more likely to have a considered consultation process. As it is we have seen schools graded as inadequate targeted to become academies that begin to show improvement, but are turned into academies anyway, against the wishes of staff and parents.

11. In a debate at the report stage of the Academies Bill in 2010 in the House of Lords Baroness Perry of Southwark, on behalf of the government, opposed an amendment that sought to identify who should be consulted, saying:

‘...and it is unthinkable – absolutely unthinkable – that any school, any head teacher, any group of staff or governing body would want to press ahead in some sort of secretive way without making sure that they were taking the staff, the parents and the local community with them. That is the way schools operate.’

12. Sadly this has not proved correct. In a number of cases the community has not been properly consulted or engaged in the process. It is this secrecy and rapid trammelled change that upsets people and leads to high profile campaigns.

13. In a sensible world the government would be proposing a system to include provision that makes consultation more open and transparent. This would give a fair hearing for the concerns of communities and so when a decision to become an academy or not is taken that it is seen as justified and is respected.

14. In a debate on the Localism Bill in January 2011 Nicky Morgan, now Secretary of State said:

“I particularly welcome clause 102, which requires developers to consult local communities before submitting planning application for certain developments”

So it is OK to consult communities on planning issues, but not on changes to their schools.

15. In an article on shifting power to local people and local institutions in February 2009 The Prime Minister said:

'The conservative party wants nothing less than radical decentralisation When one size fits all solutions are dispensed from the centre it's not surprising they so often fail local communities.

When people experience a yawning gap between the changes they want to see and those they can directly affect, it is inevitable that demoralisation and democratic disengagement follow.

There are plans to give people a much greater say over issues that affect their daily lives.....'

It is a shame that the proposals in clauses 8 and 9 do not reflect this.

COASTING SCHOOLS

16. There are a number of weaknesses in the bill in relation to powers to intervene in 'coasting schools'

17. There are a number of high profile well researched reports (by NFER, Academies Commission, Education Select committee) that show that academies are not a panacea nor necessarily better than equivalent maintained schools. The government makes a presumption that because some academies are a success that this is the only way forward.

18. The bill focuses only on maintained schools and not academies. There is no equivalent intervention for 'coasting academies' which is strange. It is also unfortunate that successful local authorities are not allowed to oversee failing academies in their area.

19. Regional Schools Commissioners have a conflict in their role, both judging whether schools are coasting, whilst being judged by the number of academies that convert in their area.

20. Overall schools whose pupils come from better off homes will do better in both attainment and progress, so attempts to balance the 'coasting schools' definition beyond the Ofsted grade will not necessarily even out the playing field

21. Even allowing for a more flexible definition of coasting schools than just Ofsted grades or exam results, there will always be a spread of schools performing at different levels. Not every child can get A*s children and some will be comparatively 'coasting' compared to others. With effective 'quotas' on grades (to stop grade inflation), gains by one school will inevitably mean others will do comparatively 'worse'. Inevitably as more schools become academies there is more chance that they will end up as 'coasting schools'.

22. We have noted above that only a few academy chains are significant outperformers. They have also tended to be ones that expanded more slowly and sensibly. So they cannot fill the gap – other large chains have been put on hold and new sponsors are a gamble.

23. We also know that schools are reporting difficulties in appointing Heads as the role becomes harder and because potential Heads see that they are more likely to be dismissed if they are judged not to be improving schools swiftly enough.

CONCLUSION

24. All these points suggest that the proposals in the bill around coasting schools and reduced consultation are unnecessary, unhelpful and reduce the engagement of local communities in their school.

July 2015

Written evidence submitted by NASUWT (EAB 23)

INTRODUCTION

1.1 This evidence aims to:

- provide a context for and commentary on the Education and Adoption Bill; and
- highlight particular issues and concerns about the Bill's provisions.

STRUCTURAL CHANGE TO RAISE STANDARDS

1.2 The NASUWT believes that the education reforms of the early part of this century made a significant contribution to raising standards.

1.3 By 2010, the proportion of pupils gaining Level 4 or 5 in English had increased from 49% to 80% and in mathematics, the proportion of pupils achieving Level 4 or 5 had increased from 45% to 79% over the same period. In 1996-7 45.1% of 16 year olds achieved 5 GCSEs at grade C or above. By 2009 this figure had risen to 65.1%. A Level pass rates had risen from 87.7% to 97.55%. In addition, achievement gaps were also narrowing and more young people were staying on into further and higher education.

1.4 These achievements were the result of over a decade of unprecedented investment in education, a commitment to tackling disadvantage and inequality and a programme of workforce reform carried out in genuine partnership between education unions, national employers and the Government in the context of the

shared ambition to raise standards of education to ensure that all children and young people reach their full educational potential.

1.5 By 2010 the UK was ranked 6th in the twenty highest performing countries in education across the globe and 2nd in Europe.

1.6 Successive Governments have been united in their desire to raise standards of achievement for all children and young people. Since 2010 the main Government driver for this has been structural change.

1.7 The Education and Adoption Bill has, at its core, the drive for continuing structural change to secure the academisation of the overwhelming majority of schools on the premise of raising standards.

1.8 There is clear national and international evidence that structural change is not a panacea for raising standards or narrowing the achievement gap. There is considerable variation between the countries that top the international tables for educational performance in terms of their structures for school provision.

1.9 The DfE's comparisons of overall GCSE achievement growth in academies and maintained schools, on which it has based its assertions that academisation raises standards, fails to take effective account of generally lower prior pupil attainment levels in academies.

1.10 Independent assessments of pupil achievement across schools with comparable levels of prior pupil attainment on admission confirm that progress levels between academies and maintained schools remain similar.³¹

1.11 The National Audit Office (NAO) has confirmed that it is not possible on the basis of the available evidence to conclude, as the DfE has done, that the expansion of the academies sector has resulted in an increase in levels of pupil attainment and progress or that, of itself, academisation has contributed towards a narrowing of achievement gaps.³²

1.12 Evidence of the variable impact of structural change is shown by the focused inspections of Multi-academy Trusts, including E-ACT, which occurred between 28 January and 7 February 2014. This inspection concluded that performance in many E-ACT academies had declined since E-ACT became a sponsor of those schools.

TACKLING DISADVANTAGE AND INEQUALITY

1.13 The NASUWT shares the Government's ambition to raise standards and to tackle inequality and disadvantage. The Union believes, however, that the continuing focus on structural change and marketization, privatisation and fragmentation of our public education service is increasing inequality and disadvantage.

1.14 The NASUWT believes that if standards of achievement are to be raised for all children and young people then the focus needs to be not on structural change or what schools are called. Whether they are academies, trusts, foundation or community schools the test should be are they delivering the entitlements a public education service should be ensuring for all children and young people.

1.15 There is already clear evidence that children and young people, as a result of structural change which has provided excessive autonomy for schools, are not receiving their basic rights and entitlements such as the entitlement to:

- be taught by a qualified teacher;
- access a broad-based national curriculum;
- access to educational experiences that promote opportunity and achievement which are not based on their parents' ability to pay;
- the removal of barriers to achievement for those with special educational needs;
- investment in education being a key government priority; and
- a life and life chances which are not degraded or derailed by poverty.

1.16 The provisions in the Bill relating to education do not secure these entitlements. Indeed, the provisions will exacerbate existing problems. Public services, including education, should contribute to securing a just, democratic and inclusive society. This Bill will not contribute to these actions.

1.17 Since 2010 there has been a significant move to centralise control of the public education system with successive pieces of legislation, which move power away from democratically elected local bodies and communities to the Secretary of State. This Bill continues that process of centralisation by removing a fundamental entitlement of parents to have a say in the type of school in which their child is educated.

1.18 The NASUWT is particularly concerned that the Bill removes the right of parents to have a say in the type of school in which their child is educated and seeks to enact provisions to remove the right of individuals to make representations about Government strategies.

³¹ Stewart, H. (2013). 'The academies illusion: what the data reveals.' Local Schools Network. (30 May) (<http://www.localschoolsnetwork.org.uk/2013/05/the-academies-illusion-what-the-data-reveals/>)

³² Stewart, H. (2013). 'The academies illusion: what the data reveals.' Local Schools Network. (30 May) (<http://www.localschoolsnetwork.org.uk/2013/05/the-academies-illusion-what-the-data-reveals/>)

SECTION 2 - CLAUSE BY CLAUSE ANALYSIS OF THE BILL

Clause 1

2.1 This clause enables the Secretary of State to define a new category of “coasting schools” for the purposes of intervention under the Education and Inspections Bill 2006.

2.2 The NASUWT strongly questions the need for this clause at all. The Union believes the Secretary of State already has the powers to determine the criteria on which she can intervene in schools. However, if such a clause is to be included, the NASUWT believes that a definition of coasting schools should be included on the face of the Bill to remove the opportunity for definitions to be changed easily at the discretion of the Secretary of State in regulation and with limited parliamentary scrutiny in the future.

2.3 The absence of a definition of ‘coasting’ on the face of the Bill will make this clause inconsistent with the current provisions of the Education and Inspections Act 2006, as definitions of the other categories of school eligible for intervention are provided on the face that Act.

2.4 The absence of a clear time frame or criteria for review of a ‘coasting’ school’s status also leaves a great deal of uncertainty. Regional Schools Commissioners will be tasked with deciding whether a ‘coasting’ school’s improvement plan is credible enough to save it from forced academy conversion. However, one of the eight key performance indicators for Regional Schools Commissioners relates to the percentage of academies or free schools in their region, and ‘*the percentage of eligible schools issued with an academy order*’. There is clear potential for a significant conflict of interest in discharging these two areas of responsibility which could supersede any determination of the basis of raising standards.

Clause 2

2.5 This clause amends the law relating to performance standards and warning notices for schools. It significantly increases the powers of the Secretary of State at the expense of local authorities and governing bodies.

2.6 The ability to hold the Secretary of State to account for the exercise of these new wide-ranging and significant powers is diminished further by the removal of the right for organisations or individuals to challenge or appeal any decision.

2.7 Parental, community and public engagement in schools is fundamental to educational improvement and their voices are silenced by the provisions of the Bill.

Clause 3

2.8 This clause represents the compromising of the entitlement of children and young people to be taught by those who are recognised and rewarded as highly skilled professionals.

2.9 The element of the warning notice was to secure workforce standards given the inextricable link between teachers’ pay and conditions and high quality education provision. Its removal takes away a key lever for Government and local authorities in maintaining standards.

Clause 4

2.10 This clause grants new powers to the Secretary of State to require action on the part of a governing body, for example to co-operate, collaborate or federate with one or more other schools and complements the clause which removes their rights to challenge or appeal.

2.11 While there is reference to the Secretary of State consulting with a limited number of stakeholders, there is:

- (i) no definition of consultation;
- (ii) no framework providing the mechanism and timeframe for such consultation.

2.12 This clause is a further example of centralisation of control to the Secretary of State, away from parents and local communities.

2.13 In sub-clause 4 this centralisation is reinforced by the provision to enable the Secretary of State to set the terms of any contracts and impose them schools.

Clause 5

2.14 This clause gives the power to the Secretary of State to direct local authorities regarding the nature of Interim Executive Boards including the appointments, size of the board and terms of appointment.

2.15 The NASUWT is concerned that such provisions may lead to decisions being made to appoint IEBs that have no connection with or understanding of the community served by the school.

Clause 6

2.16 This clause represents a further diminution of the role of democratically elected local councils in the provision of education for the communities they are elected to serve.

Clause 7

2.17 This clause changes the responsibility on the Secretary of State in relation to schools identified as eligible for intervention or seeking voluntary conversion to academy status. Where under the Academies Act 2010 the Secretary of State was permitted to make an Academy order under this clause they will in future be subject to a duty to make such an order. Discretion will only be retained in respect of schools identified as “coasting”. No rationale has been given for why the Bill should compel the Secretary of State to act in this way.

2.18 In addition, the lack of guidance on the face of the Bill on how the Secretary of State should exercise these discretionary powers could lead to uncertainty across the system and unacceptable variation between the ways in which different cases are handled. It should be a minimum expectation that these powers should be used in a way that is transparent and consistent.

2.19 This clause seeks to apply an ideological ‘one size fits all’ approach to school improvement, regardless of local circumstances or evidence.

Clause 8

2.20 This clause relates to the issue of consultation on conversion to an academy. The Academies Act 2010 required governing bodies to consult before conversion. This requirement is removed for schools eligible for intervention and represents the removal of parents’ rights to express a view about the type of school in which they want their children educated.

2.21 Article 26(3) of the Universal Declaration of Human Rights provides that parents have a prior right to choose the kind of education that shall be given to their children. The NASUWT believes that this provision in the Bill goes against the principle of choice as espoused by the Government and the rights enshrined in the Universal Declaration of Human Rights.

Clauses 10 and 11

2.22 These clauses oblige local authorities and governing body of a school to facilitate conversion to an academy at the direction of the Secretary of State.

2.23 Its effect will be to remove from local authorities the right to represent the interests of the community they serve, will require them to hand over, without question, local public assets and will place the burden on them, currently unspecified, to facilitate conversion.

2.24 It is not clear from the Bill what ‘facilitate’ will mean in practice. While it is probably the case that this may be interpreted as ‘not seeking to block’ an academy conversion, it may mean more than this.

2.25 It is unclear whether the steps set out in Clause 11 for governing bodies and local authorities represent the totality of ‘facilitation’ or whether there are other expectations associated with this duty. In practice, without clarity in the Bill, ‘facilitation’ may be open to wide interpretation by the Secretary of State. Without clarity it could be applied in a variety of ways placing greater burdens on some local authorities, in some circumstances, than others.

2.26 Clarity is also needed on the interrelation between duty to facilitate and other legal obligations local authorities and governors have as employers, including, for example, the Transfer of Undertakings Protection of Employment (TUPE).

2.27 The majority of the remaining clauses relate to local authority adoption arrangements or are commencement or financial clauses on which the NASUWT is not commenting at this stage.

SECTION 3 – COASTING SCHOOLS – DEFINITION

3.1 Although there is not a definition of coasting schools on the face of the Bill, the Secretary of State for Education provided a definition on the 30 June 2015. Coasting schools were determined as stated below.

“Schools eligible for intervention will be those which fall below a new ‘coasting’ level for 3 years.

In 2014 and 2015 that level will be set at 60% of pupils achieving 5 good GCSEs or an above-average proportion of pupils making acceptable progress. From 2016, the level will be set based on Progress 8 – our new accountability measure, which shows how much progress pupils in a particular school make between the end of primary school and their GCSEs.

*At primary level, the definition will apply to those schools who have seen fewer than 85% of children achieving an acceptable secondary-ready standard in reading, writing and maths over the course of 3 years, and who have seen insufficient pupil progress.*³³

3.2 The NASUWT is concerned, firstly, about the lack of consultation and arbitrary nature of this definition. This places enormous power in the hands of the Secretary of State to determine which schools are eligible for intervention and, given the manner in which this definition was announced, sets a precedent which allows her/him to amend or alter the definition further without any more consultation. Up until this point, the definitions for categories of schools that required intervention were provided on the face of Bills, i.e. within primary legislation, not simply as a result of an announcement in the House of Commons.

3.3 Furthermore, the NASUWT shares concerns also expressed by academics and independent organisations about the impact of this definition upon the very school system the Secretary of State has stated she wishes to transform.

3.4 Dr Rebecca Allen and Dave Thompson, writing for the Education Data Lab, established by the Fischer Family Trust, state when examining secondary schools that ‘*Schools serving more affluent communities will escape this judgement*’ of coasting schools because ‘*the expected progress indicator in the definition, in our view the very worst indicator routinely published about schools*’ as ‘*the likelihood of a pupil making expected progress depends on their prior attainment. Therefore it is not a measure of progress at all.*’³⁴ This is primarily because the bar is set at 60% A*-C including English and Maths.

3.5 Furthermore, the switch to Progress 8 will not improve matters, as Allen and Thompson state ‘*Unfortunately this social gradient in judgements of coasting will not disappear as we switch to Progress 8*’ as ‘*Schools in more affluent areas will, on average, achieve higher Progress 8 scores and so will be less likely to be judged as coasting*’.³⁵

3.6 It is clear, therefore, that the definition as established is not about a true sense of coasting but is instead a definition related to attainment. By developing the definition of coasting in this way, the Government is highly likely to penalise schools in challenging circumstances, whilst allowing schools in more affluent areas to continue with their current practices that may have, in the overall rhetoric of this debate, been deemed to be problematic. This is clearly unfair and risks further stigmatising schools in challenging circumstances and serving disadvantaged communities, and risks a worsening of recruitment and retention within these schools.

SECTION 4 – SUMMARY

4.1 The NASUWT believes that legislation which relates to education should demonstrably have a positive impact on raising standards.

4.2 The NASUWT believes that the continuing and potentially increasing turbulence of structural changes which the provisions of this Bill will generate will be counterproductive to raising standards.

4.3 The Bill will do nothing to secure the fundamental educational entitlements for all children and young people in all state-funded schools.

4.4 The Bill denies parents their right to have a say in the type of school in which their child is educated.

4.5 The Bill removes from parents, governors, local communities and democratically elected local bodies the right to be consulted on the significant changes the provisions of this Bill represent for local schools.

4.6 The Bill represents further significant centralisation of power to the Secretary of State and due to the lack of details on the face of the Bill and the over-reliance on regulation removes the opportunity in future for appropriate Parliamentary scrutiny of decisions which will be made effecting our public education service.

July 2015

Local Government Association (Revised) (EAB 24)

1. ABOUT THE LOCAL GOVERNMENT ASSOCIATION

1.1 The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

1.2 We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

³³ DfE (30 June 2015), *Hundreds of ‘coasting’ schools to be transformed*, <https://www.gov.uk/government/news/hundreds-of-coasting-schools-to-be-transformed>

³⁴ Allen and Thompson (30 June 2015), *Secondary schools serving affluent communities aren’t coasting*, http://www.educationdatalab.org.uk/Blog/June-2015/Secondary-schools-serving-affluent-communities-are.aspx#.VZu5_I10y1s.

³⁵ Ibid.

2. SUMMARY

2.1 Councils have a good track record on school improvement and a statutory duty to promote high educational standards in their areas. Local government should be given the powers it needs to achieve such standards for local schools.

2.2 We support amendments which remove the bureaucratic barriers currently preventing councils from intervening quickly and decisively in underperforming schools. Following a significant period of structural reform, the focus of school improvement policy should be on standards, not structures.

2.3 Councils should be recognised as an essential part of the infrastructure to drive up standards, and should be given powers to sponsor academies. In addition, council-maintained schools should be able to sponsor failing schools without first having to become academies themselves.

2.4 Academy chains may not have the capacity to turn around large numbers of additional schools quickly. The Government's statistics show only 15 per cent of the 20 largest chains are performing above the national average as compared to 44 per cent of councils. Before the Bill's provisions are enacted, we would like to see an independent assessment by the Government of the capacity of sponsors to take on new schools and their performance.

2.5 The Bill will allow large numbers of maintained schools to be converted to sponsor academies. We have concerns about the capacity of the existing Regional Schools Commissioners (RSCs) to take on large numbers of additional schools, when some existing academies face significant performance challenges.

3. THE NEED FOR A FOCUS ON STANDARDS

3.1 The Bill will place a duty on the Secretary of State to convert failing schools to academy status. This enshrines in statute the Government's belief that academy conversion is the best way to improve a failing school. However, research by Watchsted for the LGA shows that:

- 75 per cent of maintained schools inspected on the 'tougher' Ofsted framework introduced in September 2012 are good or outstanding, compared to 69 per cent of academies.
- When inspected following conversion, 56 per cent of sponsored academies improved their grade, 33 per cent stayed at the same grade and 11 per cent actually got a lower grade than their predecessor maintained school.
- 62 per cent of primary academies improved their Ofsted grade following conversion, compared to 37 per cent of secondary academies showing improvement.

4. COUNCILS AS SCHOOL SPONSORS

4.1 Councils have a good track record of raising education standards. LGA-commissioned research, published by NFER, shows that, on average, pupils attending maintained schools achieved the same high standard of GCSE results in 2014 as those attending academies. Ofsted rates 82 per cent of council-maintained schools as good or outstanding. Furthermore, since the new tougher Ofsted test was introduced in September 2012, 75 per cent of maintained schools have gained good or outstanding judgements, compared to 69 per cent of academies.

4.2 Given the strength of achievement in the council-maintained schools, we would like to see the Bill amended to allow councils to sponsor struggling schools to become academies. We would also wish to see high-performing maintained schools allowed to sponsor struggling schools, without having to convert to academy status.

5. GREATER FREEDOM FOR COUNCILS TO INTERVENE

5.1 The LGA supports amendments which remove the bureaucratic barriers currently preventing councils from intervening decisively in underperforming schools. We welcome the removal in the Bill of some of the rights of appeal that have hampered councils from acting quickly when a council-maintained school is found to be Inadequate by Ofsted.

5.2 However, councils should not have to apply to the Secretary of State for Education to replace the governing body of a council-maintained school placed in Special Measures by Ofsted. The Bill strengthens central government power to intervene in the establishment of Interim Executive Boards (IEBs) and we are concerned that this will delay to the process of turning around failing council-maintained schools.

5.3 Councils should have the same intervention powers in each of the schools that educate children in their areas, including oversight of spending. This should include powers to intervene in academies and free schools causing concern. Without this, the current two-tier accountability will continue to allow some schools to escape local scrutiny of their educational and financial performance.

6. CAPACITY OF ACADEMY CHAINS TO TAKE ON FAILING SCHOOLS

6.1 We are concerned about the capacity of the pool of current and potential academy sponsors to take on large numbers of additional schools. Councils are also reporting difficulty in finding sponsors for new schools

or schools found inadequate by Ofsted. The DfE itself has already halted the expansion of some of the largest academy chains in response to concerns that rapid expansion has affected standards and Ofsted has issued critical reports on the performance of some chains. Recent DfE figures show that only 3 out of the 20 largest chains perform above the national average on an 'added value' measure, compared to 44 out of 100 councils.

6.2 Before the Bill's provisions are enacted, the Government should conduct an independent assessment of the capacity and performance of sponsors and councils. When an academy fails or a chain is found to be underperforming, councils should step in as sponsors to turn schools around.

7. REGIONAL SCHOOLS COMMISSIONERS

7.1 RSCs will exercise the new powers given to the Secretary of State in the Bill. They are currently responsible for more than 4,000 academies, 141 of which are inadequate and 612 Requiring Improvement. This represents 19 per cent of all academies. The eight RSCs are unlikely to have the capacity or local knowledge to deal with significantly increased numbers of additional underperforming schools.

7.2 With responsibility for a large, remote and diverse range of schools, RSCs lack local knowledge and the capacity to take on all the problems associated with failing academies. A number of councils have reported receiving requests from RSCs requiring local authority support and parents are reportedly confused about the RSC's different regional boundaries.

7.3 Furthermore, significant powers relating to children's education are being given to an unelected body, with parents and communities unable to hold it to account at the ballot box.

7.4 Councils are best placed to oversee school effectiveness and take immediate action where required. With RSCs strictly limited to overseeing academic standards, the early warning signs of failing, such as safeguarding concerns or financial problems, risk being overlooked. It is not acceptable that councils have to wait for poor exam results or an Ofsted inspection to trigger intervention.

July 2015

Written evidence submitted by Peterborough Diocese Board of Education (EAB 25)

CONTEXT

1. Peterborough Diocese Board of Education (DBE) supports 102 schools and academies serving nearly 20,000 children and young people across the local authorities of Northamptonshire, Peterborough and Rutland. Currently around one third of our schools have converted to academy status. We have shown, and continue to show, flexibility in multi-academy trust arrangements that our schools enter into with non-church schools providing the Church school character is properly protected.

2. Around 86% of our schools are classed as small rural schools. The DBE has for several years encouraged governing bodies to consider collaboration as a way of securing the survival of small schools in our village communities. A number of our schools are in federations with non-Church schools, for example, the Finedon federation, the Silverstone federation and the Clipston federation. We also have several federations of church schools: Federation can be a very effective way of securing school improvement.

3. We are keen for every child in our schools to achieve their God-given potential to flourish. Indeed, under the SIAMS framework, to be an outstanding church school, a school has to be effective in terms of pupil outcomes. Two years ago the DBE appointed a lead Ofsted inspector as a part-time school effectiveness advisor to support schools in terms of their whole school effectiveness. The Diocese provides a wide range of professional courses to support school improvement. Eighty one percent of our schools are, in Ofsted terms, good or outstanding which is better than the averages in the three authorities that we serve.

OUR CONCERNS ABOUT THE BILL

4. *66A Power of Secretary of State to require governing body to enter into arrangements*

2(b) Consultation with appropriate Diocesan Authority

Consultation is only about taking soundings, it does not mean the views have to have a bearing on the outcome. The DBE has had an active role pursuant to the Memorandum of Understanding in assisting our schools to conduct due diligence in the academy conversion process. It is important for school leaders to be fully aware of the changed roles and responsibilities that academy status brings and not merely focus on the perceived benefits.

5. Trustees of the land and buildings have a legal duty to ensure that the objects of the trust are upheld and for most Church of England schools this means ensuring that education is carried out that is in accordance with the principles and tenets of the Church of England so *the DBE is duty bound to agree the suitability of a sponsor of a Church of England school and we would wish to see this reflected in this clause.*

6. (5) *Appointment of interim executive members*

Interim Executive Boards are often appointed when a school is in crisis and decisions need to be made about its future. *It is imperative that the legislation reflects the need for any IEB to take into account a school's religious character.*

7. 9(2) *Consultations about identity of Academy sponsor*

Again, consultation is only about taking soundings, it does not mean the views have to have a bearing on the outcome.

8. There is the danger of the dilution of the faith character through the academy conversion process. Malcolm Arnold Academy in Northampton town was a Voluntary Aided school that was 'satisfactory' in Ofsted terms when it was sponsored by the David Ross Education Trust (DRET) as a Wave 1 academy. Although our DBE enjoys a positive relationship with DRET, Malcolm Arnold Academy no longer has a faith majority in terms of governance. The school is also, five years later, in an Ofsted category. Becoming an academy is no guarantee of improving pupil outcomes.

9. *The DBE should have the authority to agree the suitability of a sponsor so that the faith ethos of the school is properly protected and the Governance arrangements should reflect the status of the school so that the diocese is represented appropriately at Member and (usually) Director level.*

10. Peterborough Diocese Board of Education fully supports action to improve outcomes for children; we believe that the amendments suggested above will enable us to work more effectively in partnership to achieve that objective.

July 2015

Written evidence submitted by the National Governors' Association (EAB 26)

The National Governors' Association (NGA) supports, advises, challenges and represents school governors and trustees in England. The NGA is an independent charity which aims to improve the well-being of children and young people by promoting high standards in all our schools, and improving the effectiveness of their governing boards. The NGA is funded primarily by its members who come from all types of state funded schools, including academies.

SUMMARY:

- The NGA recognises the need for appropriate intervention where schools are failing in order to deliver better outcomes for pupils as quickly as possible.
- The NGA is not of the view that any one school structure is better than another in ensuring improvement in the outcome for pupils, although one governing board governing more than one school (whether as a multi-academy trust or a maintained federation) does have advantages in improving both the offer and outcomes for pupils when governed and managed well.
- The NAO reported last year that interim executive boards (IEBs) were more successful than academy conversion in tackling under-performance quickly
- The NGA is concerned about the capacity of the Secretary of State and her Regional Schools Commissioners to appropriately exercise the powers afforded to them by the bill, including to make accurate assessments of the effectiveness of governing boards.
- The NGA is opposed to the removal of the need to consult parents, pupils and staff where an academy order is in place, and to the proposed powers for the Secretary of State and her agents to require governing boards to make arrangements with particular sponsors.

SCHOOL STRUCTURES AND SCHOOL IMPROVEMENT:

1. The NGA is not of the view that any one school structure – in terms of maintained school or academy – is better than another in bringing about school improvement. The NGA does not think that sponsored academy conversion is the only route to school improvement and is concerned about the bill's emphasis on school structures given the lack of evidence currently available on the impact of different school types. The House of Commons education select committee's review of academies and free schools concluded that "Academisation is not always successful nor is it the only proven alternative for a struggling school."³⁶

2. One board governing more than one school (whether as a multi-academy trust or a maintained federation) can have advantages over a stand-alone school/academy in improving both the offer and outcomes for pupils when governed and managed well. The advantages of leading more than one school have been document by

³⁶ <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmeduc/258/258.pdf>

Ofsted³⁷ and NGA has researched the circumstances in which schools choose to come together as federations.³⁸ However this evidence covers smaller, local federations, and there have been problems with some groups of schools which have expanded too fast without due consideration of governance or executive management structures, capacity and capabilities (see paragraph 4).

3. Of 113 schools which had been judged as ‘requires improvement’ by Ofsted after having become sponsored academies and have subsequently been re-inspected, 40 had not improved by their next inspection and 23 had declined to ‘inadequate’.³⁹ This is over half of the schools concerned. Given the relative lack of evidence of the impact of sponsored academy conversion on school performance and the variability of impact between major multi-academy trusts (MATs), the NGA is concerned that this may not be the most effective intervention for all schools at the time when they are struggling. Moreover conversion itself can distract senior leaders and governing boards from the core business of improving teaching and learning, particularly in more challenging schools.

4. The NGA is of the view that multi-academy trusts are most successful at delivering high quality education for their pupils when operating in local clusters. At the Seminar for Local Authority Co-ordinators of Governor Services arranged by NGA and other organisations on 10 February 2015, the Undersecretary of State for Schools Lord Nash stated that it was his opinion that it should be possible for leaders and teachers to travel between schools in a MAT within a lunch-break or school period and has confirmed this view in subsequent conversation. Some large MATs have been barred from taking on more schools, or had schools removed, due to expansion that was too rapid and the failure of their infrastructure to keep pace.⁴⁰ It is therefore important that decisions to assign a sponsor to a school take into account the distances between this school and others already belonging to that sponsor, as well as the robustness of the sponsor’s governance arrangements and the capacity for driving improvement. This does not seem to have happened in the past when the DfE considers potential sponsors, and may not even now. The NGA is pleased to see yesterday’s publication of the outcome letter for Ofsted’s first focused inspection of a multi-academy trust as this greater accountability should facilitate appropriate decisions about the sponsorship.

FORMS OF INTERVENTION

5. The only recent assessment of different forms of intervention was carried out by the National Audit Office which reported in October 2014⁴¹ and concluded:

- “The Department for Education has not demonstrated the effectiveness of the different interventions it and others make in underperforming maintained schools and academies, despite investing at least £382 million annually.”
- “Some academy sponsors are very successful, but the Department does not yet know why others are not. The DfE relies on sponsors to turn around underperforming schools but it does not collect information from sponsors about the type of support they give.”
- “In general, underperforming schools identified by Ofsted improve their performance by their next inspection. Ninety-three per cent of schools rated ‘inadequate’ by Ofsted in 2011/12 had improved by 2013/14. Schools rated ‘satisfactory’ (the rating Ofsted has reclassified as ‘requires improvement’) were less likely to have improved. Only 43% had gained a higher rating by 2013/14.”
- As part of our review, we looked for evidence of how formal intervention activity had affected school performance⁴²: the figures provided by the NAO show in 2012/13 that:
 - Informal measures only: 60% of schools improved their Ofsted rating;
 - Warning notice as formal intervention: 27% improved their Ofsted rating;
 - Sponsored academisation as formal intervention: 44% improved their Ofsted rating; and
 - IEB as formal intervention: 72% of schools improved their Ofsted rating.

Although a relatively small number of schools, this preliminary information suggests that an IEB is more likely to improve the school than sponsored academisation.

6. NGA believes that, when used appropriately, the replacement of a failing governing body with an interim executive board (IEB) can be a highly effective method of promoting school improvement. There is very little guidance on how best to set up or conduct an IEB, and NGA has suggested to the DfE that this would be helpful to ensure the best outcomes for pupils. NGA is also gathering intelligence on this subject.

³⁷ Ofsted (2011) *Leadership of more than one school: An evaluation of the impact of federated schools*. London: Ofsted

³⁸ Howarth E (2013) *The road to federation: Governing bodies that consider joining federations and multi-academy trusts*. Birmingham: National Governors’ Association; Howarth E (2015) *Governing bodies that consider joining or creating federations*. Management in Education 29(1): 20–24

³⁹ From analysis of Ofsted Monthly management information: Ofsted’s school inspections outcomes: Management information – schools – 2 April 2015 <https://www.gov.uk/government/statistics/monthly-management-information-ofsteds-school-inspections-outcomes>

⁴⁰ <http://www.localschoolsnetwork.org.uk/2014/03/halted-academy-chains-background-on-five-more/>

⁴¹ <http://www.nao.org.uk/report/academies-and-maintained-schools-oversight-and-intervention/>

⁴² NAO 2014/10/Academies-and-maintained-schools-Oversight-and-intervention.pdf para 3.16 – 3.19

7. It is unclear how the Regional Schools Commissioners (RSCs) intend to gather enough information about school-level governance to identify risks. From our experience providing advice to and carrying out external reviews of governing boards, the NGA would be wary of a one-size fits all approach to intervention, especially one which assumes that the quality of governance was reflected by overall school performance measures. The NGA has worked with highly successful schools where governance was not robust and also struggling schools where the governing board had taken measures to ensure it has the capacity and skills to drive school improvement. The NGA would expect to see evidence of the capacity of the governing body, in addition to the school's leadership staff, to improve the school included in the process for determining appropriate intervention in 'coasting' and other schools.

8. Under current arrangements, local authorities apply to the Secretary of State for consent to replace the governing body by an IEB. Some local authorities have reported significant delays in receiving approval for IEBs which can have an adversely impact the speed of school improvement. We suggest that the Government should use this bill to remove the need for Secretary of State approval of this level of intervention with maintained schools and let local authorities get on with setting up an IEB when needed. Multi-academy trusts do not have to apply to the Secretary of State to change school level governance; it seems unnecessarily bureaucratic to require local authorities to do so.

CAPACITY & EXPERTISE

9. The NGA is concerned that the current system does not have sufficient capacity for the proposed powers of intervention to be exercised effectively. Successful implementation of the proposed bill relies on the availability of high quality academy sponsors equipped to accelerate school improvement. We are already seeing a shortage of good sponsors as well as a shortage of professionals putting themselves forward to lead challenging schools, a shortage of teachers, and a shortage of volunteers to govern schools. These challenges of finding excellent candidates of course face all our schools, whatever their legal status, and tackling these shortages should be at the heart of the Government's strategy to ensure all our pupils receive a good education.

10. On 15 June Lord Nash wrote to Directors of Children's Services to inform them that decision-making on tackling underperformance in maintained schools through sponsored academy arrangements will be delegated to RSCs from 1 July. With DfE press releases estimating that up to 1,000 schools may become eligible for this type of intervention over the course of this parliament, the NGA is concerned about the capacity of RSCs to effectively carry out these functions.

11. NGA has raised at every available opportunity our concern about the relative lack of specific governance expertise on Headteacher Boards which advise RSCs. Some RSCs have given this more priority than others, but generally the name of the board suggests a fundamental misunderstanding as to whom is being held to account by the RSCs: it is not the executive of the school, but the Board of Trustees whose performance is under scrutiny. We suggest that the qualities needed to lead an outstanding school as a headteacher are not exactly the same as those required to diagnose the governance capacity or the suitability of a MAT to take on another failing school.

12. We believe that some of the poor decisions that DfE took to allow academy chains to expand, including notoriously Park View Academy Trust, but also many other less high profile ones, were due in part to lack of proper regard to governance. Our case work clearly shows that many MATs themselves do not fully understand the role and responsibilities of the different layers of governance. Schemes of delegation are often poor or although the DfE, in particular through the Academies Financial Handbook, has now required them, they still seem to be non-existent in some MATs. Our intelligence on this is supported by others who have experience of advising academy trustees, such as Governorline.

13. Since 2013 Ofsted have carried out inspections of Local Authority School Improvement services. If some of these functions are to be carried out by RSCs, we would expect transparent arrangements for inspecting their effectiveness to be put in place.

TRANSPARENCY & CONSULTATION:

14. NGA has always accepted that governing bodies who have clearly failed to govern effectively (for example by leading their schools into special measures) should be removed; however the powers being given to the Secretary of State and her agents in this bill are so wide-ranging that we are not convinced that governing bodies will only be replaced when they are ineffective, but perhaps also where they disagree with immediate conversion to academy status or the Secretary of State's proposed sponsor for sound reasons. We seek assurances from the Secretary of State that evidence will be provided of ineffective governance before an IEB is installed, especially as Clause 2 removes the governing body's right to make representations.

15. In 2010 the NGA lobbied for and was pleased to see the inclusion of the requirement to consult parents, pupils, and staff on the decision to change the status of the school. The draft bill removes this requirement if a school is eligible for intervention and subject to an academy order. We accept in clear-cut situations, school improvement should not be delayed, but in the interests of transparency, NGA suggests that the case of an academy order over and above other forms of interventions, in particular an IEB, should be made public.

16. Consultation on the choice of sponsor for a school subject to an academy order is vital. The bill will require governing bodies whose schools are eligible for intervention to enter into sponsored academy arrangements if instructed to do so by the Secretary of State, including with particular sponsors. NGA suggests that rather than direct a governing body to make a particular decision, the Secretary of State should act to ensure each school has robust governance arrangements, including where necessary by replacing them with an IEB. The selection of an academy sponsor is a critical strategic decision and NGA is of the view that, where there is capacity and capability in the governance arrangements, this decision should remain with the governing board. Otherwise the governing board has been prevented from carrying out one of its three core functions as set out by the Department's Governors' Handbook (January 2015).

17. Following conversion, it is the sponsor who will assume responsibility for the vision, ethos and strategic direction of the school through the governance arrangements of the multi-academy trust. This ethos may not be the same as the original ethos of the school and for the Secretary of State and her agents to impose a particular sponsor without consulting the parents who made the decision to send their children to the school based on its original ethos would seem counter to the policy of increasing choice in the system.

18. The bill's proposals contradict the statement of the Secretary of State, who for example when speaking at the Sunday Times Festival of Education on Thursday 18 June said "It's not the fact of being a free school or an academy that leads to this excellence. Rather, it's what being an academy or a free school stands for. Freeing up schools and governors to make decisions that are right for their pupils." By giving the Secretary of State power to make decisions regarding school structure and choice of sponsor, the draft bill removes the freedoms of schools and governors to make the decision which are "right for their pupils".

June 2015

Written evidence submitted by St. Helens Council (EAB 27)

At a meeting of St Helens Council on 18th July 2015, Members unanimously agreed the following motion:

"This Council believes that the government's proposal set out in the Education and Adoption Bill to remove any consultation with parents when academising a school graded Inadequate, to be totally at odds with their commitment to ensure schools are accountable by placing parents at the heart of the school improvement agenda. It would appear that parents cannot be trusted to act in the best interests of their own children particularly when those views do not coincide with decisions that have already been taken in Whitehall.

The Education and Adoption Bill is currently progressing through the legislative process and the government has asked for written submissions to be made by the 14 July. The Council requests that the Chief Executive be authorised to provide a written statement setting out our profound opposition to these anti-democratic and flawed proposals"

Elected Members of St Helens Council have voiced their profound opposition to the proposal in the Bill related to the removal of consultation with parents in the circumstances when the Secretary of State orders that a school judged inadequate should become an academy.

The Council believes that the proposal is totally at odds with central government's commitment to ensure schools are accountable by placing parents at the heart of the school improvement agenda. It would appear that parents cannot be trusted to act in the best interests of their own children, particularly when those views do not coincide with decisions that have already been taken in Whitehall.

The Council has grave doubts whether academisation is the *only* solution for inadequate schools. It is not a universal panacea – it is only one option. Research published recently backs up this position. The Sutton Trust, for instance, published research last year on the performance of academy chains. It found significant variations in outcomes for disadvantaged pupils, both between and within chains. It also found that chains differ significantly in how effectively they were raising attainment. Some sponsor chains were managing to raise attainment significantly for young people with low prior attainment. However, others were highly ineffective across a range of measures, thereby failing to improve the prospects for their disadvantaged pupils.

In the light of that and other research, what particularly concerns the Council is the lack of consultation that the Bill envisages. Parents are rightly exercised about the quality of education that their child receives. But how can a parent have complete peace of mind if their views on what might happen to a weak school are to be ignored?

Ofsted has recently published its new inspection framework and guidance. Our Councillors recognise how important an inspection is in the life of the school. St Helens Council welcomes Ofsted's professional scrutiny and the clarity of a team's judgments. Within the new inspection guidance inspectors are required to take the views of parents into account. Ofsted does not turn a deaf ear to parents during such a critical event in their school's life. In contrast, it is of grave concern that Ministers should deny parents' views being heard in deliberations on a school's future position. It is only reasonable that those who send their children to a school, that fund it through their taxes, that are part of the life of that school, should be permitted a voice on the future of such a school.

We look forward to the Bill being amended during its passage, so that the views of parents are taken into account during deliberations on a school's future, in those cases where a school has been judged inadequate.

July 2015

Written evidence submitted by the National Union of Teachers (NUT) (EAB 28)

INTRODUCTION

1. The purpose of this memorandum is to provide a commentary from the National Union of Teachers on the Education and Adoption Bill. The NUT is the largest teachers' union and has over 330,000 members.

2. This submission sets out the key proposals of importance to the Union and identifies where we believe clarification or amendments would be useful.

SCHOOL IMPROVEMENT

3. Ministers have said that the focus of the Bill is to improve schools and give all children the best possible start in life. For this to happen, the NUT believes that the new Government should be offering, or opening, a real conversation about school improvement, or how to achieve excellence for all children. What we have instead, despite the evidence, is the Government relying solely on academy status as a means of delivering school improvement. There is now a strong evidence base to show that there is no 'academy effect' in terms of delivering school improvement. A summary of this evidence is provided at Annex 1.

4. The Government may well find it difficult to find enough good sponsors for the large number of new academies which the Government envisages. There are approximately 265 chains running three or more academies, but hundreds more with just one or two schools. Just 23 chains run ten or more schools and ten of these run 20 or more. The largest chain (AET) runs 52 academies.

5. The Sutton Trust found only three chains performing well for disadvantaged children across a range of measures, a finding confirmed in the Department for Education's own report on academy chain performance.⁴³ The Trust concluded that the very poor results of some academy chains – both for pupils generally and for the disadvantaged pupils they were particularly envisaged to support – comprised "a clear and urgent problem".⁴⁴

6. Given the above, the NUT would welcome an amendment to the Bill to include provision for academy chains to be inspected by Ofsted in the same way that local authorities are inspected. A further amendment would improve the Academies Act 2010 by requiring the Secretary of State to have regard to the track record of an academy chain before appointing that academy proprietor to run a new academy.

COASTING SCHOOLS

7. Clause 1 widens the legal definition of schools 'eligible for intervention' to cover a new category applicable to maintained schools that are deemed to be 'coasting schools'. It should be noted that this label applies only to maintained schools, although many academies are likely to fulfil the criteria that has now been laid down.

8. The definition of a 'coasting school' was published by the Secretary of State on 30 June:

9. For **primary schools**, the 'coasting' definition will apply to those schools which in 2014 and 2015 have fewer than 85% of children achieving Level 4 in reading, writing and maths and which also have below average proportions of pupils making expected progress between age seven and age 11 and which, in 2016, fall below a 'coasting' level set against the new accountability regime which will require pupils to achieve a higher expected standard and schools being measured against a new measure of progress.

10. **Secondary schools** will be deemed 'coasting' if in 2014 and 2015 fewer than 60% of children achieve five A*-C grade GCSEs including English and maths 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 (the level being set after the 2016 results are available). 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.

11. Because the 'coasting' definition will apply to school performance in 2014, 2015 and 2016, and because the required standard in 2016 will not be determined until results that year are known, it is not possible to say with any certainty how many schools will be caught within the definition.

12. The Secretary of State talked about coasting schools in "leafy areas" and has stated that, on current performance, the Government expects "hundreds of schools" to be so defined. However other experts have produced far larger estimates of both the number, and the type of schools, likely to be caught in the 'coasting' definition.

⁴³ <https://www.gov.uk/government/statistics/schools-in-academy-chains-and-las-performance-measures>

⁴⁴ <http://www.suttontrust.com/wp-content/uploads/2014/08/chain-effects-july-14-final-1.pdf> (page 54)

13. Education Datalab brings together an expert team of academics, researchers and statisticians specialising in the analysis of large-scale administrative and survey datasets. Based on data from previous years, Education Datalab suggests there would be 1,200 ‘coasting’ schools.⁴⁵ Henry Stewart, of the Local Schools Network, calculated there would be 2,833 and provides an explanation of how his approach differs to that used by Education Datalab.⁴⁶

14. Furthermore, as both Education Datalab and Henry Stewart point out, the measures chosen will disproportionately impact upon schools with disadvantaged pupils, not those in affluent areas.⁴⁷ As Dr Rebecca Allen, of Datalab, said in her evidence to the Bill Committee, “if a school serves an affluent community, then it will not be judged to be coasting using these metrics”.

LOCAL DEMOCRATIC ACCOUNTABILITY

15. The Secretary of State for Education will assume far greater powers under these proposals. In the process, the NUT is concerned that the voice of local communities (be they school governing bodies, democratically accountable local authorities, parents or school staff) will be diminished.

16. As the Chief Executive of the National Governors’ Association has said: “This Bill represents a further centralisation of decision making regarding our schools; it does not sit well with the Government’s rhetoric about school autonomy as it not only removes the right for parents to be consulted, but it will give the Secretary of State power to overrule the decisions of local decision makers, whether those are the school governing body or the local authority.”⁴⁸

17. The NUT would welcome the following amendments to the Bill to improve local democratic accountability:

18. The Academies Act 2010 should be amended by stating that parents of children at the school and the staff of the school should be consulted on the momentous decision of whether a school should become an academy. An amendment would make a statutory requirement of self-evident good practice and would reduce the sense, felt by parents and staff in many situations, that their school is being handed over to someone else, above their heads, without even an opportunity to comment.

19. Where a school is to become an academy, the parents of children at the school and staff at the school should be consulted about the identity of the academy sponsor. Parents and staff need to have confidence that the proposed sponsor will deliver real and lasting educational improvement so need to be consulted.

20. Clause 10 of the Bill should be deleted. It provides that where a school is the subject of an Academy Order the governing body and the local authority must work towards the school’s conversion into an academy. This clause is both unnecessary and potentially dangerous. It is unnecessary because many schools have become academies without the need for such a statutory provision. It is dangerous because governing bodies and local authorities may have continuing arguments that the academy order was unlawfully or otherwise improperly imposed. The clause appears to “dragoon” governing bodies into doing what they are told in disregard of their responsibilities, including under the Education Act 2002 at section 21, to have responsibility for the well-being of the school and to have regard to the views expressed by parents.

21. Many of the powers assumed by the Secretary of State are to be taken up by the Regional School Commissioners (RSCs). These commissioners have a remit largely to promote and expand the academy and free school programme. They have also assumed the extended powers of the Secretary of State over intervention in maintained schools. This constitutes a massive increase in their power and influence over all local schools.

22. RSCs have performance targets in respect of their remit. The NUT considers there is potential for a huge conflict of interest if RSCs are to be simultaneously rewarded for academising schools at the same time as being tasked with identifying schools for academisation.

July 2015

Annex 1

EVIDENCE ON ACADEMY STATUS AND SCHOOL PERFORMANCE

1. In October 2014, the National Audit Office report, ‘Academies and maintained schools: Oversight and intervention’, found informal interventions such as local support were more effective than academy conversion.

2. In January, 2015, the House of Commons Education Committee concluded that: “it is too early to judge whether academies raise standards overall or for disadvantaged children”.⁴⁹ They stated that: “Academisation is not always successful nor is it the only proven alternative for a struggling school”.

⁴⁵ <http://www.educationdatalab.org.uk/Blog/June-2015/Secondary-schools-serving-affluent-communities-are.aspx#.VZ6OdE3bLAU>

⁴⁶ <http://schoolsweek.co.uk/2833-or-1179-how-many-schools-will-fall-under-the-new-coasting-definition/>

⁴⁷ <http://schoolsweek.co.uk/2833-or-1179-how-many-schools-will-fall-under-the-new-coasting-definition/>

⁴⁸ <http://www.nga.org.uk/News/NGA-News/Education-and-Adoption-Bill-Published.aspx>

⁴⁹ Education Committee (January 2015), *Academies and free schools. Fourth Report of Session 2014–15*, London: The Stationery Office Limited. p. 23. <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmeduc/258/258.pdf>

3. The Education Committee also concluded that: “We have sought but not found convincing evidence of the impact of academy status on attainment in primary schools.”⁵⁰ Following this, an analysis of the 2014 school-by-school KS2 SATs results by Henry Stewart of the Local Schools Network found sponsored primary academies’ results increased at a slower rate than similar non-academies in the immediate period after conversion.⁵¹

4. The Education Committee also highlighted significant variation between different academy chains. Similarly, a 2014 report by the Sutton Trust found only three chains performing well for disadvantaged children. It concluded that: “The very poor results of some chains⁵² – both for pupils generally and for the disadvantaged pupils they were particularly envisaged to support – comprises a clear and urgent problem”.⁵³

5. The Government has also frequently claimed that GCSE results show that sponsored academies are improving at a faster rate than non-academies. But sponsored academies are generally those schools whose exam results were lower in previous years, so the rate of improvement tends to be higher. Detailed analysis of the exam data shows that when schools with similar results in previous years are compared, sponsored academies do no better, and sometimes do worse.⁵⁴

6. The Local Government Association (LGA) commissioned NFER to look at the evidence on academy performance and NFER has now published, ‘Analysis of academy school performance in GCSEs 2014: Final report’.⁵⁵ NFER state that: “The analysis shows that the amount of attainment progress made by pupils in sponsored and converter academies is not greater than in maintained schools with similar characteristics”.

7. Ofsted’s annual report for 2013/14 pointed out that the rate of improvement in GCSE attainment in schools that converted to academy status in 2010/11 was less than in comparable local authority maintained schools. Converter academies improved GCSE attainment by one percentage point whereas maintained schools that were rated ‘good’ or ‘outstanding’ by Ofsted improved by two percentage points.⁵⁶

8. In previous years, sponsored academies have also been more likely to rely on equivalent qualifications to bolster performance in the GCSE benchmark measure.⁵⁷ The Government was critical of the extent to which equivalents were taken in some schools and, in 2014, significantly reduced the number of equivalent qualifications in the benchmark figures. This change meant that overall results fell much more in sponsored academies in 2014 than in similar maintained schools.⁵⁸

9. Among children with low prior achievement, Professor Stephen Machin and Dr Olmo Silva found that the effects of a school becoming a sponsored academy on students in the bottom 10 and 20 per cent of the ability distribution were “insignificantly different from zero - and possibly negative for later [school] conversions... suggesting no beneficial effects on students in academies”.⁵⁹

10. Analysis by Professor Stephen Gorard, looking at school performance and intake from 2004 to 2012, found no clear evidence that academies outperformed the schools which they replaced or similar local authority schools with equivalent intakes. He also found no evidence of any benefit for schools which are already performing well converting to academies.⁶⁰

11. 133 academies are rated as ‘Inadequate’ (June 2015). An investigation by Schools Week⁶¹ found 28 schools that were ‘Good’ or ‘Outstanding’ when they first converted to academy status but which have subsequently fallen into special measures.

12. In June 2015, Henry Stewart analysed Ofsted data for secondary schools where there have been two inspections.⁶² He found that for secondary schools previously rated as ‘inadequate’, sponsored academies were twice as likely to stay ‘inadequate’ as maintained schools (18% v 9%) while non-academies were over three

⁵⁰ See Note 1.

⁵¹ Henry Stewart (2 February 2015), ‘Does academy conversion actually lead to slower improvement in schools? Available at: www.localschoolsnetwork.org.uk/2015/02/does-academy-conversion-actually-lead-to-slower-improvement-in-schools/

⁵² See Note 1.

⁵³ *Chain Effects: The impact of academy chains on low income students in sponsored secondary academies* (July 2014, Professors Becky Francis, Merryn Hutchings and Robert De Vries).

⁵⁴ Henry Stewart (25 February 2014), ‘2011 GCSEs: What the data tells us about academies and non-academies’, [blog post]. Available at: www.localschoolsnetwork.org.uk/2012/02/2011-gcse-what-the-data-tells-us-about-academies-and-non-academies/#sthash.3vL8mHc8.dpuf; and Stewart (30 May 2013), ‘The Academies Illusion: What the data reveals’ [blog post]. Available at: www.localschoolsnetwork.org.uk/2013/05/the-academies-illusion-what-the-data-reveals/

⁵⁵ The report is available at: www.nfer.ac.uk/publications/LGGA03/LGGA03_home.cfm

⁵⁶ Ofsted (2014), *The Annual Report of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills 2013/14*, London: Ofsted, p.17. Available at: www.ofsted.gov.uk/sites/default/files/documents/ar201314/Ofsted%20Annual%20Report%20201314%20HMCI%20commentary.pdf

⁵⁷ Henry Stewart (13 August 2014) ‘DfE accepts (in court) that academies do no better once GCSE equivalents are stripped out’ [blog post]. Available at: www.localschoolsnetwork.org.uk/2014/07/dfe-accepts-in-court-that-academies-do-no-better-once-equivalents-are-stripped-out/

⁵⁸ Henry Stewart (29 January 2015) ‘GCSE tables: Sponsored academy results fall more’ [blog post]. Available at: www.localschoolsnetwork.org.uk/2015/01/gcse-tables-sponsored-academy-results-fall-more/

⁵⁹ S. Machin and O. Silva, (2013) ‘School structure, school autonomy and the tail’, in P. Marshall (ed.), *The Tail: How England’s schools fail once child in five – and what can be done*, London: Profile Books, p. 99.

⁶⁰ Stephen Gorard (2014) ‘The link between Academies in England, pupil outcomes and local patterns of socio-economic segregation between schools’, *Research papers in education*, 29 (3). pp. 268-284.

⁶¹ <http://schoolsweek.co.uk/the-questions-nicky-morgan-refused-to-answer/>

⁶² www.localschoolsnetwork.org.uk/2015/06/the-education-bill-a-solution-that-will-harm-schools/

times more likely to move from ‘inadequate’ to ‘good’ or ‘outstanding’ than sponsored academies (27% v 6%). Sponsored academies were twice as likely to see their rating fall from ‘requires improvement’ to ‘inadequate’; and for secondary schools previously rated ‘good’, they were almost four times as likely (19% v 5%) to fall to ‘inadequate’ if they were sponsored academies.

13. One of the ironies of the Bill is that as of April 2015 there were proportionally more ‘inadequate’ academies than maintained schools. There were around 1,000 maintained schools with this rating (less than 2%) compared with 133 academies (4.4%). The 133 inadequate academies include 28 that were rated good or outstanding at the time of conversion. Some 50% of sponsored academies were rated requires improvement or inadequate at their first inspection as an academy.

14. The NUT believes the Government should focus on school improvement initiatives such as City Challenge which are cost-effective and proven to drive up standards. Professor Merryn Hutchings, lead author of the DfE’s evaluation of the City Challenge programme found that: “The evidence that the London Challenge was a successful approach to school improvement is overwhelming. It was also comparatively cheap; over three years the funding for City Challenge was £160 million, considerably cheaper than the £8.5 billion reportedly spent on the academies’ programme over two years”.⁶³

15. Furthermore, there are many examples of how, with the right support, head teachers and their staff have supported schools in their school improvement journey to take them out of difficulty and raise standards for their children. There is no short cut to school improvement that can be achieved simply by changing the status of a school. Supporting committed heads and teachers to improve schools where there are genuine difficulties is an infinitely preferable approach, to the Government’s plans to sack head teachers in ‘failing’ or ‘coasting’ schools whilst stigmatising the pupils and teachers within them.

Written evidence submitted by David McNaught (EAB 29)

I agree with the government’s direction to address the issue of ‘Coasting Schools’. I also accept that the route to improving these schools may well be academisation. However, the wording in the draft legislation ‘draws in’ schools to the ‘coasting schools’ criteria, that are already making rapid improvement since being identified as underperforming. For example, a school that had been underachieving and is below the ‘coasting school’ threshold has been making rapid progress since 2013 under new leadership. This rapid progress can be clearly evidenced by such schools through attainment and progress data over the last two years and the impact of whole school improvement through a very recent Ofsted inspection. It also needs to be considered that some of these schools may already be planning academisation strategically and voluntarily.

In these circumstances, the risk of intervention will potentially undermine this excellent work that is already happening in schools previously identified as underperforming, in particular:

- a) Good school leaders, particularly younger ones, will not want to take on the more challenging schools when their professional reputation might be at stake early on in their careers or, similarly, an experienced head with a proven track record may not wish to risk a well earned reputation.
- b) Recruitment of Governors may also become an issue for similar reasons as it may be difficult to recruit strong school leaders.
- c) As a result of the above, and most importantly, the very children including some of our most vulnerable children, who need strong school leaders in their schools will be potentially without them.

In conclusion, the wording in the legislation should be contextualised to take account of schools which, since 2013, have been making rapid progress and where there is strong evidence to support this by a recent Ofsted Inspection. Schools with this profile could be added to the list of exemptions in the legislation for a period of time.

July 2015

Written evidence submitted by the Independent Adoption Panel Chairs (EAB 30)

INDEPENDENT PANEL CHAIRS’ RESPONSE TO THE PAPER ON REGIONALISATION OF ADOPTION AGENCIES (JUNE 2015)

SUMMARY

Inevitably any re-organisation of this magnitude will divert very precious resources of time and energy, as well as money, from the continuing task of finding placements for *all* children with a plan for Adoption. The proposals embody fundamental structural change. We can see the benefits of aspects of Regionalisation, particularly in the provision of Adoption support services and the administration of Panels. We remain

⁶³ Merryn Hutchings (2013), ‘Why is attainment higher in London than elsewhere?’ [online]. Available: www.teachers.org.uk/node/17429

concerned that the timescale for consultation appears to be too short for the suggested fundamental changes and concerned about such radical change without the benefit of any evaluation or impact assessment.

Dear Colleagues

We are writing to you on behalf of a group of Independent Adoption panel chairs who chair Adoption, and Adoption and Permanence panels in a significant range of agencies. Our adoption agencies are in both the local authority and the voluntary sectors and are geographically spread across London; the South East; the South West and the East of England. As people who have managed and practiced in adoption over many years, as well as being involved in related research, we have considerable experience of adoption services and the wider range of Children's Services.

We hope, therefore, that our views will merit consideration. We would like to make the following observations;–

1. We share the legitimate concerns expressed about delay in adoption and over recent years we have been willing partners in helping to implement many initiatives that were designed to increase adopter recruitment and hence child placement. However, we are very concerned about aspects of the Bill and this consultation paper which seek to dismantle an infrastructure that has been developed and modified over many years *before* a proper evaluation has been undertaken of a radical and alternative model of operation and its consequences and impact.

2. As a result of recent initiatives most agencies have been successful in recruiting more adopters, however, this has led to an unprecedented surplus of adopters who are hoping to adopt very young children with few presenting problems.

3. The impact of recent decisions by the Judiciary, as well as an increased placement rate for these young children who present few apparent challenges, have left many of these approved adopters frustrated by their inability to achieve an adoptive placement. Sadly, many of the children with more complex backgrounds remain unplaced and continue to wait, despite active efforts to identify possible placements.

4. We are convinced of the significance and value of robust adoption support services that could support prospective adopters and give them the confidence to commit to these more 'complex' children. In fact, co-ordinated and dedicated adoptions support services could help balance this mismatch of adopters and children by giving some of these 'waiting' prospective adopters the confidence to make such a commitment. We have seen evidence of this willingness to broaden horizons in the success of Adoption Activity Days.

5. We recognise the potential benefits and efficiencies of *Regional Adoption Support Services* that can deliver a high quality service to children and adopters locally. An example of this might be a dedicated CAMHS service with expertise in supporting Adoption placements.

6. We have seen the benefits of diverse agencies working together in consortia and our collective experience is that more interagency matches are being made and that Local Authorities are certainly not waiting for 'perfect matches'. We note that no mention is made of the Adoption Register for England, which is supported by the Department, and has successfully achieved adoption placements across agencies for many years.

7. In our view it would be helpful to have time to evaluate the impact of the new and welcome funding proposed for interagency fees that was recently announced in the budget. It also seems necessary to evaluate the effectiveness of other new initiatives, such as the recently established or rejuvenated consortia arrangements, before wholesale reorganisation is embarked upon. Additionally there has not yet been time to evaluate the impact of the new Regional Adoption Boards.

8. We recognise that there is potential for efficiencies in the Regional administration of adoption panels, however, we also recognise the importance of maintaining independent local panels that can meet quickly and be responsive to local needs. Panels promote consistency and quality through their advice to agencies. They are made up of people with personal and professional experience of adoption. This group would like to see the independent scrutiny of adoption applications and matches continuing and feel this is in the best interests of children and adopters.

9. Adoption is first and foremost a service to children. Children come from local communities and the knowledge of these children lies within the agencies that have worked with their families prior to the plan for Adoption. By creating independent adoption agencies no longer connected with local communities, there is a danger of these services losing the understanding and the history of these children.

10. We also wonder what the response of Prospective adopters would be to Regional adoption agencies and whether there are plans to consult these stake holders as to their view of these proposed changes. We do know, anecdotally, that most adopters choose local agencies where they feel a 'personal' connection following their initial enquiry.

11. Inevitably any re-organisation of this magnitude will divert very precious resources of time and energy, as well as money, from the continuing task of finding placements for *all* children with a plan for Adoption. The proposals embody fundamental structural change. We can see the benefits of aspects of Regionalisation, particularly in the provision of Adoption support services and the administration of Panels. We remain

concerned that the timescale for consultation appears to be too short for the suggested fundamental changes and concerned about such radical change without the benefit of any evaluation or impact assessment.

We commend our observations to you and hope that you will give them proper

July 2015

Written evidence submitted by Richard Harris (EAB 31)

SUMMARY

The Bill contradicts the evidence that Local Authority Maintained Schools cannot improve without being forced to become an academy and it also contradicts the DfEs own evidence that , “there is no conclusive evidence of the impact of academy status on attainment in primary schools.” I aim to show that some evidence that is quoted for the support of academisation does not compare like with like. I will also use local evidence of the failure of academies to improve, even to get a poorer Ofsted report then their predecessor schools and, by contrast, the success of maintained schools to improve as maintained schools. There is an implication in the reasoning behind the Bill that Local Authorities no longer have the capacity to help schools. I will show that Ofsted Reports indicate otherwise.

RICHARD HARRIS

1. I am a former City Councillor and Cabinet Member for Education and currently a governor of both a maintained secondary school and a maintained primary school. I also chair the Southampton Schools Forum and the Southampton Admissions Forum.

2. One common narrative that must be addressed and changed is the reference to Local Authority “Control”. Schools are “maintained” but have not been controlled since the 1988 Education Act which brought in Local Management of Schools. Every month I met with the senior inspector to look at the situation in each school and she and I knew our schools well, however, the main drivers to any improvement were the school leaders and governors supported by the advisory service of the L.A. Politicians and journalists alike must stop using the term “Local Authority Control” and particularly with a negative connotation.

3. Concerning the House of Commons Education Select Committee Report, 2015 I will quote some key conclusions. “There is a complex relationship between attainment, autonomy, collaboration and accountability. Current evidence does not allow us to draw conclusions on whether academies in themselves are a positive force for change”. “There is at present no convincing evidence of the impact of academy status on attainment in primary schools”. “Academisation is not always successful nor is it the only proven alternative for a struggling school. Both academies and state maintained schools have a role to play in system-wide improvements....”.

4. The same report raises concerns about the transparency of academy agreements and academy information. They are by any definition state funded private schools with a board of director and no local democratic accountability – as parents find out when complaints to local councillors have to be forwarded to the academy directors or even the DfE direct. For a government committed to localisation and devolvement of democratic functions to suggest a system of enforced academisation without consultation and contrary to the wishes of parents, governors and the local community is incredible, especially when the evidence contradicts the educational reasoning given by the Government.

5. Local evidence would support my above arguments. Just outside Southampton, along the Waterside, Testwood Secondary School, which was Ofsted rated “Needing Improvement”, following conversion to academy status was Ofsted rated in “Special Measures”. Hardley School which was rated “Good” became New Forest Academy under the AET Academy Trust and subsequently went into “Special Measures”. I quote from an Ofsted HMI follow up visit which is on the school website. “Hampshire local education authority services are appropriately well regarded in the academy and their support for various aspects of its work, including in foundation subjects, will continue”. Between these two schools is Applemore Secondary School, still a local authority maintained school and rated “Good”. Academisation is not the answer and local authority support is still available and welcomed by HMI.

6. Similar evidence is available in Southampton where I am a governor. Oasis Academy Trust have been running two secondary schools for 8 years and both are still in the category “Needing Improvement”. However Cantell School, where I am a governor, which is still a maintained school, in the same period, has gone from “Special Measures” to solidly “Good”. I have more recently joined the governors of Moorlands Primary School which was “Needing Improvement”. It too is now solidly “Good” and the Ofsted report refers to the support of the local authority.

7. Academisation, especially enforced, is not the answer. What evidence does support is it is the quality of leadership and teaching which makes a difference not the structure of the school. I quote from one of the maintained school Ofsted reports, “The headteacher sets high expectations for staff and pupils. She leads a strong team of ambitious teachers who seek to provide the best for every pupil. They are creating a school that is a lively, caring place where learning is exciting and stimulating. Consequently, teaching has improved rapidly, pupils make good progress and they behave well.” What should concern the Secretary of State is the shortage of teachers and teachers wanting to be headteachers, not enforcing structural change.

8. Finally I would point the Committee to research carried out by Warwick Mansell and published by the Cambridge Primary Review Trust in February 2015. He pointed out that the evidence presented by the government on the apparent success of academies was not comparing like with like, but when you compared maintained schools with academies starting on the same base line then the maintained schools outperformed the academies. He sums this up thus, “But if statistical evidence on an area absolutely central to the current political debate about education is being made to say the opposite of what a reasonable person might think the data actually tell us, acknowledging the need to compare like with like, we have serious problems. Is evidence being made to fit policy, rather than vice-versa?”

9 Put briefly the rhetoric which supports this bill on academisation is not backed up by evidence, indeed the evidence contradicts the rhetoric. Enforced academisation should not take place as it does not achieve what is claimed and is anti democratic.

July 2015

Written evidence submitted by Parents Want A Say (EAB 32)

1. Parents Want a Say is a national campaign group formed by parents following the introduction of new term time attendance regulations in Sept 2013 under regulation 7 of The Education (Pupil Registration) (England) (Amendment) Regulations 2013 (TER2013(7)). The regulation was passed by negative Statutory Instrument.

2. We do not seek to rehearse all the arguments against the regulation here but to point to the lessons which could be learnt from it. We include some background before expressing our concerns regarding the Education and Adoption Bill in point 6. Three appendices which are referenced in points below follow within this document.

3. Parents Want a Say is a small voluntary group but has the backing of a 230,000 strong petition group, has networked support in the education, travel and family sectors and has attracted regular media coverage of the issue across all major media outlets. We have a weekly facebook reach of between 10,000 and 100,000 each week, depending on what is in the news. Our sister campaign in Wales, Pembrokeshire Parents Want A Say, will this week be giving evidence in the Welsh Assembly Petition Group on attendance issues in Wales.

4. The campaign seeks to have TER 2013 (7) reversed, thus returning us to the situation where Headteachers may use their discretion to allow up to 10 days leave per academic year in special circumstances, including for family holiday. That situation had led to 0.5% of school sessions being missed during the academic year 2011-2012 due to authorised absences for family holidays.⁶⁴

5. TER2013 (7) has had far reaching consequences for individual children, families, businesses and the UK tourism industry⁶⁵ and indeed we have seen many decisions being reached which are arguably unlawful under Articles 8 & 14 of the ECHR, and contrary to the UN Convention on the Rights of the Child. We have issued pre-action protocol letters to schools in several cases in a bid to have decisions subject to Judicial Review but in each case the school has backed down. Similarly, where we helped parents challenge local authority action, we have generally seen the local authority back down. We continue to seek a test case which with to challenge the regulation through the courts.

6. Our experience causes us to raise the following concerns regarding the Education and Adoption Bill 2015:

6.1. That the Secretary of State is given the power to define “coasting” schools by regulation.

6.1.i We are extremely concerned about s8(2) especially where the definition of “coasting schools” is left entirely in the power of the Secretary of State. Experience has eroded our confidence in OFSTED, the Department for Education and the judgement of the Secretary of State and accordingly we have major concerns about the further level of unchallengeable power this places in their hands.

6.1.ii Our experience of TER2013(7) is that the Department for Education misunderstood or overlooked its own statistical evidence. For example, whilst a link between attendance and attainment is continually cited as the reason for the policy, this has not been statistically proven to be a causal link and a wide range of variables would need to be investigated before reaching a conclusion. The Department’s conclusion that attainment was adversely affected by persistent absence, with family holidays and religious observance showing little adverse impact⁶⁶ appears to have been overlooked. As far as is possible to tell, the policy appears to be based on Charlie Taylor’s unreferenced assertion that Headteachers report that “some parents” think they have

⁶⁴ See Appendix 1

⁶⁵ South West tourism reported a £87 million loss to Devon & Cornwall due to the “Gove Effect”, see eg <http://www.telegraph.co.uk/travel/travelnews/11632658/Michael-Gove-costing-West-Country-tourism-87million-a-year.html>

⁶⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183445/DFE-RR171.pdf See Appendix 2 for relevant extracts

an automatic entitlement to 10 days holiday a year.⁶⁷ We therefore have little confidence in the rigour of the Department's evidence base in reaching decisions as to what constitutes a "coasting school".

6.1.iii TER2013(7) was introduced without an impact assessment as in the Department for Education's view "there would be no impact", yet there have been significant impacts for a wide range of individuals and businesses. We have no faith that this error will not be repeated by the Secretary of State in regulations regarding the definition of "coasting".

6.1.iv Parents and teachers alike tell us of their concerns regarding the detrimental impact of the OFSTED regime on children's individual experiences in schools. We have seen with the implementation of TER2013(7) how Headteachers' decision making is being increasingly driven not by what is in the best interest of an individual child, but by the requirements of government/OFSTED targets. We are concerned that regulations made under this Bill will perpetuate and exacerbate that culture.

6.2 The right to be consulted.

6.2.i Parents and children are the key stakeholders in any school and the national education system.

6.2.ii The Department introduced TER13(7) with no genuine attempt to consult parents or pupils. This oversight has had dramatic consequences for families and the economy of certain parts of the country. We are concerned that in this Bill parents and pupils yet again are not being given any voice. We would like to see the obligation to consult with a schools' families made obligatory under s8(1) rather than left to the discretion of the governors.

6.2.iii We are appalled at the Secretary of States' intention to eradicate any consultation at all in the event of "coasting" schools being forced into academy status and thus reject s8(2) as undemocratic.

6.2.iv We believe the voices of parents and pupils add value not just as the user group of the education service but because they can bring a great well of expertise and experience from outside the sector and add sorely needed perspective.

Appendices referred to above follow in this document.

July 2015

APPENDIX 1

Levels of Absence before the Implementation of TER 2013(7):

The table below shows how term-time holidays contribute to overall absence and overall sessions missed in Primary and Secondary schools in the autumn term 2012 and spring term of 2013.

	State Funded Primary Schools		State Funded Secondary Schools		Total	
	% of overall absence	% of overall sessions missed	% of overall absence	% of overall sessions missed	% of overall absence	% of overall sessions missed
Authorized Family Holiday Agreed	7.5	0.4	2.5	0.1	5.0	0.3
Authorized Ext Family Holiday Agreed	0.2	0.0	0.0	0.0	0.1	0.0
Unauthorized Family Holiday	3.8	0.2	2.5	0.1	3.2	0.2
Other Unauthorized Circumstances	8.0	0.4	15.3	0.9	11.6	0.6
Illness Medical Appointments & Dental	77.1	3.4	67.1	3.9	69.2	3.6

Source: <https://www.gov.uk/government/publications/pupil-absence-in-schools-in-england-autumn-2012-and-spring-2013>

⁶⁷ <http://media.education.gov.uk/assets/files/pdf/t/improving%20attendance%20at%20school.pdf> "Current regulations state that pupils may be granted up to 10 days of leave for the purpose of family holiday in a year. Some parents and schools interpret this as an automatic entitlement to an annual two week term time holiday". See Appendix 3 for further details of the level of consultation which was undertaken.

APPENDIX 2

EXTRACTS FROM “A PROFILE OF PUPIL ABSENCE IN ENGLAND”

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183445/DFE-RR171.pdf

In a research paper located on the DfE Site, some statistical analysis of attainment against different absence types can be found. The following information can be found on Page 58 onwards.

Regarding KS2 attainment v absence types, the following observations are made:-

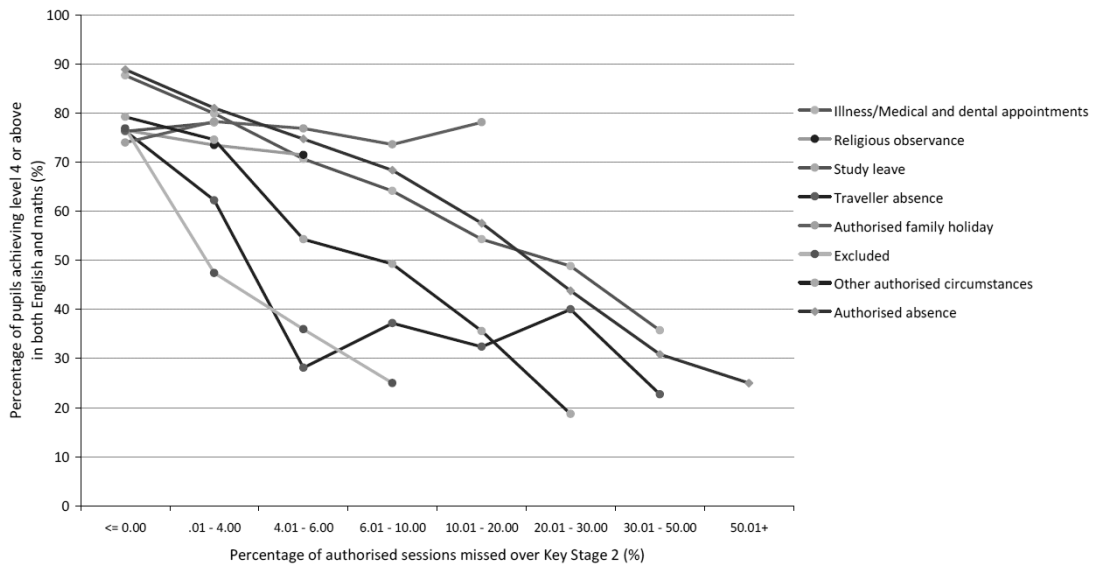
“The likelihood of pupils achieving the expected KS2 level, not only differ greatly by the amount of absences accrued, but also by the different reasons behind these absences. The proportions of pupils achieving the expected level stay relatively similar for increasing levels of absence due to authorized family holidays, religious observance and study leave. However, long term absences due to exclusions or illnesses tend to be associated with significantly lower proportions of pupils achieving the expected level. (see chart 4.4 below)

Regarding KS2 attainment v absence types, the following observations are made:-

“Patterns in KS4 attainment by different authorized reasons for absence show a general decrease in attainment as sessions of absence increase (Chart 4.11), with the exception of study leave and absence due to religious observance. Religious observance and study leave both show increases in attainment for fairly low levels of absence (under 10%). Of the various authorized absence types, pupils with increasing levels of absence due to exclusions consistently have the lowest attainment rates”. (see chart 4.11 below)

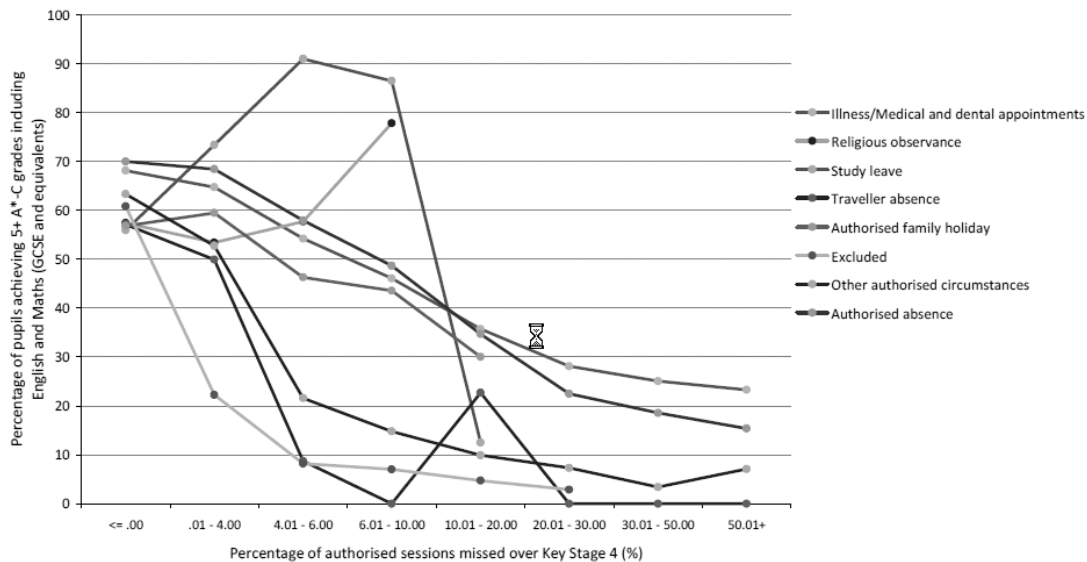
APPENDIX 2: CONTINUED. CHART 1 of 2

Chart 4.4: Percentage of pupils achieving level 4 in both English and maths at KS2 by levels of authorised absences, 2009/10



Source: National Pupil Database

APPENDIX 2: CONTINUED CHART 2 OF 2

Chart 4.11: Percentage of pupils achieving 5+ A*-C grades at GCSE or equivalents including English and maths GCSEs, by levels of authorised absences, 2009/10

Source: National Pupil Database

This graph does indicate a drop in the percentage of pupils achieving 5+ A* C grades including English and Maths when authorized family holidays exceeds 4 % of sessions missed in Key Stage 4 ie Year 10 and Year 11.

APPENDIX 3

CHARLIE TAYLOR'S REPORT

<http://media.education.gov.uk/assets/files/pdf/t/improving%20attendance%20at%20school.pdf>

It was this report prepared by Charlie Taylor, Government adviser on behaviour and attendance that led to the change in the law on leave of absence in term-time. Again this is not the place to critique the report in full but we draw the Committee's attention to the fact that it is not referenced.

In an FOI request the DfE returned the following information about the educational establishments visited.

https://www.whatdotheyknow.com/request/background_to_information_visits#incoming-458665

Charlie Taylor visited **5** local authorities, **8** Primary Schools and **5** Secondary Schools. He spoke to Headteachers at the schools. None of the local authorities visited were in tourist locations, for example Devon, Cornwall, Norfolk, Blackpool etc, where there are complications for parents and businesses regarding time off in the School.

0 Parents were consulted, 0 Pupils were consulted, 0 Businesses were consulted, 0 public sector employers were consulted (the policy has implications for Armed Forces personnel, the police, paramedics, nurses, carers and so on).

4 out of the **8** Primary Schools visited were in Nottinghamshire and **4** out of the **5** Secondary Schools were in the Nottinghamshire.

There were 16,784 primary schools and 3,281 Secondary Schools in 2013.

Minister Liz Truss responded to questions over consultation raised with the Department in 2013/2014:

“Given the level of coverage of Mr. Taylor’s report and his recommendation, and that in the process of undertaking his review he had spoken to schools and other educational professionals across the country, the Government did not see the need to have a further period of consultation on the issue”

Charlie Taylor himself does appear to expect that there would be further consultation as he states in his letter to Mr. Gove on 31st July 2012 regarding the Law relating to Leave of Absence. *“Officials are revising the regulations on when schools can grant leave of absence and will consult on them in the autumn. Subject to Parliamentary approval this change will come into force from September 2013.”*

<http://media.education.gov.uk/assets/files/pdf/1/charlie%20taylor%20to%20secretary%20of%20state%20attendance%20review%20implementation.pdf>

Written evidence submitted by Coram (EAB 33)

SUMMARY

Coram is an outstanding voluntary adoption agency which – in addition to providing some 80 placements per annum – has provided adoption services for local authorities for nine years.

Coram remains the only agency to be providing the whole LA adoption function under delegation by formation of Coram Cambridgeshire Adoption in 2014 and – as improvement partner to Kent – has delivered the highest number of adoptions ever made by any agency with a combined total of 253 in 2014-15 across all locations.

Based on this experience and its extensive involvement in other permanence pathways, Coram submits that the adoption reform programme over the last three years has been positive for adopters and for children. We also submit that there is a need for further system development to address the needs of children in respect of consistency of access to adoption and concurrent planning as an option, variation in efficiency, effectiveness and quality between local agencies in permanence planning, adoption timeliness and post adoption support.

CORAM EXPERIENCE

For nine years Coram has recruited, assessed and approved prospective adopters for Harrow's children while also providing the adoption support after placement, securing loving families for children, in a successful partnership that is now being replicated. KPMG and the University of Bristol validated the cost benefit to the local authority of the partnership as £400k pa and some 20% children have benefitted from Concurrent Planning.

The creation of Coram Cambridgeshire Adoption in 2014 was a step further in setting up a dedicated VAA for Cambridgeshire's children offering the continuum of services working closely with children's teams at every stage of the process to deliver early permanence. This was the culmination of a two year contract whereby Coram provided the manager to the LA function and helped to introduce concurrent planning with the result that 25% placements are now using this approach providing early placement for children and full transparency and support for birth parents and prospective adopters.

For three years Coram has been in partnership with Kent County Council. Kent has a growing population currently at 1.4 million with a LAC population of some 1,800. This equates to a 'regional hub' in itself. The success of operating as a hub with Coram is evidenced by 182 adoptions in 2014/15 – the highest ever achieved in one year by any agency. Improvements over three years (placements were 65 in 2012/13) have led to KCC avoiding £1.6m in costs in the three year period.

Learning from the delegation of these functions, Coram is now working with several London LAs to formalise Coram Capital Adoption as a regional agency operating on a hub and spokes model to provide adopters and related functions drawing on the best of partnership working to secure early permanence for 'harder to place children'. These authorities are characterised by their smaller scale and a location which makes access to expertise and to staff recruitment more difficult.

In each case, there has been significant benefit to children and significant cost avoided and therefore Coram welcomes the proposal for the progressive formation of regional hubs if the drivers for formation reflect and address the issues and needs presented by current arrangements and are motivated and aligned with the pursuit of excellence not simply expediency.

CHALLENGES TO BE FACED

The drivers for change which need to be addressed are those which affect fairness and excellence in outcomes for children who deserve an equal chance for permanence.

The chances of a child in care securing an adoption recommendation varies by 1:7. Whilst some variation is appropriate reflecting the differing profiles of children entering care, the majority of children are known before the age of three and such wide variation does not appear to reflect their needs or profile but rather other factors and variation of agency and legal determination.

The quality of provision in local authority services is highly variable with concurrent planning and foster-to-adopt approaches still limited in use despite the powerful evidence of benefit to children. In this there is some correlation with size and no evident correlation with cost. There is therefore potential to increase effectiveness irrespective of size.

A small local authority agency may find it challenging to present all options for children and to secure access to best ongoing support and may be more associated with staff turnover, system ineffectiveness and lack of leadership focus. This is not the experience of voluntary adoption agencies, many of which are smaller but the vast majority of which are good or outstanding with significantly higher staff engagement and leadership stability.

Whilst a number of 200 placements sets an ambitious aspiration, the largest local authority agencies have not been the best performing in recent years and such a scale may leave unaddressed the challenges of local access for adopters and children and cost drivers including multiple office locations, for example.

Coram recommends that the aggregation of functions be determined by drivers for excellence, effectiveness and efficiency and that this is likely to see a range of 80-140 emerge as the optimal scale. In each case the more agencies there are involved in the development the more complexity there will be in formation, especially if the new arrangement features different IT systems. Bringing multiple weak organisations/systems together, does not in itself make a strong one.

SECURING EQUALITY OF OPPORTUNITY FOR CHILDREN

Coram recommends that any aggregated agency or hub should be convened/led by an agency which is good/outstanding and which can demonstrate detailed means by which permanence planning will be integrated with each of the children's social work teams and how access to consistent excellence in the provision of adoption support will be secured.

The Coram/KCC hub has for example been characterised not just by performance improvement but by improvement of data systems and by the development of a multi-professional post adoption hub which serves the county's children (benefiting from some £95,000 through the Adoption Support Fund in the first quarter alone). This hub can now serve other LAs and is developing the specialisms/evidence pertinent to dealing with support for other children in need.

In establishing Coram Cambridgeshire Adoption (CCA), Coram has defined a process that amalgamates the expertise in a LA and a VAA - but being separate from the LA allows for challenge and facilitation that is made possible by being independent. It is also characterised by a multi-professional hub and which features early permanence planning utilising concurrent planning supported by an advisory board including the judiciary and CAFCASS.

Coram is establishing Coram Capital Adoption by acting as a specialist centre for recruitment/ assessment and adoption support with a set of Local Authorities that complement each other and gives cost-efficient access to a diverse range of adopters for a wide range of children. This is based on effective provision of a hub and spokes model around an outstanding agency which also works on a wider geography and across additional disciplines. This enriches the availability of preventive support and access to expertise. It also supports active research and evaluation of these approaches using a common data and reporting system to strengthen performance.

DECISION TO PLACE

A suggestion in the bill is that a responsibility of regional hubs could include "decisions as to whether a particular child should be placed for adoption with a particular prospective adopter" (s13, 3(d)). In practice we would see this as a decision for the ADM on behalf of the Children Looked After service/corporate parenting responsibility rather than the adoption service. We are unclear how regional adoption hubs or a VAA could exercise such a role. We do know however that a VAA or other agency can run a Panel that recommends the match/link (as CCA does in Cambridgeshire) – it is the decision (ADM function) that cannot in our view be delegated without disassociation from the corporate parenting duty and the integrating pathway for permanence planning.

THRESHOLD FOR VIABILITY

We were intrigued by the suggestion that hubs should be of sufficient size to place 200 children a year or more. We wondered about the basis of this and why a lower figure such as 100 was not thought to be more viable, as in our experience services can perform very well at this level and in a configuration more likely to be aligned to the travel distances matching children's and adopters needs (as for example in the catchment area for special schools). The diagnostics completed by Coram for 20 LAs indicates that size does not necessarily correlate with unit cost but that variability of throughput (i.e. POs) means that smaller agencies are not as cost-effective and may find it challenging to secure specialist expertise.

A viable minimum team in general costs some £350,000 a year (with on costs etc.) and there is also £27,000 per interagency placement and a need to incorporate adoption support costs. It is therefore easy to illustrate that LAs who place under 12 children a year are not cost effective unless other assessments are delivered too.

Adoption support is a complex area of work requiring expertise in the problems that children and families face – often in the realm of formulation/problem solving rather than a diagnosis. For smaller agencies providing for this is not cost-effective and combining resources would help – especially when/where CAMHS resources are scarce. Access to a multi-professional resource also helps with matching/linking and other issues which may cause distress. A viable hub will have access to such a resource.

PRINCIPLES

A move to regional adoption hubs is a more than a concentration of a set of functions to larger and more viable units; it is also a major system change and as such offers risks and rewards. Coram believes that, in order to minimise the former and maximise the latter, that movement to regional hubs should follow a set of principles that ensure that the best features of the current models are replicated and that adoption activity is enhanced. Suitable principles are as follows:

- 1) Each hub should include at least one agency where adoption services have been rated by Ofsted as ‘**good**’ or ‘**outstanding**’. The aim should be to replicate good practice not to concentrate less good practice.
- 2) Steps should be taken to ensure that not all of the agencies forming a hub have a high rate of **turnover in adoption staff**.
- 3) Each hub should contain an authority with **strong legal services** and case management. There should also be evidence of effective relationships with CAF/CASS and arrangements should be made with the **NHS** so that health can work synergistically with the hub.
- 4) Subject to choice/preference by adopters/children, hubs should be built upon travel time by **road transport** in the same way as catchment areas for special schools since this will also optimise rationalisation of management and staff deployment.
- 5) **Data collection and case tracking systems** (and related **performance management** data) should be robust in at least one agency and these systems replicated. In order to achieve this is will be necessary to audit the data quality and reliability of current systems in the agencies that come together to form a regional hub. The bigger the agency the higher the very real possibility of children being missed.
- 6) The needs to be a **consistent local focus** so that whenever possible children are placed in areas where they have pre-existing links and can have continuity in their lives. Because of this a regional hub still needs to think locally rather than regionally. Keeping the child in mind enables a personalised service and design should enable staff to maintain this and link with other stake-holders to permanence/adoption e.g. IROs, schools, courts.
- 7) A focus for hubs should be the cost-effective provision of good quality adoption support services. **Commissioning of adoption support** by hubs offer an opportunity to move away from expensive spot contracts with small fragmented suppliers and instead to commission services of the required type, scale and quality.
- 8) The **interface between hubs** also requires attention to prevent these larger geographical units from becoming inward looking and becoming a barrier to the spread of innovation and of placement opportunities for children.
- 9) Any reform/reshaping should utilise and build upon the value and potential for cross-regional system support indicated by **First4Adoption** which has demonstrated the benefits of consistent customer service including information, agency search, and e-learning.
- 10) **Evaluation data** should be collected for replicability – there is not enough evidence of what works – and this vulnerable group of children deserve that.
- 11) There is evidence that adopters are consistently and significantly happier with the service provided by **VAs** including the support they receive after adoption. There is also evidence that organisations with a single mission will champion that mission with passion. It is important that the development of a regional hub does not exclude **VAs** and that an application includes a risk assessment if a **VAs** is excluded from the hub. Monopolistic markets do not drive choice or quality and any regional hub which excludes or ‘kills’ a **VAs** will lead to reduced opportunities for children.
- 12) Any reduction in market choice needs to be resisted since quality improvement is related to choice and children deserve access to the best wherever it may come from. Any hub should ensure that adopters can choose between it and at least one other agency.
- 13) The benefits of greater scale infrastructure rather than agency integration has been demonstrated consistently by the Register and by **First4Adoption** and further consideration should be given to national investment.

USE OF POWER TO ENFORCE

All of the developments advanced by local authorities in conjunction with Coram have been driven by the common goal of achieving excellence, effectiveness and efficiency. They have not required any changes of process or compulsion.

Such innovation already exists and the provision of the power provides a welcome to acceleration to an existing direction of travel in shifting the emphasis in leaders’ minds from “why should we work across boundaries?” to “why would we not come together with others and with leadership from an outstanding agency to improve our service for children?”

The proposed new power to require LAs to partner in a regional agency is therefore an additional provision which, it is submitted, should be used if and only if outcomes for children are not being achieved rather than as a structural determinant.

Whilst bigger is much more likely to be better in the sense of resilience, big is not in itself necessarily beautiful and the driver has to be to increase the overall achievement of the system to the level of the best.

Government would surely wish to consider the wisdom of intervening if an agency of any size can demonstrate results in the upper quartiles of performance.

A reliance on OFSTED judgments to assess this quality is not in itself sufficient, but it is nonetheless one important guide, especially the history of judgements. Quality assessment can be complemented and linked to scorecard measures and diagnostic evidence and also to staff and leadership turnover. Lessons from implementation science show that sustained change requires system change and consistency. Any criteria should include clear evidence of system integration to underpin sustained performance improvement.

In addition there are already national systems to ensure adopters can be found country-wide including the level inter-agency fee; these should be retained and supported by each locality not mediated by a regional overlay or preference.

There is extensive evidence of higher levels of support, satisfaction and resilience in VAAs. If any Good or Outstanding voluntary adoption agency were to be put at risk by the regional reform, we would put at risk both choice and quality for children and adopters.

If the power should need to be used, the Minister of State will no doubt wish to define and confirm the checks and balances and also to ensure a level playing field for all agencies, including voluntary adoption agencies, so that the post code lottery which currently affects children is addressed and the total capacity and capability of the adoption system, as a national service for the nation's children, is secured and enhanced.

July 2015

Evidence submitted by the Local Schools Network (EAB 34)

I have been a school governor in Hackney for 16 years and a Chair of Governors for 14 of those years. I am a co-founder of the Local Schools Network, which works to promote the good work done in local schools.

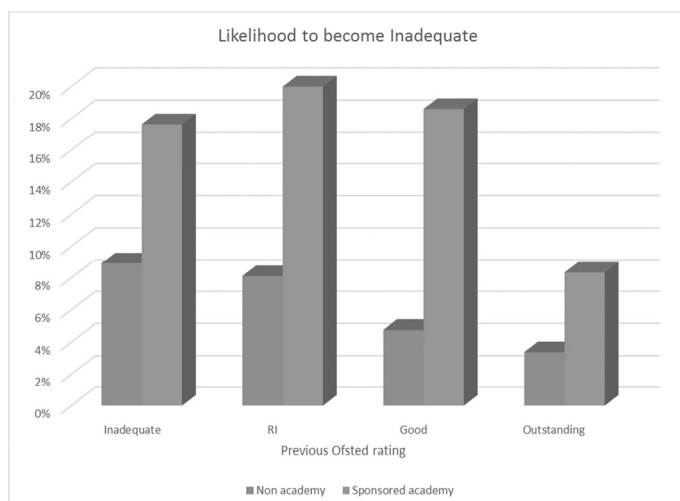
PROPOSED AMENDMENTS

- 1) That the remedy for “inadequate” or “coasting” schools should be based on the evidence of what provides school improvement. A thorough evaluation should take place of which measures have, in practice, been most effective in providing school improvement.
- 2) That each multi-academy trust be reviewed in terms of its ability to improve schools and provide value added. That a MAT only be able to take on further schools if such a review approves it as providing real benefits to “inadequate” or “coasting” schools.

EXAMINING THE EVIDENCE

The new Education Bill proposes one solution, that of forced academisation, if a school is “inadequate” or “coasting”. We can all agree that that no child should remain in an “inadequate” school a day longer than is necessary but proposed solutions need to be based on the evidence of what works.

An analysis of Ofsted school ratings indicates that secondary schools are more likely to stay inadequate, and also more likely to become inadequate (if they currently have a higher rating) if they are sponsored academies. The way to ensure as few children as possible experience “inadequate” schools appears to be, according to Ofsted's data, for them to remain with the local authority.



A secondary school is twice as likely to stay Inadequate if it is a sponsored academy

Ofsted does not publish data linking inspections before and after conversion, so this analysis is based on sponsored academies which have had two inspections since conversion. The analysis is based on 211 secondary schools that are sponsored academies.

Of the 34 sponsored academies previously rated Inadequate, 18% remained Inadequate in their latest Ofsted inspection. Only 6% rose to Good. Of the 56 maintained schools in this category, just 9% remained inadequate and 27% became Good.

If a secondary school is rated Requires Improvement, it is over twice as likely to become Inadequate if it is a Sponsored Academy

Of 110 sponsored academies previously rated Required Improvement, 20% fell back to Inadequate in their latest Ofsted inspection. 44% rose to Good or Outstanding. Of the 530 maintained schools in this category, just 8% became Inadequate. 60% rose to Good or Outstanding.

If a secondary school is rated Good, it is almost four times as likely to become Inadequate if it is a sponsored academy

Of 43 sponsored academies previously rated Good, 19% fell back to Inadequate. 56% stayed Good and 5% rose to Outstanding. For the 483 maintained schools in this category, only 5% became Inadequate. 54% stayed Good and 16% rose to Outstanding.

This may be a reflection that the Sponsored Academies were, at some point in the recent past, weak (as this would be the reason for becoming a sponsored academy). However that does raise questions about the robustness of any improvement

If a secondary school is rated Outstanding, it is almost three times as likely to become Inadequate if it is a sponsored academy

Of 24 sponsored academies previously rated Outstanding, 8% fell to Inadequate. Of the 148 maintained schools that were previously Outstanding, just 3% fell in Inadequate.

Ideology or Evidence?

Converter academies, schools that were already Good or Outstanding, do not appear to have the same problem. The higher likelihood to stay or become inadequate is specific to sponsored academies. However this is the academy model that is being proposed for “inadequate” or “coasting” schools under the Education Bill.

The evidence seems to indicate that, in terms of Ofsted rating, a school is more likely to improve and less likely to stay or become inadequate if it is not a sponsored academy. This may be because most sponsored academies are part of academy chains, whose problems are clear from DfE data

QUESTIONS AROUND MULTI-ACADEMY TRUSTS

In March the DfE published a remarkably thoughtful and detailed analysis of the performance of local authorities and academy chains. And it reveals, in terms of value added, a picture of serious underperformance by the chains.

Of the 20 academy chains (being those multi-academy trusts with at least 5 schools), only 3 have a value added that is above the national average.

There are certainly some successful MATs, most notably Ark and Harris. However the majority appear to underperform relative to local authorities.

If schools are to be improved, it seems important to find a solution that works. Only a couple of MATs appear able to do this as well as the better local authorities. If policy is to be evidence-based, it would therefore seem to make sense to evaluate MATs and ensure they only expand when they have a demonstrable record of school improvement.

July 2015

DATA NOTE

This analysis is based on Ofsted’s spread-sheet of the current and previous Ofsted ratings for every school in the country. Ofsted does not include ratings from a previous status and so this information relates solely to sponsored academies which have had two Ofsted inspections since conversion. The data is the result of a very simple analysis, that anybody who understands pivot tables can do in under 10 minutes. (Though I couldn’t create a pivot table from the initial spread-sheet, and had to copy it into a new spreadsheet to carry out the analysis.)

This Ofsted analysis is based entirely on secondary schools. This is because only two primary sponsored academies are listed as having had two inspections since conversion.

I have submitted Freedom of Information requests, to DfE and Ofsted, asking for details of the ratings for academies before conversion. I will post these results if they are made available.

Written evidence submitted by Stockport Education Partnership Board (EAB 35)

EDUCATION AND ADOPTION BILL 2015-16

WRITTEN EVIDENCE IN RESPONSE TO THE EDUCATION AND ADOPTION BILL FROM
STOCKPORT EDUCATION PARTNERSHIP BOARD

1. As one of the lowest funded Local Education Authorities (LAs) in the country we raise concerns that the bill has little regard to the impact of the difference in funding from one LA to another. We believe this needs serious consideration to demonstrate equity of opportunity for all young people. The amount of funding per pupil is considerably less in Stockport compared to other LAs nationally but all LAs are to be judged by the same measures. Stockport prides itself on its success in delivering high quality education and this was recently highlighted in the regional HMI report but this was within the context of a very low funding per pupil. The consistent high achievement in Stockport should not inform future funding allocation. **Please describe how the challenges the bill sets out for the school system will be deemed equitable when funding is inequitable.**

2. School leaders have reported their concern that the measures to judge Coasting Schools are limited and do not have enough regard to the broader aspects of education and learning. **They are concerned that such a focus could lead to a narrowing of the educational offer.**

3. Schools have developed consultation with stakeholders particularly parents/carers to make children's learning and their schools better. Forced academisation without parental consultation raises a concern for colleagues. Parents are always being told it is their voice, their right to choose the best for their child. Why not in this instance?

4. There have been many recent changes to the assessment system and these are not yet embedded. The data on coasting schools could be inaccurate and this could lead to a loss in faith in the system how will this be addressed?

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