

## UNISON Briefing on the Academies Bill

### House of Commons Second Reading Briefing - 19 July 2010

#### INTRODUCTION

The Academies Bill is proposing sweeping changes to primary and secondary school management and ownership in England. It would allow hundreds, if not thousands, of schools to be fast tracked into becoming academies from September 2010 onwards. The Government has published a list of 1567 schools who have expressed an interest and are encouraging them to hold governing body meetings rapidly to make a decision, with those currently considered outstanding by OFSTED to be considered pre-approved.

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. However, there is little evidence that academy schools perform better than other schools and they are allowed to operate without adequate transparency, accountability or local consultation.

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 MPs to call for a delay in the progress of this Bill to allow for the appropriate level of consultation with those working in and using educational services on the ground. The Academies Bill is not being given adequate consideration in Parliament and we, along with most other organisations, parents and governor groups, are shocked at the undemocratic nature of this legislation. **UNISON is opposed to this Bill and would ask MPs to vote against the Bill at Second Reading.**

#### 1. Lack of proper Parliamentary scrutiny

If passed in its current form, the Academies Bill will lead to the most significant transformation of education provision for decades. We would expect such changes to be open for wide consultation and consideration, involving all of those who are likely to be affected, national bodies representing local authorities, staff, parents and governors, as well as giving individual Members of Parliament the chance to consult with their own constituents.

However, the Coalition Government has allowed no time for a formal consultation through a Green or White Paper. Against procedure for a potentially controversial piece of legislation, was introduced into the House of Lords and then raced through in seven weeks. In the Commons is likely to be given even less time. The Secretary of State's insistence that the Bill is completed before the summer recess may mean that the whole Bill gets just three weeks of scrutiny by MPs – a scandalous rejection of full Parliamentary scrutiny.

A MORI survey in March 2010 for UNISON and the NASUWT showed that 96% 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. Lack of consultation

During progress in the House of Lords, there was considerable debate about whether the Bill should outline a degree of statutory consultation that should be built into the process of converting an existing school into an academy. UNISON is strongly of the view that the Government's overriding view – which schools will consult and should be left to do so without statutory guidance – is completely unacceptable. While many schools will consult, it is unrealistic to believe that all schools will consult with all the relevant parties including staff, parents, pupils and the local authority.

In response to the widespread concerns raised in the House of Lords, the Government introduced an amendment at Report Stage which allowed new academies to *"consult such persons as they think appropriate"*, and that *"the consultation may take place before or after an Academy order, or an application for an Academy order, has been made"*. This change allows far too much flexibility to ensure that decisions are not just made by one small group of people without due consultation. Under these present arrangements, one majority vote of a school governing body can trigger conversion to an academy with no opportunity for input from any of the key stakeholders.

The National Governors Association, National Grammar School Association, Catholic Board of Education and many major charities are urging the Coalition Government to consult and slow down and for schools not to make hasty decisions with serious implications. The Local Government Association has raised concerns about the impact on the important role that local authorities play, and the Liberal Democrat Education Association are opposing the Bill.

To push this through without any of the necessary checks and balances seems entirely unreasonable and in no way in the best interests of the individual school or the broader educational needs of the local community. New academy schools would need to take 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.

## 3. 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 classroom support work that has increased in both scope and demand. For example many support staff, unlike teachers, are not paid during the school holidays. The SSSNB was supported by all parties in the ASCL Act 2009 and has broad range of school, local authority, religious and employee representatives on it.

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. The Government's view in the Lords was that freedoms for academy management was more important than protection for the lowest paid staff, and even suggested that *"Academies could use their greater freedom to treat them [school support staff] well and perhaps to treat them better."*

However, UNISON's schools support staff members have experienced unfairness and inconsistency in their pay and conditions over many years. All parties had previously supported devising a pay and conditions framework that reflected their increased responsibilities. We therefore cannot rely on the Government's hopes that everything will somehow turn out alright and we are determined to see the years of work that have gone into the SSSNB project brought to fruition.

#### **4. 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 elected teaching or support staff representation.

In the House of Lords, the Minister stated that the Government does not want to limit any choices that academy schools have, even if they agree with the principle that Governing bodies should have staff and parent representation.

UNISON does not believe that academy schools should be given complete freedom over Governing bodies and that every school should have to have representation from staff and parents on the Governing body.

#### **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 opposing the Bill at Second Reading and in the brief time you will have to scrutinise the legislation.

For more information please contact:

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