

UNISON briefing on the Academies Bill House of Lords Second Reading Briefing 7 June 2010

INTRODUCTION

The Academies Bill is proposing sweeping changes to the primary and secondary school management and ownership. It would allow hundreds, if not thousands, of schools to be fast tracked into becoming academies from September 2010. There are countless questions that will not be resolved in this time.

The new Government's approach to academy schools is fundamentally different to the previous Government's. Rather than focusing on ways to improve schools in areas of disadvantage, the new proposal focuses on rewarding those schools who are already performing well, with no regard for broader school provision in an area.

The Bill would be another step towards a huge opening up of educational provision. Indeed Michael Gove has recently made comments that he has no 'ideological objection' to firms making profits by running academy schools. There also appears to have been no consideration of how important local authority functions that many schools rely on would be delivered in this new system, or the impact on staff who will now be at the whim of a fragmented network of individual school employers.

UNISON is the largest education union representing education and children's services staff. We represent members in both local authorities and schools across the primary and secondary school sector. UNISON would urge peers to call for a delay in this process to allow for the appropriate level of consultation with those working in and using educational services on the ground. For these, and many other reasons, UNISON is opposed to the Academies Bill.

1. Lack of consultation

The proposals outlined in the Academies Bill would lead to sweeping changes to our educational system at both primary and secondary level. While we would expect such changes to be open for wide consultation and consideration, involving all of those who are likely to be affected, there is going to be no formal consultation through a Green or White Paper, or any way for local government, parents, governors or staff to have a say on these proposals.

A MORI survey in March 2010 for UNISON and the NASUWT showed that 94% of the public wanted a good local state school provided by the local authority. However, the Government seem determined to race ahead with plans that would lead to huge intended and likely unintended consequences without due consideration.

2. Pace of reform

The Secretary of State has said that he wants to see schools transfer to academy status by the start of the new school year in September. UNISON is highly concerned that attempting such rapid change, without due consideration, would lead to completely unnecessary mistakes, challenges and gaps for both individual schools and the local authority who are trying to plan for good provision for all local children.

Under the proposals outlined in this Bill, the Secretary of State would be able to order the creation of academies against local wishes. The consultation with local authorities would be removed and the consequences for neighbouring schools will not be considered. Currently,

schools have many of the freedoms they already need, but these are, quite sensibly, balanced with local authority responsibilities for services and advice.

New academy schools would be taking on complex tasks such as Special Education Needs, property management, admissions policies, staff employment, health and safety, VAT, Private Finance Initiative contracts, safeguarding and many other responsibilities that are currently supported by the local authority. UNISON believes that schools should not be pressured into taking on these additional responsibilities – and we are wholly unconvinced that schools would be ready to take them up by September.

3. Lack of evidence of improvement

Despite claims to the contrary, there is considerable evidence that academies do not raise standards faster than Community Schools. Academies are currently not covered by the Freedom of Information Act and have to report very little of their activities or exam result subjects to the Department for Education.

So while they can claim to be ‘improving’, there is no way of knowing if pupils are still receiving the broad based curriculum that other children receive. For example, a 2010 Civitas report highlighted that academies are allowed to opt out of publishing data on how students are performing in specific subjects, so it is impossible for anyone to assess how their ‘improvement’ is reached. Further concerns and recognition of a lack of robust evidence have been raised in reports for the Centre for Economic Performance in 2009, and the PriceWaterhouse Cooper’s academy evaluation Fifth Annual Report.

Furthermore, while there may be some improvement in some schools that become academies, there would be acceleration towards a divided two tier system. The local authority would be left with a rump of schools from poorer areas than the new academies, with more social problems, surplus places, and a significantly reduced budget to support these schools and pupils.

In terms of the broader impact of ‘freeing’ schools from the local authority, there is no real clarity on whether new academies would be expected to take part in the broader role of the school in the community. For example, UNISON would like clarity on how they would be expected to deal with exclusions, Behaviour Improvement Partnerships or those children with Special Educational Needs. We would also be very concerned if there was a move away from important initiatives which have supported a great number of families such as Extended Schools and Breakfast Clubs.

4. Impact on school support staff

Professional school support staff play a vital role in every school. UNISON’s support staff members are often part time and still low paid. Under the proposals outlined in the Bill, school support staff would be directly employed by the new academies, taking them outside all recognised pay and conditions agreements. This leaves them much more vulnerable to cuts, poorer working conditions and uncertainty.

They would also not be covered by the new School Support Staff Negotiating Body (SSSNB), which has been in development for several years and has been designed to deliver long awaited fairness, consistency and equal pay for support work that has increased in both scope and demand.

UNISON is greatly concerned that a huge number of support staff will effectively be transferred into the private sector without any say or due consultation or consideration.

5. Inefficiencies will cost more not less

By getting direct funding from Whitehall, academy schools will benefit from a 10-15% increase in funding. As a consequence, this would result in corresponding cuts to local authority provided specialist services and jobs. This would fragment services, lessen co-operation, encourage competition and lead to inefficiencies. Local authorities play an important role in coordinating and delivering a range of services, and it would be highly unfair for non-academy schools in an area to be penalised because extra resource is being given to the academy.

Services that UNISON fear could be damaged include Special Educational Need, human resources, finance, governor support, school transport, health and safety, safeguarding, procurement, road safety, arts, music, outdoor activities, and excluded children – with many more besides.

We know that as a result, these services would be replicated at many different levels at far higher cost. There are already 70 civil servants dealing with finances for the 200 existing Academy Schools, but this number would have to increase with the increase in new academies. The current Academy chains employ their own managers, administrators and professionals to provide services to their schools previously done by the local authority and in some areas academies themselves have to employ business managers and other extra staff to cover this work. In addition, multi-million pound grants are given to the Specialist Schools and Academies Trust (SSAT) to provide assistance.

In other key areas there are still unanswered questions - for example, a parent that has a problem with an academy school not complying with a SEN Statement would have no recourse except at national Government level – would each individual problem end up on the Secretary of State's desk, with civil servants required to provide advice? And if not, who will provide advice without charging a hefty private sector fee?

UNISON again does not believe that these important issues have begun to be addressed, are is calling for far closer scrutiny and consultation before these proposals are developed.

6. The future of Governing bodies

Governing bodies play an important role in school accountability and management. There is currently a governing framework that ensures all those with a stake in the school are represented – parents, staff and support staff and representatives from the local authority. We believe this is an important safeguard to ensure the head teacher is well supported and held to account.

However, it is unclear whether such arrangements would be compulsory for academy schools in the future. UNISON is seeking confirmation that it would not be possible for a governing body in an academy to vote on significant changes to its composition – for example excluding staff or support staff representation.

7. Lack of scrutiny

Academy schools are allowed to work almost entirely without scrutiny. In addition to the lack of scrutiny from the local authority or Department of Education, they are also exempt from Freedom of Information (FOI) and act as 'exempt charities' – exempt from registration with, and oversight by, the Charity Commission. UNISON can see no justification for this complete freedom, and would question why it is in any way appropriate for an institution as important as a school should be allowed to act in such a way. We would strongly urge a reconsideration of the FOI exemption as a priority.

CONCLUSION

UNISON has always supported measures that improve the quality of education for children as well as ensure that those working in schools are treated fairly and with respect. We believe the measures outlined in this Bill are not helpful to improving the vast majority of schools for all children. In fact we believe that the pace, lack of consultation, and lack of consideration on the impact on neighbouring schools and staff makes this Bill completely unfit for introduction. We would welcome your support in raising these concerns at Second Reading, and would be happy to provide further information if required.

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