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# Free Schools

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Beyond the Spin  
of Government policy



# A free-for-all in England's schools?

## Foreword

**By Christine Blower, General Secretary, NUT**

The Academies Act gained Royal Assent on 27 July 2010. This Act, rushed through Parliament with unseemly haste, paves the way for the introduction of Free Schools which may be run for profit by private companies.

The impact of this Act, unless resisted, could mark the end of locally planned and democratically accountable comprehensive education. It is fundamentally a retrograde step, potentially undermining all the gains made since the 1944 Education Act in widening access for all children to high quality education.

**What David Cameron describes as a 'state monopoly' of our schools is in fact local community involvement in education. He fails to understand that the local authority framework enables schools to work together in an educational community that places the achievements of pupils, not profit, first.**


Government policy in this area is not popular. A recent *Guardian/ICM* poll found that **42 per cent of voters think the Government is doing a bad job in reforming schools, against 23 per cent who believe it is doing a good job.** *The Guardian* reported that the '19-point deficit stands in unflattering contrast to the generally positive esteem in which the coalition is held' (Clark, 2010).

**Among voters who supported the Liberal Democrats at the General Election, the gap is even more marked. By two to one – 51 per cent to 25 per cent – they regard the coalition as doing a bad job on schools.**

Yet despite the controversy and the lack of support for Free Schools the government **intends for the first Free Schools to open in September 2011.**

The NUT will continue working with all the other education unions, with parents, governors, politicians and other allies inside and outside Parliament to reverse the damaging aspects of the Government's Free Schools' proposals.

This document sets out the NUT's case against Free Schools and argues instead for a good local school for every child and every community. It is a companion booklet to our extensive range of publications about academies in general which can be found online at [www.teachers.org.uk/academies](http://www.teachers.org.uk/academies).



Christine Blower

## What are Free Schools?

According to the Department for Education (DfE), 'Free Schools' (known as 'Additional Schools' in the Academies Act 2010) are 'brand new schools' which are additional to schools planned and provided for in a local authority area. They are governed by the same legislation as academies.

A Free School could be set up by any suitable proposer, where there is 'evidence' of parental demand such as a petition or declaration from interested parents. The proposer could be a charity, an academy sponsor, a university, an independent school, a faith group or an edu-business.

Free Schools will have the same freedoms as academies. So they will be able to:

- depart from the National Curriculum – without consulting parents or staff;
- change the length of terms and school days – so that they are different from neighbouring schools – without the current requirement to consult parents;
- ignore the national pay and conditions arrangements; and
- be 'free' from local authority 'control' meaning they will not be held accountable to their local education and children's services or democratically elected members.

# Five Good Reasons to

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## 1: Free Schools Undermine Local Democracy

Decision-making processes for the provision of school places are complex. There has to be effective planning to ensure excessive surplus places are avoided. Those decisions are best made locally and democratically.

The Coalition Government's policy on Free Schools cuts the local authority out of the decision-making loop almost entirely, thereby undermining this local, democratic planning.

In opposition, the Conservatives said that a number of 'barriers' would need to be removed in order to facilitate the development and growth of Free Schools including:

- Preventing the local authority (with which such schools will be competing directly) from placing constraints on the formation of these new schools.
- Reforming planning law and building regulations to make it easier for those wishing to set up their own schools.

These 'barriers' are fast being removed: in a written ministerial statement on 26 July 2010, the Secretary of State for Communities and Local Government set out the policy framework for local planning authorities taking decisions about Free Schools. This effectively instructs local authorities to ensure that such applications are facilitated (HC, 2010).

The Coalition Government claims to want to increase localism and to build a 'big society' but is in practice undermining the role of local authorities and building a reliance on market mechanisms instead of citizen involvement.

While local authorities are further undermined by having no role in supporting or supervising academies and Free Schools the role of central government is further enhanced by those schools coming under the control of The Young People's Learning Agency. This quango will very soon be the biggest "local authority" in the country. But it will be neither local nor democratic.

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# Oppose Free Schools

## 2: Funding for Free Schools will Damage Funding to Other Schools

The £55 billion Building Schools for the Future (BSF) scheme established to rebuild or refurbish every secondary school in the country by 2020 has already been scrapped – at least partly to release the funds needed for Free School projects.

Partnerships for Schools, the quango which ran the BSF scheme, will now be redirected to help with capital projects for new academies and to help find premises for Free Schools.

Additionally, the DfE intends to raid a fund intended to upgrade classroom technology to pay for the start-up costs of Free Schools. The Department says that it will “reallocate” £50 million this year from the Harnessing Technology Fund, which schools can use to upgrade their ICT network infrastructure or to invest in products such as whiteboards. This announcement, four months into the financial year, will cause significant funding problems for many maintained schools that have already ordered IT equipment and services (DfE, 2010).

Despite the cuts agenda the DfE has managed to find £500,000 to give to the New Schools Network (NSN) to support groups wishing to establish Free Schools. The Department describes NSN as “an established charity” whereas in fact it was set up only a year ago by a former aide of Michael Gove (DfE, 2010). Another former special adviser to Michael Gove is also “helping out” the NSN in a “voluntary capacity”.

But it is not just capital and start up costs that will damage the funding of other schools. Free Schools, like academies, will be given a share of the funding the local authority currently retains to spend on all schools. Many services to schools will suffer or will no longer be viable. The local authority will still have to find the funding for those services it is still legally required to provide to all schools - including to Free Schools.

As Councillor Paul Carter, Conservative Leader of Kent County Council, points out:

*“Local authorities still have statutory functions to perform. They have to arrange and organise school admissions, statements for special educational needs pupils – a whole range of services that need paying for. Free Schools ... don’t have the statutory duty to carry out these responsibilities.”*

He concludes that:

*“At the moment, the more academies and Free Schools you operate, under the current funding arrangements, the less maintained schools would get.”*  
(Hargreaves/BBC News, 2010)



### 3: Choice and Competition are Ideological Obsessions. They don't Raise Standards but Widen Inequalities

The Government promotes the idea of Free Schools as part of its choice and diversity agenda and suggests that competition between schools will raise educational standards.

There is, however, no evidence to support this approach.

**It is now almost universally agreed that Finland has the best education system in Europe. Its school system reaches the ideal – it produces both the highest standards and the best equity. There is no competition at all within the Finnish school system.**

And what about Sweden? The Swedish Education Minister, Bertil Ostberg, has cautioned the British Government that Free Schools in Sweden have been a failure and warned the British Government not to introduce them. Mr Ostberg stated:

*“We have actually seen a fall in the quality of Swedish schools since the Free Schools were introduced.”*

*“The Free Schools are generally attended by children of better educated and wealthy families making things even more difficult for children attending ordinary schools in poor areas.”*

He added that the priority for policy makers should be:

*“...improving the quality of teaching across the board.”*  
(Anderson, 2010)

An Organisation for Economic Co-operation and Development (OECD) report which conducted an international survey of what works in education concluded that, at best, the language of school choice is a distraction from more constructive efforts to involve families working with schools:

*“These are divisive questions that continue to dominate the political dialogue around choice. They are important questions to resolve at the political level, but have an unfortunate tendency to distract from more constructive efforts to involve families more closely in education in co-operation with schools.”* (Hirsch, 2002, p.34)

And a report from the Danish Technological Institute which examined international evidence on student performance found that:

*“More differentiated school systems are associated with higher variance in student performance.”*  
(Haahr, Nielsen, Hansen and Jakobsen, 2005, p.149)

In addition it concluded:

*“Less differentiated, more comprehensive schools systems are more efficient in adjusting for students’ socio-economic background and thus in providing equal learning opportunities for students.”*

*(Haahr, Nielsen, Hansen and Jakobsen, 2005, p.150)*

The late David Kirk, Cabinet Member for Children’s Services on Hampshire County Council, rightly highlighted the important role that local authorities play:

*“The way we turn failing schools around is intelligent, sensible intervention by local authorities – to work with and assist the school to become successful. There still needs to be an opportunity for local authorities under any scheme of management to be able to intervene effectively in school standards because I do think a good local education authority has a major role to play in the raising of standards in its area.”* (Hargreaves, 2010)

Whatever the NUT’s criticisms of Labour’s academies programme, that programme was at least aimed at giving more resources to the most disadvantaged schools. That policy has now changed completely – with the emphasis being on those schools already classed as “outstanding” – and which have much more advantaged sets of pupils.

In July 2010 researchers at the LSE analysed the school level characteristics of those schools which had “expressed an interest” in becoming academies. Their analysis showed that these schools were very different to the academies proposed by the Labour government .

They concluded:

*“The existing academy schools and their pupils are more disadvantaged (in a number of ways) than the schools which have recently expressed an academy interest. If it (the Government) chooses to follow the expression of interest route ... the serious worry that follows is that this will exacerbate already existing educational inequalities.”*

*(Machin and Veroit, 2010, p.4)*



#### 4: Free Schools Could Lead to School Closures

To open a Free School, organisers must supposedly demonstrate a “genuine robust demand for places” in the area by giving the DfE a petition or “declaration from interested parents”.

But on 30 July 2010, the Times Educational Supplement (TES) reported that:

*“Organisations touting for business are encouraging parents to sign up to Free Schools that do not yet exist.”  
(Maddern, 2010)*

It cited the case of one organisation, ABC Academies, which had been established to run up to eight Free Schools in West London and had delivered flyers to homes near Shepherds Bush stating “A new primary school for your child! We are opening a new school in your area soon and we are enrolling now.” Parents were encouraged to register their child on the company’s website.

Andy Slaughter, Labour MP for Hammersmith, West London, said:

*“There is no new primary school; there is only the idea of attracting children from existing schools and then applying to the Government for the money that goes to those in order to set up a new Free School.” (Maddern, 2010)*

Unless they are in an area of growing demographic demand Free Schools could lead to the closure of existing maintained schools if they draw away large numbers of pupils. Even if a local school only loses a small percentage of its students, that could have very damaging effects on its ability to provide a quality education.

The advocates of Free Schools are well aware of this. Speaking at a conference in London in March 2010, James Merriman, Chief Executive Officer of the New York City Charter School Centre, said that the UK had better be ready for the political consequences which were:

*“...the spectacle of schools closing. Lots of schools closing and parents do not like their schools being closed”  
(NUT, 2010, p.3)*

The experience of students who are dispersed from a closing school is known to be extremely negative. School places must be planned and schools that experience difficulties must be supported.

## 5: Free Schools Lead Directly to Privatisation and Education being run by Private Profit-Making Companies

In Sweden, most Free Schools are run by profit-making companies. Secretary of State, Michael Gove, has said that he has “no ideological objection” to private companies seeking profits from running academies and Free Schools.

The largest chain in Sweden is Kunskapsskolan, which runs 30 schools. It makes profits by getting a fee from the state for running a school and keeping some of that fee for itself. Swedish teachers’ union, Laraforbundet, says the company makes profits by:

- renting school buildings and not being responsible for long term wear and tear;
- using disused offices and factories as schools;
- not providing sports facilities, dining halls etc;
- a lack of investment in special needs/language facilities and support;
- employing young and inexperienced staff and larger numbers of unqualified teachers; and
- reducing funding for teachers’ professional development.

Companies like Kunskapsskolan are already testing the market in the UK. Journalist Toby Young, who wants to set up a Free School in west London, has said that he is likely to bring in either Kunskapsskollan or International English School (IES) another Swedish chain, to operate the school on a day to day basis.

IES, which runs 14 schools in Sweden, says that, in addition to being in the running to run the West London Free School, it has met parents in Knebworth, Hertfordshire, to discuss their campaign for a new secondary school to serve five rural villages. It currently runs schools in premises including a former cigar factory, hospital and disused offices.

Another company keen to get in on the UK education market is Global Education Management Systems (GEMS). Former Ofsted Chair Zenna Atkins is GEMS’s new Chief Executive Officer. The company is particularly known for the development of a ‘personalised model’ of education in which children work at their own pace on computers – one of the factors identified in the report by the Swedish National Agency for Education as contributing to the 20 year decline in academic standards in Sweden.

The NUT believes that taxpayer funded state education should be enriching the lives of young people. We need a good local school for every child and for every community, not the educational ‘free for all’ of Free Schools.



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# A Call to the Government

## Bringing Down the Barriers

The NUT argues that the concept of a good local school for every child and every community is a better alternative to the concept of choice, which can serve to exacerbate social divisions.

*“The right to choose a school can only be exercised by those who have the means and capacity to make such choices... Choice only has real meaning when it is available to young people within schools.” (NUT, 2004, p.6)*

The Government should change tack. Children only have one chance of a successful education in school. The NUT believes that placing academies and Free Schools outside the local authority family of schools and isolating them from local authority support will make them unaccountable and more vulnerable when problems arise.

The NUT believes that the Government should:

- halt the expansion of academies;
- return existing academies to maintained status;
- evaluate the evidence on how schools in challenging circumstances can be helped to make a difference to pupils' life chances;
- engage in a dialogue with teachers, parents, pupils, local authorities, school governors, trade unions and other stakeholders on how schools can be best supported and how the principle of locally accountable, comprehensive education provision can be enhanced;
- establish a forum to enable businesses, charities or individuals wanting to make a contribution towards the education of young people to do so in a way that supports schools without taking them over; and
- legislate for schools in receipt of state-funding to apply national pay and conditions for staff, including trade union recognition.

# **The NUT believes in: A Good Local School For Every Child and Every Community**



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