



Education Committee

Oral evidence: [Academies and free schools](#), HC 981

Wednesday 9 April 2014

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Written evidence from witnesses:

- [National Governors' Association](#) (AFS99)
- [Independent Academies Association](#) (AFS90)
- [Hampshire County Council](#) (AFS63)

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Members present: Mr Graham Stuart (Chair); Neil Carmichael; Bill Esterson; Siobhain McDonagh; Ian Mearns; Caroline Nokes; Mr Dominic Raab; Mr David Ward; Craig Whittaker

Questions 395-528

Witness[es]: **John Clarke**, Deputy Director of Children's Services, Education and Inclusion, Hampshire County Council, **Lucy Heller**, Chief Executive, ARK, and **Emma Knights**, Chief Executive, National Governors Association, gave evidence.

Chair: Good morning and welcome to this session of the Education Committee, looking at academies and free schools. We are delighted that the three of you have joined us today to give your different perspectives on the academies programme.

Caroline Nokes: Before we start, I need to declare an interest. I put on record, as Mr Clarke is a witness from Hampshire county council, that my father is the leader of the council and was until quite recently the cabinet member for children's services. Although I do not necessarily think that there is any huge interest, it is worth mentioning.

Q395 Chair: Thank you.

If you had to pick one thing, what is the single best thing about the academies programme? Everyone is avoiding my eye, apart from Lucy.

Lucy Heller: From what point of view?

Q396 Chair: Whatever point of view you like. The public out there would like to know what is going on with the academies programme. What is the best single thing about it?

Lucy Heller: The best single thing about the academies programme is that it has opened up the range of potential solutions to a number of problems in education, and I think that it has helped to raise expectations about what is possible.

Emma Knights: It has provided us with some models of really good schools, but the question remains whether you could have those really good schools using another structure.

John Clarke: There is a school, not in Hampshire but quite close to it, that was performing at 6% five A* to C, including English and maths, four years ago and now it is at 68%. That is the kind of thing that sponsored academies can do where the sponsor is of quality.

Q397 Chair: We visited New Orleans and met with New Schools For New Orleans—a sort of charity—which works to find really good sponsors for the schools. What the leader of that organisation said to us was that he felt that the system could probably cope with only about a 5% increase in charters—the equivalent of academies there—because of the difficulty of finding those good people who can make a difference; you could go too quickly and thus risk quality. Has the academy programme in this country sometimes gone too quickly and run ahead of quality and capacity?

Lucy Heller: It is a difficult balance. I clearly accept that a number of academy providers have potentially gone too fast. I think there is always going to be an issue about capacity within the system. Running good schools is difficult, under whichever structure you do it. Finding the right people to run schools, whether academies, community schools or whatever, is always going to be difficult.

Chair: John, do you have any thoughts on that?

John Clarke: Yes, I think that it has run considerably faster than its capacity. I think there are 25 sponsoring trusts effectively on a no-fly list. To use another analogy, if you had 25 cars returned to the manufacturer, you would probably want to look at the design of the model.

Q398 Chair: Twenty-five out of 88 chains of three or more schools. Twenty-five are barred by the Department from taking on any more.

John Clarke: Yes. I will quote from the county that I work for and Isle of Wight, because there is now a relationship between Hampshire county council and school improvement on the island. I think there are eight sponsored academies, and six of them are either in special measures or have serious weaknesses. The Hampshire ones did not have serious weaknesses or were not under special measures when they became sponsored academies. We have probably had a bad experience with the sponsors in Hampshire. I know that there are better ones, and we can learn from those. In that respect, the programme did run

away with itself. I also have some points to make about converted academies, which you might want to leave until a little later.

Q399 Mr Ward: Do you agree that we seem to be playing catch-up, a bit like with the apprenticeship programme, which exploded in terms of numbers? Some were of questionable quality and we are now trying to address that. There has also been an explosion in academies—certainly when compared with New Orleans or Massachusetts where we went. Arrangements of questionable quality were made, and we are now playing catch-up to bring some quality across the piece. Is that a fair assessment? If so, what has been the cost to those involved in the ones that were not robust and rigorous?

John Clarke: To answer the second question first, the cost has been to the education of children. We have fewer potentially successful adults as a result of the failure of the schools I have spoken about. I am not sure that we are playing catch-up, but we probably need to.

Emma Knights: We have slowed down slightly. We have certainly noticed the DfE looking much more carefully at academy performance than it perhaps did just post the Academies Act. We certainly know that governing bodies in the past might have been offered a couple or more—they used to call it a beauty parade of potential sponsors. Now, generally, there is one sponsor on the table, because there are simply not enough potential sponsors around, which is a problem. In that case, because the Department wishes to see this continue, will the school therefore take that one sponsor, even though it might not have the capacity?

Q400 Chair: Whose job is it to find these sponsors? If you read Andrew Adonis's book, he seemingly spent the entirety of 13 years single-handedly pursuing it to get sponsors for the 200 schools there were by the end of Labour's period. Is the capacity there to be finding the sponsors in the way that New Schools For New Orleans saw it as their purpose in just one city in the United States?

Emma Knights: The DfE is putting quite a substantial amount of its capacity into that. Whether it is enough is another question, but they certainly have got civil servants and their brokers on the job doing this.

Q401 Ian Mearns: You are saying that the process has slowed down, but that is inevitable, because it was going so quickly for three years that the vast majority, particularly of secondary schools, have already become academies. With what is left to convert, it is bound to be a more thoughtful process from the DfE. From our perspective, we are a bit concerned that while the DfE is looking more thoughtfully at the remaining schools that are not academies, the horse has bolted to a large extent with the bulk of schools. John's earlier evidence about the potential for schools to be in the charge of chains that are not necessarily dreadfully successful is a bit worrying, do you not think?

Emma Knights: We cannot talk about academies just as one lump. We have so many different types of academy. John mentioned the converters, which are a very different kettle

of fish from the sponsored academies. You are absolutely right: in a way, conversion is so last year. Now, we do not get our members talking to us about whether they should convert, because if they wanted to do it, by and large they have done it. There are governing bodies that are coming back and looking at it every year—what they have said, very responsibly, is, “This might not be right for us in 2011, but we will look at it again on our strategy day and see whether it is right for us now.” So there will be a trickle of schools through, but we have to think about them in a very different way from the sponsored academies. They converted for different reasons and were in very different places; they had different governance structures from the schools that I would imagine we are particularly concerned about, which are those that are underperforming.

Q402 Bill Esterson: It sounded like you were talking mostly about secondary schools, Emma. There is a different situation with primaries—much smaller numbers. Would you give a different analysis for primaries? We read in the press very worrying examples of what is happening with some primaries at the moment.

Emma Knights: Absolutely. You are completely right. Partly it is about size and partly it is about culture. Primary schools look at converting to academies with very different issues in mind. As you say, the numbers are much lower. One of the reasons why there was such a rush of conversion in the first couple of years after the Act was obviously that, at that point, academies were doing better financially—even though that was supposedly not the aim, it was, in fact—and that sort of pushed people into converting in the first couple of years, because they got a bit of a bonanza.

What is happening with primary schools now is that there is a grant to encourage schools to go as primary chains. That is still feeding, in some places, conversions of primaries as groups. As a strategy, that is much more sensible for primaries. To convert as a stand-alone is not necessarily the right thing if you do not have the business team in place. Becoming an academy means that you have to invest much more in your business team. Most primaries do not have a decent organisation or operation, so to become a group makes sense.

One of the things we are concerned about—I know that the Committee looked at it in your partnerships work—is the fact that, in a lot of places, the option of becoming a federation is not put to primaries. A local authority-maintained federation can be a very good model for primaries, perhaps as a stepping stone or a halfway house to becoming a multi-academy trust, but doing things in chunks that are possible, rather than necessarily going from being a community primary to being a MAT in one fell swoop.

John Clarke: I need to preface this remark by saying that the policy of Hampshire county council is to be neutral about academies. We neither push schools to become academies, nor do we prevent them from doing so. For a long time, we have believed in autonomous schools and self-management of schools.

Even given that, however, it might surprise you to know that, in a place like Hampshire, which has about 540 schools, 93% of schools are not academies. I think there are other places around the country where that is the case. Most of these, of course, are primary schools—small primary schools and some large primary schools. I do not really know why they have not become academies, except to say that they say to me that they like to feel part

of a family of schools, they like feel part of a common enterprise for the children of the county, and they think that they are well served by a selection of services from the county council. I cannot go further than that, but they have not converted. They may look for chains or federations, or they may become co-operative trusts, but at the moment, they are as they were five years ago.

Q403 Bill Esterson: Coming back to the issue about the DfE's capacity. There are 3,500-plus academies and free schools; do the DfE and, for that matter, the Education Funding Agency, have the capacity to oversee that many schools?

John Clarke: From my perspective, I am fairly confident that they have the capacity to do a desktop exercise about each of those schools. I have they have the capacity to do something when a converted academy gets into difficulty with Ofsted or falls below the floor standards; I think they have processes in train for that.

My major concern is that I do not think they have oversight of the whole sector that is the academy sector, and I am very concerned about coasting schools. If people believe that merely setting schools free causes them to improve, I would like to see the logic that develops that argument a bit further. I do not see that to be the case in Hampshire. I see a situation where the overall performance of secondary schools that are converted, although we have some stunning examples of really good academies, has dropped two percentage points at GCSE, while that of the maintained sector has improved by two percentage points at GCSE.

We are in a situation in Hampshire now where we are on the national average at GCSE. This is probably, 2012 excepted, the first time in Hampshire's history when it has been at the national average. It has always been a couple or more points above the national average. The maths show that it is the performance of converted academies which, as I would best describe it, in many cases have gone off the boil. They have lost their edge. They have lost five or six points, which when you are on 85% does not seem a lot, but aggregate that up to a county level and, as I say, it is 2% worse than it was.

Q404 Bill Esterson: And you attribute that to the lack of oversight?

John Clarke: My own view, as a school improvement professional at a senior position for 17 years, is that if you take away the challenge to schools, which has to be face to face, in my view—it does not have to be several times a year; once a year is often enough—you are taking away something very valuable to that school and to the community it serves.

Lucy Heller: In terms of the oversight I think, no, it is perfectly clear that it is not possible to oversee 3,500 schools from desks in Great Smith Street, but that is precisely why they are looking at introducing the new system of regional chancellors to address those. There is no perfect—

Q405 Ian Mearns: But they will have about 400 each, as an individual. How much more effective will that be?

Lucy Heller: The plan is that they will work with a group of heads within the region. They are large regions. There is no perfect solution. As someone who has spent a lot of time with lots of people talking about the middle tier problem, I don't think there is an entirely satisfactory answer. I think, partly, that we will have to try it and see. Overall, with the whole of the academies programme, a bit like Zhou Enlai when asked what he thought about the French revolution, I am tempted to say that it is too early to tell. We have to remember that it is still a relatively new movement. The oldest of the sponsored academies have only been going since 2002. In the case of converters it is very early days. We can all agree that there are times when things went too fast, but then revolutions are messy things. I would still want to go back and say that if you look at the evidence on the sponsored academies, there is fairly solid evidence that overall—that is not saying every one—they have been a good thing and they have improved, on average, faster.

Q406 Bill Esterson: Before coming on to Emma: John, will the commissioners solve this problem?

John Clarke: Potentially. There are 400 for each and there are 540 schools in Hampshire to be challenged and supported. That may not be too many. It is not so much the regional school commissioner, nor the elected board of head teachers, but the boots on the ground that lie beneath that structure that interest me. Improving schools is not an easy business. It requires people with experience; it requires people with skill and expertise to be involved with that. I should like to know what the field force will look like that the regional commissioners have to deploy before coming to a judgment about whether the level of oversight, challenge and support will be sufficient.

Emma Knights: I just want to say one thing about converting academies before I come back to that point. The theory is that the people who provide the challenge are the board of trustees. What happened in conversion is that there was not enough of a review of governance at the point of conversion. You will see that trust boards in converter academies look very similar to their predecessor governing bodies, so that has not necessarily provided the impetus to do the sort of challenge that John is looking for in converter academies. In a sense, the theory ran ahead of the practice, and a lot of converter academies are only reviewing their governance now, two years on, because they realised that they have not necessarily stepped up to the mark. Meanwhile we have had two years when, as John says, performance may not have been quite what we would have liked.

Does the DfE have the capacity? I don't really feel that I am expert on this, but we should not confuse the lines of legal accountability with, as John says, the people who will make a difference in terms of improving schools and improving teaching and learning. They are slightly different functions. It may well be, in terms of technical accountability, that, yes, the DfE can manage the number of academies it has via the regional structure that it is developing, but that is not going to do the improvement. That is one of our hypotheses: that legal school structures do not necessarily on their own provide that impetus for school improvement. It is all the other things that Lucy was talking about; it is about ethos, aspiration, having good leaders, good teachers and good governors. In order to make those things happen in schools where they are not happening, you need folk supporting them and facilitating that work. Where are those folk? I think that that is of much more interest to schools than the DfE structure.

Q407 Bill Esterson: Let us move on to the issues of fraud and mismanagement. There has been a number of free school failures, but they have been identified through the actions of whistleblowers. Is that an effective strategy? If not, what needs to change?

Emma Knights: I would have thought that it was fair to say that whistleblowing was not, or should not be, the only strategy to ensure that new schools work well. In terms of oversight, I think that new schools need far more support, whether that is oversight in the accountability sense or support and advice in terms of set-up, than other schools. I think that probably the DfE did not have its eye on that ball enough. Again it is changing—at least I hope it is. The rhetoric is changing and I hope that the support is also changing for those new schools. Just earlier this week, I was talking to the New Schools Network about providing some help for them on governance, because that is an area where founders have to become boards for the first time, and they may not understand how to do that.

Lucy Heller: Leaving aside the question of free schools—new start-up schools, particularly those being operated by people who do not have experience in the area—I see no evidence that academies are any more prone to fraud or mismanagement than your standard community schools. We have a fair number of cases that you could point to of community schools where egregious fraud took place—the head teacher being paid £400,000 a year, all those sorts of things. I accept that there is a problem. I can only speak from the experience of ARK in saying that the EFA takes a pretty rigorous line, an increasingly rigorous line, in terms of the financial management.

John Clarke: I take that point absolutely about financial management, but I still think that, irrespective of the freedoms given to schools, we are talking here about a national education system and the future of our children, and some level of professional oversight over the activity of schools—whether it is done by the regional schools commissioner, the DfE centrally or local authorities—needs to be there.

Chair: We have limited time, so short, sharp questions please from the Committee.

Q408 Mr Ward: Inevitably, we have covered some of the areas already. However, I will begin at the beginning, with the authorisation of sponsorships. Emma, I think you have called for an impact assessment prior to the authorisation. Could you just tell us a little about who would do that and what would that look like?

Emma Knights: In terms of new sponsors, as opposed to—?

Q409 Mr Ward: New sponsors.

Emma Knights: The DfE does that. It goes through a process to work out whether or not to allow someone to become a sponsor. To be honest, I don't know very much about how it has been doing that, and how much it has tightened the process up. However, what I do see is that some sponsors clearly expanded too fast and, I would say this, wouldn't I?, being from

the NGA, they had not thought about governance. If you look at their governance structure for one moment, you can see that with this sponsor, given the way that it has a board with a number of schools underneath, there is no way that that one board could have proper oversight of those number of schools given its scheme of delegation.

Some academy chains and multi-academy trusts had not even thought properly in terms of schemes of delegation, so when you say to them, “What is your scheme of delegation?”, they look at you blankly. You say, “Well, have you written it down? Is it on your website?” “No, it isn’t.” So there absolutely was not enough credibility given to the idea of structures being robust. So the Department certainly was not asking the right questions earlier on; I do not know whether it is now asking those questions. But it needs to look at both governance capacity and leadership capacity.

Q410 Mr Ward: Any other views on the authorisation of the new sponsors?

John Clarke: I think Lucy is right about the French revolution, but an organisation like hers, ARK, can show the DfE what a good sponsoring trust looks like. We should use the experience of the ones that have clearly made big impacts upon the improvement of education of children and see how they organise things. It shouldn’t be beyond the wit of people to find a set of criteria to apply to potential new sponsors from how the ones who are working well at the moment are doing it.

Lucy Heller: That said, it is only fair to say that if I as a civil servant were looking at ARK’s first application to run a school, we came as a children’s charity with no background in education. We were a risk. As it happens, it has turned out well. I am not sure you can always tell how those who are starting up are going to do. What I think you can do is rate people on their record. So I am entirely happy that we should be held to account on what we actually deliver. You may take chances. If you are opening up and saying: “There is a limited field of sponsors, we need to develop new people who are going to sponsor and operate schools”, it is fair enough that you take some risks. But they shouldn’t be allowed to expand. It comes back to this fundamental thing: that it is about the rights of children to a good education, not the rights of sponsors or anybody else to run schools.

Q411 Mr Ward: The French revolution analogy is quite a dispassionate view about the hundreds of thousands of people who died as a result of it. There is a cost, isn’t there, of going in at this pace and saying we have a new system in place and well, we may get there eventually and in the end sort it all out? By definition, you cannot have a track record if you are new, but there must be some ways of having a rigorous process in place while that confidence is built up in risk situations.

Lucy Heller: I am in favour of holding the sponsors and anybody running schools very strongly to account and I completely agree. As I said, it is about the rights of children to a good education, it is not about anybody else’s rights, so I am in favour of great rigour. All I was pointing out was, in terms of looking at ARK, when we started, we had no experience in running schools directly. We had taken on people who had experience, but if you looked at our track record, there was effectively none. So I am not quite sure how you could develop a process that would allow for that.

Chair: David, is that the finish of your question? Otherwise, I fear you are going to make another statement, rather than ask another question.

Mr Ward: I was asking a question about how you could develop a process. My answer for that would be a slow one.

Chair: I knew you wanted to answer it.

Q412 Ian Mearns: I find there is a bit of a contradiction in the Government's approach to this whole thing. If you talk to Ministers in the Department for Communities and Local Government, they are very much in favour of what is called localism, local determination and local people being consulted about the future of services in their area. But when it comes to academies, we get an academy chain or a sponsor or a small group of individuals on a local basis who say, "We want to convert our local school." There is not much in terms of openness, transparency or involvement of the local community in the decision-making process in many circumstances. Do you feel that is a problem, a contradiction or do you feel it is fine?

Emma Knights: In terms of conversion, you do have to go through a consultation process.

Q413 Ian Mearns: It is pretty tepid, though, isn't it?

Emma Knights: Certainly I think the legislation was not as strong as we asked for it to be. Despite that, you have to do one and right from 2010 the NGA was saying you need to do this properly. Apart from some hotspots, communities and parents were not necessarily terribly interested. That is in part because what they care about is the education their children receive and what is going on in the classroom. Quite frankly, explaining to them the different legal niceties of being an academy compared with being an LA maintained school didn't excite, and doesn't excite, parents and pupils. They are much more concerned about other things in school.

For us, like Hampshire, we are completely neutral about this. Schools should do what is best for them and their communities. One of the sad things about that, is that a lot of us in education have spent quite a lot of time thinking about structures, when we might actually have been better off thinking about teaching and learning. Certainly there has not been in most places a major surge among parents against academies, because quite frankly most of it is meaningless to them. That is conversion, sponsorship is different.

Chair: Short answers please, Emma, good as they are.

John Clarke: There is a massive contradiction, but I am not going to sort out the political theory of centralism against localism this morning, I am sure.

Q414 Craig Whittaker: Coming back to the chain bit, John, you mentioned that 25 chains have been capped. Earlier on, we know about E-ACT losing 10 schools. Has DfE done

that because it has its finger on the pulse, or is it because the systems are incredibly lacking in rigour to monitor chains and make them responsible?

John Clarke: More the latter than the former. I can't speak about E-ACT in particular. I have read what everybody else has read—I don't know them intimately. I know there is a national debate going on about whether sponsoring trust chains should be inspected and I think, by exception, yes, they should be. I see no distinction between the role of a local authority school improvement service being inspected by Ofsted and an academy chain being inspected by Ofsted. This is not just because it appears to be double standards and not very fair. It is because at the heart of this is the education of children. If there is a disservice being done to them, the chain needs to be looked at in detail and promptly, which is what Ofsted does for local authorities.

Q415 Craig Whittaker: So what should DfE do? You said they probably lack rigour and are not robust enough; what should DfE do to make sure that chains are inspected or made responsible?

John Clarke: The first thing to do is to sort out the argument with Ofsted about whether they can be inspected. I don't think that has been resolved yet.

Q416 Craig Whittaker: Does anybody have a different view?

Lucy Heller: I am fairly neutral on the question. We would be very happy to be inspected by Ofsted, as a chain, but most of the information that the Department needs is already there in terms of individual Ofsted judgments on the schools that belong to a particular chain. It is not rocket science to see that if you have ended up with a raft of "unsatisfactory" schools, you are probably not doing the job. You don't need to inspect the chain to find that out, you can see it from what they've done. The work that any chain is doing is best expressed in its schools.

Q417 Craig Whittaker: Are chains not surrogate local authorities though?

Lucy Heller: Sure, but just as I'd judge a local authority's education service on the way its schools are performing rather than what they do in their central office, I judge schools—

Q418 Chair: The key governor of the ethos and behaviour within a school chain is the governing body. One of the great potential benefits of chains is to allow strategic governance to be shared across a chain of schools rather than just confined to one, perhaps, under the old system, unless somebody worked in the local authority. If that's where the power lies, where the ethos is set, where the will to improvement is determined, isn't it bizarre not to have that inspected? Because when you find there is a change in performance in schools and you don't know why, the reason is that you've had a complete change in

leadership set by the governance of the chain. If you're not looking at the place where the key thing has come from, you are not looking at the right thing.

Lucy Heller: Looking at the outcomes, for me, is the really important thing. Certainly, in determining whether a group of academies should be enabled to grow or not, I would look at their work and make the judgment on that. I am less interested, in a sense, in what happens at the centre. If they are delivering good work, if the outcomes are good, if, particularly when you look at the sponsored academy groups, they are turning around schools that have been in special measures and they are now judged to be good or outstanding, there is little to argue with on that basis, and the Department has that information. So, yes, it would be a good idea for Ofsted to inspect academy chains, but I don't think that that is needed for the Department to be able to make a judgment on academy groups already.

Q419 Craig Whittaker: I am pre-empting your answer on the next question then. Would it be fair to say, then, that you agree that it is okay for those chains that have failing academies to be transferred into other chains?

Lucy Heller: Absolutely.

Q420 Craig Whittaker: Okay. Does anybody have a different view?

John Clarke: Absolutely. I think the more interesting question is, when we know that a chain is not performing well, if it were a local authority an intervention strategy would be planned and somebody else would be running that school improvement service. Somebody else needs to be running the schools that that chain is currently running if it is running them poorly. Whether that it is another chain is an interesting question. I have to ask you this question: if the Department for Education asks Hampshire county council to sort out schools on the Isle of Wight, of which there are 50, why would it not ask us to sort out one? That is, does it have to be a school transferred to another academy chain, or could a really good local authority with a track record pick up that school?

Emma Knights: I want to emphasise what Graham said about boards. The boards are the crucial bit of any academy structure, whether a MAT or a stand-alone academy. We are really looking at here is whether the board is doing its job properly. Who oversees the board? That is the essence of the academy programme.

Although I completely and utterly agree with Lucy that clearly we all need to be judged by how our young people are doing, sometimes the information we get is quite historical, so you do also need other intelligence as you go along. You can't sit here waiting for another set of GCSE or SATs results. A few sensible questions about what the board knows are very easy to ask.

Q421 Craig Whittaker: Going back to Lucy's point, in light of the fact that the DfE has capped a third of academy chains and is not allowing them to take on any more schools at the moment, would it be fair to ask that the DfE not only just looks at the one option of

transferring failing schools from one chain to another but also looks at options such as the one John proposed, where local authorities may be asked to take over failing schools?

Lucy Heller: Like my fellow panellists today, I am structure neutral. I am only interested in who can do the job well.

Q422 Ian Mearns: On that point, we have actually had an answer to a question in the House, where the Secretary of State said that Ofsted was already inspecting chains, and I think he mentioned two. Am I right in saying that it is not actually inspecting the structure of the chains but just schools within the chains? It would be useful to get that clarified for the record.

John Clarke: My understanding is that it was schools within the chains.

Emma Knights: Yes.

Ian Mearns: But that was not the inference from what he said at the Dispatch Box, I'm afraid to say.

Chair: That's a matter of debate, as the Speaker would say. Caroline.

Q423 Caroline Nokes: This question is for Lucy about the urge for chains rapidly to increase the number of schools that they sponsor. ARK has not done so but would it be your view that some of the other chains have succumbed to Government pressure and expanded too quickly?

Lucy Heller: It is undoubtedly the case that some of the chains grew too fast. Why they did that, I don't know. I suspect in part that there was a financial imperative that if you are going to build resource at the centre, that is expensive. They were partly growing in order to spread their overheads.

Q424 Caroline Nokes: Why didn't ARK?

Lucy Heller: We did not think it was sensible or feasible for us to do. We have grown relatively fast in the last year, simply because we were conscious that there was a lot of work to be done and we thought we now had the capacity to do it. However, it is notable that the chains that have arguably been the most successful are those that have grown relatively slowly and kept a quite tight geographic focus. Our geographic focus of Birmingham, London and a slightly extended version of the south coast might not sound to the outsider like geographic focus but, by comparison with a number of other academy groups, it is very focused. It means that we have to say no quite a lot, which we hate to do but we have had to make that decision.

Q425 Caroline Nokes: Does the panel in general, not specifically Lucy, think that school leaders and governing bodies realise that by joining a chain they are going to be relinquishing their autonomy, rather than gaining new freedoms?

Emma Knights: That is a really good question, because we are now in a period I think of shrinking autonomy. We have had the converters that converted stand-alones, so they did gain autonomy. Now we have groups coming together in small MATs. We have sort of ignored them in the conversation today. We have talked about stand-alone academies and the big chains. The growing phenomenon over the past year has been small numbers of schools coming together; often MATs just of two schools, one outstanding school and one under-performing school or maybe a ratio of three: four.

Q426 Chair: For the record, they are multi-academy trusts.

Emma Knights: Yes. The trouble is that the big chains are multi-academy trusts and so are these little groups. We now have lots of different types of MATs. Certainly we know from experience, in terms of governing bodies joining the large sponsored chains, that they do not always understand that they are giving up autonomy. They do not often understand until it is too late. By that time, they are part of the structure and they just say, “Oh, the board’s just told us they are going to do x”—for example, recruit the head—“but surely that is our job.” And we have to say, “Well, look at the small print,” and either they did not discuss it, or they did not know what it said.

Q427 Ian Mearns: So, in a nutshell, schools have been set free, but everywhere they are in chains.

John Clarke: Most of the evidence that I have is about schools that are in Ofsted difficulties or below the floor, and that are consequently under pressure from the Department for Education to join a chain. I think that they are very well aware that they are losing autonomy, which is why sometimes the fights that happen locally are so extraordinarily bitter. On the other hand, I wonder whether this is the right question—whether autonomy is the thing that we are after or children achieving is what we are after. It seems to me that if people are granted autonomy but are not providing a good deal for children, we have probably given autonomy to the wrong people.

Lucy Heller: I think the concept is earned autonomy. If you talk to any of the principals or chairs of governors within the ARK group, they would also think that they have autonomy and are free to do the things that they care about, but that is in context. We have also taken over a number of schools which, as John says, were in special measures, where actually the governing bodies had not been able, with the support of staff, to deliver the results, and those schools now are doing that. The most important thing is getting the right results, but you would find, I hope, if you talk to any of our principals—you did, two weeks ago, speak to Dame Sally Coates, who is the principal of Burlington Danes academy, one of the ARK group, who would absolutely say that she has autonomy to do the things that she thinks fit, and that that is what academy status had helped her to have.

Q428 Craig Whittaker: Just following up on what you said, John, one thing we saw in New Orleans a couple of weeks ago was that they are not afraid to close schools, or indeed to sack teachers, if they are not performing. Would you advocate that happening here in the UK?

John Clarke: Teachers are being sacked all the time, and likewise head teachers. We probably do not use the term but—

Q429 Craig Whittaker: Would you close schools if they were failing?

John Clarke: We have had experiences of closing schools because of quality issues, yes, but to close a school is an extraordinarily divisive thing within a community and there are issues—

Q430 Craig Whittaker: But isn't it about the quality of outcomes for young people? If that school is not performing for young people in that community, surely the answer is to close the school.

John Clarke: Yes, but perhaps I had best describe it like this: if the school you have your children in fails its Ofsted, it is like being stuck at the queue at Tesco halfway along the line with your trolley full of your week's shopping when the checkouts break. You have a choice: do you move from there and go immediately to Sainsbury's, or is that less cost-effective for you because, by the time you go there and do your shopping, the checkouts will be mended at Tesco? You see the analogy. The problem with schools—

Q431 Craig Whittaker: We are not talking about a basket of bananas, though; we are talking about outcomes for our young.

John Clarke: I am talking about the web of relationships that exist for children: their peer groups in the schools that they go to. If a speedy improvement of that school can be effected, that is probably a better solution than closing it at a stroke and then having the problem of where those children go. What happens to the curriculum that they have been following? What happens to the relationships with their teachers and so on?

Q432 Craig Whittaker: So as a rule you would not close.

John Clarke: No, I think in extremis it is certainly an option, but I am just laying out some of the difficulties.

Q433 Mr Raab: When you look at the governing bodies of academies, where do you see shortcomings in skills and professionalism? I appreciate that there are patterns of good practice and less good practice, but what are the prevailing areas that, perhaps, are not up to scratch and need to be beefed up a bit? Lucy, do you want to go first?

Lucy Heller: Obviously I have the experience really only of the ARK local governing bodies, which I would say are doing a great job and do have the requisite blend of skills. What we have, helpfully, is the backing of a delegation of authorities between the ARK schools board, which is the legal governing body of all our academies, and the local governing bodies that have the day-to-day powers of operating the school. It seems to me that that is a quite fruitful and useful—

Q434 Mr Raab: That is a slight distraction. You obviously have good practice, but what is the area that you keep the closest eye on? What is the area of skills and professionalism on your governing boards of the schools that you really want to keep an eye on?

Lucy Heller: I have to say, unhelpfully, that I don't think that there is a specific area. What we are looking for in the local governing bodies is a real commitment to the school and a willingness to give it time. Perhaps, overall, it is the willingness to challenge as well as to support. That is a very difficult mix. As a group, we are very data driven, because we think it is very hard for school governing bodies, generally coming together without professional expertise in education—for the most part in an academy that is not part of a group—to have the flow of information coming solely from the head. It is very hard to do the job that you need to do of supporting a head, often in challenging circumstances, at the same time as providing the push to do better, particularly if you feel that your information is fed entirely by the head and you do not have an alternate source of wisdom.

John Clarke: I concur absolutely with that. It is about the grasp that the governing body has on the progress being made by the children, and its capacity and ability to challenge the head teacher about that.

Emma Knights: If you are looking for skills, what you are really looking for is the ability to analyse, because you must understand the plethora of data and, quite frankly, educational professionals are not necessarily very good at working out what data governance requires. Quite often, we have to say to them, "Look, we don't need all this gumpf; what we need is this." An ability to analyse and to ask good questions is crucial. It is about good judgment.

Q435 Mr Raab: I understand that, and I understand that you want a supportive but challenging tier of questions and answers, but I am not clear from any of you what kind of skill sets produce that. Obviously, it depends on the individual, and it is partly an issue of character and leadership. Where do you find the good examples, if I can put it like that? Is it about having an accountant, or someone with business experience, or are you asking teachers to second-guess teachers? What is the balance?

Lucy Heller: I am sorry, but I don't know if we can be more helpful, because it is a complete mix and it depends on individuals. We have some parent governors who are phenomenally forensic in their analysis of the data; we have the bankers, the lawyers, the local business people or whatever. There is no particular rule as to those who are effective. It is more about that ability to analyse data and to hold the school to account. I am passionate about providing governing bodies with that data, and I have been trying to push

with the Department the notion of the annual school report, which brings together the array of data and provides a traffic light system, and which is specifically addressed at the governing body so that it can make a judgment.

Q436 Chair: I want to cut across Dominic's question because we are into the very important issue of governance, particularly in the context of academies. Is there any reason to believe that the academies programme, and academies' freedom, are engendering that higher quality governance, achieving that better mix and bringing in that talent that local authority control failed to do in too many cases?

Emma Knights: In some cases, but it is not a particular rule. We see great governance in some local authority maintained schools and in some academies. Equally, we see diabolical governance in both types of school.

Q437 Chair: Is there a reason to believe that over time, French revolution borne in mind, the academies programme may bring in better governance? If governance is the key, and if the academies programme is to work, it will do so because it leads to improved governance.

Emma Knights: Absolutely. The risks are greater in academies because of boards' increased responsibility. Yes, they must get smarter. To answer the previous question, it is about diversity. You need to have people from a lot of different professions and backgrounds to bring different knowledge and skills to the board. We do the same. We say to people, "Gosh, it would be a good idea to have a lawyer, an accountant, a finance director and so on." The danger is that, sometimes, those people think they have been brought on to the board to do stuff, rather than to govern. That is a real worry. We do not want a finance director on the board so that he or she starts doing some finance work in the school because it is not being done very well. We want them there so that they ask the right questions. There are some mixed messages going out. Just last week, one governing body said to one of our consultants, "Oh, Lord Nash thinks we ought to have business people on governing bodies so that they can help us with our business management." No, no; that is not why.

John Clarke: I am mystified by this notion of local authority control. There are times when I would like to have had some.

Q438 Chair: Are local authority appointees to governing bodies all too often not filled, or filled with second-rate people who were not really interested, but did it out of obligation?

John Clarke: That is a fair point.

Chair: I have been one—quite possibly in that category.

John Clarke: I have two points. First, I do not think that people's professional background is relevant. The key thing is that they have to understand what the job of a governor is. Secondly, I would write into the funding agreement of converted academies the

notion that they must ensure the induction of governors and proper training for them, and proper professional development for them while they are governors, including chairs and clerks.

Emma Knights: Absolutely.

Q439 Ian Mearns: I should declare an interest: I was a local authority governor for about 25 years, but I am now a community governor of two schools, and I have been invited back. I don't know why, but there you go.

On collaboration and schools working together, is the fact that a school is part of a chain a fetter on its working in partnership with schools that are not part of the chain, or is it expected that they should do so?

Lucy Heller: No.

Q440 Ian Mearns: There is no fetter whatever. Okay. So should responsibility for facilitating local collaboration rest entirely with school leaders—head teachers and chairs of governors, or senior managers?

Lucy Heller: I think so, yes.

John Clarke: I do not. The statutory guidance on the role of the director of children's services and the lead member for children sets out that one of the jobs of a local authority is to broker school-to-school support and to get schools working together. Also, one of the responsibilities of the local authority is to identify issues that are particular to geographical areas and to appreciate that, for example in a place the size of Hampshire, which has both Gosport and Winchester, there are very different issues in those two communities. So there are particular things that a local authority has identified that need to be done in Gosport that do not need to be done in Winchester. Organising school-to-school support and collaboration around those issues is not something that the staff of the local authority do, but they help the schools locally to work together, so I think there is a role for the local authority in setting direction, although that is not imposing collaboration upon schools.

Emma Knights: We cannot think of all academies and all schools in the same way. It is absolutely fine for Lucy's schools, because they have the set-up to do these sorts of things properly. Our concern is that if you just leave it entirely to head teachers, we will get some great schools doing fabulous things and other schools that do not look outside their own walls and will not collaborate, so there needs to be some sort of facilitation.

Q441 Ian Mearns: If schools and chains are left to their own devices, how can we ensure that the right schools are partnering with the other right schools in terms of helping to garner school improvement?

John Clarke: You need a middle tier that has the capacity and skill to influence those people they do not control. That best describes the role of the local authority these days.

Q442 Ian Mearns: So you are talking about the middle tier now. Some would say that academy chains are a new middle tier.

John Clarke: Some would.

Ian Mearns: Some would, yes. How can we therefore ensure that, if academy chains are to be a new middle tier in certain parts of the country, they are then focusing their efforts on improving the right schools outside their sphere of influence through their own academy school leaders?

Emma Knights: I would suggest that, legally, an academy chain is a very different thing from a local authority. An academy chain is basically a board that has responsibility for a set number of schools. Although some may collaborate outside that chain, and Lucy says there is absolutely no impediment, it depends on ethos. Some chains are really good at doing that, and other chains are inward looking and do not work terribly well with other schools, so we cannot generalise. A board in a chain does not have any responsibility for outcomes outside that chain, whereas a local authority has a duty to all children within its jurisdiction.

Q443 Ian Mearns: Is there anything specifically that we can do to ensure that stand-alone academies fulfil their commitment to collaborate with other schools and to help school improvement?

Emma Knights: That has been a disappointing part of the conversion process. Although they had to sign on the dotted line that they would work with another school to get through the process, in practice that was not really monitored or followed up. I don't know whether they are improving it, but in the first few years it was negligible. It is a shame that the Department did not take that more seriously.

John Clarke: I am not sure about that. I think that the essence of this is about improving individual schools—that is why collaboration takes place at all. It is not something that simply involves having a cup of coffee and going back to your own school; it is about improving something in a particular school. For that to happen there needs to be a forensic analysis of what is wrong with that school in the first place and then for the best people to be found from the various collaborations who can work in that school to do that. Over the 17 years I have been involved in Hampshire, we have never moved a school from serious weakness or special measures back to health without the support of at least one other school—never. School-to-school collaboration is not new. My view is that it has to be focused on doing what needs to be done in a particular school.

Q444 Ian Mearns: Is it clearly the view of everyone that the mechanisms are not yet in place to ensure that this proper, focused, school-to-school collaboration takes place across the whole of the country?

John Clarke: I think it is hit and miss.

Emma Knights: It is very variable from one local authority to another. You have a very good example of what is happening in Hampshire; there are other local authorities where the picture is very different.

Q445 Chair: Hampshire is the national average in a national system which itself, according to PISA, isn't that fantastic. Hampshire is a relatively prosperous part of the country as well, in the south of England.

Emma Knights: Absolutely.

Chair: We cannot set Hampshire up too high, can we?

Emma Knights: No. I was referring to how it works with its schools. Other governing bodies are saying to us, "The local authority does not want anything to do with us." The message they are getting from local authority leaders is, "Be off with you. We don't have the capacity anymore"—sometimes it is about will as well, but it is also about resources—"to work with you." Time will tell whether Hampshire being more involved and providing school improvement makes a difference to its schools as opposed to those where the local authorities are saying, "You are not our problem any more. This is an autonomous system."

Q446 Ian Mearns: The contradiction is that whether people in local authorities like it or not, they still have a statutory duty to oversee the improvement of schools in their area.

Emma Knights: Exactly.

Lucy Heller: The problem is that collaboration works and is important; conscription generally doesn't in these cases. In order for there to be school improvement, you have to have two willing partners: a school that has the capacity to help to drive improvement in another; and a school that is willing to be helped. I see nothing in the system that stops that from happening, but I am sceptical about whether enforced powers from the local authority or anybody to insist that schools collaborate will generate the results that you want. You have to keep the focus. As Michael Wilshaw said, for a school to be judged outstanding, it would have to show evidence of the work that it was doing to improve other schools. That is fair enough. You need those incentives towards collaboration to get people minded that way, but I am not sure that you can enforce it.

Q447 Siobhain McDonagh: Should there be a single system of oversight for all the educational provision in a geographical area?

Emma Knights: Legally we don't have that any more.

Q448 Siobhain McDonagh: But should there be?

Emma Knights: If you were starting with a blank piece of paper, you might design a system that was like that. Given where we are with so many different schools with different

structures, and obviously two main differences—do you report direct to the Secretary of State or do you report via the local authority?—it strikes me as too big a job to unpick that. Given that we have all said that structures are not the be-all and end-all, would we want to spend the next few years rejigging it all over again? I think no; we are better off focusing on teaching and learning.

John Clarke: It is an incredibly complicated answer. Fundamentally, if we talk about the middle tier, which is what the question goes to the heart of, a couple of years ago people were saying that teaching school alliances would be the middle tier of the future. Then people said that sponsoring chains would be the middle tier of the future. At the same time there are the beginnings of a regional school commissioner, which may be the middle tier of the future. Lying alongside that are local authorities, which at the moment are the middle tier. I think that teaching alliances and sponsoring trusts becoming the middle tier for a whole geographical area are complete non-starters.

The only two players in the game are the regional school commissioner and local authorities. I actually think that there is a way of piecing together a relationship between those two that could work. I think that the democratic accountability for the achievement of all children lies with the local authority. Where the local authority has concerns about the performance of an academy, be it a sponsored academy or a converted academy, it does not do the intervention itself because it does not have that power, but the regional school commissioner can do that intervention. Into that equation, if we could get the geographical coterminosity correct, I would also stick Ofsted. The experience we have had in a short time—seven months or so—working on the Isle of Wight shows that when DfE officials, local authority people and Ofsted get into a room and work very closely together on how to fix a broken school system, an enormous amount of good can happen very quickly. It is about people who trust each other seeing their place in the jigsaw and working together—I think it could be done.

Lucy Heller: I agree with both Emma and John on this. I think it would be great to move on from some of the battles around structure, except that we have a slightly messy set up, which we are all going to need to work on together to try to sort through, and then focus back on the teaching and learning and what goes on in individual schools, rather than the structures that surround them.

Q449 Siobhain McDonagh: How do ARK academies collaborate with other local authority convertors?

Lucy Heller: We do not specifically look to collaborate with other LA convertors; we look to collaborate locally. Any ARK school, I hope, sees itself both as part of the family of ARK schools, but also very strongly as part of the family of local schools. We have in almost every case, I think I can say, very fruitful relationships with the local authorities and we work closely with them. We are working with a range of schools, particularly the feeder primaries that come into our secondary schools as well as other local schools. It varies from school to school. It is important to remember that many of our schools, since we are predominantly a group of sponsored academies as opposed to convertors, come from being in special measures and very tough times. Quite a lot of their attention has to be focused on sorting

themselves out. We are still at the early stages. We work very happily as a family and we would want that to continue.

Q450 Bill Esterson: I assume, John, from your previous answer that you think we need a middle tier. Emma and Lucy, do you think we need a middle tier?

Lucy Heller: I think there is acknowledgement that a middle tier is needed, and that is partly what the regional chancellors are meant to address.

Emma Knights: Yes, but the phrase is used very loosely by different people. I think we absolutely need something to ensure that there is good school improvement. That is a support function. What none of us has mentioned during this conversation is the idea of challenge programmes. In London, and indeed in other parts of the country, the challenge programmes did work. I know that there is a slight dispute about the evaluations, but most of us think that the challenge programmes made a difference. Shouldn't we be looking at that as part of the picture to ensure that schools work together to improve?

John Clarke: I think the McKinsey report of a couple of years ago made it absolutely plain that the strongest systems across the world have a middle tier.

Q451 Bill Esterson: John, you used the term “geographical coterminosity” to describe the working relationship you would like to see between Ofsted and the regional school commissioners. That is not happening the way things are planned because, the DfE told us, a deliberate decision was taken to break up London. Does it make sense to do that, Emma and Lucy?

Emma Knights: No, I don't think so. It feels like a plan dreamed up in Whitehall. Those of us who work around the regions would not have designed the system like that. I think the relationship between the regional director at Ofsted and the regional commissioner would be very important. Not to have them working in the same patches seems a bit daft.

Lucy Heller: I suspect that it was driven not by a deliberate desire to do that, but by paucity—they needed London's strong head teachers in the regional mix. I think it was partly that. In some areas of the south, they would have had too few excellent head teachers to serve on the boards with the regional chancellors.

Q452 Bill Esterson: So there should be consistent regions.

Lucy Heller: I think it would have been a good idea, but I can see why they did not.

Q453 Bill Esterson: Are you surprised by reports that the DfE is finding it difficult to attract suitable applicants to become regional school commissioners?

Lucy Heller: No, because I think it is difficult to find good people—full stop. I know how hard it is to find good heads, and it is trawling to some extent in the same pool or those of strong local authority people. No, it is not surprising, because it is hard.

John Clarke: I do not think that anybody from a local authority would apply for it, not because they would not find the job interesting, but because they would not think they would stand a chance. That is the first point. The second point is that I think Michael Wilshaw is fairly exceptional in the sense that I am not sure that there is all that number of head teachers who see themselves as system leaders on the sort of scale that a regional schools commissioner would have. Many of them are happy to work in their own schools for their own children and with their local community, rather than concern themselves with that. The third thing is, frankly, that a lot of people think that the role is ill thought through and not worked out yet, and that it might be temporary.

Q454 Bill Esterson: Until you gave that answer, I was going to ask you what sort of person you thought should apply for the job.

Emma Knights: John said it all on that and I completely agree.

Q455 Mr Raab: Who should parents hold to account in an academy for the teaching that their children get? Is it the head, the governors or the LA, although that is rather limited? Who would you think it should be if you were a parent?

Emma Knights: Parents engage with schools in different ways. Depending on the issue, you would talk to different people in the school. Formally, obviously, it is the board. I think that in all schools, not just academies, we have not been as good as we should have been not just in reporting, because it is about two-way dialogue, but in involving parents in the decisions we make and reporting back to them. We need to get better at that.

Q456 Mr Raab: Is that because, to go back to my earlier question, people are so concerned about professional skills or engagement with the school that they are—“insular” is probably too strong a word—looking inwards rather than outwards?

Emma Knights: Who do you mean—the governors are looking inwards?

Mr Raab: Yes.

Emma Knights: I think it is because we have had parent governors on governing bodies that we have thought that was about engaging parents, and it is not. It is a completely different job to talk to a parent body. One of the common misconceptions about governors is that we are representatives of wherever we have come from—a staff representative, a parent representative, an LA representative—and we are not. Once you are round the governing body, you are all there governing in the interests of the children. You should leave any baggage outside the door. People have misunderstood that. We need to get better at engaging with parents and listening to them.

Q457 Mr Raab: Lucy, what do you think? Who should parents hold to account for the performance in your schools?

Lucy Heller: I think the parents would all look naturally to the principal to hold to account. If they were not happy with that, they would go to the governing body and then on upwards. I can think of few instances when those things do not get settled in good schools where the principal is there.

John Clarke: I agree with that. It is easy to write a flow chart about how this ought to work—and usually does not. Obviously, it goes to the head teacher or principal first, and then to the governing body. It is after that that it gets interesting. It seems to me that the default position for parents at all schools is next to write to you, as the local MP, or to the local authority—not realising that actually the local authority is not supposed to have a relationship with academies and that they really ought to write to the DfE. In future, that will be to the regional schools commissioner and, if they cannot get satisfaction there, to the DfE. At the moment it goes head teacher, governing body and local authority and/or MP. You send your letters to us and we write your responses for you. That is the way it usually works in my experience.

Q458 Mr Raab: I cannot comment on the MPs in your local area. Moving swiftly on, John, do you think there should be a local democratic element to this?

John Clarke: Again, that is an incredibly difficult question. I think so. It is right that parents, if they see dislocations happening in their children's school, can talk to a local councillor who has somebody like me to talk to. I jump when I hear from local councillors because I am very impressed with the notion that I actually work for the citizens of Hampshire. That is important, especially for parents who have children with special educational needs.

A place like Hampshire has 5,000 children with statements of special educational needs. If parents are not getting the deal it says in the statement, they should have someone in the local authority to talk to, often through the local councillor. I know the system is changing, but the local authority is still writ large in it. Crucially, when new provision is planned, the local consultation and decision making that take place are really important to the local community. We have had several examples of this and all local authorities will have done it. In our case, for example, it was whether to have a four-to-16 provision or to build new primary schools. People came along to the council chamber and watched the decision being taken. That seems to me to be democracy in action. I think that is a good thing, but I suppose it depends on your view of democracy.

Q459 Mr Raab: Lucy, would you welcome or fear an injection of a modicum of local democratic accountability into the system? How would it work from your perspective?

Lucy Heller: I hope that ARK has nothing to fear from that, but I am not particularly in favour—only because I fail to see what it would actually do. If you look at the schools that

we took over, which in some cases had been failing their communities miserably for not just years but decades, they were supposedly democratically accountable to the local council. Local authorities vary hugely in their competence at doing these things. There are some great local authorities that do a terrific job, but not all do, and I particularly don't see that democratic accountability has helped to drive it. When I look back at some of the schools—seeing them go into special measures, serving on IEBs of local authority schools and holding meetings for parents where six parents turned up—they had switched off from that. They didn't feel that there was anything coming to them from democratic accountability.

Chair: We have so little time. Siobhan, may I invite you to ask perhaps your last question?

Lucy Heller: Choose wisely.

Q460 Siobhain McDonagh: The DFE found no evidence that money spent by local authorities on school improvement had improved outcomes for students. Are school-led initiatives more effective in improving school performance than local authority initiatives?

John Clarke: You do not want me to offer a defence for all local authorities, I hope, because I am not in a position to do that.

Chair: It would take the whole session.

John Clarke: We are as aware of the variation in the quality of local authorities as we are in the quality of sponsoring chains. There is plenty of evidence—and if you needed it, we could provide you with a lot from Hampshire—that shows that standards in our primary schools have improved as a result of local authority activity, as well as in our maintained secondary schools, so we wouldn't count ourselves among the number of local authorities in a lump that the DfE studied in that particular work. Going back to the question, I think that it is for both the local authority school improvement team and for school-based initiatives to work together in a kind of blended way on the issues that need to be sorted.

Into that mix, when we are talking about sponsoring chains and converted academies, we would of course add the schools themselves and, frankly, anybody else who has a contribution to make to that. The Teaching School Alliance is one; it has a very major contribution to make to this.

Q461 Chair: Lucy, is it better to have the capacity in schools, rather than at local authority level?

Lucy Heller: Again, because school improvement is almost inevitably a mix of internal and external forces, it is difficult to make the judgment. I am afraid that we are boringly aligned, as with most of this panel, in saying that it is very hard to judge. If a school has capacity to improve itself, obviously you want that to start from there, but it would be a strange school that didn't think there was benefit to be had from using outside expertise. In lots of cases, schools simply don't have the capacity internally to make that improvement.

Q462 Chair: Should that external capacity be better sited in other schools, rather than in external apparatus?

Lucy Heller: It depends—boringly, I am afraid—too much on what local authority and what schools. In some cases local authorities do it very well.

Q463 Craig Whittaker: We saw in New Orleans, in particular, this dual system of public and charter schools, and the local authority not particularly taking responsibility for excluded pupils. What we saw was a lot of young people falling through the gaps. Do you think that, with our system of local authorities still having overall control, that could happen here in the UK?

John Clarke: Yes, it could. As far as excluded pupils are concerned, we have several illustrations of very difficult cases of arguments with schools about taking them back, whether the school's action was appropriate and so on. But I have to say that these arguments are both with maintained schools and with academies. There is an issue generally about inclusion. Obviously, we do not have time to rehearse that here, but it applies across the sectors, I think. But the independence of academies does make it slightly more difficult to work with them in general.

Lucy Heller: It is a real issue. The whole question of inclusion and no child left behind is part of the other pieces of the middle-tier work that we have not talked about. There is the school place planning, the capital allocation and individual children and inclusion. I would still see the local authorities as having an absolutely critical role in that, because that you absolutely cannot do that except with a strong geographical focus and understanding.

Chair: I thank all three of you very much. If there are further points you would like to make regarding the line of recommendations that you would like to see in our final report, please do be in touch further.

Examination of Witnesses

Witnesses: **Sue Higgins**, Executive Leader, National Audit Office, **Anastasia de Waal**, Director of Family and Education, Civitas, and **Nick Weller**, Chair, Independent Academies Association and Executive Principal, Dixons Academies, gave evidence.

Q464 Chair: Good morning, and welcome. Thank you for coming along to give evidence to us today.

The Department for Education appears to be concerned about the “political ramifications of any more free schools being judged inadequate”. Are they right to be concerned that the free school programme could be discredited by problems in a small number of schools?

Anastasia de Waal: I think generally, whether we are talking about free schools or academies, there has been an in-built sense of not predicting failure. That has been an inherent difficulty. Academies were actually the prime example of this—there was no infrastructure for failing academies—and a similar scenario is happening for free schools. Obviously, in terms of political vulnerability on the concept of the free school, it is very much this Government's project and so it is a much higher risk in that sense politically.

There is a sense that a lot is being done behind the scenes to protect any indication of there being failure—a mistake, to my mind, because if the idea is a project of innovation and trying new things in the education system, then clearly it is preferable to be very transparent about that and honest about teething issues, which is what I think we have seen, not just in the case of a new form of working with academies, but particularly when it comes to free schools. Yes, I think that there is a lot of political risk, but I must say that a lot of that has been taken on by the Government and is something that really should not have been part of the picture when they were establishing the parameters of what might happen with these new structures.

Q465 Chair: So they were not really straightforward enough with the risks. It is difficult, because, of course, the child has only one chance to be educated—that is true—but, on the other hand, a leaden system with no innovation that lets down far too many is also not a safe bet. Do you think that the Government somehow failed in their narrative to show that actually these, in some cases, experiments but certainly innovations are part and parcel of raising standards for children, and that more children will succeed if we have them than if we do not? But there is a trade-off.

Anastasia de Waal: Yes. There is a fine balance between—well, in fact it is not a fine balance; that is rather the point. We want innovation and schools to be able to do more and be more flexible in what they do to respond to the needs of the pupils that they have in their particular cohort. Having said that, something like an entirely new structure, which is by its very nature set up on risk-taking premises—setting up schools that are not done by professionals, which has not been done before in this country, or anywhere really; the model is different from abroad—is a risk. Yes, the Government has not been honest enough about the fact that it is taking risks on that. If it had said, “What we are doing is in the interests of trying to promote new structures in the system and trying to innovate for future success there will be some casualties”—I don't think there has been enough rhetoric around that possibility. Where we have seen greater autonomy in academies, it has been a safer model, in the sense that there have been clearer parameters about what can happen, but also we are talking about schools that are not being set up in the same, rather informal, mechanisms that we have seen with free schools.

Nick Weller: Part of this is the amount of attention that is given to the failing end of the market. In the Dixons group, we have just got the first secondary free school that was judged outstanding, and we found it very difficult to attract any press attention to that. As I said to the head, the only way he could have guaranteed that was to secure special measures instead.

There is some truth in the suggestion that the Government should have been more up front about it being experimental. Also, there are adjustments that could be made to the

approval of free schools: for example, perhaps the initial funding agreement should be an interim one; a school is inspected after two years or within its second year, and after a clear inspection it might get a final agreement signed off, and, if it proved to be RI or worse, other action could then be taken. There are things that the Government could do to hold these schools more to account more quickly. Some of the later funding agreements allow them to intervene in a more timely fashion than the original ones.

Q466 Chair: How do we get the balance right? One criticism is that head teachers who have taken over a failing school and taken one of the toughest challenges in the toughest areas are held to account a little too quickly, some would argue, and you need to give them time to turn it round, especially if you want to attract the very people you need to do that job.

Nick Weller: For a sponsored academy that is true. With the start-up school it is a very different case. I think you probably can tell within two years whether that school is set on the road to success.

Sue Higgins: Our recent free schools report recognised that the policy had been implemented at speed and gave credit to that but saw, as the system matures, that the oversight and the support given to the schools needs to improve. In our report 25 free schools have had Ofsted inspections at October 2013: four were judged to be outstanding, 14 good, five requiring improvement, and two inadequate, and one of those—Discovery—has recently closed. The PAC reports have not been issued yet, but they contain recommendations that we know the Department will take forward to improve the oversight.

In terms of fraud—there was reference to that in the last session—we know that there are some high-profile concerns. We know of one arrest and a police investigation. Again, though, that is a relatively small proportion of the overall system. We expect that—

Q467 Chair: So the press coverage suggesting that there is a peculiar problem around financial mismanagement within free schools—is that to misunderstand or misrepresent the data?

Sue Higgins: Fraud is not expected. It is not acceptable. It is illegal if proven. The Audit Commission data for 2012-13 records 191 cases of fraud in maintained schools, so by comparison it is a very small proportion, potentially, of free schools and certainly of maintained schools.

Q468 Chair: But is it a higher proportion of free schools than of maintained schools in general?

Sue Higgins: At the moment, no, it is not.

Nick Weller: On standards, free schools are already outperforming half of all local authorities, if you look at the HMCI league table and they all are relatively new providers, so that is quite impressive.

Q469 Chair: Nick, is it not partly your job to help to communicate that? Why are you not doing a better job of getting the press to recognise this outstanding educational achievement?

Nick Weller: That is very true, but even where you get a real success like we had in Dixons recently, it is sometimes difficult to attract the level of attention that failure attracts.

Q470 Mr Ward: On the funding agreements and the seven years' notice, first, should there be a limited period of time, and if so, is seven years about right? How do you feel?

Nick Weller: Seven years goes all the way back to the CTCs and it is about a generation of children passing through a school, so in that sense it is a sensible time limit. The DfE has taken more powers of intervention where schools fail, and I think that is probably the answer to that question, rather than time-limited funding agreements. Failure should trigger other processes.

Q471 Mr Ward: We found in America that the charter was signed for a five-year period, but there were annual reviews of performance. It would never be allowed to get to five years if after three or four there was evidence of failure, and there were high levels of closures. We learned that closure was very difficult to do the first time, but once the message got through that they were prepared to close schools, the opposition was much easier to deal with.

Anastasia de Waal: To my mind, the problem is less about the period—the seven years is almost irrelevant, it seems. It is more about the process and who is involved in deciding whether the school is failing. There needs to be more Ofsted involvement. It seems odd that Ofsted is essentially removed from the equation, and that this is between the academy or the other school and the Department.

It is also about general tracking. If we are talking about, as you were saying, a generation being able to go through schooling, in principle that is a worry; it is a very long time to wait to find failure. There needs to be a system where there is a much more timely indication of whether schools are performing. Obviously, that is going to come through Ofsted; therefore, it seems much more effective and efficient if Ofsted is involved in that process rather than it being something being separated out between the Department and the academy.

Q472 Mr Ward: We found that at state level—Louisiana for instance were involved—they were the ones looking at the financial accountability of the charter schools but also the academic performance. So what about local authorities? Would they have a role?

Anastasia de Waal: I feel the removal of local authorities from the equation is one of the biggest problems. That is why we have so few mechanisms and recourses to address whether it is failure or to do with provision around finances. It is clear that local authorities

should be involved both in the assessments and with the involvement of Ofsted around performance.

In terms of licensing, it goes back to identifying whether there is a need for free schools as much as whether an academy, working with its sponsor or more generally, is functioning well. I do think we need a role for local authorities. Yes, it is not perfect at the moment, but it seems like it is throwing the baby out with the bathwater to try to recreate other and actually problematic, in the sense of there not being a clear picture for parents, mechanisms that are very piecemeal.

Q473 Mr Ward: The next question is about licensing, but Nick were you shaking your head then?

Nick Weller: I was. The first sponsored academy we took over was Rhodesway in Bradford. You are probably familiar with it.

Mr Ward: Should I declare an interest? My son, albeit for a short time, works in that school, not on the academic staff.

Nick Weller: It is now Dixons Allerton and a very different school. For 15 years it was on the slide. It was in special measures for the longest time of any school I think in the country from 2002, all the way through to its re-inspection in 2006. I think there is no evidence that local authorities would have that impact. I think we have got to focus much more on building a school-led system with higher accountability and a more robust attitude to who can sponsor academies and what happens when things go wrong and taking timely action, on the basis of Ofsted reports.

Q474 Mr Ward: Albeit that was at a time when the local authority itself was in special measures as a result of an Ofsted inspection.

Nick Weller: Indeed. It is a much better place now, but then it has a school-led system in the Bradford Partnership, which we might touch on later.

Mr Ward: There was a remarkable portfolio of education that introduced some of those measures at the time, I seem to recall.

Sue Higgins: We cannot express a view on seven years, but the Education Funding Agency has a role to play and I have not heard it mentioned to date. It is worth noting that it has a formal role on governance and finances. Certainly, it receives the accounts each year from the external auditors of the schools and will look for breaches in the funding agreement and sometimes issue financial notices to improve.

Q475 Mr Ward: It is not one of my questions to you but I might not get the chance again. It is not covered in the questions but one of the things we saw was paid-for bussing in Massachusetts and Louisiana of children going to the charter schools, with the intention of

ensuring that there was a mixed social and economic balance in the schools. Is there anything to support that, in your view?

Nick Weller: In five of the Dixons schools in Bradford we have a city-wide intake, as you know, in an attempt to get away from the mono-ethnic, mono-cultural provision that characterised much of Bradford's inner-city education. In certain circumstances, in certain cities and in certain communities, a more city-wide approach can be a great help.

Anastasia de Waal: It is a conundrum, because on the one hand, you want to avoid ghettoisation, which we know can happen in particular communities. That does the pupils a disservice because of the lack of diversity, and practical issues, such as English as a second language, can be exacerbated. On the other hand, we know that there is a strong and understandable appetite for a community school and the feeling that your locality is located by where you go to school. There are probably good case-by-case examples of where one is more successful than the other in terms of the model, and that is probably how it should be looked at. In other words, I do not think that either model should be written off.

Q476 Chair: Sue, which are more effectively governed from the point of view of financial oversight: academies or maintained schools?

Sue Higgins: The regimes are completely different. The free school/academy regime is set up to be more light touch. That is the policy intent. I am afraid it is too early to conclude how effective that arrangement is. We believe that light-touch regimes can be made to work, and we can certainly see that after the initial focus on delivering the policy implementation, the Department is considering—

Q477 Chair: But your job is to look at the framework for such things. Is the framework for the financial oversight of academies comparable with, superior to, or inferior to that of maintained schools in general, right now? Can you tell parents?

Sue Higgins: They are different.

Q478 Chair: You said that. Parents just want to know. Given the press reports and the public concern, is the financial oversight of academies fit for purpose? It is your job, is it not? Is the financial oversight of maintained schools fit for purpose? Is there any way of giving us some indication, right now, of the relative quality of those different systems of oversight?

Sue Higgins: We are doing a study at the moment, looking at comparing the two. We have not done that piece of work until now, and that will be reporting to the PAC in due course. That said, the indicators of things going wrong are breaches of the financial agreement, fraud and error, and earlier I gave you some statistics about how the maintained sector compares. At this point, there is no statistical difference that would highlight any immediate concerns, but we are in the early stages. That is why we are doing the study, and that is why we will report to the PAC, but we cannot be conclusive.

Chair: Thank you. Nick?

Nick Weller: Obviously, things need to be properly studied, but one early indication has been the number of press stories covering converter academies, which have been exposed for a practice that went back to their time as local authority maintained schools. Once they were subject to external audit, having to publish their accounts, those things seemed to come out into the open. I would argue that the early signs suggest that there is more robust accountability around academies, simply because of the external audit and the publication of accounts.

Q479 Mr Raab: The question is to you all, I suppose. From your different perspectives, is the application process for free schools rigorous enough?

Nick Weller: As somebody who has been through it, I would say that it is very tick-boxy. It is very much about producing an audit trail to show that you have checked that everything about the school will be okay. I am sure that every school in the country has a very adequate bullying policy, but until that school opens, you do not know how good that policy will be. That is why I think that more time should be spent on the early years from opening, and as I argued earlier, I would have an interim funding agreement signed off for the first two years, with final signing off after two years.

Q480 Mr Raab: But would you do anything different at the outset?

Nick Weller: The process at the moment is too much concerned about asking, “Can you produce an audit trail to show that you have done all of these things?”, rather than about showing proof of your effectiveness. You cannot judge effectiveness until a school opens.

Q481 Mr Raab: Okay, but just sticking to the outset, Anastasia or Sue, do you think that it is rigorous and transparent enough?

Sue Higgins: I can talk in the context of the report, which makes recommendations for improvement. We have seen, since wave 1—through the waves—improvements in that. Now that it is clear, they look at the quality of local schools, the demand from the parents and the need for extra places. Those three components were not in place with the early wave, so that is an improvement. There is a much more rigorous set of criteria and a much more rigorous process. We have also got a fit and proper person test now in place from the Department around the proponents of the free school. I have not been through the process, but, in terms of what the process entails, it certainly has been enhanced of late, and hopefully on the back of this it will be enhanced further.

Q482 Bill Esterson: On surplus places, are you now confident it will be much less likely that free schools will open in areas with surplus places as a result of the changes you have described?

Sue Higgins: The Department has changed its criteria. It was clear in wave 1. It was demand-led and these other factors were not considered. They are now part of the evaluation criteria, but, from the PAC hearing, it is clear that ultimately it is a continuum through to a ministerial approval process. But they will be considered as part of that.

Nick Weller: Obviously, with an expanding population, the free school programme has been taken over by basic need to a certain extent. Personally, I believe that if it is to be truly experimental and truly to drive improvement in the system, we will always need a free school mechanism, and we should be prepared to open schools where they are not needed if provision locally is not good enough and if parents demand it.

Q483 Chair: Are they not areas where there are a lot of surplus places precisely because the quality of education in that local authority is so poor that everyone tries to get out, and therefore it is the very place where you need a challenge and quality schooling introduced?

Nick Weller: Yes.

Anastasia de Waal: I still think that there is a problem. I understand that the process has improved massively on planning, both in terms of trying to recognise whether there is a need for a school and also in terms of trying to publicise the fact that a school is being set up and what the goals are and so on before it actually gets permission, as it were. Equally, we know that the process has become more rigorous in outlining the details of what a free school is going to do. Nevertheless, the very fact that these were not inherent mechanisms within the process indicates again what the purpose of free schools was about, which was about adding new schools, not necessarily on the basis of need, and being very experimental.

On making it clear about why there is a case for the free school, there is not enough publicity straightforwardly around it at the moment. There needs to be more clarity, and more people need to be involved. By more people, I mean more Ofsted and local authority involvement. They should not be separated in the way they are. There is room for a happy marriage there.

Q484 Mr Raab: Sue, your report said the DfE must improve its data analysis and that it was “unprepared for the financial implications of rapid expansion.” Do you see any sign that those two discrete points have been taken on board?

Sue Higgins: I think the Education Funding Agency cannot ignore that recommendation. Clearly, we have not had the PAC minutes yet and the Department has not responded, but it is patently obvious that those things need to improve, because they need to be able to get a grip of the whole system.

Q485 Mr Raab: And you sense that that is recognised by them as well?

Sue Higgins: Yes, I do.

Q486 Caroline Nokes: I would like to ask about inspection and the role of Ofsted, which recently announced that good and outstanding schools should have a light-touch inspection process every two or three years. Do you think there should be a difference in the level of inspection processes for good schools compared with those that are struggling?

Nick Weller: It makes sense to focus resources on the area of greatest need, so yes. But it is important that good and outstanding schools are not left alone for too long and that a rigorous desktop analysis is done. I think that that could possibly be improved by being shared. We have had a desktop analysis done at our main school since 2007. I do not have a clue what that might have looked like. I think it should be shared, possibly even published openly, in order to hold schools more to account. But, essentially, you should focus resources where there is most need.

Q487 Chair: So that would be a recommendation for this Committee to suggest that that desktop analysis of good and outstanding schools should be published?

Nick Weller: Certainly shared with the school.

Q488 Chair: And published by the school on its website for parents to look at?

Nick Weller: At the moment you get a RAISEonline data analysis, which you are directed not to publish. I think you should be free to publish that if you wish to. I think you should be free equally to publish your desktop. If you were not willing to share it, I think that would raise questions, too.

Anastasia de Waal: No, I don't. I think that schools should be inspected in a similar way. A lot of that is because I think that the role of inspection needs to be much more about working with schools in terms of professional development, and not just in the sense of trying to identify failure. The very fact that that is a suggestion—that you would only go to schools more frequently that had problems—is an indictment of what Ofsted is about. It is about identifying failure; it is not about working on improvement. That is one particular significant element. The other point is that a school, sadly, can go from being “outstanding” with the criteria that Ofsted has to not being “outstanding” very rapidly. Again, you could say that that is a reflection on the fact that the criteria are very problematic—very data driven, rather than being a broader picture of provision. Because we know that can happen, it makes the system in those terms itself very vulnerable. We know for example that a school can have a good cohort in terms of SATs performance in year 6 and get an outstanding grade based largely on data, but perhaps the following year, if it has a weaker cohort, the provision is the same, but it would not. Until we identify those problems, just within the terms of how Ofsted works, I think that would not be an effective system for Ofsted.

Q489 Caroline Nokes: Do you think there are any risks inherent with light-touch desktop analysis? Anastasia just used the example of how quickly schools might go from

“outstanding” downwards. Particularly in areas such as those you mentioned, bullying policies or safeguarding, do you see any risks with light-touch inspection?

Nick Weller: There are risks, but the way that the inspection framework has been changed in recent years by Sir Michael Wilshaw makes it much less likely, in fact extremely unlikely, that the scenario that was just described would happen. The focus on progress for example, rather than attainment, means that you are looking not just at the ability of cohorts, but at how well they are doing in the school. There are mechanisms by which parents can call inspections. There are mechanisms by which parents can express views—Parent View, for example. I am not suggesting that outstanding and good schools should be left alone entirely, but I think a one-day HMI visit should be enough to spot any potential downward turn. If somebody spots a downward turn, they can call a full inspection. What is proposed is very robust and very effective. It will focus resources where they are most needed, which is where schools require improvement or are failing.

Q490 Caroline Nokes: Should there be one inspectorate for all schools or a separate body for inspecting academies?

Nick Weller: Absolutely, there should be the same inspectorate for all schools.

Q491 Bill Esterson: John Clarke from Hampshire County Council told us his concern about what has happened with some convertor academies, where results are down compared with similar maintained schools. He used the phrase “coasting schools”. One reason he thought that had happened was because the challenge of having the local authority there providing that role had been taken away. How is this issue avoided with stand-alone academies?

Nick Weller: It must be said that that is not the national picture. It might be the picture in Hampshire, but it is not the national picture. Convertor academies continue to outperform other mainstream schools, which is not surprising because they were outstanding and good to start with. Again, I think a vigorous Ofsted process is how that can be stopped. The more Ofsted focuses on progress, as it is at the moment, and the less it focuses on attainment, the less it will assume that a school is good because it gets a good intake.

Anastasia de Waal: It is a good example of how we need to move away from the idea of academisation being homogenous in what happens when a school become an academy and being a panacea. We know that one of the points about academies is that they are diverse in terms of structure and they will allow different things to happen according to what the sponsorship arrangements are and what sorts of innovation happens, if it happens, in a school. Having said that, I think that one of the purposes of Ofsted should be to look at improvement not just in a crisis, and of course that is where coasting schools are particularly pertinent.

Sue Higgins: I have nothing to say on that.

Bill Esterson: How does the current accountability system encourage school improvement in stand-alone convertors?

Anastasia de Waal: At the moment I think that there is a bit of an issue around thinking that accountability will necessarily truncate innovation. The whole point, presumably, of allowing innovation, particularly when we are talking about the use of public money, is to be if not as transparent as other schools, more transparent. We are seeing different things happen, therefore we need to know how that is happening, what sort of expenditure is involved and so on.

So it need not be the case, but it seems that in the set up at the moment is a concern about having to be completely open, particularly about financial matters. I think it is an oddity that there is not one system for all schools when we are talking about public expenditure, but it is particularly odd, when we are encouraging innovation, not to ask for transparency.

What we do not want to do is get into a trap where we are saying that accountability measures, particularly in the form of Ofsted, are actually hindering innovation. That is something that we have heard quite a lot of. But that is much more to do with the way that Ofsted works generally, in the same way that it is hindering innovation in regular maintained schools as well.

Q492 Bill Esterson: I was asking about school improvement. You talked about financial measures.

Anastasia de Waal: But I think that that is a big part of it. I think it is very difficult to separate some of the issues that we are talking about, such as financial autonomy, when it comes to the other autonomies that academies have. I think that they go hand in hand. And I think that that is one of the reasons we know, significantly, why schools are interested in converting to academy status: for that additional funding. That additional funding then means, at the moment, less transparency. So I think that it is actually very difficult to divorce the two issues.

Q493 Bill Esterson: Sure. I suppose the question I am trying to get to the bottom of is: how do you guarantee that there will be a process of school improvement?

Anastasia de Waal: With Ofsted. This is again where Ofsted needs to come into the picture.

Q494 Bill Esterson: So it all comes back to Ofsted.

Anastasia de Waal: Well, Ofsted is the main mechanism that we have to ensure that schools are performing to a certain level. Surely, then, it should be looking at improvement. It seems completely unnecessary, and a complete waste of money, to divorce improvement from performance.

Nick Weller: I think that Ofsted can direct schools towards helpful partnerships where they are underperforming. Certainly we find that in Bradford. We have set up a school improvement company that is independent of the local authority, limited by guarantee. It

covers all secondary—state-funded schools, free schools, academies, maintained schools—across the city and we have closed the gap between us and the national average by half in the time that we have been open. Ofsted has been very helpful in a couple of cases where people were reluctant to join—we have quite a rigorous system—by helpfully directing people to do so when they found that improvement was required.

Q495 Mr Ward: I think it was in Boston that the trust schools were accepted by the public as an experiment and way of encouraging innovation. Is there any evidence in Bradford that new freedoms have brought about innovations that have then been transferred to non-academy and non-free schools?

Nick Weller: In answer to whether our free schools are attracting attention and people are coming to see them, the answer would be yes, and there is interest locally. When you are building a school from scratch, that gives you the opportunity to operate things in a slightly different way and I think that we have had quite a few visits from other schools locally, looking at our systems and aspirations and the way that the whole thing is put together. I think that that will have an influence, but all bits of the sector can innovate.

Q496 Chair: Can you give us some examples of different practice and different mixes?

Nick Weller: You might be familiar with quite a lot of this if you have been visiting charter schools, because a lot of this was taken from New York. Things like family dining; having an assembly every day to gather the school together for a brief amount of time so that we can reinforce values; the aspiration that every child goes on to university or equivalent and that they will get the qualifications for that. Above all, it is not just high aspirations, but believing them: putting in a flight path that will guarantee that they get there, and putting in early intervention if they are falling behind. If you visited that school you would see a lot that was familiar to you from the charter school movement.

Q497 Craig Whittaker: I know, Anastasia, that you just mentioned that Ofsted is said to have stifled innovation and autonomy, but I was not sure from your answer whether you agreed that that was the case.

Anastasia de Waal: Whether Ofsted is impeding autonomy?

Craig Whittaker: Yes.

Anastasia de Waal: I think that academies and free schools reflect the fact that Ofsted is overly narrow in what it looks at. The concern is a much wider concern and I think it is a problem where it is affecting all schools. It should not be something that we worry about only in the case of free schools and academies. It is just that it is particularly acute there because in theory they are trying to innovate.

Q498 Craig Whittaker: I think you are saying that, yes, it does impede.

Anastasia de Waal: Yes it does, so my point is that it should be helping schools to innovate, in the sense of getting a very clear picture of what they are doing. I don't want us to refer to the independent schools inspectorate as perfect, but looking at what happens with the independent schools inspectorate, one of the things that is very clear is that because of the diversity of the schools that they look at, they have to look much more closely at provision on a much broader scale.

For example, they go in for four days, rather than perhaps the one and a half days that we have for very large schools in the state sector, and they often have a bigger inspection team. That is the sort of thing which I think is very important. What I meant—and was obviously not articulating very well at all earlier—was that we need to have more scrutiny in order to enable innovation and it is a mistake to see that looking for transparency and trying to promote it is somehow going to hinder it per se. It needn't. It actually should foster it.

Q499 Craig Whittaker: Okay, so could, for example, the accountability system that we currently have under Ofsted encourage academies to use freedoms in relation to extending the length of the school day or the curriculum, for example? Or would we need to change the accountability system that we have?

Anastasia de Waal: No. The job of the inspectorate, whether it regards the rules that are entitled to some schools and not to others, as satisfactory is neither here nor there. If that is what they are being told they can do, then the point of Ofsted should be within the remit that the school has, to gauge whether they are doing a good job or not. That is what we need to see more of. Within the parameters of what as a school you have been told you can do, how is that actually working out in terms of quality? That is the key aspect.

Q500 Craig Whittaker: So how would you encourage that with regard to pedagogy, for example, and practice? How would you encourage that in the accountability system?

Anastasia de Waal: At the moment, because there is such a short time in schools, it is very difficult. That is one of the reasons. The other reason is because inspectors often do not have very much training or experience with a particular age group or are often in there for too short a time, as I said. It is very difficult for them actually to gauge anything other than a very narrow remit through criteria

Q501 Craig Whittaker: So what would you do, then? With regard to pedagogy, for example, what would you do?

Anastasia de Waal: I would address those weaknesses and broaden the criteria that they are looking at, so they don't have to look for a particular teaching method or a particular type of plenary session. The reason why I think that is happening is not because there is a particular pedagogical axe to grind, I think it is because there is only room for one thing to be on the tick-box chart. That is the issue for me.

Nick Weller: I am not sure that's fair on Sir Michael, not that I as a head teacher would be expected to defend him that valiantly. I think he has shifted Ofsted away from a set

pedagogy—looking for plenaries, looking for checking progress every 20 minutes and that sort of thing—to focus people much more on learning. He has probably been in front of you saying that he does not have one prescriptive—

Chair: He said it, he stated it, but he sends increasingly strong letters out to his work force, telling them to do it. That could be a suggestion either that it is happening or that it isn't happening and he's rather frustrated at the failure of it to happen.

Nick Weller: I think that is also part of the reason why Ofsted needs to focus on areas with most need at the moment, because Sir Michael is probably going to have to slim down his work force and get rid of some of the additional inspectors and outside agencies that are commissioned. He has a very high-quality team of HMIs, but there is only so much work that they can do. So it is going to be about choices. If you want everything inspected at great length, you are going to have a lot of poor-quality people not doing it. The other choice is to focus right down and improve the quality of the team.

Q502 Chair: Anastasia said quite a lot about her vision for Ofsted, which seems to be a much bigger organisation, not just putting up a mirror to schools, but actually being an improvement partner with them. Is that something that you agree with?

Nick Weller: HMI have now been assigned to advance improvement in failing schools, help them with that and to direct them, but so far the evidence is that all they really have the capacity to do is direct them to what is available locally, such as the Bradford Partnership. I don't think that Ofsted itself has the capacity to drive school improvement; it has the capacity to direct schools that need it and point them in the right direction.

Q503 Mr Ward: Talking about accountability and the role of self-evaluation, if I may quote from Civitas, "self-evaluation has become quite literally an industry: private companies are cashing in on self-evaluation, at the expense of not just schools but also the taxpayer". Discuss, Anastasia.

Anastasia de Waal: We did a book with a lot of different people involved in inspections, so from head teachers, to inspectors themselves, to parents. With self-evaluation it was very interesting. We spent a lot of time talking to John MacBeath who also wrote about it, saying that self-evaluation in principle is a terribly valuable tool for schools. It could not just take the burden off the inspectorate but is intrinsic to real improvement. The problem was that the self-evaluation that we had in the form of the self-evaluation form was much more about self-regulation. It was about doing the paperwork for Ofsted before they came in. This was not self-evaluation as it was envisaged academically.

On the issue around it becoming an industry—we know this happens generally with Ofsted inspections—there were advisers coming from inspection providers, for example, who would help schools put together the perfect self-evaluation form. This was not a reflection on whether the school was good. It was a reflection on whether the school had made a judgment to spend that money on an adviser. Clearly, if that is a scenario where you can perform better—that is what it is about—it was not about being able to evaluate yourself better, but about getting a better SEF. That is an issue. What we would like to see is real self-evaluation

which is not top down in the same way but is an ongoing process, reflecting on how you are doing, with hard data, as well as the softer elements. It is something that really is organic to the school. It is about the school. It is not about a paper trail.

Q504 Mr Ward: Does it form part of the accountability process? Kings Science Academy rated itself as being good in all areas but was judged by Ofsted to be inadequate.

Nick Weller: The Bradford Partnership is a self-evaluation model. Knowing yourself is the most important thing. It is not about tick boxes. It is not about processes. It is about making judgments about how effective you are. Where schools overinflate their sense of achievement, our job is to go in and put that right and correct them. I think that can be a very effective means. I accept that self-evaluation has to be done properly but I think the abandonment of the SEF was nonsense. Most schools are still doing self-evaluation.

Q505 Mr Ward: And on the value of collaboration—you may have heard the previous group were asked questions on this—we come across this time and time again: can collaboration be incentivised as part of the accountability system?

Anastasia de Waal: Definitely. It is difficult practically if you have a splintering of schools, as we are seeing at the moment, in terms of their relationships with each other. That is why I am quite keen that there be a body, whether it is the local authority or some other local entity, where there is a sense of being an umbrella organisation for schools to be able to partner together. If that were possible it would be important to have it as an expectation that schools work together. They work together on a resources level, so a practical level, but also in terms of sharing ideas, sharing best practice. So the sorts of things we were hearing about charter schools in New York could also happen because it is happening down the road at one school and the other schools know about it because of that. In the environment we are seeing now that is becoming increasingly difficult.

Q506 Chair: In what way is that being made more difficult? There is more collaboration probably than ever before, do you think, between schools?

Anastasia de Waal: Between some schools. But if we wanted to envisage a system where it is a necessary element, if you are having—

Q507 Chair: So you want to prescribe co-operation, do you?

Anastasia de Waal: I think partnership is something. We know that this happens with good schools. What we want to do is encourage that. Encouraging that is something that involves schools knowing what is happening in other schools. Where there is a system where you have local authority schools which are very separate from, let us say, an academy chain set of schools, it is difficult at the moment to say, “Please collaborate with each other,” because they do not necessarily have very good links with each other, if any. It is just a reality that we need to factor in. If we want to have diversity—

Q508 Chair: You say it is getting worse. From what we could tell from our partnerships inquiry there is more co-operation than ever before. It is hard to prescribe. If you prescribe partnership they will tick a box and they won't actually do it, so it can be counter-productive. There is more than ever before and you just said there are barriers in the way. I am not clear what those are.

Anastasia de Waal: Maybe I am wrong about this, but is this collaboration between local authority schools and academies, for example? Do we know that?

Chair: Converter academies sign a commitment—which they fulfil in too few cases—precisely to reach out and help other schools.

Anastasia de Waal: But do we know—

Chair: We will ask the questions.

Nick Weller: In Bradford, the Bradford Partnership covers free schools, academies and maintained schools. There are lots of local authority areas that we have talked to who are walking down a similar path. So I agree with you: there is more collaboration across the sector.

Q509 Chair: We would like to see more incentives.

Nick Weller: One thing that has helped that is where local authorities have stepped back and allowed schools to take that up themselves.

Q510 Mr Ward: There may be collaboration, but my question was: is there any way to reward a school that decides that it wants to collaborate, as opposed to one within a partnership that is not as effective?

Nick Weller: I do not think that you should be able to get a judgment of outstanding unless you can demonstrate that you are contributing to the wider system—I think that that is a fairly well established idea. And if you require improvement or are in special measures, you have, to some degree, lost the right to total self-determination; therefore, it is appropriate that you might be directed towards appropriate help. Maybe you can be able to choose from two or three, but nevertheless you are directed to take at least one of them up. So yes, I do think that that is possible.

Q511 Mr Ward: The final area that I want to cover is parents. Do you believe that parents are aware of the changing accountability relationships in the system, with the reduction in local authority involvement as academies and free school movements are coming on?

Nick Weller: In Bradford, the Dixons group has quite a strong brand. You will be aware that there was quite a lot of fuss over Bradford Moor primary, when it went into special measures as soon as we were put forward as the recommended sponsor, but all of that died down. I think the question that parents are most interested in is, “Do I trust these people to give a good education to my child?” Once that question is answered, I am not sure that they are too interested in structural issues; whether it is a maintained school or an academy.

Anastasia de Waal: I think the problem arises when they think that, actually, the school is not providing a good education and that they do not trust it. Because it is a changing landscape, it is difficult for parents—or even people generally—to find out what the accountability mechanisms are. There needs to be much greater clarity around that. Schools need to have a duty to make it very clear how parents can complain and what they need to do.

Mr Ward: That was my next question. Thank you.

Q512 Chair: We talked in the earlier session about whether democratic accountability had an important role to play. What do you feel about that?

Nick Weller: I would say that a local monopoly of educational services does not necessarily deliver democratic accountability. Possibly the role of scrutiny by councillors and their local scrutiny committee might be beefed up, and if you are a provider of education in a council area and you are requested to turn up to a hearing, I think that you should be expected to do so, but I do not necessarily think that there is a link between local authorities and democratic accountability. As I said earlier, Rhodes Way was on the slide for 15 years—

Q513 Chair: When we were in the United States, again and again people there said that becoming a charter school and having autonomy in and of itself does not raise education standards for children, but, if you could combine greater autonomy with sharper, more rigorously enforced accountability, you could drive up standards and drive out poor practice. Is that the central insight of the academies programme? Did the democratic accountability as was meant that there was, in fact, a protective cloak put around mediocre or failing schools, which could carry on failing?

Nick Weller: I think there is a high level of accountability to the parents and students that you serve and to the governing body. You see that with the turnover of head teachers and things like that. I think that the higher autonomy brings higher accountability and the consequences of that. I think that that is essentially a better system.

Q514 Chair: In what way could you evidence the fact that this accountability has in fact been strengthened?

Nick Weller: You look at the sponsored academy movement and the way it has a high turnover of headship and has closed the gap. It has improved more rapidly than other sector of the education system.

Anastasia de Waal: I do not agree. The evidence does show us that with accountability you need transparency and that the two work together very well. What we do not have enough of at the moment is transparency, and as I said earlier, that is hindering the progress to utilise that innovation and autonomy better.

Q515 Chair: You did say that earlier. Could you explain what you mean when you say there is a lack of transparency? What is not being made public that ought to be?

Anastasia de Waal: Things have improved. Initially, when academies were not subject to freedom of information, for example, there was a big issue around the sort of courses that were being used to make for the progress that was happening with A* to C rates. We knew that academies were doing much better in terms of their five A* to C grades, but we did not know that there were underlying differences that were a surprise to many people. That has improved, but I do think there are issues around governance, for example, and transparency; simply understanding what is happening on a governance level and also on financial matters. As I understand it there is greater financial scrutiny possible for LA schools, and I think the same should apply to academies, particularly because the funding arrangements can be different.

Q516 Chair: Sue has said that it is a lighter touch, but there is no evidence so far to suggest that there is less effective financial management for academies than for maintained schools.

Sue Higgins: No. The thing I should have added was that a lighter touch regime inherently accepts a higher level of risk in the system. Unless you really want to resource up the inspection and oversight arrangements, there is inherently a high level of risk in a light touch arrangement. That is clear from studies we have done elsewhere in health and other areas. As I said earlier, we are doing a piece of work that is looking in a more comparative way at the two sets.

Q517 Chair: Nick, academies made greater use of equivalences, I think. Various qualifications have had certain values for GCSE for instance. That reform to equivalences is going to be implemented finally this year. Are we suddenly going to find that a lot of academies that looked as though they were performing well, when they are put on a more level and rigorous playing field, do less so?

Nick Weller: I am not sure that was exclusive to academies.

Q518 Chair: It was more prevalent in academies.

Nick Weller: It was, but it was prevalent in schools that were attempting to turn themselves around. Starting from a very low base, one way to do that, whether you are a maintained school or an academy, was to give children a means to success and give them qualifications that they could attain. After a while, once you have built up a sense of

improvement, then you start to introduce an element of academic rigour into that. I think you will find that some—not just academies but some maintained schools as well—do suffer.

Q519 Chair: Is there a risk that, when we get a more level playing field, the relative acceleration of improvement in academies, much quoted by the previous Government and this, turns out to be illusory?

Nick Weller: Possibly in the sponsored area to a certain extent. Remember the great judgment since then has not just been five A* to C, as at the time Anastasia referred to; it is five A* to C with English and Maths. If you can get somebody English and Maths you can get them other qualifications. So I think that problem was addressed five years ago when that changed.

Q520 Mr Ward: One thing we identified in Boston and New Orleans was that the charter schools attracted very good staff, although there were some concerns about burnout of staff in intensive teaching environments there. In the staffing of schools, Bradford again was in a spiral of decline and found it difficult to attract quality teachers and leaders to Bradford. Is there any evidence from the academies and free schools that there has been an attraction of good-quality staff to those schools in particular?

Nick Weller: There is some evidence of that. There is also evidence if you look at schemes such Teach First or Future Leaders, that the way to attract really high-quality people is not necessarily to restrict their working hours to 1,265 or even pay them lots of money, but it is to offer them real professional development that is going to move them on professionally in their career and offer them challenge. I therefore think that those schools that sell that idea, rather than a comfortable life, may well attract higher quality staff.

Q521 Chair: Are academies more likely to do that? The key ingredient in any education system is the teachers—teacher quality—which is the prism through which I think every educational decision should be made. To what extent does the academies programme increase the overall number of high-quality teachers in the system? It might be effective in attracting more good teachers from within the system, but the big question is whether it can increase the overall number.

Nick Weller: It has certainly made a lot of use, as I said, of programmes such as Teach First, who are people who would probably not have come to teaching otherwise, but they have come into teaching for a while.

Q522 Chair: Why would Teach First not have been just as effective in sending children into maintained schools in difficulty, as opposed to academies in difficulty?

Nick Weller: Teach First also serves maintained schools, but the sorts of schools they serve best are those schools where there is a sense of momentum, social purpose and a sense that you are making a difference and improving.

Q523 Bill Esterson: And that does not happen in maintained schools?

Nick Weller: No, I said that it services maintained schools as well, but the sponsored academy movement has been improving at a faster rate than the rest of the sector, so it obviously attracts more of those people.

Q524 Mr Ward: Chair, may we end with a set of recommendations from the witnesses? At the end of the day, we want to produce something that says, “The Government should” or “The Government should not”—whatever it is. What would you recommend to us? Looking at the system as it currently is and considering where you would like it to be, what do we need to do in order to change and improve?

Anastasia de Waal: Several things. I would like to see the autonomy that has been granted to academies granted to all schools. I do not think that you need a structure—

Mr Ward: That is exactly what I told Mr Gove.

Anastasia de Waal: Right. I think that that is very important. Autonomy is valuable, but I do not think that new structures are terribly helpful in that—they can be rather confusing. Secondly, I think that—

Q525 Chair: I am confused by how you could grant it to all schools without doing so—academy is simply a name for being free from the local authority and standing on your own. Do you mean that you want enforced academisation of every school?

Anastasia de Waal: No, I want schools to have the possibility to exercise more autonomy. I do not think that that requires the local authority not to be involved and I do not necessarily mean it involving things such as changing pay scales or pay and conditions. I am discussing professional autonomy. Under the previous Government, the big issue was that schools felt they had to do too much that was prescribed from the centre. Autonomy, in terms of professionalism when it comes to teaching, is something that all schools need. We do not need academies for that and we could have local authorities for that.

Q526 Bill Esterson: And yet we already have one of the most autonomous systems in the world, according to the OECD.

Anastasia de Waal: Yes, but any teacher will tell you that the theme under the previous Government was trying to move away from prescription. At that time we were telling teachers what to do for the first 10 or 15 minutes of every literacy or numeracy lesson, and that was when it was felt that there was not the opportunity to exercise professionalism and respond to the kids in front of you. I think that that was a very important lack of autonomy. It has improved to an extent, but it still has not improved enough.

Chair: Okay, thank you. I will have to cut you off there. Nick?

Nick Weller: In terms of reforms I would like to see local authorities focus more on their statutory duties on SEN, admissions and place provision. The actual provision of education confuses their more strategic role so I would like to see a 100%-academised system. I would like to see more tie-up between Ofsted and the DfE in terms of the judgments made about sponsors, and about who can and cannot sponsor, because there are gaps there.

Q527 Chair: Rather than being part of the Department, would these brokers who wander the country trying to rustle up excellent sponsors be better placed in a charity or whatever? New Schools For New Orleans was an independent organisation that went out and did that role; it was not part of the Government or vested in schools.

Nick Weller: I think that working under the Office of the Schools Commissioner—Frank Green is an excellent appointment to that role—is a very positive thing and that they should stay where they are for now. The schools commissioner will be a lot more proactive in that area.

Lastly, I think that there should be some time limitation on funding agreements for new providers.

Q528 Chair: So more like the charters, with that attitude of: “You deliver what you have promised within a certain time, or else,” and that being rigorously enforced—if they do not deliver, they get intervened on.

Nick Weller: Yes, and then after that, full sign-off.

Sue Higgins: Our free schools report recently made seven recommendations. I will not repeat them, but they are all things that you would expect, as a system matures, about improving, learning from the best and putting in better systems. The PAC anticipates publishing its report with recommendations by the end of the month.

Chair: Super. May I thank all three of you for giving evidence to us today? Please do get in touch if you have any further thoughts, not least on the recommendations. Thank you.