



Education Committee

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

Tuesday 13 May 2014

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Written evidence from witnesses:

- [New Schools Network](#) (AFS0108)
- [Department for Education](#) (AFS0122)

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Members present: Mr Graham Stuart (Chair); Alex Cunningham; Bill Esterson; Pat Glass; Siobhain McDonagh; Ian Mearns; Caroline Nokes, Dominic Raab; David Ward

Questions 529-683

Witnesses: **Frank Green**, Schools Commissioner, **Sir David Carter**, CEO of Cabot Learning Federation and prospective Regional Schools Commissioner for the South West, **Robert Hill**, education consultant and Visiting Senior Research Fellow, Department of Education and Professional Studies, King's College, London gave evidence.

Q529 Chair: Good morning and welcome, gentlemen. When we are looking at the issue of Schools Commissioners, I suppose it is entirely appropriate that you should be all male, seeing as we do not have any non-male Schools Commissioners, proposed or actual, so far. Is that likely to change, Frank?

Frank Green: I can tell you that it has changed. I am able to announce that we have appointed Jenny Bexon-Smith for the East Midlands and Humber region and Janet Renou for the North region.

Q530 Chair: If I can start with you, Frank, what will be the No. 1 thing you are expecting from your regional Schools Commissioners?

Frank Green: No. 1 is an improvement in the outcomes for children in academies in the region. That is the number-one priority, because that is what we are all here for.

Q531 Chair: What performance indicators will you be using to help tell you whether or not whether that is happening?

Frank Green: The usual ones for outcomes for children, in terms of examination results, reductions in numbers of children excluded, improvements in attendance, key stage 2 results and progress measures for best eight.

Q532 Chair: David, what would be your top priority in delivering on the national Schools Commissioner's vision of raising standards for all?

Sir David Carter: I have the same priorities as Frank has mentioned, but in the South West I would also add the closing of the gap. The gap is too wide in the South West in terms of advantaged and disadvantaged students. That has not recently happened; that has been the trend over time. It will be helpful for me to talk to school leaders about something very specific around that and the impact that the pupil premium needs to have. My priorities are the things Frank has mentioned, but I would lay that as a regional context that I would be particularly interested in.

Q533 Chair: What would you particularly highlight that schools should be doing to help close that gap?

Sir David Carter: There are three things. I would ask three questions of school leaders, when I am working with them and visiting their schools, one of which would be about how familiar the leaders and teachers in schools are with those children in receipt of pupil premium. It cannot be something that just sits in the office of the leadership team. That would be No. 1. No. 2 would be about what strategies they are engaging in their school, and whether they are working. I would be able to bring my own experience as well as the experience across the region to bear upon that.

The third one would be to encourage people not to set necessarily targets around closing the gap, but to set targets for our most vulnerable children, because if you look at some of the graphs of progress, they tend to go like that, because strategies that are really effective are effective for all young people. There is a shifting around how the target-setting around children with free school meals, looked-after children and children with SEN has traditionally worked.

Q534 Chair: Looking at the list of duties that you have been given, there are only going to be eight of you and you are covering a vast area. How many academies at the moment will come under your remit, David?

Sir David Carter: Across the 16 local authorities, it is over 100.

Q535 Chair: Robert, is the Schools Commissioner job doable with a small secretariat grudgingly allowed to have an office in the region rather than one entirely based in London? They are expected to go out and do some amazing soft-soaping of potential sponsors, bringing those forward and approaching them. They are supposed to be challenging schools, monitoring the data and checking what local authorities are doing. They have a vast remit across a vast area. Every day or month you would expect to have more schools and academies for them to deal with. Is it realistic or is Blunkett right to suggest we need very many more?

Robert Hill: It is not realistic as it is currently constructed. We have some admirable people who have been appointed to the positions, and I am sure they will make the most of the roles and the responsibilities they have got. However, in the last two years we have had 58 pre-warning letters sent to academies since April 2012 up to 1 May this year. Some of those academies have been established for some considerable time. We also have letters being sent by the Department—I do not think they are in the public domain—to academy chains about the nature of their performance where there are serious concerns. There are quite significant challenges. The priority for them is to ensure that all academies are in effective school-improvement groupings in order to make the progress that Frank has referred to. Some of the chains are doing really, really excellent work, not least the two chains that these two particular individuals have left behind or will be leaving behind, but some are struggling and some are not coherently configured. Of course, we have a lot of converter academies that are freestanding. They do not all necessarily need to be working with other academies—they can be

working with the Teaching School Alliance or other school-improvement groupings in the locality—if I were having their role, they would be my number-one priority, coupled with trying to forge links and good relationships with the constituent local authority, because we have this divide between community schools here and academies over there.

Frank Green: I would add that the whole concept of the system is that it is a self-managing, self-improving system. The regional Schools Commissioners are going to take most note of those schools or academies that require improvement or are in special measures. That is around about 10% of the number of academies. There are currently 4,095 academies across eight regions. There are roughly equal numbers in each region altogether, by the way. If you take that as 500 academies per region at the present time, of which 10% are in difficulties, that is 50 schools. The regional-schools-commissioner role is going to be focused on those 50 schools in terms of improvement in the first instance.

Q536 Chair: That is a shed-load of relationships though, is it not?

Frank Green: It is.

Q537 Chair: It might be 50 schools you are focused on, but you are going to have to find partners, maintained or academies, to talk to. You need to talk to the local authorities, who are numerous, with all the people there. Just trying to remember the names of all the Directors of Children's Services is going to be quite a challenge; it is embarrassing at a meeting when you do not know their name. You are supposing to be reaching out and getting all these other people coming in. It is a great role and, obviously, you are getting some good people, but is it deliverable?

Frank Green: I believe that it is in the current situation that we have. As things develop and more schools become academies, it will develop as time goes by. If we need to divide up the regions and have 10 or 12—

Q538 Chair: So Mr Blunkett may turn out to be right in the end?

Frank Green: I would suggest that we might not go to one per authority.

Q539 Chair: I do not think he suggested that either.

Frank Green: We will, however, need more.

Q540 Bill Esterson: How many schools is it reasonable for each commissioner or equivalent to have responsibility for?

Robert Hill: I would not quite start from that position. My starting point is to think and look at this issue on a sub-regional basis. Often, from my experience of having previously been an adviser to the Education Department, it is not always the best at joining up with other Government strategies and initiatives. It is not a party-political point; it happens under both Governments. We need to look at what is happening post-16. In terms of pathways into employment and apprenticeship, it makes real sense to think about that on a sub-regional basis, fitting with the LEPs that another part of Government is busily developing and promoting. It is better to think about the number of Schools Commissioners as probably linked to what I would call a “LEP-ish” type of area. For example, you could take somewhere like Hampshire, but you have Southampton, Portsmouth and the Isle of Wight, which is a fairly strong economic entity.

Q541 Alex Cunningham: Robert, this is about something you said a few minutes ago. You said that there are serious concerns about a number of academy chains. How many academy chains are there that you have serious concerns about?

Robert Hill: You will have to ask the departmental officials that question. Obviously, the issue of E-ACT has been in the public domain, but I also know that letters of concern have been sent to other academy chains, both about particular academies within their chains and about whether they are organising themselves appropriately to provide that support. Part of the problem—

Chair: Thank you. We have very little time. I am sorry to cut you off. I do not desire to be rude. Could I ask Frank the question?

Q542 Alex Cunningham: I just wanted to know how many it is, because it is fairly clear that there are a lot more than we are being given the information on.

Chair: Frank will tell us.

Frank Green: There are a number of academies and trusts that have been paused at the present time, and that number is of the order of 13. They have been paused from their development and had letters sent to them. Altogether, there are currently something like 500 sponsors and 400 active trusts in the system, but about 13 have been paused.

Q543 Alex Cunningham: How many schools do these 13 trusts cover?

Frank Green: They will cover something of the order of 150 altogether. They have been paused. It is not necessarily because performance is an issue; it is because the structure of the trust is not appropriate. It is not just a performance issue. It is frequently about the structure of the trust and ensuring they are robust enough to continue to develop.

Q544 Alex Cunningham: The point is that over 200 schools are affected in some way, whether it is standards, structures, organisation or whatever.

Q545 Chair: Was it 24 in December? I remembered a number of 20-something who have been paused from the last data I saw. Does that make sense?

Frank Green: I would have to give you the answer that I clearly do not have the details, because the number I have got says 13.

Q546 Chair: I think that is what you told us in your submission to us originally.

Frank Green: Maybe it is more than that, but that is the number I have got on my bit of paper here. Let me check for you.

Q547 Chair: Thank you. If you write and let us know, that would be great.

Frank Green: We will write and let you know.

Q548 Ian Mearns: Frank, I do not know if you are aware, but last week we had the Permanent Secretary and the head of the Education Funding Agency before the Committee. The question was asked of them whether they were working towards a fully academised system. They seemed to express the view that that was not their view of the world. At the Independent Academies Association spring conference in March, you gave a presentation entitled “Creating the new education for system for England”, in which you stated your perspective that England is heading towards a full academy-based school system. The DfE do not agree with that view of the world. They think it may get there eventually, but that that is somewhere down the line. Which is it?

Frank Green: It is somewhere down the line. It is certainly not the current policy of the Department, nor is it mine. I was asked to express a view and I expressed a view of where I think things are going.

Q549 Ian Mearns: So you have been appointed by the Department to work on a scheme they are not working towards, but you are.

Frank Green: No, I am working on their scheme. When I was asked to say where I think the education system is going, my view is that it needs to move to one system or another, and I think it is more likely to go down that pathway. That is a personal view.

Q550 Ian Mearns: In that case, if we are going to do things meaningfully, we have, therefore, to work towards a time scale. From your perspective, what sort of time scale would you say would be the appropriate to move towards this transition?

Frank Green: It would probably be over the next six years.

Q551 Ian Mearns: Six years. Is that for a fully academised system? Is that for primary and secondary?

Frank Green: From a personal point of view, I am not sure whether that is the right outcome. “Academy” is sometimes a misused word, because it can mean a lot of things, but I mean a trust-based system, where all schools are linked together in groups, many of which would be the current version of academies and then perhaps new versions of trust-based systems that are developed.

Q552 Ian Mearns: When reading through everything that is happening at the moment, I get the impression that the Schools Commissioners are very much focused on secondary, but there are primary academies out there. Where do they fit into the role of the Schools Commissioner?

Frank Green: There are now more primary academies than secondary. As of today, if we include the free schools, there are 2,002 primary academies, 1,932 secondary academies, 116 special schools and 42 alternative-provision schools. That is the current breakdown of the data.

Q553 Ian Mearns: As a percentage of overall provision in the age-group sector, obviously, it is—

Frank Green: In the sector, primary is only about 13% or 14%, whereas secondary is now at 63%.

Q554 Ian Mearns: Okay. This morning, you have already talked about what your priority is—you said it is improvement in outcome for children in academies—but the DfE website states that the three main duties of the Schools Commissioner are to promote academisation, recruit sponsors and encourage collaboration. Does this mean that the job is more about structures than standards? You have said that your priority is about improving outcomes for children. Which is it?

Frank Green: It is improving outcomes for children by using those three methods: by getting good sponsors, by academising the system and encouraging collaboration. It has to be about improving standards for children, but it is about creating better academies, getting better sponsors and getting better collaboration between schools. Although it is not final, the evidence we have at present is that we know the rate of progress is faster in sponsored academies; and we know that collaboration between academies, particularly groups of academies in local areas, is more powerful than anything else, not just in raising standards for individual schools. The evidence I

have seen from my own experience in Dartford, with the group of schools there, is that the impact on the whole community is far greater than when you are doing it with one single school in its feeder intake. When you have a group of schools within one area, you do get an impact that spreads well beyond the schools.

Q555 Ian Mearns: When you have a status of your importance, which covers the whole of the nation, it is surely much more important to focus on evidence from across the nation than just on your own personal experience.

Frank Green: I am giving you an example of my personal experience. I have seen the evidence from lots of other sources, too, and I have seen the evidence from the Department, which shows that geographical base, right across the piece. I could take the Cabot Learning Federation in Bristol that Sir David Carter has been running. Again, that is about groups of schools within a locality and the impact that is having across the whole region.

Q556 Ian Mearns: But I think you would have to accept that there is mixed evidence in terms of the impact of academies in terms of standards overall.

Frank Green: I would agree with that, yes.

Q557 Ian Mearns: I am from the north-east of England. We have already had Robert talking about how you are going to focus the work. The regions we have for the commissioners are sometimes covering more than one region from a geographical or political perspective, so in the northern part of the country the commissioner's area covers the North East and Yorkshire.

Frank Green: It is North Yorkshire.

Ian Mearns: That will cover quite a number of LEP areas. Probably in the North East alone it is two and then, covering Yorkshire, it would probably be about another three or four, possibly, LEP areas. How would you see the focus going in those areas? Would it be on a LEP basis, would it be on a whole regional basis or would it be across the whole geographical area? In terms of gaining sponsors, different parts of the country are very different. For instance, in the north-east of England, in the 12 local authority areas there are only 1,000 employers who employ more than 1,000 people. Therefore, it is going to be a hard duty to find sponsors in that sort of atmosphere.

Frank Green: I agree.

Q558 Ian Mearns: How are you going to get around those particular problems?

Frank Green: Firstly, the majority of sponsors now tend to be outstanding schools, and that number is increasing. There are also very good leaders in business, health and other areas of life that are coming forward to support schools. I have already visited Cumbria, Middlesbrough and Darlington in the last month. In Cumbria, the leaders in education there have created a Cumbria Alliance of System Leaders. They are very specifically taking the whole of Cumbria and getting all the schools to get together in groups. They are encouraging those either with academy trusts or with local authority groups to put all schools into groups. They are taking the whole county and area as a development area for that, and that is really working well. That is an example of both academies and local authority schools working well together to create that structure. They have a very powerful group of leaders in the system. That provides a group of 10 or so people and that is the kind of group that the regional Schools Commissioners will want to work with.

Q559 Ian Mearns: You may well have seen the David Blunkett review, which was critical of the separation of oversight from maintained and academy schools. What is the role of the Schools Commissioner in relation to non-academy schools?

Frank Green: I have very little oversight for non-academy schools. It is not part of my remit, other than encouraging collaboration.

Q560 Ian Mearns: Yes, but we already know that you are promoting academisation. Therefore, in relation to the non-academy schools, you are promoting academisation. You have to have some sort of relationship.

Frank Green: When they approach us—

Ian Mearns: Basically, you are receiving approaches from non-academy schools.

Frank Green: Yes, that is right.

Q561 Bill Esterson: What about forced academisation, where schools do not have a choice?

Frank Green: That is when the Secretary of State uses his powers under the various education Acts, if schools have gone into special measures, to enforce a fast change, because there is a clear need.

Q562 Ian Mearns: Lastly from me, Frank, you have a background in a large multi-academy trust. Will there be an inclination to turn to what you know when offering advice to schools becoming academies, thereby creating a bias in favour of a large academy chain model?

Frank Green: No, there will not be bias in that at all. I will use my experience where it is relevant, when people ask for that advice. However, I have seen lots of other examples of small groups of individuals and other groups. I will look at the evidence that looks best and, when I am asked to give advice, I will give advice where the best evidence suggests this model or that model is the right one for that community.

Q563 Ian Mearns: From your perspective as a Schools Commissioner, when an academy chain is not fulfilling what you consider its prime role to be—improving the outcomes for children in academies—would you see a situation where you are recommending to the Secretary of State that an academy chain should have its powers dissolved?

Frank Green: Yes, I would, if that was the ultimate solution for it.

Q564 Chair: Would you think it useful if Ofsted inspected the chain? They are setting the ethos, and they are doing a lot of the direction and policy. Is it not slightly odd to say that you know everything about a chain by inspecting its school, but not going to the nerve centre of the system?

Frank Green: I can see the argument for that inspection process, and a review of how the chain operates does make some sense.

Q565 Chair: David, I do not want to lose you your job before you have even started it, but what do you think about that?

Sir David Carter: I have always been in favour of Ofsted inspecting the chains, because you are absolutely right: the ethos and the tone of how the federation supports its schools and

academies is set by people like me in that position. It only gives you a one-dimensional view of the federation if it is only an inspection of the schools.

Q566 Chair: While we are going forward on this, we are going to ask another question. Frank, you have talked about coherence—I am sure you would want that as well, David. Would it make more sense to have Schools Commissioners looking at maintained schools and academies alike?

Sir David Carter: I will answer that question for you, but please note that my job does not start until 30 September. I am very conscious that I would at least like to get to that date.

Chair: We have a high opinion of you; we would hate to see you not start.

Sir David Carter: I have been listening to the answers that Frank has given Ian. One of the things I would hope would be my legacy as a Schools Commissioner would be that there would be more collaboration happening in the network. Academies have some fantastic practice, but they do not have a monopoly on best practice. I would want to encourage local authority schools to work with me to share that practice. Joining up the system in the South West alone—before you think about the other seven regions—is one of the challenges that we have.

The previous question focused on what multi-academy trusts might look like—will they look like the Leigh one or will it look like the Cabot Learning Federation one?—clearly, one of the things schools will welcome is that I bring that experience from a school background into the role, but I also know how other organisations work. My job would be to broker some of those exchanges of information.

Q567 Alex Cunningham: We had a nice conversation about structures and a nice conversation about collaboration and everything else, but we all know it is down to good leadership, teaching and learning. It is about good quality there. What will you actually be doing as commissioners to drive improvement in teaching and learning and teacher-training to make sure teachers are better equipped to deliver for our kids? Set aside the structure stuff for now.

Sir David Carter: I will start with that, if I may. One of the things I have talked about in the process that I have just been through to get this role was about building what I have called “Education South West”. Two of the things I addressed in that thinking were around how we ensure there is a pipeline of future head teachers coming in to the region and sharing their expertise, and how we ensure that—working with the initial teacher-training providers, whether they are teaching schools or universities—we have a steady flow of really talented teachers coming through.

Teach First has moved into the South West, which has been really helpful. We have a number of schools in the region who are engaging with School Direct. That has been helpful. I see part of my role as to try to put a structure around some of that. I do not see my role is to become a recruiting agency for the South West, but it is part of my role to understand what the system is that is producing those embryonic young teachers.

Q568 Alex Cunningham: We have thousands of teachers in the system now who are a bit short of the mark. We need them actually motivated and training, or re-training.

Sir David Carter: That is the other point I made about headship, and bringing heads together. We do a lot of work in the system around what I will generically call “best-practice sharing”. There is a place for that, but best practice with impact is a better place to be. Some of heads who have turned around schools successfully or maintained “outstanding” for three or four inspections have a real story to tell around how you manage some of the grttest issues of school improvement, of which underperformance of teaching could be one.

Frank Green: I would add that the role of the teaching schools that have been set up over the last four years and the focus they have is to improve the quality of teaching that is going on in all different ranges, whether it is from satisfactory to good teaching, or good to outstanding teaching. All those kinds of programme are operating through the teaching schools, as well as, then, the leadership and development programmes up to and including NPQH. They are done through those teaching schools. That programme needs to be really well marshalled with the regional Schools Commissioners' roles. Ultimately, I would agree that the regional Schools Commissioners—however many there happen to be—should ultimately be across the system, but that is not where we are today. We are doing it step by step. That is how we have to focus on it to make sure we get those systems working properly.

Robert Hill: The model of how we train and develop existing teachers in the classroom is changing. Whereas continuing professional development was largely seen as going on training courses, conferences, or twilights—those sorts of things—it is much more about this taking place in the classroom and teacher-to-teacher coaching. The strong and the best academy chains are facilitating that both within schools and across schools, and, indeed, the teaching school alliances. Cumbria, which Frank and David have mentioned, is an example of where you need somebody who is working across the system, rather than academies over here and other schools over there.

Although I am a strong supporter of the best academy chains, one of their weaknesses is that they sometimes keep their knowledge and their expertise locked up inside the chain. It is not, as it were, permeable in terms of working with other academies in the area. Again, I know Cabot are probably the ones who are the least guilty of that, but I could take you to chains where the contact between the academy chain and other local schools is virtually zilch.

Q569 Neil Carmichael: Robert, your middle-tier report was quite an interesting report. We are going to have regional commissioners. How would you like to see regional commissioners developed? That reflects one of the priorities you expressed in your report.

Robert Hill: The conversation leads us up to this point. First, we need to do away with this artificial divide between whether a school is an academy or not. We need to have an integrated system. Secondly, I would argue that six, seven or eight commissioners are not sufficient, if you are looking across the system as a whole. Thirdly, we need to see clarity in terms of the responsibilities between the joining-up at a level that makes sense—a local, sub-regional level—and there are still some important functions for local authorities. We need to have clarity so that we know what schools are doing, driving the self-improving system, and we know what local authorities are doing in terms of place planning. They have some of the local intelligence on what is happening in schools and they can help steer and broker partnerships. We then have the commissioners, who try to bring, as David has described, some of that vision. That might be around leadership development. There is a lot more to be done around career pathways that could be done across sub-regions. It is about some of those issues, as well as challenging poor performance within clusters of schools.

Q570 Neil Carmichael: I know that Ofsted are supposed to be and should be independent, but do you think that there some sort of relationship that might develop between the Ofsted structure, which is also regional, and regional commissioners? Should they be coterminous?

Robert Hill: Coterminosity is always a good thing to strive for, but there can be exceptions. We need to be clear, however, that Ofsted is about inspecting and holding up the mirror. When inspectorates start going down the road of getting too involved in school improvement—they are on the verge of doing that; HMI is offering support to schools in category E—it compromises their integrity. We need to be very careful.

Another thing we could do that would inform both Ofsted and the regional commissioners would be if the Department were to publish the information I know it has on how multi-academy trusts and other trusts perform. At the moment, it is left to people like Christopher Chapman and, when he used to be at *The Financial Times*, Christopher Cook, to produce those very insightful blogs and reports—and, indeed, my own report for the National College for Teaching and Leadership on how the academy chains are performing.

I know the Department analyses all the data. Why do we not have the performance of academy chains out there in the public domain?

Q571 Neil Carmichael: Building on that, the role of the regional commissioner would certainly be involved in school improvement itself.

Robert Hill: Yes. It is about steering, joining up, seeing where the problems are, co-ordinating things, and some of the admission things as well. We should also be grown up, as it were, and realise that there are tensions at a local level between schools. There are also competitive pressures in the systems and there are, sometimes, disputes about hard-to-place pupils, vulnerable pupils or pupils with special needs, and things like that. Although local protocols can go a long way to resolving some of those issues, you need a backstop of somebody who is able to say, “Frankly, you are evading some of your responsibilities and the results you are achieving you are achieving because you have skewed your intake.”

Q572 Neil Carmichael: Can we talk a little bit about the chains? We have already touched upon those. Frank, you were talking about the number of those being paused or whatever. Are you concerned about that number?

Frank Green: No, I am not overly concerned. What concerns me is the way they respond to the request we put to them about improving. If they do not make the changes, that becomes a major concern. However, the nature of change has been a developing process over the last four years. Identifying what good chains look like and therefore what makes a good chain has been a process; data is being collected on that at the present time. As a result of that, some chains themselves have said, “Actually, we want to pause what we are doing”, and we have said to others, “We think you should pause. No, we will not approve any more requests if you want to take on other schools.”

Q573 Neil Carmichael: Will regional commissioners have the power to pause?

Frank Green: Yes.

Q574 Neil Carmichael: Presumably, that is because they see that need for change and would themselves be the catalyst for change.

Frank Green: Yes, I would agree with both of those.

Q575 Neil Carmichael: In terms of schools wanting to be in a chain, are they really able to pull out themselves, and should they be able to do so?

Frank Green: It depends on the nature of the trust that they are in, but, at the present time, if it is a full multi-academy trust with supplementary funding agreements, it has to be a mutual agreement for the school to pull out. If it is in an umbrella trust, which is a slightly different arrangement, part of that could have been structured to enable a school partner in an umbrella trust to pull out. I do not know of any that exist with those kinds of terms yet, but I do expect that that kind of process—as a secondary development of trusts and chains, if you like—will be something that will develop over the next three or four years.

Q576 Neil Carmichael: Do all regions have a good enough number of sponsors, certainly in terms of quality sponsors? Will the regional commissioners have a responsibility to encourage new sponsors in? David, you are nodding.

Sir David Carter: That is part of my role, yes. In a previous answer we talked about sponsors being schools. I absolutely believe that is the right way to do that. I have had that experience over the last seven years myself. In my own region, 71% of the schools in the region are good and outstanding schools, schools who have made that journey of improvement, who are ready to support another school. I would absolutely see that as one of the most exciting parts of the new role.

Q577 Caroline Nokes: I wanted to move on to complaints procedures for parents with children at academies. We have heard evidence that they do not find the current complaints procedure to be sufficiently robust and objective. Should parents who are not satisfied with their complaint come to the regional Schools Commissioners as the next port of call?

Sir David Carter: If that was the situation in the future and I was in my current job, and a regional Schools Commissioner came to tell me that a parent had made a complaint, I would feel that I had failed in my responsibility. We have a complaints policy; we have a procedure that enables the parent to talk first of all to the principal of that academy and, then, if they are not happy with that, to come and talk with me and the chair of the board or the chair of the academy governing body. When that has happened—which, with 6,000 young people, it inevitably does—we have been able to resolve that. At the end of the day, we are working in the public sector, we are funded through taxpayers' money, and we have a responsibility to people who send their children to our schools. The regional Schools Commissioners could have a role in what you describe, but I would absolutely hope that was very rare, and a backstop.

Frank Green: I would completely agree with that. Parents should have that accessibility to the regional Schools Commissioner and their teaching board, if needs be, for resolution of an issue between the dean of an academy and a parent.

Robert Hill: The first port of call should obviously always be the local academy. Arguably, there is a case for trying to resolve things locally, in the local dimension. However, there is weakness and confusion for parents in the system. You have the Schools Adjudicator; you have the Ombudsman; and you have these commissioners. My own view is that we have what one might call a quasi-market system now developing within education. The health service has Monitor, which regulates the system. There is a case for a proper regulator that is independent of the Department. This is not an argument about the individual. My view is that the Office of the Schools Commissioner arguably could be combined with the Office of the Schools Adjudicator and some of the functions of the Ombudsman, and there could be a proper regulatory body that oversees how the development of the academy trust system operates.

Q578 Caroline Nokes: Moving on to planning of school places, we all know there has been a bubble in primaries that, inevitably, as these kids get older, will move on to the secondary sector, where we know there are a greater proportion of academies. How do you see the RSCs working with local authorities to ensure there is adequate and sufficient planning of school places going forward?

Robert Hill: As I understand it, it is not really within their remit, as it stands at the present. However, there is a case. Whether you take London or whether you take the conurbation around Bristol, there is a huge amount of cross-border flow in the number of pupils. Local authorities clearly do talk to each other and do consult each other, but, certainly, the planning of the extra primary places has been, in very many areas, hand-to-mouth, ad hoc and complicated. Without wishing to go entirely down the free school route, that has been a complication.

We have a little bit of time, though it is not a lot, as it moves forward into secondary. We ought to have a more strategic approach to how we are doing that. Where we need competitions or we need extra places, we need to have a more transparent arrangement for how we are going to have those places. We also need to stop the expansion of poor schools, or, if we are going to put extra places in schools that require improvement, then we need to do something very urgently about those schools.

Frank Green: I would agree with everything that has been said there by Robert, but the provision of school places is a legal responsibility of the local authority, whether it is primary or secondary. At the present time, when a new school needs to be established, there is an open competition process that bidders put in for and the local authority adjudicates over that, but the new school is required to be an academy at the present time. The issue is around the expansion of existing schools and how much that should take place in the system in terms of which schools in an area do grow, by how much they grow and what quality they have. That will need some careful coordination and will involve regional Schools Commissioners and local authority leaders. It will be particularly difficult when you get to the ones that are near boundaries, where urban conurbations go across boundaries.

Q579 Chair: In the next session, we will be talking about free schools and the pluses and minuses of those. Will regional Schools Commissioners play a role in creating a more reliable and robust system for the founding of free schools?

Frank Green: They will, because their knowledge of the local areas will be greater than that which exists at the centre. From September, they will be involved in advising the free schools section of the Department in terms of applications that are put in.

Q580 Mr Ward: You were saying earlier on about schools sponsoring other schools. What is the difference between a school sponsoring another school and a hard federation?

Frank Green: You can create a hard federation with a local authority structure. A school sponsoring another school means, if it is a sponsor arrangement, that that will almost certainly be at least an umbrella trust if not a multi-academy trust structure, when it is that way around.

Robert Hill: There is a practical difference, apart from being accountable with a local authority rather than as an independent academy trust, in that the governance arrangements are a little different. In federations, you have to have a single governing body; in academy trusts you do have, in my view, a good flexibility to have, as it were, the overarching board and then to have an academy council, as they call it in some trusts, or a local governing body, so that parents, staff and pupils are able to have a local focus.

Mr Ward: Is that soft federations?

Robert Hill: Even hard federations normally find a way around it by having committees for schools and so forth. However, it is a good question. It illustrates the point that, in reality, in terms of school improvement, there really is not much difference. You were a federation before you became an academy trust, if I recall correctly.

Sir David Carter: Both of those answers are fine, but they are not, for me, the main reason the hard federation works. For me, the hard federation is a single employer. It means that I have the potential to direct staff to work in more than one school. If I think about the academies where we have led improvement, it has often been because our best leaders and our best teachers have been able to work with more children and more teachers than just working in one single institution. Where we had the early days of our model, which was a set of multi-academy trusts in a different sponsor arrangement, teachers stayed in the school at which they were employed. They are

employed by the federation to work for the benefit of as many children as we can do. For me, that is a really dynamic part of what we have done in the last five years.

Frank Green: The multi-academy trust is a hard federation.

Robert Hill: By another name

Frank Green: Yes, by another name. They are the same thing, and that is the greatest strength you have in getting school-to-school improvement.

Mr Ward: Plus ça change, plus c'est la même chose.

Q581 Alex Cunningham: We have areas across the country where free schools or new academies are opening in areas where there are actually sufficient places. Robert, you quite rightly said we do not want to see a situation where we see poor schools expand, but surely the answer is tackling the education within the poor schools, rather than building a building somewhere and allowing a school to wither on the vine, leaving behind the kids who are most likely to be moved by their parents.

Robert Hill: We certainly do have a duty to the kids in schools that are either in the categories of “special measures” or “requires improvement”. That is undoubtedly the case. Sometimes the injection of a new school obviously acts to provide a competitive element into a local situation and sometimes that can be good, because it forces everybody to up their game. My view is that it needs to be done much more strategically, rather than just being—again, we are probably getting into territory you want to get into in your second hour—done on a more ad hoc basis. Particularly, sometimes an extra school pops up in an area where there is no need for school improvement and there are sufficient places. In those situations, I would find it very hard to justify the establishment of a free school.

Q582 Alex Cunningham: It appears that what is happening in the system at the moment is that new schools are actually being created in areas where there are sufficient places and those schools are going to be left to wither on the vine. It is the young people that are left behind in the withering schools that suffer.

Robert Hill: The Public Accounts Committee report last week identified that a significant proportion, although not all, of primary free schools were in places where there was a sufficiency of places, and some were not. There was a mixed picture, but you are right. My mantra would be, “No school left behind”. That is the point of what we should be doing and it is another case for having the Schools Commissioner role. There are schools that are disappearing off the radar, whether they are academies or not academies, that are not part of any effective school grouping. That is where they need challenge and support to be able to join with another strong school.

Q583 Chair: That takes us to the heart of the matter, does it not? The “Unseen children” report from Ofsted has indicated, among various other things, where there are problems, not least in the east of England and along the eastern coast generally, including the area I represent. There is a shortage in national leaders of education and there is a shortage of teaching schools. However well the system works in some places, it is not strategically getting the right people to the right places, where they are most needed.

Frank Green: No. The initial purpose of the regional Schools Commissioners, from the academy side of things, is to ensure that does spread out further. It is one of the reasons London, for example, was broken up into three: in order to spread the expertise of London further out. Hopefully, we can spread it to the east coast and to Lowestoft and to Yarmouth.

Q584 Chair: It is not listed in the top three priorities.

Frank Green: No, it is not in the top three.

Q585 Chair: Yet you have the National College for Teaching and Leadership. We have limited time, but what would the relationship be with the National College? Robert—it seems to me rightly—is asking for a certain amount of system coherence so that people know what their job is. They know what their top priorities are. If you have 12 top priorities this morning or this week, you do not really have any at all, do you? How are we going to make sure that people know what their role is and can get on and do it, particularly in this area?

Frank Green: Yes, it is imperative that the relationship with the National College, and therefore the teaching schools structure and the teacher supply route and the quality of training, is brought closer together. That is a very important part of the work that I am attempting to do at the moment to get something ready to make sure we have that ready for the beginning of September when the regional Schools Commissioners begin.

Sir David Carter: Can I just add one point to the point you just raised there? The incentive to improve a school is great enough anyway: you need to provide an education for the young people in it, which is outstanding. However, there are a group of young heads coming into the system now who recognise that is their first responsibility. They see it as quite an incentive to be able to play more of a system leadership role by working with another school. There are a number of schools I know well in the South West—not just in the Bristol area, but down the M5 corridor—where within the next two years, and maybe even quicker, they are going to be good to outstanding schools. Part of my remit is to work with them and help them get ready for the time when they might become sponsors of other schools as well.

Q586 Chair: You will be dealing with a lot of rural, sparsely populated areas. Can this model work in sparse, rural and coastal areas? The distance from a school in Withernsea, in my constituency, to anywhere else is quite a long way. If you are going to drive there and drive back in the same day, how realistic is it that your French teacher or your deputy head or whoever is going to be able to go out and meaningfully engage with others in a way that fits with the timetable and the limited hours they have?

Sir David Carter: You have to look at collaboration as a three-dimensional project. The example I have described works perfectly in Bristol, because the schools, as you quite rightly say, are very close together. It would be a bit more challenging in rural parts of Devon, Cornwall and Dorset. Nevertheless, however, the principle of the practice being shared, whether that is a shared governing body or sharing leadership, is doable.

Robert Hill: I did a project in Lincolnshire in the autumn looking at small, rural primary schools with fewer than 100 pupils. Lincolnshire has a high proportion of schools that have become academies—it is one of the highest in the country—but, relatively speaking, a lot of their schools, particularly the small schools, are still either church schools or community schools. There, the authority rightly decided that the priority was to encourage them to work in local clusters and to build on that. As the local clusters develop, it is likely that their forms of governance will get harder and firmer, but that would be the way to do it to get the really effective cluster working in the first place. That is the sensible starting point. If the Government were to take this in two steps, rather than one step, as it were, and encourage that, and if academisation or trusts or whatever is deemed to be the way forward, then to do it when we have some effective relationships and joint working is sensible.

Frank Green: I would give the example again of Cumbria. One of things we are trying to do is have a self-managing, self-improving system. We actually want the local people themselves to decide how they should do that. That is why I am excited about what they are doing in Cumbria: all the heads and all the school leaders, whether it is local authority or not, are getting together to organise how they should ensure that all schools are supported by other schools. That is exactly what should be happening in every area and we should get those right. That is the really important part of the job.

Q587 Chair: Robert's point on primaries, particularly rural primaries, was, given their institutional fragility, that we should build the cluster first and the structure that cements whatever it is they come up with should come second. It is not academisation first, but establishing a cluster first. Do you agree with him?

Frank Green: I do, because that is where the grant system is going for supporting primary schools. It is groups of three or four schools now that get the support to become academies rather than individual ones.

Robert Hill: It also has the advantage of offering a new leadership model for primaries by being able to introduce executive heads and have heads of schools, which is a very useful developmental and training post, given the problems we are having recruiting to these small primary schools.

Q588 Chair: I went to Patrington and Easington primaries in my constituency last week. There was an executive head and a Church of England diocesan lead working together precisely to try to do that. It is embryonic.

Robert Hill: That is great.

Q589 Mr Ward: When I asked earlier about your involvement with the non-academies, you said you had very little involvement—it is not your remit—apart from collaboration. Collaboration seems to be a good thing and it is a well funded project in terms of academies and free schools. Who is doing all that for the non-academies?

Frank Green: Local authorities are doing it. Good local authorities are doing that naturally now. Cumbria is doing it; Middlesbrough is doing it and Darlington has done it. Actually, nearly all the schools are academies, but they are still working with all their schools to make sure—

Q590 Mr Ward: Most local authorities have been starved, or, in fact, drained.

Frank Green: It is not a resource-intensive process. The resource is within the system already. It is enabling conversations and relationships to develop across schools and for boundaries and barriers to be broken. That does not require vast resource. It requires local people to take control and ownership of their future and their schools.

Q591 Chair: Do you agree, Robert?

Robert Hill: Since we have probably been too consensual today, it perhaps good to have a point of disagreement. There is a relationship to resource. I agree it is not hugely expensive, but you do need people with the right skillsets and you do need to have enough employees to do it. Some local authorities have virtually ceased to exist as local authority education services, and the Department is currently consulting on taking another £200 million out of its education services grant for local authorities, which is precisely the money that will go on these facilitating activities. Some authorities will continue to do it, because they believe it is the right thing and they will even, as it were, “subsidise” it to do that. However, some authorities will say, “Look, we just cannot do

this anymore". In some areas the schools are mature enough to get on and do it, but in some areas they are not.

Q592 Bill Esterson: It seems to have taken quite a long time to fill the posts of the eight regional Schools Commissioners. I was pleased to hear earlier that you have filled the last two. There is a £140,000 salary, so why has it taken so long?

Frank Green: The process started with advertising in January. It takes time to get the number of applications processed, because there were over 80 applications altogether for it. We had to get the interview panel put together and they wanted to wait until I started work as Schools Commissioner and be involved in that, because that was not until the beginning of February. The first round of interviews took place in early and middle March, when we had six. We then started a second trawl and made the appointments as a result of that.

Q593 Bill Esterson: So no shortage of good applicants.

Frank Green: No shortage of good applicants.

Bill Esterson: Even though it took a long time to get the last two in post.

Frank Green: Yes. To misquote Eric Morecambe, we had all the right people, but not in the right places.

Sir David Carter: Apart from the South West.

Frank Green: Yes, apart from the South West, but I did say "not in the right places".

Q594 Bill Esterson: At this point close your ears, David. Why do you want to be a regional Schools Commissioner?

Sir David Carter: There are three things. We talked this morning about the moral purpose of wanting to improve the life chances of children. I have always believed passionately about that; that is why I do my current job. If I can play a role to impact that on more children in the South West, that would be important. The South West is an area I know particularly well. I have been in the area since 1997 as a head teacher. I am passionate that collaboration, rather than competition, is the way forward in our system, and I can bring my experience to bear upon that. However, I would come back to the point we have made several times this morning: this is about helping to improve schools. Children do not get a choice as to where they go to school; they do not get a choice what postcode or area they are born in. The responsibility has to rest with school leaders and now I have an opportunity to play a part in that. That is why the role is for me. If I did not believe that those things were not really tangible things that I could do, I would not leave my current position, which is a role I enjoy a lot and in which I have been successful.

Q595 Pat Glass: Frank, you have talked about your role in relation to academies and the local authority in relation to maintained schools. I agree with Robert that it is naïve in the extreme not to link this to the issue of resources in local authorities. Do you think it would be better if your role went across all schools? Would that improve it? I know it is not, but in your opinion would it be better?

Frank Green: I can see a merit in that position, and I certainly am talking to a lot of local authorities. When I go to a region, I do not just go to academy schools. I go and talk to the local authority about how they are building their relationships and collaborations both within their own authority and with the schools themselves. In a sense, I am already doing some of that, even if I do not have responsibility for it.

Q596 Pat Glass: A major element of good school improvement is the pre-inspection judgment, so making the right judgment about a school and then taking action before failure. That was ever the dilemma for local authorities. When you, as you undoubtedly will, come up against a particularly bullish principal or head teacher and governing body in a school, where you judge it as beginning to tip over and they simply will not see it and tell you to go away, what powers do you have? How would you use those powers?

Frank Green: The powers are quite limited, in fact, if it is a good school that is slipping—the actual powers of intervention are limited. However, the warning notes and the responses both to the principal, the chair of governors and the board of governors can be very clear in terms of making sure that that school does take action in terms of those issues. There is always the request that can be made to ask Ofsted to do an inspection in any case. That can always happen. The parents can initiate that, or the Secretary of State does have that power.

Q597 Pat Glass: Would you have that power?

Frank Green: Since I have had powers delegated to me by the Secretary of State, I do not know whether I have that power. I have certainly not found that one out yet.

Alex Cunningham: Would you like it?

Q598 Pat Glass: Is that a recommendation that we need to make? David definitely thinks so.

Chair: He happens to be nodding his head; he could not possibly comment.

Frank Green: I would certainly think that the regional Schools Commissioners would have those powers, because as part of what their role is—to ensure schools do improve—they need to have the ability and the authority not just to make a comment, but to ensure that action happens in the interests of those children.

Q599 Pat Glass: Are the powers of your office something that the panel would agree we need to be very clear about?

Frank Green: Absolutely, yes.

Q600 Pat Glass: Should that include being able to ask for Ofsted to inspect or an intervention order?

Robert Hill: The powers do need to be clearer. What has been said in terms of seeing this as a stepping stone is very helpful. Essentially, we had this vast expansion of academies between 2010 and 2013. Part of the problem was that some chains had the sense and the wisdom to grow at a sensible pace. Actually, both the chains represented by David and Frank grew at a sensible pace, about six or 11; they are actually relatively small. We saw some that went from about eight to 40, or 15 to 70, at a ridiculous pace. We need to understand that historically. The Department is now trying to sort this problem out. That is part of why it has put the pauses on; it is partly why the E-ACT action was taken. There are still some chains that are not sustainable in their current form and may need to be broken up, but we should support the commissioners in trying, as it were, to make some sense out of some of these particular situations. We do then need to have clarity on the powers in relation to multi-academy trusts, where they are not sustainable, and their powers in relation to Ofsted. It would be very helpful to have clarity.

Frank Green: I would completely agree with that. We do need more—

Q601 Chair: You probably cannot name them, but can you talk about the chains that need to be broken up and what specific powers you will need? How should they be vested so that this can be brought about and we can move to something more coherent, moving at a pace that is sustainable?

Frank Green: The ability to stop the trust developing further is already there, because clearly every academy has to be approved by the Secretary of State or the regional Schools Commissioner in the future. If it is paused, that is one stage. There should be the ability to look at the way the trust operates. If it is failing its students, there should be powers for the Secretary of State or the regional Schools Commissioner to ensure that robust action is taken to either improve the trust or to break it up.

Q602 Chair: How does that need to be handled? What we heard from the E-ACT experience was that schools did not know what was happening. They knew it was being broken up and some were being removed—10 schools were—but they did not know whether they were one of them or not.

Frank Green: Not to begin with.

Chair: They did not hear anything from the chain; they did not hear anything from the Department. They were left high and dry, floating. That is not a good advertisement for the system.

Frank Green: No. It has now been resolved and lessons have been learned about the nature of how those discussions take place. Obviously, they need to be discreet to begin with, but at the appropriate time they do need to be public, because it is about accountability.

Q603 Chair: Is there such a protocol now? Can we get access to it?

Frank Green: The protocol has not yet been written, but it is in the process of being written, and we would be very happy to submit it when it has been.

Robert Hill: I also understand that the Department is working on advice on what constitutes a good sponsor, which is very timely and welcome. Arguably, we should have had it three or four years ago. I hope that, in due course, will be in the public domain as well.

Q604 Siobhain McDonagh: Has the pressure to find more sponsors and increase the number of academies so rapidly caused the Department for Education to accept some pretty risky sponsors in the face of sometimes much better alternatives?

Robert Hill: Undoubtedly, yes. There was an accreditation scheme that actually was torn up. The argument was that it was too bureaucratic, and it may have been. However, we then had the pendulum swing to it being almost too light-touch. Hopefully, we are now moving to a position where there is proper assessment of all sponsors. Again, like Frank and David, I welcome the fact that broadly we are seeing many more smaller sponsors rather than a lot of big sponsors. That is undoubtedly better and it fits with empowering schools to leave the system as well.

Sir David Carter: Chair, may I just say something in response to Pat's previous question about Ofsted? I was nodding inanely; I perhaps feel I should put some flesh on the bones of my nod. The fact that the Ofsted regional structure has come into place quite recently means that it would be very helpful for the system to see the Schools Commissioners and Ofsted regional people working together. That would be helpful. If I am determined that the South West is the best place to go to school in the country, linking Ofsted with my new role will be very helpful.

Q605 Pat Glass: That would be a useful recommendation from this Committee: that we need to have Ofsted's regional, geographical areas coterminous with yours.

Sir David Carter: We already have that in the South West; it is exactly like for like.

Q606 Pat Glass: It is not like that, however, in the rest of the country.

Sir David Carter: I am sure the structure is helpful. It is the principle of those two organisations talking together about school improvement in their regions, rather than being at arm's length.

Q607 Pat Glass: There needs to be some geographical overlap.

Sir David Carter: Your question was about whether a regional Schools Commissioner could advise Ofsted to do a review of a school. I anticipate I might find that helpful in my new role.

Q608 Pat Glass: Earlier, Robert talked about local protocols and the limited success of those, in particular with the pinch points in education around admissions, exclusions, SEN, etc. I sat in a meeting on Friday with Tristram Hunt and a group of head teachers from successful oversubscribed schools and less successful challenged schools, where we were told very forcibly that fair-access protocols work one way: removing children who are difficult and challenging from the more successful oversubscribed schools and moving them into schools that have vacancies, which very often tend to be challenged. What powers do you have around that? How will you use those to ensure that there is fairness in the system?

Frank Green: Those powers are not vested within the Schools Commissioner or the regional Schools Commissioners.

Pat Glass: Should they be?

Frank Green: They are currently vested with the local authority, which has to provide places for children in its schools.

Q609 Pat Glass: Presumably the local authorities cannot do this in relation to academies and free schools.

Frank Green: No, they are entitled to request a place and the academy is not entitled to refuse it automatically. The local authority can now appeal to the Secretary of State, and now the regional Schools Commissioner, for the regional Schools Commissioner to direct the academy to take that child.

Q610 Pat Glass: Schools are telling me—I think we have all seen this in our own areas—that this simply is not working. It is all going one way. If a child with SEN manages to scrape under the door of an academy, they are very quickly moved on. Local authorities cannot do anything about this in relation to academies. Should you have powers, if you do not have them? Would you welcome them?

Frank Green: Yes, I would welcome those powers, but what a number of the chains are actually doing is establishing their own alternative education provision for those children, rather than just pushing them out the door. It may not have come through in that meeting on Friday, but, increasingly, I am seeing academy chains—particularly when they are in a geographical area—understand their responsibility to their whole community in a way that sometimes individual schools do not.

Q611 Pat Glass: You would welcome those powers, though.

Frank Green: I would certainly welcome that power.

Pat Glass: If I could very quickly ask you the questions I was suppose to ask you—

Chair: You can ask one question.

Q612 Pat Glass: You both come from the Cabot academies chain.

Frank Green: No.

Pat Glass: I thought you did.

Frank Green: I come from the Leigh Academies Trust in Dartford.

Q613 Pat Glass: In that case, this is for David. This is high-risk stuff for head teachers. Increasingly, we are seeing head teachers resort to legal action against Ofsted. How would you deal with any potential conflicts of interest, where a head teacher in your areas says, “You are going easier on your previous schools than on me”?

Sir David Carter: That is a very good question. I have thought about that conflict of interest. If I am going to answer your question specifically in terms of the Cabot Learning Federation and the fact that I would have been the previous CEO, on the one hand I would answer by saying that, for probably the next 12 to 18 months, nobody will know more about the organisation than me. It will obviously change under the new leadership, but right now I know how those schools are performing better than anybody else does. If we are going to be sensible about ensuring the rigour and challenge that I am leaving is there, I would build an argument as to how I could still be part of the challenge for the Cabot Federation. If other people felt that was too much of a conflict of interest, that would be fine. If Cabot wanted to take on schools in the future, whether they wanted to open a free school or take an academy, yes, it would be inappropriate for me to be involved in that. However, the reality is in my region the Cabot Learning Federation is the largest sponsor of academies on the patch. There are national providers in the region, but, collectively, all our schools are in Bristol, Bath and Weston-super-Mare.

I am sure I will develop a close relationship with the other seven regional Schools Commissioners. I think I am the only one of the group in this position—I could be wrong, but I think I am right. If it was felt that that was just too close to home, there are seven other people who could do that role and that challenge for Cabot equally well, and I would be very comfortable with that.

Robert Hill: It is also the role of the panels, which we have not talked about this morning, and what exactly their role is in relation to these sorts of issues as well.

Chair: That leads me to Dominic, who may just ask you about precisely that.

Q614 Mr Raab: Can I ask you about the head teacher panels? First of all, in relation to eligibility, will it just be teachers who have worked for an Ofsted “good” or “outstanding” school who will be eligible to apply?

Frank Green: To stand for election, yes, in the first instance.

Mr Raab: The rationale for that is you want those—

Frank Green: We want those people who understand what “outstanding” means.

Q615 Mr Raab: How do you ensure you have some diversity and breadth of experience? For example, it might be a challenge for a good head teacher in a deprived area to grapple very effectively with a school to get it on the up. How do you make sure you have a good balance?

Frank Green: That is why we have included, from the initial publication, head teachers who have been rated as outstanding by Ofsted, but who are in good schools.

Q616 Chair: Is it them or the school? At the moment, it looks like it is the schools. You take over; you are about to lead your school on a sharp downward path, but you are going there because your school was outstanding when you were appointed, although you had nothing to do with it being outstanding.

Frank Green: Yes. That is possible at the moment. However, the head teacher who has just left—the one who got it to “outstanding”—is also still eligible to stand for the head teacher board. They would be eligible. For up to two years after you have left that post, you can stand for election. However, that is possible.

My view would be that we have a savvy electorate in the head teachers. If they are standing for that position, they are not going to elect that head teacher in their region. The schools certainly know that person. If they know that school is going downhill from where it was before, the system is sharp enough and sophisticated enough that you will not see that happening in any significant way.

Q617 Mr Raab: How do you counter the reverse possibility, that good heads in schools that are in deprived areas will not be outstanding?

Frank Green: They do not have to be an outstanding school; they can be a good school with outstanding leadership. Often, actually, those leaders are very—

Q618 Mr Raab: What about a “needs development” or “requires improvement” school, but the head has taken on the challenge is competent or even better?

Frank Green: My answer would be this: should they be standing for doing work one day a week outside their school, if the school requires that much development?

Q619 Mr Raab: That is a perfectly legitimate consideration, but does it not leave your boards rather skewed?

Sir David Carter: There are two spaces for appointments as well. They are people who do not come through the elected route.

Q620 Mr Raab: How will you decide how those appointments are made?

Frank Green: They are the regional school commissioner’s choice, ultimately approved by the Secretary of State. Effectively, however, the Department will assess that. In order to get balance and breadth, there is the possibility to co-opt others on to ensure that you do not get too much influence from, say, church schools. If all the elected people come from church schools, you would want to make sure there were people there who were not from church schools.

Q621 Mr Raab: Robert, do you see it as an issue?

Robert Hill: It is a dog's breakfast, really. It is a mixture of elected and appointed. I am a bit unclear on the powers. I am old-fashioned enough to believe that there should be some local democratic accountability in all this. I would much prefer to see the expanded commissioner's role that I have argued for, relating much more to the elected local political structure. The model I have in my head is that the Mayor of London has the Commissioner of Transport for London. The Commissioner of Transport for London is accountable to the Mayor. That is the sort of model we should be aiming to move the system towards. There could be a case for advisory panels, but we will see how this hotch-potch of local elections goes. I cannot see head teachers dying in a ditch to vote, frankly.

Q622 Mr Raab: That is a useful alternative perspective. Can I ask one other thing about the balance? I suspect it may be the same answer. You have the reserve powers to appoint members. Do you have in mind that you would use that to avoid the big chains stitching up the membership of the board by fielding lots of candidates? How do you avoid that?

Frank Green: Only one head teacher from a chain can be elected. If there are four or five head teachers from the chain, only the one with the most votes would be able to be elected.

Chair: Thank you, gentlemen—we look forward to meeting female Schools Commissioners in the future. Thank you for giving evidence to us. If any further thoughts occur to you or things you want to qualify or add to, please do get in touch with us. Thank you very much indeed. We will move as swiftly as possible to the next panel.

Witnesses: **Natalie Evans**, Director, New Schools Network, **Rob Higham**, Senior Lecturer in Education, Institute of Education, **Katie Parlett**, Principal of Lighthouse School, **Alice Hudson**, Executive Headteacher, Twyford Church of England Academies Trust gave evidence.

Q623 Chair: Good morning and welcome. Thank you very much for joining us today as we look into the topical issue of free schools. Perhaps I should start by asking how significant they are. It seems to suit both those in favour and those against to make a great deal of noise around the issue of free schools, when statistically they are pretty insignificant. How important is the free schools movement?

Natalie Evans: I would suggest it is extremely important. I am Natalie Evans—I am from New Schools Network. For those of you who do not know, we help groups who want to set up free schools. Since the policy has been in existence, we have offered some form of advice to around 2,500 groups around the country, and we have helped about 70% of those who have been successful. Our experience is certainly that free schools are offering a new option for parents, teachers, community groups and charities who want to set up new schools. Increasingly, they are also offering a route for entrepreneurial teachers and schools who are looking to expand in their area.

Q624 Chair: So is it a safety valve?

Natalie Evans: No, I do not think so. It is a number of things. In some areas, free schools are increasing the number of places on offer, so helping to address some of the issues we have around the shortage of places. In other areas, they are about raising standards and offering, hopefully, a good alternative to what is on offer. They are also about offering parents choice. The rationales and reasons that people come forward with to set up free schools are quite varied. What we are seeing is a very fast expansion of the programme. We now have nearly 300 schools open or due to open. Certainly, from our perspective, as an organisation that helps people wanting to do this, we are continuing to see a lot of interest and demand from people around England wanting to set up new schools.

Q625 Chair: Do you have any kind of metric for need?

Natalie Evans: The Department looks at three types of need. When you are putting in an application for a free school, there are three elements of need you need to address. One is around places—the shortage of places in an area—one is around standards; but, crucially, one is around parental demand. Any free school that wants to set up has to have significant demand from local parents.

Q626 Chair: The crucial one is fairly subjective. That could be concocted or brought about activity and activism, which is not necessarily a bad thing. My point about asking about the metric of need is, if you took some kind of objective—if you could—heat map of need across England and then looked at where free schools go or where they are likely to go, do they match? From our last session, the indication was that there is not that much coherence. It is pot luck. In some places, people come forward, and some schools will be good and some will be bad. We can tighten that up, but fundamentally, what is there about the free schools movement that makes it likely that schools that apply and get through will be in places where they are most needed rather than less needed? All too often, allocations in this country, whether it is health or education, are based on inertia or historic injustice, and we do not need some further addition to the already ever-present injustices, which do not properly match need with resource, I would postulate.

Rob Higham: We do not fully know what the metric is. Natalie might have insight into the DfE decision-making process, but there are two points to make. Firstly, on the DfE decision-making process, there is a significant lack of transparency about how decisions are being made. The DfE has been requested under Freedom of Information to release both its specific decision-making metric and, more importantly, how it is applied in each wave. The Information Commissioner has requested that that is publicised, and it has not been yet. There is generally a lack of transparency.

In terms of how you measure need, obviously the National Audit Office used a particular metric, which was forecasted need over four years, and they used the school capacity survey in 2012 to forecast need. They looked at the first three waves. I have added the accepted proposals in the fourth wave and extended their analysis. That suggests that 36% of free school accepted proposals are located in districts where there is no forecasted need. If you aggregate known—

Q627 Chair: That is for places. You have places—basically making sure there is a desk for a child to sit at—and then you have the issue about where there are low standards. There might be lots of empty places because people cannot get out of the borough quickly enough and there is a desperate need for someone to infuse some innovation and some new ideas into the area. Is there not a danger of making the narrative as if every time you open a school where there are spare places it must fundamentally be wrong whereas, in fact, there is a history of poor performance there?

Rob Higham: I agree. One needs a complex set of matrixes, but whether there is a need for places, in particular, is quite an important one because it has a range of flow-on impacts in terms of the impacts of opening a free school on other existing neighbouring schools.

Natalie Evans: We are seeing free schools addressing both the types of need you talked about. This September, for instance, 90% of free schools are in areas where there is a need for primary places, so there are primary schools setting up. In areas like London, where the issues are really problematic, 100% of the primary schools are in areas of need. We are also seeing free schools in areas where there are low standards—75% of secondary schools are in the two-thirds lowest performing areas of the country for GCSEs, and 89% of primary schools are in areas with the two-thirds lowest key stage 2. Free schools are addressing need, and I think the issue is that need is a very complex thing.

I would go back to say that I do think that the support of parents is very critical in this. Often when you read the media, it seems as if free schools can just pop up anywhere, but actually they cannot. They do need to have a significant degree of local support from parents. They have to ask parents to sign up to a school that does not exist as, potentially, their first choice. They have to sell their vision, the education and the outcomes that they want to deliver. That is a very powerful thing and, from a parent's perspective, it is actually quite a leap of faith to be thinking about that and to put their child in such a school.

Alice Hudson: Both extremes are true and it is good that the free school mechanism has changed over the last four years. It would appear that there is now more of an emphasis on need and that has been very desirable. I do, though, completely agree with Rob—

Q628 Chair: Do you mean the basic need, as in desks where there is a shortage of them?

Alice Hudson: Yes, the basic need. I agree that even that is an inexact science, but the parental demand is even less exact. I completely agree that it should be there and that it is valuable, but I do think the two need to be weighed rather differently, because one is much more measurable and objective than the other.

Q629 Mr Ward: I was approached about 18 months ago by a group who wanted to start a free school. I was asked for support for the proposal. They were clearly very, very passionate about what they wanted to do. I said to them, "I welcome and applaud your passion. If you feel so strongly about local education, why don't you put all of that into the nearest local school and really support that school?" and the answer was, "Well, because we want our own school."

Katie Parlett: Our school is Lighthouse School in Leeds, and our children have an autistic spectrum condition. When our children were diagnosed it was very difficult to find a pathway into education that was autism-specific. That was our passion. We found a teaching method that really worked for our children and we brought that together—five families came together. We managed to do that. We were resourceful parents who managed to get a really good education within the education system for our children, but it was about fairness. There are a lot of families out there who did not know what their children could access or how they could access it.

We came together in 2006 as a group and did a slow-burn research—we went up and down the country and spoke to authorities and head teachers. In 2009, we pulled together a strategic plan to have a school up and running for secondary children, because secondary children up and down the country with ASC predominantly get a place in a mixed SEN or mainstream school. In mainstream schools, 40% are bullied, teachers have very little training and 50% of parents are dissatisfied. There is a real gap for something in between those two.

Q630 Chair: The free school policy allowed a group of concerned parents with children with specific needs to challenge the system setup and this otherwise would not have happened.

Katie Parlett: It certainly did, but also to work and collaborate with the existing education system for SEN. We collaborated at a local level and a national one.

Q631 Mr Ward: Would you consider co-locating in a mainstream school, as was done in Bradford?

Katie Parlett: We would most definitely co-locate. It comes down to sites. We work with SEN schools in the South who have a very similar ethos to what we do, but also at a local level. We are housed within a mainstream school at the moment. We plan to move in to a new build in

March next year. When we are in that new build, we already have a loose partnership—not a hard federated partnership—with a trust school, which we will be working with.

Q632 Pat Glass: Can I just ask you something specifically? There have been schools specifically for children with ASD, but they have been set up in the past by parents largely in the independent sector, which may now be free schools. There are two issues with them. One is the cost—it is about four times the cost of even a specific ASD school in the maintained sector. The other one is that they start off admitting children with very severe difficulties, but over time, because of various issues, including sharp-elbowed parents, they start to admit children on the less severe end of the spectrum. How would you go about dealing with the cost? If you are taking four times the cost and somebody else is getting less, there is an issue of fairness and equity there. Also, how do you prevent that slide from what you started out as to moving into something that could be provided by almost any other ASD school?

Katie Parlett: First, if I take the issue of cost, we were almost the pioneers. We were starting out as the new funding arrangement was evolving, so we were kind of working in parallel, and we and the local authority were both finding our feet. With SEN, the local authority has a duty of care over that child and the new financial funding arrangements mean that the top-up fund comes directly from the local authority to pay for that child's place. Leeds has its own Funding for Inclusion. We take the fees that are exactly the same as go into any of their settings. There is therefore parity and fairness in Leeds for the children.

Chair: Yet again I am going to delay you, if I may, because I think Caroline has a specific question on this.

Q633 Caroline Nokes: You mentioned the new funding arrangements, and you said that the school was of secondary age. Under the provisions of the Children and Families Act, is there going to be any temptation for Lighthouse School to allow pupils to stay longer?

Katie Parlett: From the 11-to-19?

Caroline Nokes: Yes, up to 25.

Katie Parlett: Yes, most definitely. I think it is just a case of starting with a template and finding your feet. The most important thing for us, and our whole vision, is about changing life outcomes. Seventy-nine per cent. of ASC adults with incapacity benefit want to work, and only 15% do. We are trying to have direct transitions into the workplace. We are trying to bring innovation into autism education through linking sponsors directly into the curriculum and actually creating businesses with those sponsors so that students can go into full-time employment. We have only been going for four and a half terms, and at the moment we have two students who have already undertaken really successful work placements. We have sponsorship for our catering, hospitality and food tech, and we have sponsorship for our ICT. They fundraise; they link to our curriculum; they create shadowed work placements; and then we, the school, will create businesses and social enterprises for the students to work in.

Q634 Pat Glass: You said at the beginning, Natalie, that support from parents is critical. Yet the evidence we have had is that increasingly it is the more professional groups that are opening free schools, and that parents are being squeezed out of this. Does that reflect what you are seeing?

Natalie Evans: I would not say that they are being squeezed out. About 35% of free schools have been set up, as it were, by parent-led groups. That is one way: for parents to actively be involved in an application themselves. However, what we are increasingly seeing are converter academies and sponsored academies coming to us to work on an application. The reason they are coming is because they have been lobbied heavily by parents locally to say, "You have got an

existing outstanding school; it is hugely over-subscribed. We really would like our children to be able to get to this school. We would like to see more of you.” They are actively encouraging local schools to apply.

Q635 Chair: So parents are not being squeezed out. Is that your view, Alice?

Alice Hudson: Yes. To be honest, I think that is another desirable change actually. I think that the likelihood—

Q636 Chair: No more Katies then.

Alice Hudson: No, because what could happen is exactly what you described. The group of parents who want to have something moving forward can twin with or gain support from an existing special school that does not have capacity but does have experience. Katie is exemplary in the way that she got to know the system. If what you want to do is empower parents who do not know the system and make it a fairer thing, then they must partner up. One of the changes that I would want—

Q637 Chair: You think it is a strength. What about you, Katie? If there were more players out there, who had perhaps already set up units specific to autism and were doing a great job, and you were able to approach them, would you have preferred if you had been able to go to someone like that and get them to come in, rather than having to do all the work yourself? It is pretty amazing what you and your colleagues have had to do. Perhaps that is asking too much of most people.

Katie Parlett: It has been a huge ask. In some senses, if you do that you lose the innovation that can come into education. I think that is really important because, although we are doing something for 50 pupils, there is more effort that has gone in than for 50 pupils. We want something that is replicable, and you might lose that.

Alice Hudson: This is the rub, isn't it? There is a high risk to having smaller scale, innovative and of-the-moment, and you have to ask yourself how much of the education system can run on risk.

Q638 Chair: Especially when everyone sits there and talks about the percentage of them that are good or outstanding compared to other schools. When we went to Boston, their charter schools are very much seen as a laboratory, so the idea that you are expecting them to succeed as often as a normal, standard school seems slightly absurd. What you were looking for was innovation that would infuse the whole system. How much of that experimentation is the system prepared to put up with? How many children in a school that fails are you prepared to live with as a benefit to the wider system of schools? Discuss.

Alice Hudson: That is one question and your original question is also important. Is this designed to be something that runs a large part of the sector or is it designed to, in effect, add in surplus in the first place because it is a market mechanism, and the market can only work if it has a degree of surplus? What the market does, though, is send businesses under—that is how it functions. Is that what we want?

Q639 Pat Glass: In a sense, that is what I was hoping that Katie was going to say to me: “Look, we are creating something that is very innovative. Therefore, we have got all of this new practice that is worth the additional cost and, therefore, we are sharing it with other local authority schools. We are actually taking more out of the system, but we are putting something back and we are developing something that is very new and different.”

Can I come back just very briefly to the issue of demand and need? I take the point you said, Natalie, about free schools and primary numbers, but that is not the evidence that this Committee has

heard again and again. We are told that it is mainly secondary school places and they are mainly in areas where there are already significant surplus places. I look at my own experience. In Consett, we have half a dozen good and outstanding primary schools, and there is a head teacher trying to create a free school. He had a couple of open meetings for parents. Three people turned up, including two people from my office, and he then submits an application. Where is the parental support that is so critical in that? In Durham city, which has some of the most outstanding schools in the country, and some of the best schools in the country, a school has recently closed because it had 200 pupils. It opens a free school, it has 30 kids—that is £60,000 a child. Is this a good, sensible use of taxpayers' money?

Natalie Evans: Just to reassure you, in terms of the approved schools so far, the majority are primary schools. There are 107 primary schools—

Q640 Pat Glass: No, I am talking about places. When you look at secondary places, it hugely outweighs the number of primary places and yet we know primary is where our difficulty is.

Natalie Evans: As I say, we are seeing increasing numbers of groups coming forward looking to set up primaries, but this goes back to the point around need and the different types of need—need in primary sector particularly is around places, but also need around whether standards are high enough and whether. If a parent only has the choice of underperforming schools, is that any choice? Do they also deserve to have good school places?

Q641 Pat Glass: In my instance, we were not talking about underachieving schools. Where does value for money in taxpayers' money come into this?

Rob Higham: We have mentioned already that the agenda has shifted and it is quite a complicated, multiple-policy agenda. Originally we were told there would be hundreds of thousands of new schools in order to create competition—the quasi-market that Robert was talking about earlier.

Pat Glass: I understand that.

Rob Higham: Now it seems the discourse is much more about need. I was just saying that 35% of the first four waves are in districts with no forecast need; and 52% are in districts with either no forecast need or only moderate need. In relation to proposals that you mentioned earlier, we have seen a decline, over the waves, of local civil society groups that were originally encouraged to apply—the big society—from about 55% in the first two waves to about 45% now. There are obviously issues around resource, time, capacity and aspects of expertise. I will just add in another dimension, which is that when you look at need and location by disadvantage, you find that parents and community groups are one of four groups that are both least likely to be located in areas of need and least likely to be located in areas with above average deprivation. That would imply to me that when Government starts to think about need and deprivation as at least two of many perspectives on whether a free school should be accepted, then perhaps parent groups and community groups are not fulfilling those kinds of desires of policy for free schools to serve deprivation and need.

Q642 Chair: Is the system just growing up? We had a fairly monolithic system and the idea was to inject some challenge and opportunity, from Katie doing one thing to a bunch of other people doing others. Is it not inevitable that you have to start it somewhere? We have an enormous and conservative system fiercely resistant to change, and it has taken quite a bit of ministerial will to allow anyone to open up a new school and provide some challenge, and they have to get the systems to improve it. Is that not what is happening? Could it be an excellent thing in the long term that needs to be retained rather than squished out by all the vested interests that hate any challenge to the status quo?

Rob Higham: Change is always difficult—there is always resistance to change. I suppose the question is: what is the change? What is the specificity of the change? Is the change going to provide places in need? You mentioned earlier—

Chair: I was just asking whether it was the right thing or not.

Rob Higham: Overall?

Q643 Chair: Once they iron out some of the peculiarities and they get the map of need better matched with the likelihood of being given approval. The regional Schools Commissioners do think they have a role, apparently, in trying to make sure that they are where they are most needed. When we finesse the system over the time it is going to be a great introduction and the last thing we want to do is see it snuffed out. Do you agree or not?

Rob Higham: It is very early days, so it is very difficult to say, with such diversity currently with free school proposals, whether it will be a good thing or a bad thing. In terms of how we might judge that, the criteria I would use are need, serving deprivation and then, as we come onto it, positive impact on student attainment both in free schools and not a negative impact on negative schools in terms of their viability or the viability of the programmes they offer. We do not have evidence on that yet.

Q644 Bill Esterson: Natalie, if you look at Sefton as an example of another area with very good schools, a free school was opened in an area with 2,000 surplus places. It very quickly saw falling enrolments, it very quickly went into financial difficulty, and it very quickly then ended up with a notice to improve. Coming back to Pat's point, there have been more secondary places created under the free schools programme than primary. That is the reality, isn't it? In those early phases a number of mistakes have been made, hence the proportionately higher number of free schools in an Ofsted category with a notice to improve. That is the reality.

Natalie Evans: No, I do not believe it is the reality. In terms of inadequate schools—

Q645 Bill Esterson: That is what the figures show, isn't it?

Natalie Evans: No.

Bill Esterson: There are more secondary places than primary.

Chair: Bill, let Natalie answer.

Natalie Evans: The figures show that in terms of “inadequate” Ofsted ratings, you are talking about 1% of free schools. Yes, you are right that there have been a number that have been judged as requiring improvement, but a lot of that is around the issues about setting up a new school. They are issues that I am very confident these schools will address. We are actually seeing that, in a like-for-like comparison, free schools are outperforming other state schools in terms of being good and outstanding and, on the whole, I believe they really are helping to improve education. I go back to the point—I think this probably means we do not agree—that I believe tackling the challenge of a lack of school places is important, but free schools are also about raising educational standards. They are about giving choice and improvements to a local education system. If that means that parents currently only have the choice of underperforming schools, I believe there should be a mechanism by which new schools can be set up, not just to challenge the system but also hopefully to raise standards across an area. One of the things that we are already starting to see with free schools is that the ripple effect of them is meaning that other schools are improving and upping their game. Systemically, that is a good thing.

Rob Higham: I have not seen evidence that there has been a ripple effect yet that has been robust, to be frank.

Q646 Chair: Has there?

Natalie Evans: I will give you an example. In Newham, a highly academic sixth form has set up, where there was not one before. It has got more young people places at Oxbridge than the rest of the schools in Newham. In fact, the local authority and other schools are coming together to set up a replica because they have realised how successful it is.

Q647 Chair: Natalie, is it too early to have anything more than anecdotal evidence?

Natalie Evans: Yes, it is too early to have a lot of evidence, but we are also seeing some movement so it is worth pointing that out.

Q648 Chair: Rob is scowling.

Rob Higham: No, I am not scowling. I just think it is too early to understand. There will be examples on one side and examples on the other. If you look at attainment and Ofsted grades in five neighbouring schools around each free school and aggregate that to the total population of neighbouring schools in waves 1 to 3, you will find the average attainment of those schools is broadly similar to the national average. The average Ofsted grade is also broadly similar to the national average in neighbouring schools. Obviously, there are specific cases of underperformance.

Alice Hudson: All you can do is deal anecdotally with this, because it has not been going on long enough and the statistical sample is small and, by the nature of the beast, distorted. Therefore, it makes it very difficult to judge the policy.

Q649 Mr Ward: Is there any evidence at all on the travel-to-school distances with free schools? I know a lot of free schools set up in deprived areas, but the kids who go there come from much further afield than that particular locality. Are there any comparisons between maintained schools and free schools in terms of the distance travelled by students?

Natalie Evans: I am not aware of any.

Rob Higham: I have not seen or analysed evidence on travel distance, but you mentioned it in terms of being located in disadvantaged areas and/or who they serve. There is some evidence there that I have analysed so far from the first two waves of free schools—not all three that are open—in terms of free school eligibility. In the aggregated waves 1 and 2, free school meals eligibility in free schools is 16.5%. If you aggregate five neighbouring schools that serve the same phase, the free school eligibility is 23.5%, which is quite a significant difference.

Q650 Chair: It is not necessarily a sign of failure or segregation, merely of the fact that parents want to go there and, instead of everybody leaving the deprived borough, some people who previously left want to come in. Again, we are no further forward in knowing whether it is a good thing or not, are we?

Rob Higham: It is particularly the case for wave 1 free schools that they were unrepresentative in relation to five neighbouring schools. In wave 2 they are slightly more representative. Certainly, in terms of providing an inclusive education system and, most importantly, judging the quality in relation to whom people serve, I think that is quite an important difference.

Q651 Bill Esterson: Rob, what do you make of the £400 million, in the report over the weekend, that has been diverted from primary places? Do you think that is the reality? Do you think that is fair, right or sensible?

Rob Higham: I do not know about the departmental accounting or whether that report is correct or not, but it demonstrates what we were talking about before, in terms of there being concern currently for place planning, nationally and in particular areas. There is some overlap with free schools in areas of need, but, as I mentioned earlier, half are in places of no need or very moderate need.

Chair: You have said that more than once already.

Rob Higham: I just wanted to say that if that is true then I suppose that is questionable in terms of looking at it—

Pat Glass: Can I ask—

Chair: No, you cannot.

Pat Glass: It would have been very helpful.

Q652 Bill Esterson: If you write it down, I will ask it.

Katie, going back to your comments earlier, it did strike me that there is a significant difference between the sort of school that you have set up, with very specialist provision, and the sort of mainstream school that I described in Sefton or the one that Pat described in Durham. Is the point that where this policy works well is where it is very specialised?

Katie Parlett: I can only say that it has worked for us. We are at capacity. We have had huge parental interest—we have 150 families through the door in the first two terms to have a look. The demand before we opened was one of the biggest that had been seen from the Department. I think it is solving specific specialist issues, but also it is working alongside local authorities as well. We have to sit with existing provision. Particularly in our case, because it is SEN, it is very important that we are part of an existing portfolio.

Alice Hudson: I actually make the same case, although from a different perspective as a school that has set up another school. We have set up a full-size, regular state comprehensive school that serves the local area, and it was in an area of need. We have done that alongside the local authority, which does the planning of the places, and one would not have dreamt of doing it otherwise. Have we subverted the free school policy? I would actually make a strong case that if we have we have done it with considerable integrity. We did not simply appeal to parents. We appealed to local primary schools, which had a body of parents who were within the system. That is how it is kept within the family of schools and with all the collaborative arrangements that you would want to have in order to keep the school stable, as came out of the last discussion.

Q653 Bill Esterson: You say this is in an area of need. Is this an area of shortage of places?

Alice Hudson: That is what I mean by need: a shortage of places. I would say that was an essential thing. I just want to say in response to an earlier question—“What will this look like?”—that I think the more checks and balances we put in because we feel that there should be checks and balances, the more it will become like the previous system, which also had very good features to it. You have the competition and you have consultation periods, but if it does flatten out the energy, and it does take energy to set up a new institution, that would be desirable. I do think this captures energy for driving school improvement. That is a good thing.

Q654 Bill Esterson: In both the examples you have given, Katie and Alice, local authorities are no longer permitted to open schools of their own. If they had been, would you have used that route to do what you have done?

Katie Parlett: In 2009, I went to our local authority and they said it was just what was needed. It helped with capacity and capability, and filled gaps. Interestingly, 12 months or some months after we opened, they were then granted an expansion of 200 SEN places locally, and that opens in 2015. I am presuming that there is some joined-up thinking in terms of the actual need within our region.

Alice Hudson: Similarly, our plan was on the stocks before the change in Government.

Q655 Bill Esterson: Would the local authority have done it had they been allowed to?

Alice Hudson: To be perfectly honest, it was really good to be able to show the demand. The need was there all along—the demand helped it happen. I think it happened more quickly as a result, but you cannot have it both ways. The new system overcame some bureaucracy and in our situation—we were a local school and the site had already been acquired—there were conditions there to control the delivery. You need to put those controls in place and that will mean putting bureaucracy back in again. One cannot have it both ways, so I do think we were probably relatively unusual in that regard.

Rob Higham: I just wanted to mention on the point about local authorities and place planning that there have been some quite interesting examples of local authorities not only supporting specific free school proposals, but actually engineering them—for example, where they have been supporting a free school company, if I can call it that, recruiting people into it and providing it with some expertise. There are examples where such a company has already had three free school proposals accepted. There are some interesting additions to local authority on that.

Natalie Evans: Local authorities can set up new schools. In fact, about a quarter have run competitions under the presumption. They cannot run them, but they can set them up. Local authorities can do that. Rob is also absolutely right. For instance, in St Albans, a group of parents and teachers came together and worked very closely with the local authority to set up a primary school because there was a huge places shortage. We always advise groups to talk to the local authority when we work with them, but unfortunately, in some instances, politics and relationships mean that it becomes very difficult. Free school groups do want to have relationships with their local authority. A lot of them would like to find the data to make sure that they are going into the places of need. In the vast majority of cases, constructive relationships can be had, but unfortunately it is not the case all the time.

Chair: Talking of difficult things, an excellent panel of four like this is always hard to manage in the time.

Q656 Caroline Nokes: A number of free schools have been set up, in a manner of speaking, as the offspring of outstanding existing schools, such as Twyford. Alice, do you think you are trying to clone your main school? If you are, is that actually possible?

Alice Hudson: No and no. We are trying to take the system and just work efficiently around the things that can be replicated. Schools are organisms. The community is different—it has different admissions criteria and works differently. It does have the benefit, though, of the head-start of having a set of systems and assumptions. A lot of work goes into the setting up of a school and we have handed that over, but have always known that it would grow differently. It has to have strong leadership on the ground. That is the answer.

Q657 Caroline Nokes: You mentioned strong leadership on the ground. Some heads of outstanding schools that have gone on to open free schools have been criticised for spreading themselves too thinly, possibly to the detriment of the children at the existing school. Do you see that as a problem?

Alice Hudson: Yes, it is a problem. Whilst a school setting up another school is a more stable system in some ways, the way of running what works well for one institution with a single site is actually going to be rather different from the sort of system you set up to run across two sites. It is systemic: you have to set up a system rather than assume that it is human contact. It has been about setting up systems to quality assure and not trying to be in two places at once.

Rob Higham: About 20% of free schools across waves 1 to 4 are being governed by existing state schools. I would suggest that there are at least three different models. One is a school-led multi-academy chain, adding free schools as it expands. Another is a school federation, often cross-phase—either a secondary creating a primary or a secondary into 16-to-19. The third is a school setting up alternative provision—often collectives or collaboratives of schools in a local area are setting up alternative provision. It partly depends on what type of free school is being set up. It has different implications for leadership.

Natalie Evans: As well as schools coming together to open alternative provision, we have also seen schools coming together to open special educational needs free schools. They are coming together to make sure that groups of schools can actually deliver for all pupils with all needs within their local communities. We are seeing that happen too.

Alice Hudson: Perhaps the other thing to say is that there are some aspects of school leadership and management that are expensive. For example, not being able to get really well-qualified science or maths teachers in London is a well catalogued need. You pay more to get them and then it is utilising the more expensive talent, for example, to design curriculum resources that you can then share electronically. There are things that you can do creatively to ensure that you are not sharing the human being too thinly, but you are putting them across. We have been in a period of such intense curriculum change that developing a mini national curriculum for two schools is certainly cheaper than doing it just for one.

Q658 Mr Raab: Can I just ask a few questions about the experience of those that have been involved in setting up a new free school of the approval process? Katie and Alice in particular, what do you think are the key components to putting a bid in? What are top two or three? What would you say are the absolute lynchpins?

Alice Hudson: I would start with need. In the end, the thing is not going to work if there is not the need.

Mr Raab: Okay. Need is one.

Alice Hudson: Then I would hop right to the other end. There has to be a vision and heartbeat for what the school's own identity is. Then I would hop right to the other end and say there needs to be a whole heap of things that people outside of education might consider to be very boring, but which are about systems for quality assurance, systems for staff training and systems for curriculum planning. In the end, running schools is a long game, and parents should not be sending their children to schools if they do not have those sorts of systems in place. Otherwise, those schools will have risk of having a firework effect: they look very exciting and have a great prospectus, but by the time the children are in year 11 it might have fallen apart a bit.

Katie Parlett: I agree with you on that. Setting up a school and running a school are two totally separate skillsets. That is something that perhaps has not been identified before. In terms of

looking at leadership to come in and run, for example, a small, very specialist school, you are fishing in a very small pond of skill. You are also expecting someone to take a leap of faith into something that could potentially have risk. You are also starting out with a low budget on a group 1 school. There are a few issues around that and leadership. You are absolutely right that you should not set off without all that strategic planning in place and have all that skillset and expertise coming in. Otherwise, you will not cope with both the running and the start-up of the school. It is an extraordinarily intensive environment to get it off the blocks correctly.

Q659 Mr Raab: In terms of the process, so what you face with the Department for Education, do you think it is tolerably clear? Has it got any better?

Katie Parlett: I do not know on your school—

Alice Hudson: Yes, I can do something because we have just put in a further bid. In this we were encouraged, but not hand-picked, by the local authority, as is proper, and the system is now tighter and better than it was before. As I say, I think there are natural—

Q660 Chair: Can you give us some examples of that?

Alice Hudson: Yes, you are required to show much more by way of the capacity of your organisation. You have to give information about who the people are, because you have to put in quite a lot in order for the thing to run, so you actually have to show that you have resources; you have to show that you have the experience. I do not think that there was clarity between justifying need and explaining demand previously. There is that now in the system. I totally agree that how it is judged is not transparent, but at least you do have to put those means—*[Interruption.]*

Chair: If you can wait until the bell finishes, please.

Alice Hudson: I thought it was just a cut-off point.

Q661 Mr Raab: Do you also feel, as well as having clearer spec set out by the Department, that you get more support or at least, in your experience, the right level of support, rather than just a load of hoops to aim at?

Katie Parlett: We found it quite difficult because we were in wave 2 and we were the first batch of special schools. We found that we did not know what was coming at us—it was a very rapid process—but we got quite a lot of support though from the DfE at the time. I do not know what the subsequent waves' processes are, but our lessons learnt have not been fed back into that loop. That would have been a helpful thing.

Q662 Mr Raab: What were the top two lessons learnt?

Katie Parlett: The top two were to have your leadership in place sooner and to have more control over the financial set-up of the school. I know that has come under a lot of criticism subsequently, but in wave 2 the group did not have any access to the funding. It was done at arm's length by the DfE. I guess we only know what we know—we do not know what the subsequent waves have experienced.

Alice Hudson: There should be a requirement to quantify how much you are going to have to put in. It does now say how many hours, but that is a bit spurious in terms of a metric, whereas you really have to sink some financial resource, in effect, into the project if it is going to start with any degree of security. That would be my advice and that is what a company would do if it were setting up. There would be start-up costs and they would be more than what is given by the Government.

Q663 Mr Raab: Finally, in terms of external partners and collaborators, it obviously depends on the nature of the school you are putting in place and the local circumstances, but what is your experience of external sponsors and the kind of thing you are looking for?

Katie Parlett: As in an academy sponsor?

Mr Raab: Or the kind of sponsor that might help with the free school bit.

Katie Parlett: The answer to that is I do not know. I have gone out and looked at academy groups and looked at the future of the school because a 50-setting school is hard to sustain. In some respects there is too much great stuff within it that needs to be replicated, so we have been looking at things like umbrella trusts. In terms of getting off the ground in the first place, I think it is horses for courses.

Alice Hudson: An interesting thing that could be added in to the system would be to insist that there was a sponsor and one of the conditions of sponsorship would be that you had to be prepared to step in to run the school if it came below the full measurements of its Ofsted or its results, whether small schools that have difficult economies of scale or passionately set-up schools, but which might be light on structure one way or another. If there are children signed up, these are our children and the school must not go under. Whose responsibility is that? If you are going to stick your neck out to set one up, I think you should be able to them sustain it if does not keep going well.

Q664 Mr Raab: Natalie, just finally, you must have had a bird's eye view in supporting lots of initiatives. What do you see in terms of the approval process, its rigour, the demands it places on the bidders, but also the support they get from the DfE? Is it in the right place? Are there further tweaks that there need to be?

Natalie Evans: As we have heard, it is a very difficult task setting up a school, and rightly so. I think we all agree with that. The process is robust in terms of the application stage. As Alice rightly says, you have to give a lot of detail about your team and your educational plan, you have to show demand, and you have to show you are financially sustainable so that, at the application stage, it is robust. You then also get interviewed by the DfE, which was something that was not in the first couple of waves. Getting through that is the first stage. You get approved to open, but it does not mean you are going to open. There is now an increased amount of monitoring by the DfE during that pre-opening phase between getting the, "Yes, we think your school can go ahead" and actually setting it up. That has been important. Groups can have a great idea and have the people involved, but they then have to turn that into a reality. It is absolutely critical that within that year there is proper monitoring to make sure that the proposal is developing as it should.

Q665 Mr Raab: Are there any further tweaks needed?

Natalie Evans: The big issue is around premises. I am sure for any of you that have a free school in your area or have come across groups. That is proving to be one of the biggest issues. It is the most centrally run part of the process, so everything to do with premises goes through the EFA. That is one thing, perhaps, if you were setting up 24 free schools, but it is another when you have hundreds. For groups it is one of the things they can least control, but securing premises in a timely fashion also proves to be one of the most difficult things.

Q666 Mr Raab: I have exactly this problem in Cobham. How do you make it better?

Natalie Evans: You need to look at whether the EFA, as one body, can actually oversee this entirely. There are things, for instance, in areas of surplus places—perhaps buildings could be

bought up in advance, so that you have premises available for groups to move into. I think more could be done to encourage local authorities to perhaps work in partnership on the premises side.

Mr Raab: That has been absolutely key for us.

Natalie Evans: I think Government could potentially do more to encourage under-enrolled schools that have space within their building, perhaps for a secondary to have a free school primary school for the first couple of years. Free schools set up one year at a time, so they do not necessarily need the full building in year one, if you see what I mean—they can build up. There are ways we can be more innovative with the system, but for groups, during the pre-opening phase, it is the buildings that are the problem.

Q667 Chair: Do you have any more insight on sites?

Alice Hudson: I would make it into a two-step system. You could have your approval of your group being a tentative thing and then there being a management of the sites. This will look not dissimilar to previous systems we have had, in a sense, but at the moment there is nothing to arbitrate. Two groups could go through having said, “We would like this site.” I have no idea what the system is to then arbitrate between those groups. What happens when the school is approved to go ahead, but the site does not release itself? There are inefficiencies.

Q668 Chair: Some local authorities will be ideologically, or for any other reason, opposed in principle and might do everything possible to get in and stand in the way. Do we have the right system to get past that? Do we need to win them onside? Do we have the right systems in place to ensure that if we identify a site it will be released and not get flogged off for something else?

Natalie Evans: The answer is no. It is done on a case-by-case basis and done by negotiation. At application stage, groups can identify potential buildings. Obviously they may put in an application, but they are not actually going to be setting up a school for 18 months. That site may be on the market or available now, but will not be at the time. I am afraid if there were a silver bullet to this we would have found it. There is not and it is very difficult. I do think this is the one area that really needs some new looking at. It makes life very difficult for groups, but it also makes life very difficult for parents, who do not know where the school is going to be. As the time goes on and the site is not confirmed, they obviously start to worry about what is going to happen.

Rob Higham: I just note Robert’s comment earlier about an integrated system and the role for local authorities. They are not always being consulted about a free school, for historical reasons, but when it comes to the site having much closer local authority involvement in the discussion about site would be very useful. They offer a strategic planning role that is sometimes missing in the specific location of free schools.

Q669 Chair: Do you think there is any change in attitude? Free schools remain politically controversial, but is there a tipping point where local authorities who might have started to see themselves as defenders of the existing situation and, therefore, not liking insurgent free schools have moved to see themselves more as a facilitator of the various players to improve education?

Natalie Evans: Yes, there has been a shift and a lot of groups work very well with local authorities. Particularly in the case of special and alternative provision free schools, for instance, the local authority has to be on board because they are commissioner of the places. They work literally in partnership and you could not get approved for those schools without that relationship. Local authorities are seeing free schools as a way to help deal with the crisis in a lack of places and that is helping. I also think that as more of these schools set up, people are seeing that the groups behind these—the schools that are there—are aiming to improve education. They are there to try to work in collaboration to raise standards. Once you actually see something happening rather than

just hearing an idea, that also starts to change attitudes. With parents sending their children to them, talking locally about them and being positive about them, that is being very helpful.

Q670 Chair: Some have suggested that the approvals process for free schools does not look sufficiently at the issue of governance and ensuring that the organisation will have decent governance going forward. Do you have any thoughts on that, Alice?

Alice Hudson: It is better than it was, but it could be improved further with my two-stage process. You would have to show how you were going to go about the monitoring and evaluation of your school rather than just who you have, which is what it requires currently—how are you going to do it?

Q671 Chair: Are there any other thoughts on how we can improve the process in terms of strengthening governance?

Natalie Evans: As Alice rightly says, there has to be a lot of information about the commitment of people. I know from talking to groups that we have worked with that have been interviewed that that it is something that during the interview stage, in particular, the DfE pushes groups very hard on, which is absolutely right. Again, I think the monitoring during pre-opening to make sure that the people who said they were committed are committed and involved and making sure that there is proper oversight that the school is developing as it should, and the right expertise is on the governing body are absolutely critical.

Q672 Chair: Going back to Alice's point, what do you about the sponsor standing behind it, so we have not only this innovative, possibly experimental, new institution, but we have someone who will step in? If the first arrangements do not work out, is someone there to take responsibility for it going forward? Is there attraction in that or will that just stifle everything?

Natalie Evans: I am not sure that in all circumstances that would work. What is absolutely critical is that the governing bodies of all free schools have the right people on them—that they have the critical challenge and the educational expertise. Often a group, once it is approved to open, will start to approach local schools. We have a lot of groups where existing schools are sitting on governing bodies and acting in partnership. That is helpful.

Q673 Pat Glass: Can I go back to the issues of need and demand? I am assuming that nobody disagrees that if there is basic need, shortage of places or that we are looking at somewhere to develop creativity or something specialist, then there is no problem with that. Everyone agrees those would be useful criteria for a free school, academy or whatever. We come down to where there is challenge in an area and where there are failing schools. Do you believe that there ought to be a criterion that the Department should look at academisation, putting in new sponsors and a number of very clear, transparent hurdles before you look at creating a new school because that is very expensive.

Alice Hudson: Yes, perhaps in my naivety I would rather have hoped that that did still exist as a system to support those schools. It has always been the case, even before free schools, that there comes a point at which it is acknowledged that this school, after successive heads and so forth, stops and restarts, though then quite often in the same building. I am not quite sure how you would write that into the free school thing.

Q674 Pat Glass: I was just thinking if you had very transparent, carefully laid down criteria where we go through these steps first and then if all else fails, given the cost of setting schools up.

Rob Higham: I consider that to be quite sensible as a proposal, given that if a free school was going to be accepted mainly because there was a failing school, so defined by Ofsted, in the

local area, then we have better tools to deal with improvement than opening a new school and relying on competitive market forces. Research evidence over time has shown the impact on improvement through competition is very small, neutral or negative. Yes, I would agree with you that we have better tools for school improvement than opening a new school to create competition.

Natalie Evans: I would just say that there are three criteria that are looked at in terms of need, and standards is one. A group who have a strong vision, strong demand, a strong educational plan and is supported locally have every right to put in an application to the Department.

Q675 Pat Glass: Is that a no?

Natalie Evans: They will then be looked at and assessed against the criteria, but I think there should be options for parents, groups, teachers and schools to set up in areas as long as they can get support.

Q676 Pat Glass: When we are looking at establishing free schools, should value for money be a criterion?

Natalie Evans: I think it is a criterion.

Alice Hudson: Yes, and in the two-tier system I have just invented that will come in, you could then look at the group and whether the group has capacity to deliver. They you have to—

Q677 Pat Glass: No. I was thinking more in terms of schools that are half empty and £60,000 a pupil.

Alice Hudson: Yes, I get it, but you cannot weigh up the value for money unless you can look at the costs of one compared to the other. That is why you do need to have a second stage—you have to get into the business of the site and the set-up of one compared to the other. Local authorities have done this over time all the time. Is it more expensive to add two more forms to that school, which was quite often ridiculously expensive, compared to building a new one? There does need to be something objective that then weighs up those, but it cannot be done at the first stage because you do not have all that information on the table. Moreover, if this is a free market system, what it is going to do is—

Q678 Pat Glass: It is a free market with public money.

Alice Hudson: It is, indeed, and a free market cannot apply to education; it can only ever be a quasi market—I think we all agree about that. My point was that the market drives up costs sometimes. If a site needs to be purchased and it is evident, that all needs a degree of management. I am in agreement that there are better ways of managing it.

Pat Glass: Some form of value for money in the second stage.

Alice Hudson: In the second stage.

Rob Higham: Value for money is incredibly important because there are always opportunity costs. Spending a lot of money on a new school that is either not needed or is much more expensive than other solutions would not seem sensible at a time of austerity, so I would agree.

Natalie Evans: I completely agree. Part of what free schools are doing in terms of buildings in particular is that the vast majority of free schools are not in new buildings. They are in conversions and they are in very different premises. There is a strong focus on value for money

within this programme and the building cost for free schools is significantly below previous programmes.

Rob Higham: I would just add on that, if I may, that value for money is very important, but so is each child's experience. New schools in existing buildings is a way to reduce costs, but that should not be at the cost of outdoor play space, useful and effective science facilities and so on. One experience in Sweden is that a search for value for money at an extreme leads to a lack of a whole list of—

Q679 Pat Glass: We have some very sophisticated systems for working out value for money or that can value the cost of a view. Whatever it is, there ought to be some transparent, independent and objective system for measuring whether this is value for money.

Chair: Sorry, Alice. We have no time.

Rob Higham: I would add that transparency is very important on that list.

Q680 Bill Esterson: And you just said do not follow the Swedish system.

Rob Higham: There is certainly a range of reasons why the Swedish system has been shown to be increasingly problematic against the original assumptions that we heard.

Q681 Bill Esterson: I was going to ask about unqualified teachers briefly. Do you think it is a good idea and do you employ any, Katie and Alice?

Katie Parlett: No, we employ qualified teachers and I think it is really important. The teaching profession is really important and professional educationalists are vital. They are top priority for our school.

Alice Hudson: Sparingly. We have sport coaches, for example, rather than PE teachers, and music peripatetics teach.

Q682 Bill Esterson: It is as happens in the maintained sector, then?

Alice Hudson: That is right: it is no different, but we also invest in teacher training in order to try and train more teachers. That is really important and we must not let that slip.

Q683 Bill Esterson: So they are either qualified or they are working towards qualification?

Alice Hudson: That is right.

Rob Higham: I would echo what Katie said. Qualified professionals are very important. There may be some small areas where unqualified teachers might provide additional support and involvement, but that can also be done on a voluntary level by engaging the community. Qualified professionals are very important. It supports what is quite a complicated business of student learning, so I would agree.

Natalie Evans: I would want a head teacher to decide who they believed was qualified to teach. The vast majority of free schools do exactly what Alice is talking about. A lot of them use qualified sports coaches, if you see what I mean, and local drama companies to come in and do theatre, etc. It does also offer a mechanism for some excellent teachers from the independent sector to come in to the state sector. I am not going to second-guess what a head teacher does. It is up to them to decide who is qualified. I do not believe head teachers employ people they do not believe are qualified to teach their pupils.

Chair: Thank you. Can I thank all four of you for your evidence today? If you have any further thoughts, please do be in contact, particularly around recommendations because the business end of what we do is make recommendations to Government. They are obliged to respond. Even if you have spelt it out in your evidence today, we are not always the quickest on the uptake, so please send us a note to say, “You should add a recommendation saying this, in my opinion.” We would be very grateful to hear from you. Thank you very much.