

Information And Guidance From
The National Union Of Teachers

Campaigning Against Academies

How to Join

By phone:

0845 300 1669

0207 380 6369

Online:

www.teachers.org.uk

Introduction

This briefing is divided into the following section headings:

- What is an Academy?
- How are community schools and Academies different?
- Why does the NUT oppose the Academies initiative?
- Next steps – a different approach
- What to do if an Academy is planned in your area

The information contained in this briefing document is summarised in a series of specifically targeted leaflets aimed at teachers, parents and councillors. These are available on Hearth and the Union's Teachers website.



WHAT IS AN ACADEMY?

Academies are independent schools within the state sector. They are funded directly by the Department for Children, Schools and Families (DCSF) and not maintained by the local authority.

Academies are run by sponsors such as businesses, charities, religious organisations, educational providers or wealthy individuals using public money. Sponsors do not have to have any educational expertise or experience.

Academy sponsors take over all aspects of a school, controlling its admissions, governing body, curriculum, length of the school day and teachers' pay and conditions.

There are now 200 Academies open. The Government wants to open a further 200. Once a school becomes an Academy it is outside of local democratic control forever. It does not have to listen to parents or the public.

As specialist schools Academies are allowed to select ten per cent of their pupils by aptitude. They also have more freedom over the curriculum than community schools – Academies are however required to follow the National Curriculum core subjects of English, maths, science and IT.

HOW ARE COMMUNITY SCHOOLS AND ACADEMIES DIFFERENT?

Community Schools are:

- schools maintained and run by the local authority. The local authority is the employer of their staff;
- schools with governing bodies made up of a majority of independently elected and co-opted governors and a minority of local authority nominees.
- Schools that follow the National Curriculum.

Academies:

- are not maintained by the local authority. They are funded directly by the Department for Children, Schools and Families (DCSF).
- are run by sponsors who have enormous control over all aspects of the Academy. Academy sponsors take over all aspects of a school, controlling its admissions, governing body, curriculum, length of the school day, appointment of Academy staff and teachers' pay and conditions.
- have the majority of their governing bodies appointed by an external sponsor. Academies are only obliged to have one parent governor. In community schools at least one third of governors must be parent governors. The DCSF Standards website states that most Academies also have a teacher governor (either elected or appointed), a staff governor (either elected or appointed) and many include community representatives. This is not a requirement however.
- do not receive the benefits of local authority support.
- are not democratically accountable to their local authority.

- can choose ten per cent of their pupils by aptitude.
- can set their own pay, conditions and working time arrangements for newly appointed teachers joining the Academy. In some Academies, pay and conditions arrangements for such teachers are similar or identical to those for teachers in local authority maintained state schools. In others, teachers' pay and conditions can be very different.

WHY THE NUT OPPOSES THE ACADEMIES INITIATIVE

The NUT believes that Academies have a damaging impact on children teachers and the whole community. There is no independent evidence that Academies raise educational standards. The NUT's reasons for opposing Academies are set out in more detail below.

Reason one: Academies hand over state schools to sponsors

Creating Academies in place of community or foundation schools involves the transfer of publicly funded assets to unaccountable sponsoring bodies. Academy sponsors are given control of a modern independent school set up as a company limited by guarantee. Sponsors receive the entire school budget directly from the Government.

Academies on the scale proposed by the Government have the effect of transferring billions of pounds worth of publicly funded assets in the form of buildings and land into the hands of private sponsors.

Reason two: Many sponsors are unsuitable

Sponsors are not required to have educational expertise or experience. As examples, Academy sponsors include Charles Dunstone, the founder and Chief Executive of Carphone Warehouse, Aston Villa football club, Christian philanthropist, Sir Peter Vardy, of Reg Vardy car dealership and David Samworth, a sausage, pies and ready meals manufacturer.

In October 2009 the *Times Educational Supplement* reported that a businessman who failed to pay a fine of more than £1 million had been appointed lead sponsor of a new academy, raising serious concerns over the Government's selection process.

David Hughes, who has been named as the main backer of Birkenhead Boys' Academy in the Wirral, was involved in a price-fixing scandal when he ran the Allsports chain of sport shops. Mr Hughes's company was fined £1.35 million in 2003 by the Office of Fair Trading for participating in a cartel that agreed to sell replica football shirts at set prices

Some sponsors have used their involvement in Academies to further their business interests or in the case of some sponsors to impose their individual religious views on a school.

In November 2009 *The Guardian* reported that the Government had banned the United Learning Trust (ULT), the largest sponsor of Academies, from taking on new schools until it dramatically improved the ones it already ran. This follows developments in October 2009 when Government concerns about the performance of ULT led to plans for a proposed school

being abandoned. ULT, a Christian charity that runs 17 Academies, had been the preferred sponsor to run a new school in Dorset.

Two ULT Academies in Sheffield have been described as inadequate by Ofsted. ULT also has a controversial track-record of removing staff. More than half of its headteachers have been replaced within two years of schools opening.

The Government is encouraging Further Education colleges and universities to become Academy sponsors. The Universities and Colleges Union (UCU) says: "University sponsorship, like private business sponsorship, undermines local democracy, including directly elected staff and parent representatives on governing bodies. Sponsors have potentially autocratic powers."

Reason three: Academies Threaten Fair Admissions Procedures

Academies have a destabilising effect on the capacity of other neighbouring schools to achieve a balance of abilities amongst their pupil intakes. The publicity surrounding Academies gives parents the impression that they are the "best" secondary schools in the area irrespective of the quality of other schools.

Their brand new buildings and glossy image on show during visits by Government ministers can act as magnets for parents. This has resulted in some Academies being heavily over-subscribed, irrespective of the realities of their educational attainment.

There is a wide diversity of practice regarding admissions in Academies including entrance tests, various forms of banding, sibling places, random selection such as lotteries as well as selection by aptitude. The criteria used by Academies in respect of distance from school, however, also varies. The complexity of these arrangements means that there is a lack of transparency for parents in understanding how the Academies' admissions systems work.

Academies can use "fair banding" procedures to change their school population. Under the "fair banding" system applicants to an Academy are placed in an ability band depending on their score in a relevant test. The number of places in each ability band is proportionate to a national or local ability band profile.

Academies in areas with a higher proportion of pupils in lower ability bands than the national average will be able to turn some of these pupils away. This will lead to a situation where some local pupils are unable to join the school because their 'band' is full and other pupils living farther away are offered a place because there are places available in their band. This will have an impact on local schools who will be forced to take disproportionate numbers of pupils from lower ability bands.

Reason four: Academies threaten teachers' pay and working conditions

All Academies are able to set their own pay, conditions and working time arrangements for newly appointed teachers joining the Academy. In some Academies NUT negotiators have ensured that pay

and conditions arrangements for such teachers are similar or identical to those for teachers in local authority maintained state schools. In others, teachers' pay and conditions can be very different.

Teachers transferred from predecessor schools replaced by an Academy have their existing pay and conditions entitlements protected under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). Where the Academy is a new institution, however, all teachers are in the category of newly appointed teacher and no teachers are protected by TUPE.

In some Academies teachers are being expected to work an extended day and for more hours in each academic year. Also, in many Academies, teacher and support staff Trade Unions are not recognised, and their have been problems with "TUPE" transfer.

The TUPE regulations do not protect staff against the loss of employment in the event of a reorganisation after the Academy has been established nor during the process of establishing an Academy. Changes can be made if they are justified for clear economic, technical or organisational (ETO) reasons. Working conditions which are not contractual terms are not protected. Transferees may be likely to encounter changes to areas such as the school day and timetabling.

Many of the current Academies have a two-tier workforce because they operate two different contracts, one for transferees and one for new staff. There is huge pressure from the sponsors to "harmonise" the two groups under the new contract. If you are asked to sign a new contract, don't do it without seeking advice from your NUT division/association Representative.

Reason five: Academies do not offer pupils a better education than other local schools

Academies are based on a flawed premise that standards will be raised by transferring a school to a sponsor. There is no independent evidence that Academies are delivering significantly improved results at a faster rate than maintained schools. PriceWaterhouseCoopers Fifth Annual Report, published in November 2008, concluded: "There is insufficient evidence to make a definitive judgement about Academies as a model for school improvement".

Government figures, announced in September 2009, show that exam achievement has stalled or even regressed at some Academies, with only a small number achieving the Government's target of 30 per cent of pupils achieving five good GCSEs, including English and maths. It was missed in the 2009 exam results by 40 out of 130 established Academies. Ed Balls, the Schools Secretary, said he would take "tough action" on Academies where exam standards do not meet Government expectations.

Reason six: Academies undermine the independent role of school governors

The governance arrangements for Academies differ substantially from those of local authority schools which have a balance of places for key "stakeholders", particularly elected parent and staff

governors, as well as representatives of the local community and the local authority.

In an Academy, the external Academy sponsor appoints the majority of governors, even when the local authority is a co-sponsor. Academies are only obliged to have one parent governor. In community schools at least one third of governors must be parent governors.

The DCSF Standards website states that most Academies also have a teacher governor (either elected or appointed), a staff governor (either elected or appointed) and many include community representatives. **This is not a requirement however.**

Teaching staff are not included on the governing board of Walsall's Academy; they have a non-teacher governor to represent their interests. Teachers need to have their application cleared through the Headteacher if they wish to have an interview with the chair or deputy chair of governors.

The governing body of Unity Academy, Middlesbrough, is designed to be more like the board of a company rather than the governing body of a school with line management responsibilities for the school principal.

Reason seven: Academies have a damaging impact on other neighbouring schools and on local authorities.

Academies can create or reinforce local hierarchies of schools. The entitlement of Academies to select ten per cent of their pupils means that they are able to choose more academically successful pupils.

Figures from various sources show that Academies exclude disproportionately high numbers of students. In the school year 2006/2007 they excluded nearly 10,000 pupils. They were responsible for two per cent of all temporary exclusions and three per cent of permanent exclusions, despite making up only 0.3 per cent of state schools in England. (The Guardian, 25 June 2008.) Academy 360 in Sunderland excluded 40 pupils in its first two weeks of operation in September 2008. (The Times, 18 September 2008.)

In December 2008 the Institute of Education reported that Academies that exclude large numbers of disruptive pupils are having a potentially bad impact on neighbouring schools who are forced to take greater numbers of excluded pupils. The study found that Academies rarely, if ever, offered places to pupils excluded from other institutions.

The Institute of Education's findings support claims by critics that Academies are failing to meet their original objective of raising standards in deprived areas not only for their own pupils but also for the local "family of schools" and the wider community.

A recent development is that of "all-through" Academies, educating primary and nursery age pupils as well as secondary, which involves the closure of existing primary as well as secondary schools. There are currently 16 "all-through" Academies. Bexley was one of the first Academies to pursue this option and considerable unease was reported among the staff of the primary schools involved.

NEXT STEPS – A DIFFERENT APPROACH

The NUT believes that a different approach to Academies should be adopted by the Government. No one would want a school to fail whatever its status. Children only have one chance to have a successful school education. The NUT believes that it is precisely because Academies are outside the local authority family of schools that their isolation from local authority support makes them more vulnerable than other schools when problems arise. The NUT believes, therefore, the Government should:

- return Academies to maintained status;
- halt the expansion of the Academies programme and evaluate urgently the evidence on how schools in very challenging circumstances can be helped to make a difference to pupils' life chances;
- engage in a dialogue with teachers, parents, governors, local authorities, trade unions and other stakeholders on how such schools can be supported, and how the principle of locally accountable, comprehensive education provision can be enhanced;
- establish a forum to encourage businesses or individuals wanting to make a contribution towards the education of young people to do so but in partnership with schools rather than as a take over; and
- legislate for all state-funded schools to be part of their local authorities' admissions arrangements and to apply national pay and conditions for staff, including trade union recognition.

WHAT TO DO IF AN ACADEMY IS PLANNED IN YOUR AREA

- If an Academy is planned in your area look beyond the glossy Government spin which has accompanied Academy openings. Remember that the Government needs to present the initiative in the best possible light.
- Don't assume that an Academy is inevitable – successful campaigns have been – and are being – fought against Academies. In Leicester the Support Our Schools Campaign successfully fought against an Academy proposal by promoting an alternative collaborative approach where expertise and good practice could be shared across the Local Authority.
- Media coverage about Academies and their sponsors, poor OFSTED and exam results have all tarnished the Academies initiative. Active campaigns against Academies and in support of local comprehensive schools have highlighted how this initiative is being foisted on communities against the wishes of parents and teachers.
- The NUT has produced a Campaigners Handbook providing advice and guidance on campaigning against Academies. It includes a wide range of resources that can be customised for use in local campaigns. The Campaigners Handbook is available on the NUT's teachers website.