20 years of muddling through

Why it is time to set a new course for the state school system in England

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Executive summary

Teachers and school leaders are currently facing an array of challenges – funding shortfalls, a teacher recruitment and retention crisis and questions over the safety of some buildings, to name but three. It may therefore seem like a curious time to be discussing the structure of the state school system, most notably the future direction of academies and Local Authority (LA) maintained schools. On the contrary, the existing school system - in which around half of state-funded pupils attend academies and the other half attend LA schools - has become undesirable and unsustainable for two reasons. First, operating two parallel systems with different approaches to funding, curricula, governance, admissions and oversight has created a fragmented and confusing landscape that leaves everyone from local parents to national politicians worse off. Second, considering the wider challenges facing schools, it has never been more important to make sure that every pound invested by government contributes to improving teaching and learning, yet propping up two separate school systems is inherently wasteful and makes it harder to ensure that public funds are reaching the classroom.

Around 20 years after the first 'academy' school was created in England, this report argues that it now makes sense to establish one set of structural arrangements that apply to every mainstream state school. Once these arrangements are in place, all the available energy and resources can be directed to those aspects of policy – namely, teaching and learning along with high-quality leadership – that have been shown to make the most difference to pupils' outcomes. Consequently, this report aims to construct a new framework for state education that is based on the following three principles:

1. **COHERENCE:** the roles and responsibilities for all stakeholders in the school system should be easily understood and minimise potential conflicts of interests, while any decision-making powers should rest with the individuals or organisations who have the most suitable knowledge and expertise.
2. **COLLABORATION:** all state-funded schools should be working together, both formally and informally, to promote the best interests of pupils - particularly the most vulnerable and disadvantaged children and young people.
3. **TRANSPARENCY:** taxpayers have a right to know how, where and when their money is being spent on schools as well as being confident that the available funding is being put to its best possible use.

As the analysis in this report shows, the current state school system is failing to promote these three principles, and in some cases is actively working against them, to the detriment of pupils, parents and local communities.

Coherence

The Department for Education (DfE)'s 2022 Schools White Paper admitted that "the system that has evolved over the past decade is messy and often confusing" and that "this confusion can have damaging consequences for children, especially the most disadvantaged and vulnerable." Unfortunately, the messiness shows no signs of abating. LAs have seen their role in overseeing schools drastically curtailed over the past 20 years in the pursuit of 'full academisation' as well as having their own funding for school improvement reduced to zero. Despite this backdrop, the 2022 White Paper planned to reverse the longstanding ban on LAs setting up their own 'multi-academy trust' (MAT) on the grounds that it was "a barrier to some of the best local authority maintained schools supporting other schools to succeed", but this proposal was abruptly cancelled soon afterwards – much to the frustration of many stakeholders. This illustrates how LAs are still beset by a lack of clarity over their future role, even though maintained schools continue to educate millions of pupils.

At the same time as LAs have seen their responsibilities reduced, the DfE's nine 'Regional Directors' (RDs) have been given a much wider range of powers to manage the school system. Even so, concerns persist that the geographical regions covered by each RD are far too large to build the local intelligence and relationships needed to oversee schools effectively. That the RDs do not have to consult LAs or maintained school representatives about the decisions they make only adds to suspicions that the DfE is trying to centralise control over schools rather than involving local stakeholders. This unwarranted centralisation becomes even more problematic when LAs retain the legal duty to ensure that there are enough school places in their local area but RDs and the DfE decide when and where academies open and close.

This incoherence between academies and maintained schools is visible in many other areas. For example, maintained schools must follow the National Curriculum whereas academies have more autonomy over what and how they teach. Some academies and MATs have shortened the length of Key Stage 3 (ages 11-14) from three years to two, but this has been widely criticised for reducing the breadth and depth of subjects available to pupils. Another issue is that the pay scales of headteachers and senior leaders in maintained schools are set out in a legal framework whereas academies and MATs only need to ensure that their decisions about executive pay are "reasonable and defensible". While many MATs appear to show a commendable level of restraint in this regard, others are behaving inappropriately – in some cases, handing out almost £200,000 for running a single school (almost double what a maintained school headteacher can receive) or around £300,000 for running two schools. In short, some trusts are taking advantage of the leniency afforded to them on executive pay, and in doing so are diverting precious funding away from pupils and teachers.

Collaboration

Despite the DfE insisting that they expect all schools and trusts to 'work closely with each other', collaborative efforts often occur despite the school system, not because of it. For instance, the admissions system has become increasingly unmanageable because academies and MATs can set their own admissions policies. In some areas, there are thought to be over 200 policies in operation. Admissions for maintained schools "are almost always clear" but other schools use "unnecessarily complex" policies that "appear to be more likely to enable the school to choose which children to admit". This helps explain why 83 per cent of complaints about admission policies in 2022 related to academies.

Such problems extend to in-year applications as well. If a child cannot secure a school place, a 'Fair Access Protocol' (FAP) – developed by the LA – aims to ensure that "unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible." However, despite all schools being required to follow their local FAP, some schools 'resist' the admission of children with Special Educational Needs and Disabilities or an Education, Health and Care Plan. In other words, the tension between wanting to be 'inclusive' and deliver better examination results is putting the interests of the most vulnerable pupils at risk. If a maintained school refuses to admit a pupil under the FAP then the LA can force them to do so, but if an academy refuses then the LA has to apply to the DfE for a 'direction' to admit them – demonstrating again why more clarity over the role of LAs is critical to the functioning of the overall system.

The lack of collaboration between schools and LAs has begun boiling over into public rows over how to handle the number of available places. LAs are powerless to stop many schools from increasing or decreasing their pupil intake even though the knock-on consequences can be huge – particularly if higher or lower intakes affects the viability of nearby schools. Demographic changes could make the situation worse, with the number of state-funded primary school pupils set to fall by almost a fifth by 2032. Allowing competition to trump collaboration on such basic questions as 'how many school places do we need, and where' is clearly not in the best interests of pupils or their families.

Given this dearth of collaborative structures in some areas, many schools have opted to join informal 'partnerships' that can be anything from a handful of schools within an LA to hundreds of schools across an entire region. Although research evidence on the impact of such partnerships is underdeveloped, the schools that participate frequently report outcomes such as more opportunities for professional development, better sharing of knowledge and teaching resources, greater cohesion at a local level and building a wider pool of expertise. This illustrates why collaboration will remain a potential driver of school improvement.

Transparency

The use of local governing bodies (LGBs) to oversee maintained schools ensures that they remain rooted in the communities that they serve and provides a transparent view of decisions regarding a school's future. Although academies and MATs are overseen by a board of 'trustees' rather than governors, many have chosen to adopt some form of local governance. That said, the powers given to LGBs within a MAT are entirely at the trust's discretion and surveys suggest that around a quarter of MATs have rejected the idea of having one LGB per school (as you would find in the maintained sector), creating a clear imbalance in the system.

To further complicate matters, every academy and MAT has 'members' that sit above the board of trustees "who have a similar role to shareholders of a company limited by shares." Members are not supposed to interfere with the running of schools, yet they can appoint themselves as trustees and can also direct the trustees to take specific actions if they deem it necessary. Worse still, there is no requirement for members to publish details of any meetings they hold, decisions they make or interactions they have with trustees, nor is there a formal channel through which parents or LAs can contact the members or challenge their decisions or conduct – all of which raises serious issues from a governance perspective.

The work of the 'Advisory Boards' that support RDs in each region are equally opaque. These Boards are generally made up of current and former academy headteachers, MAT CEOs and trustees, but there is no representation from LAs or maintained schools. The advice, scrutiny and challenge that these Boards offer their RD, including on crucial decisions about who should operate or take over a struggling school, is provided 'behind closed doors' despite repeated complaints about this approach. Parents and communities are often unaware that these Advisory Boards even exist, and the DfE restricts public involvement in the Board's decisions to little more than sending in an email no more than five days before a Board meeting. As a result, just one in 10 such meetings have any representations from the public.

Transparency over school finances fares little better. Maintained schools must provide an annual statement of their income, expenditure and balances. The exact funding allocations for every maintained school from their LA are also published. At the same time, MATs do not publish details of how much money they distribute to their schools or the financial health of each school. This has become even more concerning with the increasing popularity of 'GAG (general annual grant) pooling', where a MAT combines all their schools' funding into a single central pot, which makes it impossible to know if every pupil in a MAT has received the DfE's guaranteed minimum funding or find out if a school is in financial difficulty. In truth, secrecy over the finances of academies and MATs is a longstanding problem because they are funded through a contract with the DfE. These contracts are deemed to be 'commercially sensitive'

and are thus hidden from the public and Parliament. The contrast with maintained schools, whose roles and responsibilities are set out in legislation, could hardly be greater.

Conclusion

Every day, tens of thousands of teachers and leaders turn up to work and educate millions of pupils in state-funded schools, yet many elements of our school system continue to hinder their commendable efforts. Moreover, the politicisation of debates over who should run state schools has been deeply unhelpful as it has created a constant distraction from the goal of improving the life chances of children and young people. This report concludes that three major shifts are now required to move beyond previous (often ideological) disagreements.

First, the language of 'academies' and 'academisation' has become politically toxic and also means little or nothing to parents, which is why it should be dropped in favour of the more neutral language of 'School Boards'. Second, there needs to be a recognition that for all the benefits that the last 20 years has brought for some schools, policymakers have also made mistakes and misjudgements that left many concerning issues unaddressed – most notably, the centralisation of power in the DfE and the failure to curb financial excesses in some schools and trusts. Third, there is an urgent need for clarity over the roles and responsibilities of all stakeholders - particularly LAs - because trying to 'muddle through' with the current setup will mean that many pupils, especially the most vulnerable and disadvantaged, do not get the support that they need and deserve.

By enacting these three shifts, the following recommendations aim to create a **coherent**, **collaborative** and **transparent** approach to state schooling in England that leaves behind the political baggage of the past and focuses on building a new system that helps teachers and leaders devote more time, money and resources to improving teaching and learning – something that all political parties can, and should, support.

Recommendations

Creating a new framework for state-funded schools

- **RECOMMENDATION 1**: To bring an end to the micromanagement of the state-funded school system in England, a new legal framework should be introduced – the Education Act 2025 – to set out the rules and regulations for all state schools.
- **RECOMMENDATION 2**: To create a more coherent school system, all state-funded schools will be run by one of three types of 'school boards':
    - **Single School Board** (SSB): runs an individual school – similar to an existing maintained school or standalone academy
    - **Local School Board** (LSB): a new grouping of schools set up by the local authority – similar to the recent proposals from the DfE for 'LA trusts'
    - **Independent School Board** (ISB): a group of schools that operates outside of local authority control – similar to an existing multi-academy trust
- **RECOMMENDATION 3**: To ensure that School Boards operate in an open and transparent manner, all three types of Board will be overseen by a single set of trustees that delegate the running of schools either directly to school leaders (in SSBs and LSBs) or to an executive team who manages the schools (in ISBs). There will also no longer be a separate set of 'members' within the governance structures for most School Boards.
- **RECOMMENDATION 4**: To unwind the centralisation and political interference in our state school system, a new independent regulator should be created: the Office for Capacity and Oversight in Education (OFCOE). The regulator will be responsible for intervening in underperforming schools, overseeing finance and governance arrangements and strategically managing primary and secondary education in each local area e.g. opening and closing schools.
- **RECOMMENDATION 5**: To ensure that the status and operator of every school is decided in an open and transparent manner, OFCOE will hold public hearings and local consultations on all the major decisions relating to schools and School Boards (e.g. who should run a new school; which School Board should take on an underperforming school).

Promoting local voices in the school system

- **RECOMMENDATION 6**: To provide local authorities with clarity and direction over their role within the state school system, their core purpose will be to act as 'champion' for all children and young people in their local area.

- **RECOMMENDATION 7**: To prioritise the pupils' interests, local authorities should be put in charge of a clear and coherent admissions system for all state schools. Schools will therefore no longer act as their own 'admission authority'. Local authorities should also once again coordinate in-year admissions.
- **RECOMMENDATION 8**: To ensure that School Boards are connected to the local communities in which they operate, local governing bodies (LGBs) should be made a compulsory requirement for all state schools. Decisions made by LGBs should be publicly available along with the agenda and minutes of any meetings.
- **RECOMMENDATION 9**: To encourage more collaboration in the school system, the Department for Education should provide 'seed funding' for new local partnerships in areas that do not yet have one. These partnerships should be rigorously evaluated for their impact on pupils and schools over time.

Improving value-for-money and financial transparency

- **RECOMMENDATION 10**: To eradicate excessive pay packages within the new school landscape, the Government should force all School Boards to adhere to a new national pay scale that sets the salary ranges for all senior leaders and CEOs.
- **RECOMMENDATION 11**: To ensure all stakeholders can see how public money is being spent in the school system, School Boards should be funded directly by the Department for Education (via the ESFA). 'GAG pooling' should also be banned in future.
- **RECOMMENDATION 12:** To create transparency over the financial circumstances of all state-funded schools, every school should be required to publish an annual breakdown of their income, expenditure, balances and staffing (both numbers and leadership salaries) on their website.

1. Introduction

> *"Having 'drifted' into the present muddle, the only easy course is to go on drifting; and this is what nearly everybody… is vigorously doing. The [last government] did nothing but 'drift' so far as education was concerned … and Mr.Acland, unable to gain the ear of the Cabinet for so dull a subject, was reduced to making untiring administrative attempts to patch up a crazy structure"* [1]

Debates over the way that state-funded education is organised and delivered in England are nothing new. The 'Mr.Acland' in question was an education minister in the cabinet of William Gladstone at the end of the 19th Century. The opening line of the 1901 pamphlet in which the above quotation appears (titled '*The Education Muddle And The Way Out*') was equally forthright: "our educational machinery in England has got into a notable mess".[2] Over 120 years later – and around 20 years since the first 'academy schools' were established – the state school system finds itself yet again muddling from one position to another, with apparently little hope of the 'crazy structures' being resolved any time soon.

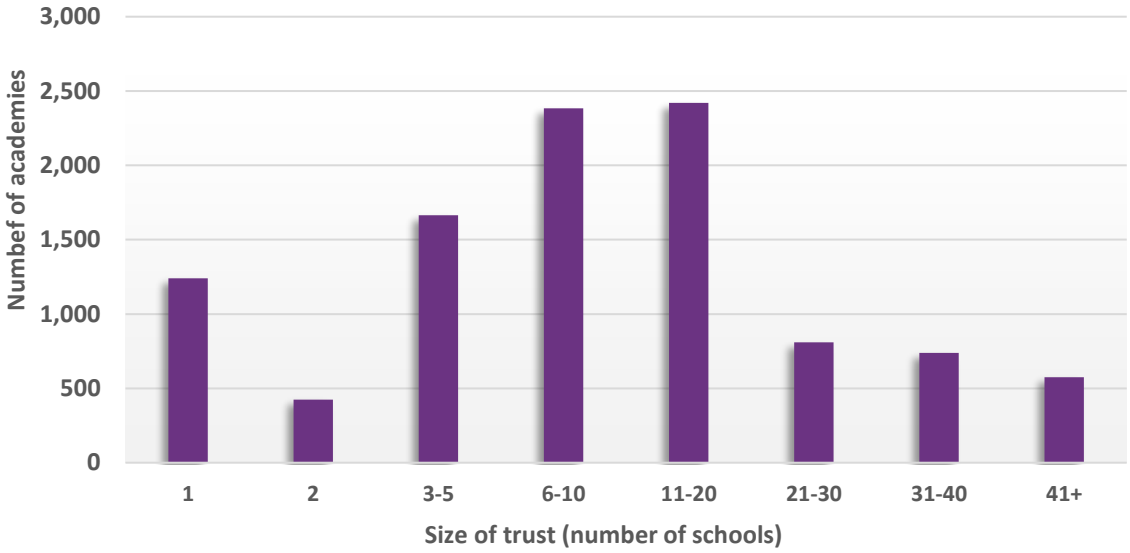
In essence, an 'academy' is funded and controlled via a contract with the Department for Education (DfE). In contrast, 'maintained' schools (a generic term that includes community schools, foundation schools and voluntary aided / controlled schools) are funded via Local Authorities (LAs) within a legal and regulatory framework set by Parliament. In his speech launching the 'city academies' programme in 2000, David Blunkett declared that "they will offer a real challenge and improvements in pupil performance, for example through innovative approaches to management, governance, teaching and the curriculum". In addition, "the aim will be to raise standards by breaking the cycle of underperformance and low expectations" because "they will take over or replace schools which are either in special measures or clearly underachieving".[3] The first three academies opened in September 2002, followed by nine more in 2003 and a further five in 2004,[4] yet by the time of the 2010 General Election there were still only 176 open academies. On that basis, it would have been hard to imagine that this targeted scheme aimed at replacing failing schools in mostly urban areas would soon become a central feature of our education system.

At the time of writing, 10,254 state-funded schools in England now have academy status.[5] The 6,822 primary academies account for 41 per cent of primary schools while the 2,808 secondary academies account for 81 per cent of those schools, with the remaining primaries and secondaries being maintained schools. There are also 624 'Special' and 'Alternative Provision'

academies – representing just under half of each type of school respectively. As a result of this transformation, just over half (54 per cent) of all pupils in England attend an academy.[6]

As shown in Figure 1 below, 1,241 academies operate as a standalone 'single academy trust' (SAT) but the vast majority of academies are grouped together in a 'multi-academy trust' (MAT). These trusts vary in size, with the largest MATs having over 40 schools, although 44 per cent of trusts have between 2 and 10 academies.[7]

Figure 1: the number of academies operating in SATs or MATs of various sizes



After two decades of the academies programme, one might assume that it would be clear how well it has achieved its original aims of improving pupil performance, but the data does not provide a definitive verdict either way. First and foremost, comparing the performance of maintained schools and academies is far from straightforward given the changing nature of the academies programme over time. One of the few attempts to provide clarity on this matter came from the Education Policy Institute (EPI) in 2018, which identified a "wide range of outcomes" being achieved in MATs and local authorities,[8] leading them to conclude that "what matters most is being in a high performing school group, not being in an academy rather than a local authority maintained school or vice-versa."[9] This echoed previous work by the EPI, which showed that "the variation within MATs and local authorities was far greater than the variation between the two groups."[10]

The grades awarded by the school inspectorate Ofsted also fail to offer a clear answer on the performance of maintained schools and academies. Although 93 per cent of maintained schools are currently rated 'Good' or 'Outstanding' by Ofsted compared to 86 per cent of

academies in MATs,[11] this is most likely due to underperforming maintained schools being moved into MATs over the course of many years – thereby reducing the overall performance of MATs while leaving successful maintained schools to continue as before. This led researchers at the FFT Education Datalab to conclude that when it comes to Ofsted grades, "the figures could be sliced in different ways to support different conclusions".[12] In short, one cannot say with any certainty that either maintained schools or academies receive better grades than the other.

Given that there does not appear to be a causal relationship between types of schools and their performance, it is perhaps surprising that over the last 20 years successive governments have expended considerable time, energy and public money on forging ahead with constant structural changes. Complex, opaque and constantly shifting structures ultimately make it harder for politicians, civil servants, headteachers and parents to navigate and improve the system. What's more, constant changes are intrinsically expensive and potentially disruptive, which is hard to justify in terms of improving the quality of teaching and learning in schools.

Unfortunately, stability in the school system continues to prove illusive. In 2022, the Government published a White Paper titled '*Opportunity for all: strong schools with great teachers for your child*'. It outlined a range of proposals, including the desire for all state-funded schools to be part of a "strong trust" by 2030, or be in the process of forming or joining one. However, the Government abandoned their plans in December 2022 in the face of cross-party opposition,[13] leaving many parts of their agenda in a state of disarray. This climbdown was the third time that the Conservative Party had pushed for 'full academisation'. In 2016, they had announced plans to make every state school become an academy, only for ministers to be forced to back down by vocal opposition not just from their political opponents and local government representatives but also from within their own party.[14] As far back as 2010, the Conservative-led Government had also published a White Paper called '*The Importance of Teaching*', which proclaimed "it is our ambition that Academy status should be the norm for all state schools, with schools enjoying direct funding and full independence from central and local bureaucracy."[15]

Alongside this persistent uncertainty, the Labour Party has been reticent to express a strong view about what would represent a better solution. Their 2017 election manifesto stated that they would "oppose any attempt to force schools to become academies"[16] without suggesting an alternative course of action. In 2019, their manifesto complained that "the academies system is over-centralised, inefficient and undemocratic"[17] and declared that "all schools will be subject to a common rulebook, set out in legislation",[18] but did not explain what this would mean in practical terms. More recently, Shadow Education Secretary Bridget Phillipson

acknowledged the "mix and match landscape of maintained and academy schools that a future Labour government would inherit" but insisted she was "not interested in wholesale structural reform". That said, she was keen to "smooth the differences" between academies and maintained schools and "would demand collaboration and cooperation in the best interests of our children".[19]

Beyond the education system, other significant changes have taken place that could have significant implications for how schools operate both now and in future. For example, the Government has slowly rolled out its 'devolution' agenda, through which some powers have been transferred from central government to local areas including more responsibility for education provision in some cases (although not the oversight of schools, as it stands). In addition, grant funding provided by central government for local authorities has been reduced by over 30 per cent in real terms since 2009/10.[20]

After 20 years of governments muddling through, and with both main political parties still searching for a policy agenda that is desirable and deliverable, this new report from EDSK starts from the premise that it makes sense to establish one set of structural arrangements that apply to all mainstream state schools in England. These arrangements should be **clear, simple and fit for purpose** so that all the available energy and resources can instead be directed to those aspects of policy – namely, teaching and learning along with high-quality leadership – that have been shown to make the most difference to pupils' outcomes.

Following the changes to the educational landscape in recent years, and with a General Election due within the next year, this report builds on EDSK's previous research on this issue in 2019 by aiming to construct a new framework for the state school system that is based on the following three principles:

1. **COHERENCE:** the roles and responsibilities for all stakeholders in the school system should be easily understood and minimise potential conflicts of interests, while any decision-making powers should rest with the individuals or organisations who have the most suitable knowledge and expertise.
2. **COLLABORATION:** all state-funded schools should be working together, both formally and informally, to promote the best interests of pupils - particularly the most vulnerable and disadvantaged children and young people.
3. **TRANSPARENCY:** taxpayers have a right to know how, where and when their money is being spent on schools as well as being confident that the available funding is being put to its best possible use.

The report will begin by analysing the current state school system to illustrate where and why the existing arrangements are not able to consistently deliver each of these three principles. Following this analysis, the report will put forward a set of recommendations that describe a new framework capable of delivering all three principles in a sustainable manner to allow future policymakers to focus all their attention on school improvement. It is hoped that the analysis and recommendations in this report will therefore make a valuable contribution to deliberations over the future of state schools in England.

2. Coherence

The original network of 'city academies' in 2000 were intended to be built and managed by businesses, churches and voluntary groups. 'Sponsors' would contribute £2 million donation toward capital costs, and in return they were able to rename the school, control the board of governors, influence the curriculum and select up to 10 per cent of pupils.[21] Following the 2010 White Paper's declaration that "Academy status should be the norm", maintained / LA schools could choose to 'convert' into academies rather than waiting for a sponsor as before. Initially only LA schools rated 'Outstanding' by Ofsted were able to convert, but from 2011 any school 'performing well' was able to do so. These 'converter academies' dramatically accelerated the growth of the academies programme after 2010, although this growth has slowed in recent years with only small numbers of converter or sponsored academies (now typically part of MATs) opening year-on-year.[22] The total number of schools becoming academies in 2021/22 was 312, compared to 894 in 2010/11 and a peak of 1,063 in 2016/17.[23]

Nevertheless, as the Government recognises, "an approach that was initially designed for a small number of schools has now become the predominant basis of the school system in England".[24] The 2022 Schools White Paper even admitted that "the system that has evolved over the past decade is messy and often confusing" and that "this confusion can have damaging consequences for children, especially the most disadvantaged and vulnerable."[25] This chapter will investigate the extent of incoherence within the landscape of maintained schools and academies, which is often generated by the different types of state-funded schools having to adhere to different rules, processes and expectations.

An unclear role for local authorities

The 2022 White Paper emphasised how the Government sees converting a maintained school into an academy as a driver of school improvement, stating that "where schools do underperform, they are now routinely transferred into strong trusts [and] the positive impact of this on children can be huge."[26] This means that academisation is a one-way street: if a maintained school underperforms, it becomes an academy and is likely to join a MAT; if an academy underperforms, it is given to another MAT. Under current legislation it is not possible for an academy to convert back to be a maintained school. As a result, if an academy (or a MAT) is struggling to offer a good quality of education within a high-performing LA, the struggling school(s) cannot rejoin the remaining (high-performing) group of maintained schools. This does not seem aligned to the overall goal of improving pupil outcomes.

The way that the DfE has systematically sought to exclude LAs from its attempts to improve schools in England is hard to ignore. On many occasions, government policy has explicitly cast MATs as 'the solution' irrespective of the track record of any neighbouring maintained schools or LAs. For example, MATs can apply for investment from the DfE's 'Trust Capacity Fund' that "provides funding to help trusts develop their capacity to grow", with £86 million committed to this scheme until March 2025.[27] The Trust Capacity Fund is part of a package that also includes the 'Trust Establishment and Growth Fund', which is available to "trusts, schools, diocese and other organisations looking to establish a new multi-academy trust, or an existing trust looking to expand or create a hub in a new area."[28]

While MATs are being given access to new funding pots to expand, the funding for LAs to improve schools has been all but eliminated. Previously, LAs were given a 'School Improvement Grant' "to allow them to continue to monitor performance of maintained schools, broker school improvement provision, and intervene as appropriate."[29] However, the DfE announced in 2022 that the Grant would be reduced by 50 per cent for 2022/23 and then removed altogether in 2023[30] despite protestations from LAs and maintained schools.[31] In short, the funding of school improvement initiatives is clearly weighted against maintained schools. As a result, high-performing maintained schools may be denied the opportunity to spread their expertise and experience to other maintained schools and academies.

Despite this pattern of restricting the role of LAs in many aspects of our school system, the Government has begun to slightly modify its attitude towards LAs in recent years. In its pursuit of all schools becoming academies by 2030, the 2022 White Paper planned to reverse the longstanding ban on LAs setting up their own MATs on the grounds that it was "a barrier to some of the best local authority maintained schools supporting other schools to succeed."[32] However, it quickly became clear that the Government were less committed to LA-run MATs than it initially appeared. To begin, LAs were only going to be allowed to establish new MATs "where too few strong trusts exist" – meaning that many LAs would simply not be allowed to participate in this new approach. In addition, there were to be "limits on local authority involvement on the trust board",[33] which – it later transpired – meant that an LA would only have a "minimal role in the actual running of [the MAT]".[34]

A survey by the NFER in 2022 found that 65 per cent of LAs were somewhat or very interested in establishing their own MAT, although only 39 per cent felt they were likely to begin the process of establishing a MAT within the next three years[35] and just 9 per cent supported the idea that LAs should not be able to set up a MAT where there is sufficient existing capacity among 'strong' MATs in their local area.[36] This goes some way to explaining why only one in five LAs applied to launch their own MAT via a DfE pilot scheme announced shortly after the

White Paper.[37] While these figures may indicate a low level of support among LAs for the notion of setting up new MATs, they come against a backdrop of just 6 per cent of respondents to the same survey saying that they are in favour of the plans for 'full academisation' by 2030[38] – suggesting that even against strong political headwinds, LAs feel that they could play a greater role in running schools. Regardless, the DfE abruptly dropped their proposals for LA-run MATs in February 2023 – a move that was described by Geoff Barton, general secretary of the Association of School and College Leaders, as "extremely frustrating" and showed "a total disregard for school leaders", adding that "clarity is desperately needed."[39] No such clarity or coherence has been forthcoming since this announcement.

The role of Regional Directors

When the academies programme was relatively small, it was possible to operate it centrally with the DfE managing the funding and wider oversight of academies on behalf of the Education Secretary. As the number of academies rapidly increased, this approach was no longer feasible. In September 2014, the DfE announced the appointment of eight 'Regional Schools Commissioners' (RSCs). The role of the RSCs was originally to approve new academies and intervene in underperforming academies in their respective regions. These duties soon increased, and from 2015 they were responsible for approving the conversion of maintained schools into academies and making decisions about who should be the sponsor.[40] RSCs were rebranded as 'Regional Directors' (RDs) in 2022, with the addition of an extra region (making nine in total) alongside a new and wider list of responsibilities:[41]

- Approve applications from maintained schools to become academies, monitor and improve performance and agree changes to open academies
- Commission improvement support to weaker maintained schools and academies
- Support sponsor and trust growth
- Intervene in inadequate maintained schools and academies, and schools not making sufficient progress
- With support from ESFA, oversee governance arrangements in academy trusts and intervene where there are concerns
- Ensure compliance with safeguarding duties
- Manage complaints and appeals
- Oversee school place sufficiency and advise on new free school applications
- Lead on the response to area wide SEND inspections and inspections of children social care services

Of these responsibilities, tackling underperformance in maintained schools and academies is the most high-profile task. Any maintained school that receives an 'inadequate' Ofsted rating is required to become a sponsored academy to supposedly "secure rapid and sustainable improvement."[42] In such cases, the RD issues an 'Academy Order' and matches the maintained school with a suitable MAT.[43] Following a recent change in policy, maintained schools with two or more consecutive Ofsted ratings below 'Good' may also now be placed into a MAT.[44] Similarly, any existing academy that is determined to be underperforming may also be moved ('rebrokered') to another MAT. Each RD is also supported by an 'Advisory Board' (formerly a 'Headteacher Board'), who provide advice, scrutiny and challenge to support the RDs' decision making.[45]

Concerns have been raised about the coherence of this model, most obviously in relation to the size of each RD's remit within their respective regions. In 2016, after the Government had previously set an ambition for all schools to become an academy, the Education Select Committee in Parliament noted that this policy "implies a significant increase in the number of institutions for which RSCs are expected to have oversight, which will have implications for capacity and ways of working."[46] The Committee recommended that "for the longer term, the Government should keep the design of the regions under review as the system develops"[47] With over 20,000[48] state funded mainstream schools in England at present, if all were to become academies as the current Government intends then this would effectively double the workload of the nine RDs.

Developing an in-depth understanding of the local context of areas within each region and building constructive relationships with so many school and trust leaders across such vast geographical areas was always going to be a significant challenge for RSCs and RDs. Theodore Agnew, former CEO of the Inspiration Trust and minister at the DfE, told the Committee during a separate inquiry that "if all schools are to become academies […] then I would see there being maybe 30 regional school commissioners".[49] The Committee concluded that:

> *"The RSC regions are too large as currently devised. We do not believe that an increase in staff numbers …would allow the RSC offices to be sufficiently in touch with local information, given the number of schools potentially involved. The number of Regional Schools Commissioners will need to increase from the current eight if they are to perform an effective oversight role for the academies in each region, and even more so if they are to be extended to cover maintained schools as well."* [50]

More recently, there has been some recognition of the difficulties related to the remit and responsibilities of RDs. The Government has expressed a desire to see all academies join 'strong trusts', with at least 7,500 pupils or 10 schools.[51] It is possible that this proposal may act as a buffer to the workload of RDs by reducing the individual number of MATs in the school system. The Government also argues that MATs at this scale are more financially stable, can maximise the impact of a well-supported workforce and drive school improvement.[52] However, there is no empirical evidence that confirms the optimal size of a MAT.[53] There also appears to be little appetite from the school sector for this 7,500 / 10 schools objective. Just 39 per cent of trustees surveyed by the National Governance Association (NGA) agreed with the proposal, with many expressing the view that a focus on "quality not quantity" is more important along with ensuring that schools in a MAT have a shared culture, ethos and community.[54] At present the Government's proposal remains little more than a goal rather than a strict policy and it is unclear whether it will be officially implemented in future.

If a RD is to make good decisions about the future of individual schools and trusts, it is surely necessary to be able to draw on effective local insight and intelligence. The Government has stated that "when taking commissioning decisions, Regions Group [led by RDs] will assess the strategic needs of the school, the academy trust and the local area."[55] When assessing the strategic needs of an area, Regions Group will be expected to work with the sector to identify where there is a need for high-quality trusts to grow and for new trusts to be developed, as well as ensuring that local factors are considered.[56] However, RDs are not required to listen to LA leaders or maintained school representatives when making such decisions and the RD's own Advisory Boards do not have any LA representatives either despite them potentially having extensive knowledge of their local area and communities. It is difficult to see how RDs will be able to consistently make effective strategic decisions without the insights of those working directly in each area.

More broadly, if RDs are to fulfil their various responsibilities and make good strategic decisions in each local area then they will require a stable and sufficient source of funding. As of December 2022, there were 555 staff working across the RD's eight (at the time) offices, or 533 full-time equivalent staff; an average of 69 staff, or 67 full-time equivalents, for each region. The total predicted forecasted cost of this workforce for the 2022/23 financial year was £33.7 million.[57] This cost would inevitably be far higher once the system was to reach full academisation and it is worth noting that this is an additional cost to England's school system, which did not exist prior to academies.[58] At this stage, it is unclear whether this level of funding will be sufficient for each RD and their Regions Group to carry out their extensive duties successfully and deliver the best possible outcomes for pupils.

Opening and closing schools

Over time, demographic and social changes will affect the number of school places needed in any given area, which necessitates monitoring and planning to guard against significant undercapacity or overcapacity in schools. Although LAs have a duty under Section 14 of the *Education Act 1996* to ensure that sufficient schools are available in their area to provide primary and secondary education,[59] these responsibilities have become harder to deliver following the introduction of academies that are not subject to LA place planning powers.

Until 2006, LAs could invite external bids to run some types of schools, but the *Education and Inspections Act 2006* turned this process into a requirement for most new schools.[60] The *Education Act 2011* then went even further because from this point forward "if a local authority in England think a new school needs to be established in their area, they must seek proposals for the establishment of an Academy."[61] As it stands, final decisions on the opening of a 'Free School' (new academy) now lie with the DfE and RDs on behalf of the Education Secretary rather than LAs, despite the latter's statutory duties to secure enough school places.[62] This incoherent approach to opening new schools is mirrored in the disparities over how to close schools. When closing LA maintained schools, there must first be a consultation allowing associated parties and stakeholders to have their say on the matter, followed by a statutory proposal setting out information such as the proposed closure date, the potential impact on the community and the reason for closure. In the majority of cases, the LA acts as the 'decision maker' on a school closure.[63]

While those procedures for closing maintained schools are enshrined in legally enforceable regulations, the equivalent academy requirements are merely set out in DfE 'guidance'. MATs seeking to close an academy are expected to work collaboratively with RDs and LAs, "involving them in planning and decision making right from the outset", with the interests of pupils "at the heart of consideration."[64] Even so, if the MAT decides that closure is the best option then they submit a request to terminate the school's funding agreement to the RD, who will then make a recommendation to the Education Secretary about whether the academy should close.[65] The Education Secretary has the final say on whether the school should close,[66] with no formal role or involvement for the LA. That parents, communities and LAs have been excluded from this process is indicative of the centralisation of powers at the DfE to both open and close schools, which is difficult to justify on the grounds of delivering the best possible outcomes for pupils.

Pay scales

Maintained schools must follow the 'School Teachers Pay and Conditions' statutory framework. For a headteacher, the annual pay range for mainstream schools in 2022 (excluding London) was £50,122 to £123,057 based on a system of 'unit scores' that determine which of the eight pay groups a headteacher is placed in.[67] In short, each pupil is worth a fixed number of 'units' depending on their Key Stage (e.g. every Key Stage 1 pupil is worth 7 units whereas a Key Stage 4 pupil is worth 11 units, with an additional uplift in the units for every pupil with SEND). As a result, headteachers in charge of schools with more pupils and / or older pupils have a higher 'total unit score'. Based on a fixed formula for total unit scores, headteachers with higher unit scores are then placed in higher pay groups (see Figure 2).[68]

Figure 2: annual pay ranges for headteachers (2022)

	England (excluding London) £	Inner London £	Outer London £	Fringe Area £
Group 1	50,122 – 66,684	58,501 – 74,982	53,637 – 70,169	51,347 – 67,897
Group 2	52,659 – 71,765	61,039 – 80,062	56,174 – 75,250	53,880 – 72,985
Group 3	56,796 – 77,237	65,170 – 85,535	60,308 – 80,718	58,017 – 78,454
Group 4	61,042 – 83,126	69,420 – 91,416	64,553 – 86,604	62,268 – 84,336
Group 5	67,351 – 91,679	75,732 – 99,977	70,871 – 95,164	68,576 – 92,896
Group 6	72,483 – 101,126	80,862 – 109,422	76,003 – 104,606	73,715 – 102,342
Group 7	78,010 – 111,485	86,391 – 119,778	81,526 – 114,964	79,240 – 112,695
Group 8	86,040 – 123,057	94,415 – 131,353	89,555 – 126,539	87,261 – 124,274

Where a headteacher runs more than one maintained school on a permanent basis, the same formula is used to cover all the pupils across the individual schools to place the headteacher in the correct pay group.[69] Other members of a school's leadership team are also paid according to the same pay scale, albeit the minimum salary starts at slightly less, from £44,305.[70]

In contrast, academies can set their own salaries for senior staff. The Academies Financial Handbook states that "the board of trustees must ensure its decisions about levels of executive pay (including salary and any other benefits) follow a robust evidence-based process and are a reasonable and defensible reflection of the individual's role and responsibilities."[71] The board must also "discharge its responsibilities effectively, ensuring its approach to pay and benefits is transparent, proportionate and justifiable".[72] This includes ensuring that decisions

around executive pay receive "independent scrutiny" and are "robust decision-making" as well as being "good value for money and are defensible relative to the public sector market."[73] The board is also expected to act on the presumption that "executive pay and benefits should not increase at a faster rate than that of teachers", with an awareness and understanding that "inappropriate pay and benefits can be challenged by the ESFA".[74]

Although these guidelines may appear sensible, the reality of executive leader pay in academies suggests that the flexibility afforded to them can lead to highly questionable outcomes. In 2018, the Public Accounts Committee in Parliament found many trusts were already handing out salaries of over £150,000 and the DfE did not know whether those individuals receiving these salaries were running the best performing schools.[75] The Committee were not impressed by what they heard:

> *"Unjustifiably high salaries use public money that could be better spent on improving children's education, and do not represent value for money. While such salaries remain unchallenged, it is more likely that they will become accepted as indicative of the market rate. As well as distorting the employment market in the sector for senior staff, these may build in unnecessary year-on-year increases, both in salaries, and related costs such as pensions. Large increases in salaries, when overall funding is not increasing at the same rate, add to the financial pressures faced by schools."*[76]

To clamp down on academy trusts overpaying senior staff, the Government has decided to focus on "outlier levels of leadership pay across similar academy trusts."[77] As it stands, "if ESFA believes that a robust process for deciding on executive remuneration has not been followed, or that the salary is inappropriate in the context of the trust, ESFA will challenge the trust directly to resolve this issue."[78]

Many academy trusts appear to be following a 'robust process' and making 'appropriate' decisions about executive pay. Schools Week conducts an annual investigation into the salaries of senior staff in MATs. The latest analysis of the 2021-22 accounts for 246 trusts found that some trusts are outliers for their relatively low pay, with 68 MATs paying more than 15 per cent *less* than other trusts of comparable size.[79] Sir Jon Coles's salary of £252,000 for running 75 schools for United Learning was 27 per cent below what would be expected for the country's largest trust.[80] The investigation also found that some trusts have chosen to follow the maintained school pay scales, with additional 'points' available to reflect MAT leadership responsibilities. For example, Mark Woods of the Meridian Trust was paid £130,000 for running a 28-school trust - £60,000 less than what would be expected for a trust of that size.[81]

Despite many MATs showing restraint, high pay remains a serious concern. Schools Week found that 50 MATs (18 per cent) paid their Chief Executive at least 15 per cent above the average. The 10 biggest outliers received on average at least 50 per cent (£108,000) more than would be expected for similar trusts. The largest outlier was Ged Fitzpatrick, Chief Executive of St Cuthbert's Roman Catholic Academy Trust, who was paid £287,980 for running 8 schools – 102 per cent above the expected pay for that trust.[82] In total, 35 trust leaders were earning more than £200,000, with several in charge of just a few schools. Simon Barber of Carshalton Boys Sports College was paid £195,000 for running one school, while Dayo Olukoshi of Brampton Manor Trust was paid £280,000 for running two.[83] The highest paid Chief Executive was Sir Dan Moynihan of the Harris Federation, earning £455,000 for running 51 schools,[84] with three other members of the Harris Federation leadership team receiving over £220,000 a year.[85] These examples suggest that some trusts are taking advantage of the leniency afforded to them in terms of executive pay, even if pupils and taxpayers have little to show for it.

The National Curriculum

An emphasis on the importance of a 'broad and balanced' curriculum is widespread across the education sector and within government. In 2021 Nick Gibb, then minister for School Standards, stated the desire to "make sure that every child is taught a broad, ambitious and knowledge-rich curriculum until at least the age of 16", emphasising that it is "central to pupil wellbeing" and for "preparing pupils for the 21st century."[86] Similarly, Amanda Spielman, the current Chief Inspector of Ofsted, has emphasised that "all children should be entitled to a broad and balanced curriculum that will give them the foundations for further study or work."[87]

All maintained schools in England must follow the National Curriculum (NC), which was introduced by the 1988 *Education Reform Act* and sets out the programmes of study and attainment targets for all subjects across all four Key Stages (ages 4 to 16). It comprises of a combination of 'core subjects' – English, mathematics and science – and 'foundation' subjects such as history, geography, technology, music, art, physical education and languages.[88] The latest iteration of the NC was rolled out in September 2014, although further updates for specific subjects were introduced in 2016 (English and maths) and 2017 (science).[89]

Although maintained schools are bound to follow the NC, academies have greater flexibility over their curriculum. One of the key differences for the earliest independently-run state schools such as City Technology Colleges in the late 1980s and early 1990s was that they had greater control over their curriculum,[90] which was carried over into the subsequent 'City Academy' programme – hence why academies continue to have greater autonomy over their

curriculum. Under the *2010 Academies Act*, academies are required to offer a 'balanced and broadly based curriculum'[91] (which includes English, mathematics, science and Religious Education).[92] This requirement is reiterated in the funding agreements between MATs and the Education Secretary, which also specifies that each academy of trust must publish information about their curriculum on their website. Beyond this, academies are not formally required to follow the NC and can in theory deliver whatever programme of education they choose.

Although all academies have more flexibility than maintained schools over their curriculum, some choose not to deviate much from the NC. Previous research has found that secondary academies are more likely than primaries to follow the NC for the majority of subjects.[93] What's more, SATs generally have more autonomy because MATs often have a centrally prescribed curriculum for their academies to follow. One survey found that changes to the school curriculum had taken place in 58 per cent of SATs compared to 28 per cent of MATs.[94] However, Ofsted has found that although MATs generally have MAT-wide policies for curriculum, they differ greatly as some MATs "substantially centralise curriculum development, while others leave this to individual schools."[95] As such, not only is there a difference between LA maintained schools and academies in relation to the NC, there is also variation between academies themselves – sometimes even those within the same trust.

Despite the 'broad and balanced' curriculum requirement in their funding agreement, some academies are interpreting this requirement in a questionable manner. A particular concern has been the treatment of Key Stage 3 (ages 11-14) prior to GCSEs at Key Stage 4 (14-16), as some academies have chosen to extended Key Stage 4 to three years. This effectively reduces Key Stage 3 to just two years, even though the subject entitlements are much broader at the beginning of secondary school. Such is the prevalence of this behaviour, Ofsted addresses it directly in their inspection handbook:

> *"If a school has shortened Key Stage 3, inspectors will look for evidence that the school has made provision to ensure that pupils still have the opportunity to study a broad range of subjects, commensurate with the national curriculum, in Years 7 to 9."*[96]

The handbook also states that "academies are expected to offer all pupils a broad curriculum that should be similar in breadth and ambition to the national curriculum".[97] However, it is not clear how 'similar' it is expected to look or how such similarity will be judged. As a result, there is considerable room for interpretation on the part of academy leaders. Adding to this confusion, Ofsted has insisted that they do not have a preferred length of Key Stage 3 and would not automatically mark schools down who shortened it, even though they have warned against GCSEs being stretched over three years.[98]

The heads of two of the country's most successful trusts – the Harris Federation and Outwood Grange Academies Trust – have claimed that many children, especially some of the most disadvantaged, need three years to complete their GCSEs. Consequently, they argued that Ofsted's focus on the curriculum was "a middle-class framework for middle-class kids" that would "damage outcomes for disadvantaged children."[99] In response, Sean Harford, then Ofsted's national director of education, warned that "a narrowed curriculum has a disproportionately negative effect on the most disadvantaged pupils, who often start schools behind their peers and without the benefit of cultural experiences that other children take for granted".[100] In July 2023, Schools Minister Nick Gibb told a House of Lords Committee that it was "wrong" to shorten Key Stage 3 because "young people need that broad array of subjects" and it is "not fair" to teach GCSE content over three years.[101] Over two decades since the first academies were established, it is remarkable that the debate over the length and importance of Key Stage 3 has evidently not been settled.

3. Collaboration

The 2010 Schools White Paper stated that "we expect schools to use their increased autonomy [as academies] to explore new ways of working together".[102] This aspiration for collaboration has continued over the years, with the most recent White Paper in 2022 setting out a desire for "the school system as a whole" to raise standards for children by spreading "the benefits of the best multi academy trusts so that every child learns with the benefits of a strong, supportive family of schools."[103] The White Paper also stated:

> *"We expect all actors in the system, including trusts and local authorities, to collaborate to ensure the best outcomes for their communities. This includes cooperating in key delivery areas like admissions and attendance, but it is also about a wider civic responsibility. To ensure this, we will introduce a new collaborative standard – one of the new statutory academy trust standards – requiring that trusts work constructively with each other, their local authorities and the wider public and third sectors."*[104]

The first of the Government's five 'pillars' for measuring trust quality have since been published, the first of which is 'high-quality and inclusive education'. It sets out an expectation that a strong trust "works collaboratively with schools, trusts, local authorities, dioceses, parents and other civic partners to ensure the delivery of statutory functions and acts in the wider interests of the local community".[105] Given these lofty aspirations, this chapter will explore various examples of where an absence of collaboration in the state school system is potentially having a detrimental effect on pupils.

Admissions

The 'Schools Admissions Code' (SAC), first introduced by the *School Standards and Framework Act 1998*, sets out the admission arrangements for all maintained schools in England. The requirements described in the SAC are a combination of legal requirements and formal guidance. Those outside of the maintained school sector – including SATs and MATs – also have a statutory duty to comply with the Code. Thus, for practical purposes, academies are required to "meet all the mandatory provisions"[106] of the SAC, "except where variations have been written into their funding agreement to support fair access."[107]

Every school has an 'admissions authority' that must ensure it complies with the SAC by having "admissions arrangements that clearly set out how children will be admitted,

including the criteria that will be applied if there are more applications than places at the school."[108] LAs act as the admissions authority for two groups of maintained schools: community schools and voluntary-controlled schools. The other two groups of maintained schools - foundation schools and voluntary-aided schools - have their governing body act as the admissions authority. Similarly, SATs act as their own admissions authority, whereas MATs - rather like LAs - are the admissions authority for all the schools they run. As a result of this uneven distribution of responsibility for admissions, the sheer number of individual admission authorities can represent a significant challenge. The Association of Directors of Children's Service (ADCS) noted in 2018 that some LA areas had "in excess of 200 individual admission authorities in operation."[109] Regardless of this mixture of admissions authorities, LAs are responsible for co-ordinating all school admissions in their areas during the normal rounds at the start of each academic year for primary and secondary schools. Parents and carers apply through the LA using a common application with generally three to six choices of schools.[110]

The Office of the Schools Adjudicator (OSA), which monitors the implementation of admissions arrangements, has previously noted that the arrangements determined by LAs for community and voluntary controlled schools "are almost always clear and uncomplicated so it is easy for parents and others to understand how places will be allocated."[111] Many own admission authority schools choose to have arrangements that are broadly similar to maintained schools. A survey of academy trusts in 2017 found that only 15 per cent of MATs had changed admissions criteria for most or all schools and 26 per cent of SATs reported having changed their admissions criteria.[112] Even so, the arrangements of some own admission authority schools are "frequently …less clear and more, or even very, complicated."[113] Indeed, the OSA has reported that "too many" own admission authorities have "unnecessarily complex" arrangements, which "appear to be more likely to enable the school to choose which children to admit rather than simply having oversubscription criteria… that are reasonable, clear, objective and procedurally fair."[114]

Where admissions arrangements in a local area are working well, LAs attribute this to "the quality of their working relationships with schools, or with neighbouring local authorities, or with both."[115] However, the OSA has also heard instances of LAs facing "difficulties between themselves and others which affect the admissions process and therefore the children concerned."[116] A particular concern was that in some LAs "difficulties persist with own admission authority schools."[117] The most common complaint was regarding schools "which incorrectly applied their own oversubscription criteria, resulting in additional work for local authority admissions teams to rectify these errors", as well as "schools not adhering to agreed deadlines" or making offers of places "directly to parents."[118] Moreover, such complaints only

come to light when they are reported by LAs because the OSA does not have the power to intervene if a school is alleged to not be acting in accordance with its own (correctly determined) arrangements.

These concerns are borne out in the data collected by the OSA. Formal objections to the admission arrangements of either maintained schools or academies can be made to the OSA, whose decisions are binding and enforceable (at least in theory).[119]An Education Secretary may also refer the admission arrangements of a school to the OSA at any time if they think they do not comply with the mandatory requirements of the SAC. In addition, the OSA may investigate the admission arrangements of any school that they believe may not have arrangements that comply with the SAC.[120] In 2022, the OSA considered 214 cases relating to 50 individual admission authorities covering a range of complaints in how admissions decisions were being made. Of these cases, the vast majority (177) related to a total of 39 academy schools, including free schools.[121] Nevertheless, despite the appearance of a robust process to rectify concerns over admissions arrangements, the OSA no longer has the power to rewrite a school's admissions arrangements, which previously would have taken effect immediately. At present, the OSA can only highlight compliance failures to the relevant admissions authority without sufficient powers to compel the necessary changes.

Outside of the normal admissions round at the start of each academic year, parents can apply for a place at a school at any time – known as 'in-year applications'.[122] Where it can be demonstrated that a child has been unable to secure an in-year school place, a child may be eligible for referral for consideration via a local 'Fair Access Protocol' (FAP).[123] Under the SAC, all admissions authorities must follow a FAP which the local authority must consult on and develop "in partnership with all schools in its area."[124] The protocol ensures that "unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible."[125] Once the protocol has been agreed by the majority of schools in an area, "all admissions authorities must participate in it",[126] (although it is unclear to what extent this 'participation' happens in practice). Previously, the statutory duty for LAs to co-ordinate all school admissions at the start of primary and secondary school also extended to coordinating in-year admissions, but this has since been removed. However, many councils still undertake this role with the agreement of local schools.[127]

As with the normal admissions round, maintained schools and academies are treated differently for in-year admissions too. For example, if a maintained school refuses to admit a pupil under the FAP, the LA has the power to direct them to admit the pupil, yet if an academy or free school refuses to admit a pupil then the LA has to apply to the Education and Skills

Funding Agency (ESFA) for a 'direction' to admit them.[128] In general the number of issued 'directions' has remained small as many LAs report having "good relationships" between them and their local schools and also between different schools.[129] A number of LAs also highlighted "the importance of sharing information with schools to ensure openness and transparency"[130] including, as highlighted in one instance, "school leaders holding each other to account."[131] However, not all admission authorities appear to be adequately following the FAP. The OSA heard that perception of a valid reason for applying the protocol "varies considerably amongst schools."[132] Some LAs reported encountering problems in dealing with other LAs, or with schools which were their own admissions authority, with one LA commenting that "the rules around direction are not always clear particularly now there is a predominance of Academies."[133] Recent research also noted that LA leaders find the separate process of 'directions' to be "complex and time-consuming", which "undermined the principle of fair access" for the vulnerable children in question.[134]

The absence of collaboration is a particular concern in relation to children with special educational needs and/or disabilities (SEND), especially those who have an Education, Health and Care Plans (EHCP). Generally, LAs report to the OSA that these children are "well served by the admissions system" at the start of an academic year.[135] Even so, problems persist in some areas. LAs continue to find that "some schools (not necessarily own admission authority schools) resist the admission of children with EHCPs."[136] One LA told the OSA that "many schools are not open to receiving children with EHCPs" and that they had heard from Special Educational Needs Coordinators that there is a "tension between wanting to be inclusive and also feeling the pressure of knowing that the school will be judged on attainment."[137] A school system that fails to protect the interests of the most vulnerable learners is clearly not sustainable from an educational or political perspective.

Place planning

Under the Schools Admissions Code, all admission authorities (which are responsible for allocating school places when a school is oversubscribed) must set an admission number for each age group at which pupils are or will normally be admitted to the school e.g. reception, year 7 and year 12.[138] This is known as a Published Admission Number (PAN) and may be reviewed each academic year. The LA is the admissions authority for community and voluntary-controlled schools, meaning that the PAN is set by the LA, while the governors of voluntary-aided and foundation schools agree the PAN (or PANs if there is more than one normal year of entry) as part of their overall admission arrangements. As academies are their own admissions authority, they (or their MAT) will determine their PAN.

Admission authorities are not required to consult on their PAN if they want to either increase or keep the same PAN from the previous year (aside from the LA consulting the governing body of a community or voluntary controlled school).[139] However, admission authorities must consult if they propose a decrease to the PAN. It is also possible for both the LA or an individual school to appeal to the OSA if they disagree with the PAN that has been set for them. There is a strong presumption in favour of an increase to the PAN to which the OSA "must have regard" when considering any such objection.[140]

The admission authority for both maintained schools and academies are free to admit pupils above their PAN, providing they inform the LA within "good time",[141] meaning more children will secure a place at a preferred school.[142] However, this can cause issues for schools who need to plan ahead, which is "made harder if they are faced with late changes to the number of pupils who will be joining them because of decisions made by other schools."[143] The latest OSA report found that some LAs were unhappy with the practice of some own admission authorities in particular. One large LA said that "year on year more own admission authority schools change their intake number to suit their own circumstances during the allocation process."[144] One LA said that a single school had amended their Year 7 intake number "at least 5 times during the 2022 process and now have 270 pupils on roll vs a PAN of 210" while another school "regularly increases its intake… to the detriment of other local schools."[145]

There have been media reports of schools in dispute with each other due to the absence of collaboration over PANs. The oversubscribed Kingsdale Foundation School in the London borough of Southwark recently proposed to boost their PAN by 42 per cent from 2024.[146] However, the neighbouring borough of Lambeth opposed this proposal and voiced concern about the potential negative impact on other schools due to declining pupil numbers. Heads from 16 Lambeth schools (including academies) signed an open letter stating that Kingsdale's recent rise in pupil numbers had already driven down intakes at neighbouring schools, and that a formal change in their PAN could result in some schools being "non-viable as a result."[147] When such schools act in their own self-interest, the lack of consideration for other local schools will inevitably become a major cause for concern among pupils and parents.

Similar challenges have arisen across the country. In Nuneaton, the George Eliot Academy wanted to reduce its year 7 cohort from 190 to 150 for September 2024, ahead of the opening of a new secondary free school nearby in 2025.[148] However, Warwickshire County Council objected to this change, saying that the resulting shortfall in places would have to be met by two neighbouring schools with less-than-good Ofsted grades.[149] The trust in charge of the academy (Midland Academies Trust) pushed back, arguing that the council's objection was based on "short-term need" and stated that it was not in pupils best interests for George Eliot

to be compelled to "retain an educationally and financially unsustainable admission number."[150] The dispute was escalated to the OSA, who upheld the council's objection due to concerns that the reduction would have made it "more likely the possibility that some children will… have to travel out of the area to secure a school place."[151]

It is likely these kinds of issues will be exacerbated in the future. With LAs having limited formal powers for closing academies or reducing pupil rolls, there is a risk that 'full academisation' in its current guise would significantly increase competition between schools for pupils.[152] Even without full academisation, demographic changes will make the current situation worse as pupil numbers overall are set to decline, with the number of pupils in state-funded primaries set to fall by almost a fifth by 2032.[153] Schools are already struggling in certain areas – for example London's birth rate dropped 17 per cent between 2012 and 2021 (equivalent to 23,225 fewer children). As a result, almost 15 per cent of school places in the city are now unfilled.[154] In light of this, London Councils (which represents the capital's boroughs) has argued that the Government needs to give LAs "the power to manage an academy's reduction of PAN or closure, where there is clear evidence of a significant drop in demand and a need to act to ensure a school remains viable"[155]

Partnerships

Even though the current school system does not always promote or enable collaboration, the value of schools working more closely together has been apparent for some time. In 2013, the Education Select Committee carried out an enquiry into 'school partnerships and cooperation'. Despite the absence of substantive research studies into the effects of such relationships between schools, the Committee's final report was strongly in favour of developing them:

> *"School partnerships and cooperation have become an increasingly important part of a self-improving of school-led system. We believe that such collaboration has great potential to continue driving improvement to the English education system. The diversity of structures and models already in place is a strength and proof of vitality. Schools should be able to adapt models of partnerships and cooperation that suit their needs within a legislative and policy framework that is as non-prescriptive as possible."* [156]

The same report cited research commissioned by the National College of Teaching and Leadership, which suggested that 87 per cent of headteachers and 83 per cent of chairs of governors describe partnerships with other school as "critical to improving outcomes for students."[157]

The National Association of Headteachers said that "open and transparent collaboration can provide school leaders and governors the opportunity to tailor partnerships to their individual school and pupils' needs."[158] Similarly, the National Association of School Partnerships added that "if schools are going to benefit long-term from real partnerships that begin to transform the system, then a large degree of autonomy is always going to be important."[159] Even the then Schools Minister Lord Nash said that, while he thought MATs were the best form of collaboration, he also accepted that "most school partnerships should be down to local determination."[160] The Committee concluded that "in common with the Government's view of the education system, schools are best placed to identify the most effective ways to work with other schools, based on their particular history, ethos and challenges."[161]

In the years following this enquiry, the popularity of such less formal place-based partnerships increased. After the 2016 White Paper suggested that LAs were to lose their statutory responsibilities for school improvement, widespread interest emerged in developing new 'area based' models for improvement (often led by LAs themselves).[162] These partnerships depend upon "voluntary participation and collective moral purpose"[163] rather than being mandated by government. The precise arrangements of such partnerships varies. Some partnerships involve a degree of government input while others take a more bottom-up approach led by schools. Ownership of the partnership also differs: in some, it is equally split between all members (e.g. a group of schools), while other partnerships may be fully owned by an LA or split between an LA and schools. In addition, the size of partnerships ranges from tens of schools within a single LA to thousands of schools, trusts and other organisations spanning multiple LAs.[164] What's more, the types of service that a partnership provides can vary as well. Some partnerships may focus entirely on offering education services (e.g. school improvement and continuous professional development), while others offer these in combination with services such as health and wellbeing and governance support.[165]

One example of a local partnership was the DfE's 'Opportunity Areas' (OA). They were part of a plan to improve social mobility through education, having first been described in the Government's 2017 policy paper *Unlocking Talent, Fulfilling Potential.* The scheme focused on 12 areas of England that included coastal, rural and urban areas[166] – all of which were selected because of the social, economic and cultural challenges they faced in improving people's life chances.[167] These OAs were given extra government funding and support to improve educational outcomes and job opportunities.[168]

One of the OAs was Blackpool, which established a Key Stage 3 Literacy project to improve pupil progress and GCSE results because educational attainment in the area was significantly

below the national average.[169] The project brought together nine Blackpool secondary schools, including a Pupil Referral Unit, to collaborate and implement evidence-based whole school approaches to literacy. The OA worked in collaboration with the Blackpool School Improvement Board (established in 2016 to improve outcomes for children, particularly those of secondary school age),[170] with implementation training as well as peer-to-peer support and sharing effective practice across schools.[171] The project helped teachers to become "more effective at identifying and removing barriers to learning".[172] There also appeared to be an improvement in outcomes, with the number of high-ability performers (the proportion of children performing above the national average) increasing from 17 per cent in 2018 to 31 per cent in 2021.[173]

The OA scheme has since come to an end, so it is unclear whether these school-to-school relationships are being sustained, although a recent review of Bradford's project found the strongest evidence surrounded "the indirect impacts that inter-school collaboration can have" despite "limited" evidence of a direct impact on pupil outcomes.[174] Following the demise of OAs, the Government continues to invest in these 12 areas as part of their 55 Education Investment Areas (EIAs), which cover the lowest-performing third of LAs in terms of educational outcomes.[175]

Beyond government initiatives, another example of local collaborative efforts are 'Area-Based Education Partnerships' (ABEPs), which are "school-led, place-based organisations that include all types of schools with the central purpose of improving local issues of quality and equity".[176] Although ABEPs do not have any direct control of, or power over, schools or MATs, or direct accountability for school outcomes, they aim to "bridge divides and broker connections between different school types, sharing existing and developing new practices."[177] The prevalence of these partnerships accelerated after 2016, when some LAs saw a potential emerging gap in local support for schools as their own direct role in school improvement diminished.[178] There are ABEPs underway in over 30 local areas, which vary in terms of their remit and governance.[179]

One example of an ABEP is 'Camden Learning' which is a "schools-led and area-based partnership set up for the benefit of children and schools." It was formed in 2017, and is a joint enterprise between Camden Learning, Camden schools and Camden Council (80 per cent owned by schools, 20 per cent by the Borough of Camden)[180] to bring together teachers, headteachers and other practitioners. The partnership offers a range of services to all Camden schools, "to maximise their effectiveness and improve outcomes" including additional support and guidance for schools in difficulty, opportunities for peer learning, membership of local networks (including school-led learning hubs) and access to professional

development.[181] Camden schools can also buy into additional school improvement services, enabling them to access more training opportunities.[182]

There are also ABEPs that operate across more than one LAs. One example is 'Schools North East', which was set up by a group of headteachers in 2008 with 1,150 schools across 12 LAs. They are "the first and only school-led regional network in the UK".[183] Joining the partnership requires an annual membership that varies in price depending on the number of pupils in the school or trust.[184] Schools North East has several purposes: advocating for the North East in Westminster (developing policy and suggesting alternative practices), establishing and growing networks within the region, encouraging schools to share and develop practice and signposting to external resources.[185] Other forms of sub-regional partnership include the North Tyne Combined Authority, which was chosen as one of three pilot sites for testing new models of locality-based governance partnerships as part of the 'LocalED' project.[186] Thus far, the main strands of activity have focused on supporting schools in challenging contexts, supporting the development of teachers and school leaders and improving career pathways for pupils.[187] A final report is due when the two-year pilot concludes in 2024.

Supporters of ABEPs claim they offer a range of potential benefits, such as a positive role in supporting school improvement and wider outcomes. Christine Gilbert, leader of Camden Learning and a former Chief Inspector at Ofsted, argues that there are five crucial roles for locally-based partnerships that can generate change at a local and national level:

- The glue in a diverse and potentially fragmented system;
- A force to drive improvement and innovation by engaging teachers, leaders and schools to build expertise;
- A focus for involving the local community and business in education;
- An opportunity for efficiencies of scale;
- A space to build children's social, emotional and cultural capital.[188]

A recent report from the Centre for Education and Youth concluded that ABEPs "could play a key role" in reducing fragmentation in the school system by, for example, acting as a neutral convenor to enable collaborations and connecting MATs, schools and other services, businesses and voluntary sector organisations.[189] What's more, a research paper in 2021 recommended that the 'middle tier' between government and schools should be strengthened and clearly defined alongside more collaborative decision-making between localities and schools.[190] There is currently a lack of empirical evidence as to whether ABEPs have an impact on student outcomes.[191] Nevertheless, if greater collaboration is needed to create a more effective school system then locally-driven partnerships hold considerable promise.

4. Transparency

Aside from the structures that have been created within the state education system, the increase in the number of academies in England has raised a further set of issues related to how decisions are made about the operations and oversight of schools and trusts, and who is allowed to be part of the decision-making process. This chapter will explore various concerns over the transparency of who runs state-funded schools.

Local governance

Although maintained schools are overseen by an LA, each school has their own governing body (in some cases, a single board is used to govern more than one maintained school – known as a 'federation'[192]). Each governing board must have no fewer than seven governors, including at least two parent governors, the headteacher, one elected staff governor and one LA governor (nominated by the LA).[193] Governors are volunteers who are either appointed or elected to the board,[194] with statutory guidance stating that "governing bodies and local authorities should make every effort to conduct informed parent and staff governor elections in which the expectations and credentials of prospective candidates are made clear."[195] There are also specific types of governors that only apply to some maintained schools. For example, in foundation schools or voluntary-aided schools most of their governors are either appointed (by the founding body or church) or take the role by virtue of an office that they hold.[196]

Governing boards have three core functions: ensuring clarity of strategic direction for the school(s), holding executive leaders to account for educational performance and overseeing the financial performance of the school(s).[197] That said, governing bodies are not involved in the day-to-day running of the school(s).[198] Meetings generally occur at least three times a year, usually once every term.[199] Any decisions made by governors must be recorded, and the agenda and minutes of the meetings of governing bodies are considered to be public documents.[200]

Academies have an entirely different governance system. Because each academy or MAT is a charitable trust run as a non-profit organisation, they are overseen by 'trustees' rather than governors. The trustees usually act as both charity trustees and company directors[201] and, broadly speaking, they serve a similar purpose to governors of maintained schools by ensuring the clarity of vision and strategic direction, holding executive leaders to account for educational performance, and overseeing and ensuring effective financial performance.[202]

Given their charitable status, a SAT or MAT must comply with both charity and company law, as well as their funding agreement with the DfE.

The Academy Trust Handbook states that trusts "should hold elections to fill these [trustee] places as appropriate."[203] Apart from where an academy has a religious character, MATs have "almost complete flexibility to design the constitution of their board of trustees as they see fit".[204] The "very few" requirements that are placed on MATs include having at least two parent / carer academy trustees (who are normally elected by the parent body).[205] Another requirement is that employees of a trust must make up no more than one third of the board, although the DfE's "strong preference" is for trustees not to be employees of a trust "to retain clear lines of accountability."[206] A board of trustees must also have no more than 19.9 per cent of its members being associated with the LA (e.g. local authority employees).[207]

In some cases, a trust board may set up one or more 'Local Governing Bodies' (LGBs) to oversee an academy or a group of academies (sometimes on a regional basis) within MATs.[208] LGBs may also be referred to as 'academy committees' or 'local advisory committees'.[209] Although optional, LGBs are intended to be a "full and formal part of the trust governance structure."[210] Where LGBs do exist within a MAT, the academy trustees are able to decide what, if any, governance functions they will delegate to them.[211] LGBs can perform roles such as supporting the effective operation of the trust, providing support and challenge to the local (school-level) executive, provide a vehicle for trust board engagement with the school, parents and local community, and provide constructive feedback to the board where a policy may not be effective in the local context. [212]

Having a local element to governance appears to be valued by many trusts. A recent survey by the National Governance Association (NGA) found that 84 per cent of MAT trustees said their trust had some form of local tier of governance, with 76 per cent having one committee for every school and 8 per cent having committees covering more than one school.[213] Meanwhile, a separate NGA survey around the same time found that 87 per cent of trustees were in favour of local governance arrangements.[214] Trustees highlighted the value of local oversight and community links, with the local tier being seen as a "bridge" between the trust and the school, "acting as its eyes and ears and so strengthening scrutiny and oversight."[215] In fact, the largest MAT – Academies Enterprise – has reintroduced parents in their local governance following concerns from their Chief Executive that without their input, it was "too easy for school trusts to become distant and disconnected from communities."[216]

Despite these apparent benefits of local governance, there are still many trusts who choose not to set up LGBs. As noted above, the NGA survey found that around a quarter of MATs

do not have a local governing committee based in every one of their schools. The DfE's 2022 White Paper even proposed that "all trusts should have local governance arrangements for their schools […] so that trusts continue to be responsive to parents and local communities",[217] although this proposal has not re-emerged since the White Paper was withdrawn. The DfE also did not include the need for a local tier of governance in its new descriptors of how 'quality MATs' should operate.[218] Governance leaders criticised this move, with Sam Henson, the NGA's director of policy and information, arguing that "it is nothing short of a massive own goal to fail to understand and build on over a decade's worth of learning from MATs across the country, recognising how local governance can and should feed into the strategic decision making of the trust board."[219]

'Members' within MATs

Above the board of trustees, every academy trust has 'members' "who have a similar role to shareholders of a company limited by shares."[220] The individual(s) who set up an academy or MAT are the 'members' (in company law) of the company,[221] who can then appoint other members.[222] An academy trust "must" have at least three members, although DfE guidance states that a trust "should" have five or more.[223] Members' responsibilities include signing the articles of association for the academy or MAT, appointing and removing trustees and receiving the trust's annual accounts.[224] The powers of members are set out and determined by the founding members in the trust's articles of association.[225] There are a range of additional powers that members can exercise if they feel trustee governance is failing or the trust's charitable objectives are not being met, including directing academy trustees to take a specific action, amending the trust's articles of association or appointing / removing auditors.[226]

The relationship between trustees and members within MATs appears blurred at times. Most concerningly, there is a clear risk of overlap between the two layers of governance. The DfE guidance states that members must "ensure they do not stray into undertaking the Academy Trustees' role" and must "ensure they do not assume the power of Academy Trustees."[227] Meanwhile, the DfE's Governance Handbook outlines their view that "the most robust governance structures will have a significant degree of separation between the individuals who are Members and those who are academy trustees."[228] This is due to concerns surrounding members sitting on the board of trustees, as it "reduces the risk of objectivity with which the Members can exercise their powers."[229] However, the handbook does not prohibit such actions and instead merely notes that the DfE's "strong preference" is for "at least the majority" of members to be independent of the board of trustees.[230] This failure to separate trustee boards and members, particularly when members can direct the board to take specific actions, is a serious concern from a governance perspective.

Many aspects of the role assigned to 'members' are also hard to fathom. For example, the fact that they can appoint or remove auditors is entirely unnecessary as trustees can (and do) perform this function in other charitable organisations. In addition, if a charitable organisation such as a MAT is failing to deliver its charitable objectives then the Charity Commission already has the power to intervene and potentially force changes to the trustee board, so it is again unnecessary for members to be given these powers in a MAT. As noted above, members can force trustees to take action in some cases, yet one of the DfE's examples of when this may occur – "where the academy trust is in breach of its funding agreement"[231] – is self-evidently an issue for the DfE and ESFA to resolve with trustees. What's more, there is no requirement for members to publish minutes of meetings they hold, decisions they make or any interactions they have with trustees, nor is there a formal channel through which local stakeholders such as LAs and parents can contact members or challenge their decisions or conduct. Yet again, the Government's lack of commitment in ensuring that academies and MATs operate in an open and transparent manner is palpable.

Advisory boards for the DfE's Regional Directors

As mentioned in the previous chapter, the DfE's Regional Directors are supported by an 'Advisory Board' (formerly a Headteacher Board). Each Advisory Board (AB) is made up of four to eight members, and those elected, appointed or co-opted to the Board are generally current and former academy headteachers, academy trust CEOs, trustees or business leaders,[232] although ABs do not include any LA maintained school representatives.[233] The purpose of ABs is to provide "advice, scrutiny and challenge to support the RDs' decision making", but members of the AB do not make decisions themselves.[234] ABs meet once a month and the minutes of their meetings are published "once key stakeholders (schools, trusts, individuals) have been informed of the regional director's decisions and have had the opportunity to respond."[235] Where a conflict of interest exists (e.g. the Advisory Board discusses a potential transfer of a school into a MAT operated by a member of the Advisory Board), the relevant Board member must declare this interest and does not receive any associated papers and is not involved in any discussions regarding the specific school.[236]

There have been longstanding concerns regarding the opacity surrounding the operations of RDs and ABs. Minutes of the previous HTB meetings were first published in April 2016, more than 18 months after the original boards were formed, and the minutes were sometimes limited to nothing more than the outcome of the discussion and a single word, such as finance, capacity or safeguarding, to describe key discussion points.[237] Witnesses who gave evidence to a 2016 House of Commons inquiry felt that the work of RSCs and HTBs was often "clouded

in elements in secrecy".[238] Similar concerns were voiced at the time by then editor of Schools Week, Laura McInerney, who described HTBs as "corrupt, self-serving and secretive."[239]

Many of these concerns persist in the present day. In 2018, to ensure there were "no more mysteries"[240] about HTBs, the DfE started to publish detailed minutes of meetings, including the advice and comments made by AB members, to give the public a better understanding of how decisions were being made. However, ongoing media reports suggest that decisions about the future of schools continue to be made "behind closed doors".[241] A recent example of this is the King Edward VII School in Sheffield, which the DfE wanted the Brigantia Learning Trust to take over following an 'inadequate' Ofsted rating. Parents protested the decision, having only been alerted to the plans after a fellow parent spotted a copy of a draft agenda for a RDs meeting – with parents left with just three days to make their view known.[242]

The example of King Edward VII School illustrates how limited the opportunities are for anyone outside of the AB to provide input into AB meetings, and where these opportunities do exist they are not widely advertised or known. The DfE states that the publication of an agenda in advance of each AB meeting "enables members of the public, including parents and carers, to see the projects that will be discussed […] in advance, and then make representations."[243] In theory, representations can therefore be made "up to five working days before any meeting", and ABs must "consider the representations and provide advice" before the RGs make a decision.[244] However, these representations are restricted to sending an email into the AB – not attending in person. In addition, this whole process requires parents and carers to somehow make themselves aware of these opportunities to make representation. Indeed, the parent who noticed the proposal to academise King Edward's – an education professor - argued that other parents elsewhere "may be none the wiser, and not even know there's an agenda or that they can make a representation", creating an "inequity to the decision-making process."[245] Analysis by Schools Week found that 58 of the 65 advisory boards convened between September 2022 and June 2023 did not receive a single representation.[246] Meanwhile just one in 10 RD meetings had representations from the public, "backing up concerns important academy decisions are being quietly determined with little input from parents."[247]

Looking to the future, the DfE appears to be aware that more transparency is needed and has made some changes such as requiring more detailed minutes to be published. However, such changes appear to be more focused on increasing transparency around the DfE's expectations of schools and trusts that could trigger an intervention rather than opening up the decision-making process itself. In November 2022 academies minister Baroness Barran stated that they have received clear feedback that "we need to be much more transparent about trust quality,

the metrics that we use, and where we use them and how" during decisions around commissioning, rebrokering and brokering schools.[248] Although transparency in this regard is important, it will do little to resolve the persistent concerns that decisions are being made about the future of individual schools without any acknowledgement that parents, communities and LAs should have a voice in these conversations. So long as RDs continue to report into the Education Secretary in the absence of local or parliamentary scrutiny, this situation is unlikely to improve.

Finances

The DfE decides how much core funding to allocate to mainstream state-funded schools in England (both academies and maintained schools) through the 'National Funding Formula' (NFF). The NFF was first introduced for the 2018 to 2019 academic year.[249] It takes into consideration a variety of factors such as the number of pupils in a school and how its location may affect the school's running costs.[250] At present, the money that the NFF assigns to all schools in an LA is given to the LA in question.[251] Once LAs have received the total sum of funds assigned by the NFF to all the schools in their area, the LA sets out their own local formulae to allocate funding to individual schools.[252] That said, the DfE is planning to implement a 'direct national funding formula' in future, "whereby funding will be allocated directly to schools based on a single, national formula."[253] Typically, LAs also keep hold of a proportion of funding they receive from the DfE for 'central services' (such as running the school admissions system) and they can also top-up the funding from central government if they so wish. Maintained schools that are in 'federations' receive separate budgets, although these can be pooled to use across all schools.

Although maintained schools and academies are funded from the same source, there are very different expectations regarding the transparency over precisely how much money a maintained school or academy receives. For maintained schools in each LA, the DfE (through the ESFA) provides the combined funding for them to the LA based on the NFF calculations, and the LAs then pass the funding to maintained schools using their local funding formula. The exact funding allocations for every maintained school are also published. For academies, the DfE provides their combined NFF funding to the SAT or MAT based on the same local funding formula, but MATs can distribute the funding they receive for their schools based on their own assessment of schools' needs. In other words, a MAT does not have to follow local funding formulae when determining how much money an academy receives.[254] As the National Audit Office noted in 2021, the DfE "does not publish or have assurance about how much schools block funding is provided to each academy school by multi-academy trusts."[255]

As a result of this additional flexibility for MATs, they usually 'top slice' a proportion of the total funding that they receive from the DfE – most commonly around 5 per cent[256] - to pay for the services they provide to their schools as well as central administrative costs. However, an increasingly common model is for MATs to combine all their schools' funding into a single central pot – known as 'GAG (general annual grant) pooling'. The DfE's Academy Handbook states that this can "enhance a trust's ability to allocate resources in line with improvement priorities and running costs across the trust's constituent academies."[257] Where a MAT decides to pool their GAG funding, the DfE state that "it must consider the funding needs and allocations of each constituent academy" and "must have an appeals mechanism" that can be escalated to ESFA if not resolved, in which case ESFA's decision will be final and can result in the pooling being dis-applied.[258]

GAG pooling is becoming increasingly popular, with a recent report finding that 23 per cent of MATs had pooled their GAG compared to 14 per cent the year before. Meanwhile, 42 per cent of MATs said that they were either currently pooling or actively considering doing so.[259] Supporters of this approach claim that it allows a welcome "redistribution of wealth" within a MAT to prevent disparities between individual schools. In addition, it is cited as a way to help schools focus on teaching and learning instead of finance, HR, estates and other functions that can be shared across multiple schools.[260] Even so, Jon Andrews, head of analysis at the Education Policy Institute, has argued that a move towards GAG pooling will mean that we "lose the transparency the NFF was supposed to provide".[261] He also noted that there is "no requirement for trusts to publish how they allocate funding to individual academies."[262] The Public Accounts Committee in Parliament has separately highlighted that although GAG pooling may allow MATs to move funds to where they believe it is most needed, "it means there is no way to identify if every pupil in a MAT has received the government's guaranteed minimum level of funding."[263] The Committee added that this would compound the existing "lack of transparency in local academy financial information", which was "harming parents' ability to hold their local academy leaders and the DfE to account, for the services they provide to pupils or for their use of public funds."[264]

Beyond undermining the principles of the NFF, there are further implications around GAG pooling. By pooling their GAG, it makes it difficult for heads of academies to plan ahead as they no longer have control of their finances and as such it may be unclear how much funding they will have access to at any given point in the future. What's more, if GAG pooling continues to gain popularity and is used widely across trusts, the rebrokering of trusts is set to become increasingly complicated. If individual academy's finances are no longer clear / visible, the process of moving it to another trust would become difficult as it would be almost impossible to know how much money the academy should take with them to the new trust.

Furthermore, benchmarking is an important tool in assessing the financial health of schools but if more and more academies are being allocated their funding centrally using different measures, comparing expenditure with income across them becomes meaningless.

Concerns around the finances of individual academies have been evident for some time. Academies are required to produce audited accounts that are filed with Companies House so that members of the public can access them (like any other company). However, MATs operate as a single legal entity, which means they are only required to submit one set of accounts for the whole trust – not for each school within the trust. Consequently, it is extremely difficult (arguably impossible) for observers outside a MAT to get details of how much funding a specific school within a MAT has received or how its funding has been used. Meanwhile, *The Consistent Framework Reporting (England) Regulations 2012* and accompanying framework provides a template for all maintained schools to collect information about their income and expenditure.[265] Governors in maintained schools provide the following information to their LAs in a financial statement each year:

- All allocations and other income (e.g. funding from their LA, pupil premium funding, income from facilities and/or catering) received in a financial year including any balances brought forward from the previous financial year;
- All expenditure within that financial year (e.g. teacher salaries, administration, buildings and maintenance, examination fees, insurance costs, capital expenditure);
- A summary of the school's financial position at the end of that financial year.[266]

The income and expenditure of every maintained school is therefore documented in a consistent manner, making it easy to assess their financial health in absolute and relative terms. The same cannot be said for academies.

To further complicate the financial arrangements for academies, when an academy or MAT is set up a 'funding agreement' is established between them and the Education Secretary (through the DfE). The agreement "provides the framework" for an academy to operate and includes a variety of rules that the academy or MAT must comply with to receive funding. The latest 'master funding agreement' – created in 2020 – sets out requirements for MATs on school meals, exclusions, curriculum, grant funding, audits, complaints and much more besides, while the 'supplementary funding agreement' for academies and free schools focuses more on admissions, land ownership and special needs.[267] The DfE's methods of monitoring and regulating academies have been through numerous iterations over the past 20 years so there is now considerable variation in the funding agreements currently in use today. Although the DfE has often utilised 'model agreements' as templates for new academies

created at a particular moment in time, new versions of these agreements (each with its own set of political, educational and financial expectations) have continued to emerge. For example, the *Academies Act 2010* included a requirement for funding agreements to include SEN obligations, but this only applied to new academies created after 2010.

Needless to say, countless variations of the same funding document makes it harder for a current or future government to ensure that their dealings with academies and MATs can evolve as the policy landscape changes. Once the funding agreements between the DfE and academies are signed, they essentially last in perpetuity (save for a seven-year notice period[268]). This gives the Government little room for manoeuvre if a school manages to avoid triggering a formal intervention for poor performance despite failing to improve the standard of education that they are delivering over time. This contractual situation is at odds with the 2022 White Paper's assertion that "no one organisation will have the right to run schools indefinitely without delivering excellent outcomes",[269] but the demise of the White Paper means that no changes were made to the funding agreements to enact the proposed approach.

5. Recommendations

As a return to a fully LA-operated state school system is no longer feasible, politicians may be tempted yet again to 'muddle through' for several years and leave the existing system largely unchanged. The analysis in this report has explained why such an approach would be unwise and arguably untenable because the system is failing to promote coherence, collaboration or transparency – all of which is ultimately detrimental to pupils and parents. Below is a summary of what this report has uncovered about the problems generated by the status quo:

- **A complicated and convoluted landscape:** with two separate school systems operating in different ways, state-funded education in England has become increasingly confused and fragmented. As a result, there is a distinct lack of logic in terms of who is responsible for what – for example, some state schools retain control over their admissions policies whereas others do not. Meanwhile, maintained schools and academies have different rules in relation to funding, curricula and governance even if pupils do not gain any benefit from such distinctions (and may end up worse off in some cases). The back-and-forth over the prospect of LA-run MATs is just one example of how the absence of an overall strategy for the school system continues to waste considerable time and energy.
- **Over-centralisation of powers:** the trend towards centralising power at the DfE has undermined the role that other stakeholders could and should play in improving schools. This centralisation has promoted a culture of secrecy and opacity that prevents taxpayers, Parliament and local communities from ensuring that government funding is being spent in the best interests of pupils. For example, the 'funding agreements' between the DfE and MATs operate as commercial contracts and are thus hidden from public view, while the opaque way that academies are opened or closed sits uncomfortably alongside the open and consultative approach used for maintained schools. The DfE can also make changes at will to various documents such as the Academy Trust Handbook to alter the behaviour of academies and trusts without any scrutiny from Parliament.
- **Insufficient capacity and clarity in managing the school system**: following the dramatic expansion of the academies programme since 2010, some stakeholders have seen their duties expand so much that they may lack the capacity to fulfil them properly. For example, the DfE's Regional Directors are now expected to cover vast geographical areas containing hundreds of schools, making it near impossible for them to develop the relationships with individual areas, schools and communities that are essential to making effective decisions about the school system. Meanwhile the decision to withdraw funding for LA school improvement initiatives has diminished their capacity, yet they continue to

oversee large numbers of maintained schools in many parts of the country – highlighting the lack of clarity over the role and purpose of LAs.

- **Competition rather than collaboration:** against the backdrop of a competitive school system with high-stakes accountability measures, schools are being incentivised to act individually rather than focusing on the shared interest of pupils across the wider community. In some cases, pupils' best interests are clearly not being prioritised, such as when schools do not admit vulnerable pupils because they fear it will harm their performance - a particular concern for pupils with SEND. What's more, this competitive environment makes the sharing of 'best practice' less likely. More informal partnerships between schools, MATs, LAs and other organisations have emerged to overcome some of these barriers and they have become more popular over time, suggesting that collaboration and shared priorities are still achievable goals in any future system.
- **The removal of local voices from decisions about schools:** LA maintained schools have governing bodies that must include stakeholders such as parents and they are generally run in an open and transparent manner, yet academies are simply encouraged – rather than required – to do the same. Some MATs have chosen to have no local voices at all within the governance of their schools, which means that parents and communities are cut off from their school. Similarly, Regional Director's 'advisory boards' are making major decisions about the future of individual schools with few (possibly zero) contributions from parents, carers and local representatives – a situation made even worse by the DfE's insistence on keeping the deliberations of Regional Directors and advisory boards 'behind closed doors'.
- **Limited focus on value for money:** with academies able to set their own salaries for senior staff – unlike LA maintained schools, which must follow a national pay scale – there has been persistent unease surrounding the sums of money that some trust leaders are being paid (thereby taking money away from frontline services). There are also concerns over the lack of transparency regarding how funding is spent within MATs – especially with the prospect of more MATs 'pooling' their funds in future. Furthermore, some conflicts of interest within the academy system remain unaddressed. The constant changes to the state school system over the past 13 years have also made it virtually impossible to build an evidence base on the value for money and effectiveness of school improvement strategies for individual schools and school groups.

There is a huge amount of good work being done in maintained schools and academies and this report has no desire to disrupt such progress. Consequently, the recommendations described in this chapter seek to address the above issues through evolving the current system over the next 3-5 years rather than envisaging a significant overhaul of existing policy.

Creating a new framework for state-funded schools

RECOMMENDATION 1

To bring an end to the micromanagement of the state-funded school system in England, a new legal framework should be introduced – the **Education Act 2025** – to set out the rules and regulations for all state schools.

As this report has emphasised throughout, there is an urgent need for a more rational and coherent approach to the organisation and governance of state-funded education in England. At a fundamental level, it is confusing, inefficient and burdensome to operate two parallel state school systems. The combination of centralised and secretive decision-making along with constant political meddling is hugely distracting for school leaders, parents and pupils. On that basis, the time has come to bring all state-funded schools together into a single statutory framework that puts the relevant powers and responsibilities in the hands of those individuals and organisations who are best placed to exercise them at an institutional, local or regional level. A single framework would still welcome a diversity of provision, partnerships and networks within the school system, but it would do so in the context of a common approach regarding the roles that each stakeholder should assume. The following recommendations are intended to outline some of the main features of this new legal framework, with the aim of creating a 'level playing field' for state schools that focuses on improving pupil outcomes, particularly for those from the least privileged families and communities.

RECOMMENDATION 2

To create a more coherent school system, all state-funded schools will be run by one of three types of 'school boards':

- Single School Board (SSB): runs an individual school – similar to an existing maintained school or standalone academy
- Local School Board (LSB): a new grouping of schools set up by the local authority – similar to the recent proposals from the DfE for 'LA trusts'
- Independent School Board (ISB): a group of schools that operates outside of local authority control – similar to an existing multi-academy trust

To inject a much-needed degree of coherence and simplicity to the state-funded education system, this report proposes that all state-funded schools should be run by a 'School Board' that act as the legal entity and is essentially a supervisory board that oversees the operation of its school(s). Given the multiplicity of trusts, federations and partnerships that currently

exist, it is necessary to create School Boards that closely match the current arrangements for overseeing and / or running schools. These Boards can therefore take one of three forms:

- **Single School Board** (SSB): this Board would run an individual school, broadly similar to a maintained school or standalone academy in the current system.
- **Local School Board** (LSB): this Board would run a new grouping of schools that has some limited involvement from the local authority, similar to the recent proposals from the DfE for 'LA trusts'.
- **Independent School Board** (ISB): this Board would run a group of schools that operates outside of local authority control – essentially an existing school trust.

SSBs are designed to mirror the existing arrangements for state schools that already operate as separate legal entities such as maintained schools, foundation schools and SATs. Likewise, ISBs are intended to provide a seamless transition for existing MATs, including those set up by religious groups. The biggest change from the current system would be allowing LAs to formally establish their own group of schools, which builds on the proposals in the DfE's recent White Paper. By allowing LAs to set up an LSB, the system would become more coherent as all schools would now be operating within the same framework.

It is proposed that all LAs should be able to establish an LSB if they wish to do so, as opposed to the DfE's White Paper that banned the involvement of LAs if there were already strong trusts operating in their area. What's more, at present LA representatives are restricted in the role they can play within an existing trust as they are limited to making up no more than 19.9 per cent of the trustee board. If LAs are to have any real stake in the new LSBs, they should be allowed to appoint up to 33.3 per cent of trustees - which in turn should encourage LAs to set up LSBs if they want to remain associated with local schools. This 33.3 per cent rule would allow LA representatives to have some involvement in the LSB while also preventing the LSB from being dominated by LA-appointed staff – thereby guarding against conflicts of interest that may arise from the LA's other responsibilities e.g. admissions.

At the outset, LSBs should initially only be permitted to accept schools within their existing geographical boundaries (i.e. current maintained schools), ensuring that their focus remains on local provision. In future, schools in SSBs and ISBs would then be able to 'return' to the LSB should they need to be rebrokered to a new operator due to poor performance, while schools in the LSB will continue to be handed to new operators should they underperform. Whether LSBs should ever be allowed to accept schools beyond their geographical boundaries would need to be carefully considered and consulted on widely once the new school framework has become operational.

RECOMMENDATION 3

To ensure that School Boards operate in an open and transparent manner, all three types of Board will be overseen by a single set of trustees that delegate the running of schools either directly to school leaders (in SSBs and LSBs) or to an executive team who manages the schools (in ISBs). There will also no longer be a separate set of 'members' within the governance structures for most School Boards.

As part of the drive towards a more coherent school system, particularly with the introduction of LSBs, there should be a concerted effort to create a simple set of governance arrangements for School Boards. This report proposes that for SSBs and LSBs, a 'single tier' governance model should be used, in which a board of trustees delegates responsibility for the day-to-day running of schools to the school leader(s). In contrast, a 'two tier' governance model should be used for ISBs, in which the board of trustees delegates operational responsibility to an executive team lead by a CEO. These two approaches to governance will allow all School Boards to maintain their focus on overall accountability, assurance and overseeing the strategy and direction of the school(s) in question while others take responsibility for running the school(s). In addition to these changes, the DfE should consider increasing the minimum number of trustees to at least six trustees to ensure that all School Boards contain a diverse range of individuals and perspectives.

This new standardised approach to governance presents an opportunity to address the concerning absence of accountability and transparency associated with the role of 'members' in existing MATs. This report proposes that the role of 'trustee' and 'member' is combined with almost all School Boards (with some exceptions for religious groups who require an additional layer of oversight) so that all decisions related to the future of the School Board are made in an open forum that includes minutes of meetings. There are various ways that this merging of trustees and members could achieved:

- The DfE could update the Academy Trust Handbook (as they do every year) with a description of these new single-tier and two-tier governance models. Under current rules every trust must have a dedicated CEO and a separation between members and trustees, so these barriers could be overturned by updating the handbook. Existing members could be absorbed into the trustee board and all other trustees could then become members. The new governance models could also be accompanied by the DfE releasing a set of model 'articles of association' to underpin the creation of School Boards that use a single-tier approach, especially when promoting the new LSBs.

- Alternatively, the DfE could utilise a different legal structure for LSBs and potentially SSBs too. One option would be to constitute the new LSBs as Charitable Incorporated Organisations (CIOs) - a relatively new type of charity that is not a limited company or subject to company regulation, thus reducing the bureaucracy and complexity associated with MATs (which are charitable companies and subject to both charity law and company law). A CIO with a 'foundation' model has its members as the only trustees, removing the need for separate governance layers. At present, CIOs cannot be 'exempt charities' in the same way as MATs so they would be regulated by the Charity Commission rather than the DfE, which may not be suitable given the DfE's role as the regulator of the school system, although this could potentially be addressed through new legislation.

Regardless of the approach that the DfE takes to removing separate members from most School Boards and constituting LSBs, a single-tier governance model may be attractive to other groups of schools within the maintained school sector. For instance, foundation schools and trusts are overseen by a single governing board without the need for a separate CEO and executive team, so a single-tier model would appear more suitable for them relative to the three layers of governance found in MATs. Similarly, federations of maintained schools typically have a single governing board overseeing multiple schools, which is essentially a single layer of governance. In effect, introducing a single-tier governance model will provide a wide variety of maintained schools and LAs with a useful and appropriate vehicle for setting up a School Board in a way that does not disrupt their current governance – something that the existing MAT model cannot emulate.

RECOMMENDATION 4

To unwind the centralisation and political interference in our state school system, a new independent regulator should be created: the Office for Capacity and Oversight in Education (OFCOE). The regulator will be responsible for intervening in underperforming schools, overseeing finance and governance arrangements and strategically managing primary and secondary education in each local area e.g. opening and closing schools.

The Regional Director (RD) model for overseeing the school system has shown itself to be inadequate on several fronts. It is too remote to effectively oversee the performance and management of individual schools and trusts, it is too closely associated with the DfE's constantly shifting agenda and it does not listen to a sufficiently broad range of stakeholders. Meanwhile, the ESFA – despite being a funding agency – has become too involved in the operations of schools and trusts. To compound these issues, both the RDs and the ESFA

ultimately report into the DfE and the Education Secretary, making the school system excessively centralised and lacking any connection to local areas.

To overcome these deeply entrenched problems, this report proposes that many of the regulatory and oversight functions currently residing in the DfE, RDs (and their advisory boards) and the ESFA should be combined into a single independent regulator that reports into Parliament – giving it the same status as Ofsted and Ofqual. The new regulator – the Office for Capacity and Oversight in Education (OFCOE) – will take over responsibility for managing all state-funded schools and School Boards by assuming many of the existing functions carried out by RDs and the ESFA, including:

- Monitor the performance of schools and School Boards in each local area
- Intervene in schools that are performing below minimum expectations set by the DfE
- Commissioning improvement support to weaker schools and School Boards
- Approve applications from maintained schools and LAs to create or join School Boards
- Approve applications from School Boards to take on more schools
- Oversee compliance with governance regulations in schools and School Boards
- Coordinate and lead the response to area wide SEND inspections and inspections of children social care services

The new regulator will also take on some additional strategic functions, some of which reside at present with the DfE:

- **Determine which School Boards are the most appropriate and efficient operators of schools in each area**: this will give OFCOE the ability to appropriate shape local provision (e.g. consolidating or splitting ISBs to improve their viability) to make sure the school system as a whole operates effectively.
- **Coordinate school place sufficiency planning across local authority boundaries**: LAs should continue planning the number of local school places required both now and in future. To complement this, OFCOE will manage school sufficiency planning across a wider geographical basis to ensure that decisions are made in the best interests of all local pupils, not just those based within the boundaries of a single LA.
- **Approve the opening and closing of schools**: linked to the previous point, OFCOE will be responsible for opening new schools and closing existing schools based solely on their place planning with LAs rather than political whim, meaning that the Education Secretary is no longer involved in such decisions. OFCOE will also determine which school or trust is best suited to operate any new school.

To deliver these functions effectively, it is proposed that OFCOE should operate on a sub-regional basis. At present, each RD has an average of approximately 2,500 state schools in their region, making it virtually impossible to pay close attention to their performance and viability. It is proposed that OFCOE will arrange its functions across 30-35 geographical areas (each with a population of around 2-3 million) that contain 600-700 schools. Wherever possible, these areas should match the Combined Authorities that have been created through various devolution agreements that the Government has already signed and enacted.

By taking a more localised approach, OFCOE will be able to make better and more timely decisions about the performance of schools and who should operate them. In line with EDSK's previous proposals for more local decision making in 2019, OFCOE could give the title of 'Local Schools Commissioner' to the lead official operating in each devolved / local area, who would oversee a team of civil servants to deliver the duties outlined above. This job title would be a clear embodiment of the intention behind this new role and emphasise the importance of reintroducing a local dimension into important decisions in the school system, as the next recommendation will illustrate.

RECOMMENDATION 5

To ensure that the status and operator of every school is decided in an open and transparent manner, OFCOE will hold public hearings and local consultations on all the major decisions relating to schools and School Boards (e.g. who should run a new school; which School Board should take on an underperforming school).

On numerous occasions, this report has explained how the current school system is blighted by secrecy and opacity, including crucial decisions about which trusts run (or take over) failing schools, where new schools are created and much more besides. The refusal to even allow parents and other local stakeholders to be part of many decision-making processes is inexcusable. To overcome these deficiencies, OFCOE should be expected to listen to a wide range of stakeholders when making important decisions, including parents, communities, LAs, councillors and local school and School Board representatives.

There are already some templates available for a more transparent approach. For example, LAs must hold public consultations when seeking to close a school, and this same principle should be applied by OFCOE to both opening and closing schools in future – allowing local stakeholders to hear presentations from potential school operators. Similarly, OFCOE should allow public representations when intervening in failing schools and rebrokering them to new School Boards. That is not to say OFCOE should be bound by the views of parents or other

local stakeholders or that OFCOE should be expected to take a long time making each decision, but they should nevertheless gather their evidence and make decisions in full view of the public rather than behind closed doors. All OFCOE's deliberations and decisions should also be recorded in publicly available minutes of meetings.

Promoting local voices in the school system

RECOMMENDATION 6

To provide local authorities with clarity and direction over their role within the state school system, their core purpose will be to act as 'champion' for all children and young people in their local area.

For many years the Government has appeared to have no real strategy or vision for the role they would like to see LAs play in the school system. LAs have been systematically excluded from attempts to improve schools, with their funding all but eliminated despite still being responsible for overseeing thousands of schools across the country. Nevertheless, the Government has recently seemed more open-minded towards LAs playing a role within the system, as shown by the tentative suggestion of LA-run MATs in the 2022 White Paper.

Now that maintained schools can be moved into a LSB within the envisaged school system, the role of the LA can be recast in a way that enables them to focus on their primary goal: championing the best interests of children and young people. Not only does this align with LAs' legal responsibility to promote the wellbeing of all local children, it means that they can take on a strategic role in this new school system by overseeing the welfare of pupils in all schools and School Boards. The other roles for LAs will remain broadly similar to their existing responsibilities:

- Working closely with OFCOE to identify and subsequently establish new schools when required;
- Arranging transport for pupils who need assistance to attend their school (e.g. pupils with mobility problems);
- Arranging suitable education for permanently excluded pupils, which includes Alternative Provision;
- Providing support for children and young people with SEN or disabilities;
- Dealing with complaints about schools that are not resolved by School Boards.

Given LA's role as a 'champion' for children and young people, there is a case to argue that LAs should be given responsibility for ensuring schools' compliance with safeguarding duties - which currently resides with Ofsted and Regional Directors - although this would require further consultation. There is also the question of whether LAs should be given any new responsibilities while they are still overseeing maintained schools. One option would be to offer this new role to LAs at the point when they have moved their remaining maintained schools into an LSB to ensure that potential conflicts of interests are minimised as far as possible. Regardless of the chosen approach, LAs have every right to expect clarity about the role they are expected to perform, and their proposed new role will provide just that.

RECOMMENDATION 7

To prioritise the pupils' interests, local authorities should be put in charge of a clear and coherent admissions system for all state schools. Schools will therefore no longer act as their own 'admission authority'. Local authorities should also once again coordinate in-year admissions.

With several admission models currently in operation, the state school system cannot ensure that all pupils are allocated a school place in a fair and objective manner. While many 'own admission authority' schools have simple, clear arrangements, this is not the case across all such schools. The competitive environment created by the high stakes accountability system can lead to schools behaving in undesirable ways such as failing to collaborate with the LA in promoting pupils' best interests. Regrettably, some schools appear to use their freedoms around admissions as a way of selecting which pupils to admit, with the most vulnerable learners most at risk of not being selected.

Once LAs are no longer overseeing maintained schools and are primarily focused on their role as champions for children and young people, this report proposes that LAs should be granted full responsibility for admissions once more, removing the need for schools to act as their own admission authorities. Every state school would have the right to propose an admissions policy that identifies their over-subscription criteria (i.e. how places are allocated if there are more applicants than places) that support the character of their school, whether religious or otherwise. The LA will then translate the wishes of individual schools into a formal set of arrangements for all local schools, ensuring that the arrangements are clear, consistent, coherent and compliant with the School Admissions Code. In addition, the LA would take on the administration of the admissions system, thus removing the burden from schools. This report also proposes that LAs' statutory duty to coordinate in-year admissions should be reinstated. By putting LAs in charge of in-year admissions, schools will no longer be able to

ignore the Fair Admissions Protocol. This will ensure that the interests of vulnerable children (such as those with SEND and with EHCPs) are protected, with schools no longer able to refuse the admission of such children, resulting in a more inclusive system.

Alongside the new role for LAs, the OSA should continue to be responsible for policing the admissions system. They would be able to receive, investigate and rule on any cases where a school or LA was thought to be acting inappropriately. Furthermore, the decisions of the OSA should alter admissions arrangements directly rather than placing a duty on admissions authorities to make the necessary changes (as was the case pre-2012). This would ensure that any required changes to admissions policies are implemented without delay, thus protecting the best interests of pupils and their families.

RECOMMENDATION 8

To ensure that School Boards are connected to the local communities in which they operate, local governing bodies (LGBs) should be made a compulsory requirement for all state schools. Decisions made by LGBs should be publicly available along with the agenda and minutes of any meetings.

The amount of local input that a school or trust receives can vary greatly. While some leaders continue to value the local intelligence that parents and other local stakeholders can provide, others can be distant and disconnected from the community that their schools serve. This disjointed approach means it is often unclear to parents and carers who they should speak to regarding their child or their school, and there are few opportunities for them and wider community members to stand up for a particular schools' interests.

On this basis, this report recommends that the DfE should make local governing bodies (LGBs) a compulsory requirement for all state-funded schools. This will ensure that there is an established link between schools and the communities that they serve. The existing regulations that apply to maintained school governing bodies could be used as a template for LGBs in the new school system. For example, in the interests of transparency, LGBs should be required to document any decision they make and have the agenda and minutes of any meetings treated as public documents. Setting minimum requirements in terms of staff, parents and community representation could also be formalised.

That said, the present governance arrangements for maintained schools would need to be adjusted for the new system depending on the school in question. Needless to say, it would not be prudent to require all schools, even those run by an ISB, to have an LA representative

on their governing body (LSBs would also already have LA-appointed individuals on the board of trustees). Moreover, faith school governing bodies may need additional powers beyond those vested in maintained school equivalents. Leaving aside such variations for specific governing bodies, the ambition should be a simpler, more localised approach to LGBs for all state schools. What's more, in the new school system described in earlier recommendations, an SSB would already have a supervisory board in place for the single school that it oversees. It would therefore be worth considering whether an SSB would also need to have an LGB in addition to the supervisory board, given that their functions would inevitably overlap in many instances.

RECOMMENDATION 9

To encourage more collaboration in the school system, the Department for Education should provide 'seed funding' for new local partnerships in areas that do not yet have one. These partnerships should be rigorously evaluated for their impact on pupils and schools over time.

This report has shown why the competitive nature of the school system can lead to hesitancy from some schools to collaborate with one another, and in some cases can actively work against collaboration. Despite this competitive pressure, some partnerships have emerged that appear to support school improvement strategies. That said, there is currently a lack of empirical evidence on the impact of these partnerships and it is unclear exactly what features make a partnership more likely to have a sustained positive impact on schools. The new school system described in this report removes some of the conflicts of interest and competitive elements that may contribute to the reluctance to collaborate, particularly with LAs taking on a more strategic role rather than overseeing schools. In theory, this should create more room for collaboration to occur and more partnerships to emerge.

This report proposes that, to further bolster collaboration, funding could be provided by the DfE to establish local partnerships where they do not already exist. This could be done through existing Education Investment Areas (particularly the Priority Education Investment Areas), in which case the funding could come out of the Local Needs Fund. Alternatively, the DfE could establish a new pot of funding dedicated to creating new partnerships, giving local groups – LAs, Combined Authorities and other stakeholders – the opportunity to submit proposals for partnerships depending on their specific needs.

The funding for establishing new partnerships should only be for the initial two or three years of the partnership to help it get started, with the expectation that once the partnership has

demonstrated its effectiveness then School Boards will see the value in investing in it and therefore place it on a more sustainable footing over time. Furthermore, the seed funding provided for new partnerships should come with the requirement that the partnership is rigorously evaluated over time to monitor its impact on schools and pupils as well as investigating which features of the partnership seemed to make the greatest contribution to its success. This will ensure that future iterations of school partnerships are based on a more solid evidence base irrespective of who funds them.

Improving value-for-money and financial transparency

RECOMMENDATION 10

To eradicate excessive pay packages within the new school landscape, the Government should force all School Boards to adhere to a new national pay scale that sets the salary ranges for all senior leaders and CEOs.

It is absolutely right that school leaders who take on more responsibility should be rewarded for doing so. However, despite numerous (albeit occasionally lacklustre) interventions from government over the last decade or so, some MATs appear unable to show restraint when it comes to setting executive pay. In doing so, they are damaging the credibility of other trusts as well as wasting precious taxpayer funds that could and should be used to improve teaching and learning. On that basis, this report recommends that the DfE should immediately legislate to force all School Boards to follow a newly-expanded version of the existing headteacher pay scales that will determine what counts as a reasonable and justifiable salary for each individual leader, be they a headteacher of a single school or the CEO of a large ISB.

To open discussions on this matter, this report proposes extending the current pay structure for school leaders. As described earlier in this report, headteachers are placed into one of eight pay groups based on their 'total unit score', with the 'unit per pupil' depending on every pupil's Key Stage (recapped at the top of Figure 3 overleaf). For example, a headteacher of an 11-18 secondary school with 500 pupils in Key Stage 3 (500 x 9 units), 500 pupils in Key Stage 4 (500 x 11 units) and 300 pupils in Key Stage 5 (300 x 13 units) would have a total unit score of 13,900 units – putting them in Group 7. Given that this unit-based system already covers instances of one headteacher overseeing multiple schools (e.g. federations), the logical step is to extend the pay groups so that they can encompass larger groupings of schools within LSBs and ISBs. To achieve this, one could simply extend the pay groups and salary ranges based on their existing pattern. For example, Group 7 starts at around £6,000 more than Group 6, and Group 8 starts at around £8,000 more than Group 7, so a new Group 9 should start at

£10,000 more than Group 8, and so on. Similarly, the unit scores for most pay groups are set at 150 per cent more units than the previous pay group, so this 150 per cent increase can be extended upwards into new pay groups (along with rounding the figures to the nearest 500 points for simplicity). By following these existing patterns for the pay ranges and associated unit scores, Figure 3 outlines a new national pay scale that encompasses all school leaders.

Figure 3: the proposed new national pay ranges with associated unit scores for school leaders

		England (excluding the London Area) £	Unit scores
EXISTING PAY GROUPS	Group 1	50,122 – 66,684	Up to 1,000
	Group 2	52,659 – 71,765	1,001 to 2,200
	Group 3	56,796 – 77,237	2,201 to 3,500
	Group 4	61,042 – 83,126	3,501 to 5,000
	Group 5	67,351 – 91,679	5,001 to 7,500
	Group 6	72,483 – 101,126	7,501 to 11,000
	Group 7	78,010 – 111,485	11,001 to 17,000
	Group 8	86,040 – 123,057	17,001 to 25,000
NEW PAY GROUPS	Group 9	96,000 – 137,000	25,001 to 37,500
	Group 10	108,000 – 153,000	37,501 to 56,000
	Group 11	122,000 – 171,000	56,001 to 84,000
	Group 12	138,000 – 191,000	84,001 to 126,000
	Group 13	156,000 – 213,000	126,001 to 189,000
	Group 14	176,000 – 237,000	189,001 to 283,500
	Group 15	198,000 – 263,000	283,501 to 425,000

Below is an illustration of how this new pay scale would work for a CEO of an ISB with 10 state schools outside London - five primaries for 4 to 11-year-olds (average state-funded primary school in England = 277 pupils) and five secondaries for 11 to 16-year-olds (average state-funded secondary school in England = 1,054 pupils):

- **Five primary schools** are educating 1,385 pupils → 7 units per Key Stage 1 / 2 pupil → total of **9,695 units**
- **Five secondary schools** are educating 5,270 pupils → 60 per cent of pupils (3,162) in Key Stage 3 with 9 units per pupil = 28,458 units + 40 per cent of pupils (2,108) in Key Stage 4 with 11 units per pupil = 23,188 units → total of **51,646 units**

- 9,695 units from five primary schools + 51,646 units from five secondary schools = **61,341 total units** across all 10 schools → the CEO of this 10-school ISB would be placed in Group 11 **(£122,000 – 171,000)**

Needless to say, there are other permutations on how to construct a national pay scale beyond what is described above. Even so, this recommendation has demonstrated how the existing pay scales already provide a strong foundation on which to build a single pay structure that applies to a headteacher of a single school as much as a CEO of an ISB with 50 schools. Not only would this unified approach to pay scales bring an end to the unjustifiable salaries being awarded to some trust leaders, it would also give taxpayers and parliamentarians more confidence that any funds invested in schools will reach its intended target: the pupils. To ensure compliance, any School Board that fails to follow the new national pay scales should face severe financial penalties and potential regulatory action if the situation is not remedied within a short timeframe.

RECOMMENDATION 11

To ensure all stakeholders can see how public money is being spent in the school system, School Boards should be funded directly by the Department for Education (via the ESFA). 'GAG pooling' should also be banned in future.

As it stands, the school system has significant weaknesses in terms of financial transparency due to the inability of government, Parliament or parents to monitor how funding is calculated and distributed within MATs. That LAs and MATs can also both override (or simply ignore) the DfE's National Funding Formula when they distribute funding to schools is another unhelpful feature of the current funding model. There is now an urgent need to improve financial transparency to ensure that there is accountability for how public funds are being spent.

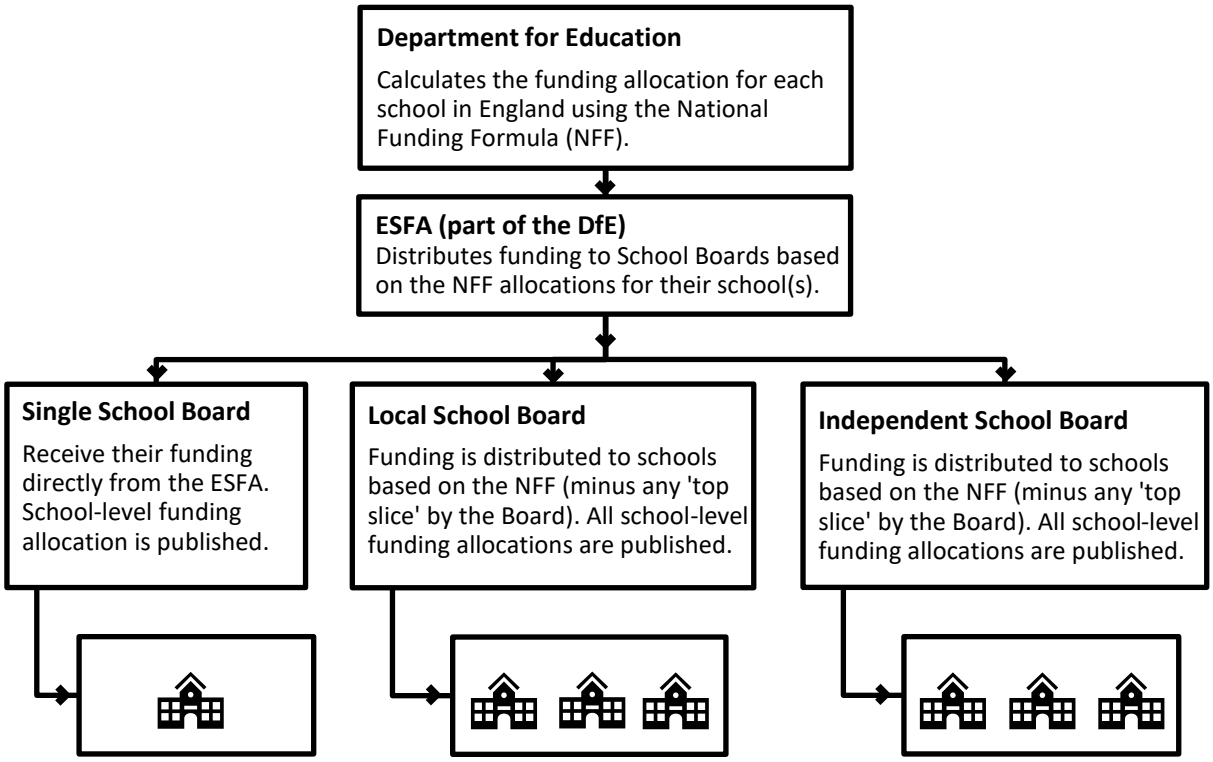
This report recommends that a new and fully transparent approach is introduced in terms of how funding is allocated, how money moves around the school system and how this is monitored and reported. To achieve this level of clarity, the first step is to enforce the NFF so that all School Boards must follow it in future. This can be achieved by switching to a simplified and fully transparent funding model., which will operate as follows (illustrated on Figure 4 overleaf):

- **The Department for Education should calculate funding for individual schools**: using the NFF, the DfE will determine the funding allocation for each state-funded school in England (this relates to the 'schools block' - which accounts for more than 80

per cent of school funding - and excludes other funding sources such as the 'High Needs' block).

- **The Education and Skills Funding Agency should distribute funding to School Boards**: using the school-by-school allocations provided to them by the DfE based on the NFF, the ESFA should distribute the total allocated funding to School Boards for all their schools. The funding will not pass through any intermediary organisations such as an LA.
- **School Boards**: having received the total allocation of funding for their school(s) from the ESFA, the School Boards will then pass the funding allocated to a school by the NFF directly to that school without amending the allocation. For LSBs and ISBs, they will be entitled to 'top slice' the total funding allocation for their schools to fund any central services that they provide. All School Boards will be required to annually publish full details of their final school-level funding allocations (which are set by the NFF) as well as details of any top-slicing arrangements in LSBs and ISBs.

Figure 4: the proposed funding model for the state school system



Under this new funding model, 'GAG pooling' by School Boards will be banned. It is simply not possible to hold school leaders or School Boards accountable for the way in which they spend public money if there is no way of knowing how that money is being allocated and utilised. The drawbacks created by the opacity around 'GAG pooling' far outweigh any of the benefits it supposedly brings. If the aim is to create an open and transparent school system, this questionable practice can no longer be tolerated.

RECOMMENDATION 12

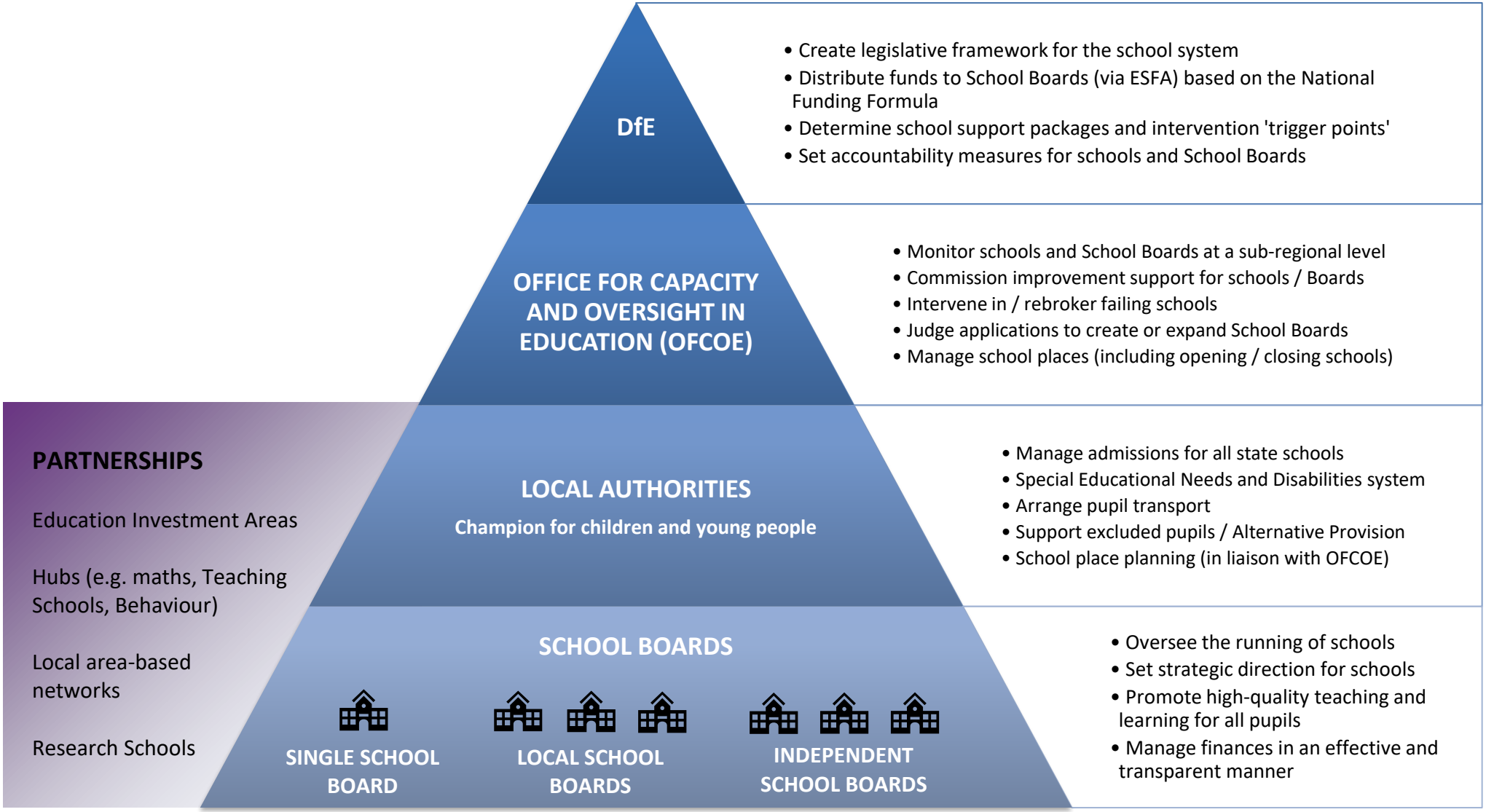
To create transparency over the financial circumstances of all state-funded schools, every school should be required to publish an annual breakdown of their income, expenditure, balances and staffing (both numbers and leadership salaries) on their website.

Concerns from parents, communities and politicians over the financial predicament of individual schools are nothing new, yet the current transparency requirements on schools and trusts are inconsistent and can make it virtually impossible to get an accurate and timely view of the circumstances of every state school.

To overcome this inconsistency between schools and trusts as well as the general opacity around their finances, all state schools should be required to annually publish a full financial breakdown on their website. In line with what is already required of maintained schools, these annual accounts should include a school's income, expenditure and balances as well as their staffing levels and the names and job titles of any member of staff receiving a total remuneration package worth more than £60,000 a year. This will increase the transparency around individual schools' finances, meaning that all stakeholders from Parliament to parents will have clarity around the financial health of all state-funded schools.

As noted in the previous recommendation, this new level of transparency will include a clear statement of the top-slicing arrangements determined by every LSBs and ISBs. Alongside this, there should be clear definitions of the types of activities that can be classed as 'shared services' and thus paid for and arranged by a School Board. This will help prevent Boards from centralising functions that would best be delivered by individual schools. Greater consistency could also be achieved by placing limits on the total amount that could legitimately be top-sliced from school funding allocations for central functions, although any such proposal would need careful consultation given the different circumstances (both geographic and performance-wise) and different pupil compositions within each school and School Board.

Figure 5: the new state school system based on the recommendations in this report



6. Areas for further consideration

'Interventions' to improve underperforming schools

This report has frequently referenced the process of 'rebrokering' underperforming schools, through which the oversight of a maintained school or SAT is effectively handed over to a MAT, or an existing academy in a MAT is passed to a new MAT. As noted in chapter 2, this passing of a school from one operator to another is supposed to "secure rapid and sustainable improvement",[270] but the empirical basis of this claim has been frequently challenged. For example, alongside the DfE's White Paper in 2022 they published another document that outlined the case for a 'fully trust-led system', only for the UK Statistics Authority to raise issues about the "transparency, quality and replicability" of the DfE's statistical claims. Aside from debates over the data on school and trust performance, the cost and upheaval involved in moving schools into, and between, trusts should not be underestimated. Even so, rebrokering remains the DfE's preferred mechanism for improving the quality of schools.

This report has not investigated the extent to which rebrokering is indeed the best option available to the DfE. However, regardless of whether it is the right approach, there are two reasons why the current rebrokering process may need to be reevaluated. First, during our interviews for this report we heard numerous objections to the recent policy change that means any school with two or more consecutive Ofsted ratings below 'Good' ('Requires Improvement' (RI) or 'Inadequate') is likely to be rebrokered. This is because the policy now disincentivises MATs from taking on schools rated RI as they know the school could be removed from its new MAT following an Ofsted inspection before they have even had the chance to improve it. Second, the notion of using Ofsted grades to identify which schools are 'failing' could be dismantled if the Labour Party win the next election and pursue their plans to remove the overall Ofsted grade from schools as part of wider reforms to the inspectorate.[271] The removal of Ofsted grades could therefore present an opportunity to revisit the related questions of how an 'underperforming' school is identified, and what the consequences of that underperformance should be – rebrokering or otherwise.

Funding beyond the 'schools block'

When discussing the current and future funding model for schools, this report concentrated on reforms to the 'schools block', which accounts for over 80 per cent of funding for state schools. This excludes other important funding issues, namely 'capital funding' (e.g. buildings

and equipment) and the 'High Needs' block that supports provision for children and young people with SEND from their early years to age 25. During our interviews we heard repeatedly that the funding for capital and SEND are both insufficient to meet the needs of pupils and schools, and these needs are likely to continue growing in the coming years.

In the new school system outlined by this report, there are several opportunities to rethink how capital and SEND funding are organised. For example, OFCOE would be responsible for the opening and closing of schools in liaison with LAs across each geographical area, so it may be possible to devolve capital funding to OFCOE given their better understanding of local areas relative to central government. Similarly, now that OFCOE is also responsible for coordinating the response to new area-wide SEND inspections, they could play a useful role in improving the quality and quantity of provision in partnership with LAs (who would retain the lead role for SEND). Although this report has not been able to dedicate sufficient time to investigating these matters, it is hoped that the greater coherence and decentralisation associated by the new school system can help address some of the existing issues with how capital projects and SEND are funded in future.

Funding for local authorities

This report's goal of having LAs act as the champion for local children will be crucial to protecting the interests of many vulnerable pupils. On that basis, the funding and resources available to LAs will need to be discussed. Many of the functions that LAs will take on in the new school system, such as the admissions process for state-funded schools, pupil transport, SEND and Alternative Provision, are vital to the progress and wellbeing of children and young people, but they cannot be done well on a diminishing budget. This report did not have the scope to address the wider concerns over the sustainability of funding of local government, but it is clear from the evidence collected for this report that the current level of resources available to LAs will not be sufficient to deliver the enlarged role that this report envisages. Policymakers must therefore consider how additional resources can be provided in both the short- and long-term if they want to see LAs successfully deliver these new functions.

Conclusion

> *"This plan, it is true, requires the surrender of some cherished illusions, and involves some delicate adjustments […] but if these difficulties are faced and met on the lines sketched out in this Tract, we shall bring the schools into intimate connection with the everyday life of the country"* [272]

This report began by showing that debates over the education system in England go back decades, if not centuries. Even so, as demonstrated by the above conclusion from the 1901 pamphlet that opened this report, it is possible to identify a route through these debates if one is willing to remain open-minded and constructive. The politicisation of the school system, particularly around terms such as 'academies' and 'full academisation', has been deeply unhelpful as it created a constant distraction from the goal of improving the life chances of children and young people – particularly those from the least privileged backgrounds. Moving away from such politically toxic language will be an important part of any 'solution' to the existing muddle because it can provide a new platform for discussions that seek to move beyond past ideological and political disagreements.

The analysis in this report has shown that there have been both successes and failures in recent years – all of which deserve to be acknowledged. Thus, to escape the baggage accumulated over the last 20 years, both supporters and detractors of the current direction of travel should show their willingness to surrender some of their own 'cherished illusions' about what the school system could or should look like. Those same supporters and detractors would be better served following this report's approach of trying to establish an agreed path towards a coherent, collaborative and transparent school system through evolution, not revolution.

Nothing in this report has sought to detract from the incredible work that tens of thousands of teachers and school leaders put into educating millions of pupils every day. On the contrary, this report has repeatedly identified elements of our school system that continue to hinder their commendable efforts. Whichever party wins the next General Election will inherit an education system in dire need of more funding and more staff, meaning that the temptation to 'muddle through' without resolving the structural problems in how we organise and run state schools will be as strong as ever. Nevertheless, this report has shown how to build a more sustainable school system in England that would help teachers and leaders devote more time, money and resources to improving teaching and learning – something that all political parties can, and should, support.

References

[1] The Fabian Society, *The Education Muddle And The Way Out: A Constructive Criticism of English Educational Machinery* (London: The Fabian Society, 1901), 6.

[2] Ibid., 3.

[3] Derek Gillard, 'Education in England - Chapter 17: 1997-2007', Webpage, 2018, 17.

[4] Gillard, 'Education in England - Chapter 17: 1997-2007', 2018.

[5] Department for Education, *Open Academies, Free Schools, Studio Schools and UTCs* (London: Department for Education, 2023).

[6] Department for Education, 'Academic Year 2022/23: Schools, Pupils and Their Characteristics', Webpage, 2023.

[7] Department for Education, *Open Academies, Free Schools, Studio Schools and UTCs*.

[8] Jon Andrews, *School Performance in Academy Chains and Local Authorities* (London: Education Policy Institute, 2018), 9.

[9] Ibid.

[10] Ibid., 16.

[11] Megan Lucas, Henry Faulkner-Ellis, Juan Manuel Del Pozo Segura, et al., *Transitioning to a Multi-Academy Trust Led System: What Does the Evidence Tell Us?* (Slough: NFER, 2023), 8.

[12] Natasha Plaister and Dave Thomson, 'Are LA Schools More Likely to Get Top Ofsted Ratings than Academies?', *FFT Education Datalab*, 11 August 2023.

[13] Tom Belger, 'DfE Will "Prioritise" Parts of Shelved Schools Bill', *Schools Week*, 7 December 2022.

[14] Anne West and David Wolfe, 'Academies, Autonomy, Equality and Democratic Accountability: Reforming the Fragmented Publicly Funded School System in England', *London Review of Education* 17, no. 1 (2019): 73.

[15] Department for Education, *The Importance of Teaching* (London: Her Majesty's Stationery Office, 2010), 52.

[16] The Labour Party, *For the Many Not the Few: The Labour Party Manifesto 2017* (London: Labour Party, 2017), 37.

[17] Labour, *It's Time for Real Change: The Labour Party Manifesto 2019*, 2019, 37.

[18] Ibid., 40.

[19] Freddie Whittaker, 'Labour Pledges End to "Needless Micro-Management of Schools"', *Schools Week*, 26 January 2023.

[20] Institute for Government, 'Local Government Funding in England', Webpage, 2020. Excluding pandemic-related grants.

[21] Derek Gillard, 'Education in England - Chapter 17: 1997-2007', Webpage, 2018, 17.

[22] Megan Lucas, Henry Faulkner-Ellis, Juan Manuel Del Pozo Segura, et al., *Transitioning to a Multi-Academy Trust Led System: What Does the Evidence Tell Us?* (Slough: National Foundation for Educational Research, 2023), 11.

[23] Department for Education, *Open Academies, Free Schools, Studio Schools and UTCs*.

[24] Department for Education, *Academies Regulatory and Commissioning Review* (Department for Education, 2023), 14.

[25] HM Government, *Opportunity for All: Strong Schools with Great Teachers for Your Child* (Her Majesty's Stationery Office, 2022), 46.

[26] Ibid.

[27] Department for Education, *Commissioning High-Quality Trusts: How the Department for Education's Regions Group Takes Decisions about Creation, Consolidation and Growth of Academy Trusts* (Department for Education, 2023), 24.

[28] Ibid.

[29] Education and Skills Funding Agency, 'School Improvement Monitoring and Brokering Grant Allocations April 2022', Webpage, 24 October 2022.

[30] Ibid.

[31] Department for Education, *Reforming How Local Authorities' School Improvement Functions Are Funded* (Department for Education, 2022), 6.

[32] HM Government, *Opportunity for All: Strong Schools with Great Teachers for Your Child*, 48.

[33] Ibid.

[34] Lucas, Faulkner-Ellis, Del Pozo Segura, et al., *Transitioning to a Multi-Academy Trust Led System: What Does the Evidence Tell Us?*, 26.

[35] Ibid.

[36] Ibid., 28.

[37] Ibid., 27.

[38] Ibid., 26.

[39] John Dickens, 'DfE Ditches Two Key Academy Proposals', *Schools Week*, 9 February 2023.

[40] UK Parliament, David Foster, and Robert Long, 'Regional Schools Commissioners', Webpage, 2017.

[41] Department for Education, *Academies Regulatory and Commissioning Review*, 45.

[42] Regional Department for Education (DfE) Directors, 'About Us', Webpage, 2023.

[43] Ibid.

[44] Department for Education and Baroness Barran MBE, 'Intervention to Improve Underperforming Schools to Begin from September 2022', Press Release, 1 July 2022.

[45] Department for Education, *Terms of Reference for Advisory Board Members* (Department for Education, 2022).

[46] House of Commons Education Committee, *The Role of Regional Schools Commissioners: First Report of Session 2015–16*, HC 401 (London: The Stationery Office, 2016), 17.

[47] Ibid., 23.

[48] Office for National Statistics, 'Schools, Pupils and Their Characteristics: Academic Year 2022/23', Webpage, 2023.

[49] House of Commons Education Committee, *Academies and Free Schools: Fourth Report of Session 2014–15*, HC 981 (London: Her Majesty's Stationery Office, 2015), 27.

[50] Ibid., 33.

[51] HM Government, *Opportunity for All: Strong Schools with Great Teachers for Your Child*, 47.

[52] Lucas, Faulkner-Ellis, Del Pozo Segura, et al., *Transitioning to a Multi-Academy Trust Led System: What Does the Evidence Tell Us?*, 22.

[53] Ibid.

[54] National Governance Association, *The Schools System: The Voice of MAT Trustees* (National Governance Association, 2022), 7.

[55] Department for Education, *Commissioning High-Quality Trusts: How the Department for Education's Regions Group Takes Decisions about Creation, Consolidation and Growth of Academy Trusts*, 12.

[56] Ibid., 16.

[57] Warwick Mansell, *Systems Matter: The Cost to Classrooms of the Academies Programme* (Campaign for State Education, 2023), 29.

[58] Ibid.

[59] Department for Education, *Local Authority Pupil Planning Areas: Guide for Local Authorities* (Department for Education, 2021), 4.

[60] HM Government, *Education and Inspections Act 2006: Section 7* (HM Government, 2006).

[61] HM Government, *Education Act 2011: Schedule 11* (HM Government, 2011), 11.

[62] Department for Education, *Opening and Closing Maintained Schools: Statutory Guidance for Proposers and Decision Makers* (Department for Education, 2023), 6.

[63] Ibid., 31.

[64] Department for Education, *Closure of an Academy by Mutual Agreement: Guidance for All Types of Academy Trust* (Department for Education, 2023), 9.

[65] Ibid., 11.

[66] Ibid., 13.

[67] Department for Education, *School Teachers' Pay and Conditions Document 2022 and Guidance on School Teachers' Pay and Conditions* (Department for Education, 2022), 12.

[68] Ibid., 12–13.

[69] Ibid., 13.

[70] Ibid., 11.

[71] Education and Skills Funding Agency, *Academy Trust Handbook 2023: For Academy Members, Trustees, Accounting Officers, Chief Financial Officers and Auditors* (Education and Skills Funding Agency, 2023), 22.

[72] Ibid.

[73] Ibid.

[74] Ibid.

[75] House of Commons Committee of Public Accounts, *Academy Schools' Finances: Thirtieth Report of Session 2017–19*, HC 760 (House of Commons, 2018), 11.

[76] Ibid.

[77] Tom Belger, 'Academy CEO Pay Crackdown to Focus on "Outliers"', *Schools Week*, 3 February 2023.

[78] Education and Skills Funding Agency, 'Setting Executive Salaries: Guidance for Academy Trusts', Webpage, 9 July 2019.

[79] Tom Belger, 'The Academy Trust CEO Pay Outliers Revealed', *Schools Week*, 17 March 2023.

[80] Ibid.

[81] Ibid.

[82] Ibid.

[83] Ibid.

[84] Ibid.

[85] Harris Federation, *Consolidated Report and Fiscal Statements: Year to 31st August 2022* (Croydon: Harris Federation, 2023), 52.

[86] Nick Gibb and Department for Education, 'The Importance of a Knowledge-Rich Curriculum', Webpage, 21 July 2021.

[87] James Carr, 'Schools "Reducing Curriculum Breadth" Because of Funding Pressures, Says Amanda Spielman', *Schools Week*, 19 February 2020.

[88] Department for Education, 'National Curriculum in England: Framework for Key Stages 1 to 4', Webpage, 2 December 2014.

[89] Department for Education, 'National Curriculum', Webpage, 16 July 2014.

[90] Amy Finch et al., *Academy Chains Unlocked* (Reform, 2016), 10.

[91] HM Government, *Academies Act 2010: Chapter 32*, 2010, 2.

[92] Ofsted, 'School Inspection Handbook for September 2023', Webpage, 11 August 2023.

[93] Department for Education, *Do Academies Make Use of Their Autonomy? Research Report* (Department for Education, 2014), 7.

[94] Anne West, Dr David Wolfe QC, and Basma Yaghi, *Secondary Schools (Academies and Maintained Schools) in England: Issues of Governance and Autonomy* (London: LSE Academic Publishing, 2022), 10.

[95] Ibid.

[96] Ofsted, 'School Inspection Handbook for September 2023'.

[97] Ibid.

[98] John Roberts, 'Ofsted Too Middle-Class, Say Harris and Outwood Grange', *Tes*, 10 January 2020.

[99] John Dickens, 'Leading CEOs: New Ofsted Inspections Favour Middle-Class Kids', *Schools Week*, 10 January 2020.

[100] Roberts, 'Ofsted Too Middle-Class, Say Harris and Outwood Grange'.

[101] John Roberts, 'Gibb: "Wrong to Teach GCSEs over 3 Years"', *Tes*, 13 July 2023.

[102] Department for Education, *The Importance of Teaching: The Schools White Paper 2010* (Department for Education, 2010), 52.

[103] HM Government, *Opportunity for All: Strong Schools with Great Teachers for Your Child*, 10.

[104] Ibid., 52.

[105] Department for Education, *Annex A - Trust Quality Descriptions* (Department for Education, 2023), 3.

[106] Department for Education, 'Academy Admissions', 2023.

[107] Ibid.

[108] Department for Education, *School Admissions Code* (Department for Education, 2021), 7.

[109] ADCS, *A Vision for an Inclusive and High Performing Education System* (Association of Directors of Children's Service, 2018), 6.

[110] LGA, *Must Know for Education* (Local Government Association, 2019), 4.

[111] Office of the Schools Adjudicator, *Office of the Schools Adjudicator Annual Report: September 2014 to August 2015* (Office of the Schools Adjudicator, 2015), 31.

[112] West, Wolfe QC, and Yaghi, *Secondary Schools (Academies and Maintained Schools) in England: Issues of Governance and Autonomy*, 9.

[113] Office of the Schools Adjudicator, *Office of the Schools Adjudicator Annual Report: September 2014 to August 2015*, 31.

[114] Ibid., 14.

[115] Office of the Schools Adjudicator, *Office of the Schools Adjudicator Annual Report: 1 January 2022 to 31 December 2022* (Office of the Schools Adjudicator, 2023), 19.

[116] Ibid.

[117] Ibid.

[118] Ibid.

[119] Department for Education, *School Admissions Code*, 5.

[120] Ibid.

[121] Office of the Schools Adjudicator, *Office of the Schools Adjudicator Annual Report: 1 January 2022 to 31 December 2022*, 7.

[122] Department for Education, *Fair Access Protocols: Guidance for School Leaders, Admission Authorities and Local Authorities* (Department for Education, 2021), 3.

[123] Ibid.

[124] Ibid., 5.

[125] Department for Education, *School Admissions Code*, 32.

[126] Ibid., 33.

[127] LGA, *Must Know for Education*, 4.

[128] Ibid., 5.

[129] Office of the Schools Adjudicator, *Office of the Schools Adjudicator Annual Report: 1 January 2022 to 31 December 2022*, 31.

[130] Ibid., 31–32.

[131] Ibid., 32.

[132] Ibid., 30.

[133] Ibid., 32.

[134] Ben Bryant, Natalie Parish, and Jodie Reed, *Research into How Local Authorities Are Ensuring Sufficient Places and Supporting Vulnerable Children* (London: Department for Education, 2022), 102.

[135] Office of the Schools Adjudicator, *Office of the Schools Adjudicator Annual Report: 1 January 2022 to 31 December 2022* (Office of the Schools Adjudicator, 2023), 23.

[136] Ibid., 25.

[137] Ibid.

[138] Department for Education, *School Admissions Code* (Department for Education, 2021), 9.

[139] Ibid.

[140] Ibid.

[141] Ibid.

[142] Ibid., 20.

[143] Office of the Schools Adjudicator, *Office of the Schools Adjudicator Annual Report: 1 January 2022 to 31 December 2022*, 20.

[144] Ibid., 19.

[145] Ibid.

[146] Amy Walker, 'Heads Revolt over Planned Expansion of London School', *Schools Week*, 11 February 2023.

[147] Ibid.

[148] Jack Dyson, 'Adjudicator Backs Council's Objections to Trust's Year 7 Intake Cut', *Schools Week*, 17 September 2023.

[149] Ibid.

[150] Ibid.

[151] Ibid.

[152] Megan Lucas, Henry Faulkner-Ellis, Juan Manuel Del Pozo Segura, et al., *Transitioning to a Multi-Academy Trust Led System: What Does the Evidence Tell Us?* (Slough: NFER, 2023), 35.

[153] Ibid.

[154] Jack Dyson, 'London Councils Say Their Hands Are Tied on Falling Rolls', *Schools Week*, 10 June 2023.

[155] Ibid.

[156] House of Commons Education Committee, *School Partnerships and Cooperation: Fourth Report of Session 2013-14*, HC 269 (London: Her Majesty's Stationery Office, 2013), 3.

[157] Ibid., 5.

[158] Ibid., 17.

[159] Ibid.

[160] Ibid., 18.

[161] Ibid.

[162] Christine Gilbert, *Optimism of the Will: The Development of Local Area-Based Education Partnerships* (UCL Institute of Education, 2019), 4.

[163] Susan Cousin and Jonathan Crossley-Holland, *Developing a New Locality Model for English Schools* (BELMAS, 2021), 36.

[164] Andrew de Csilléry, 'AEPA Annual Conference 2023: Education Partnership Business Models', 6.

[165] Ibid.

[166] NFER et al., *Implementation of Opportunity Areas: An Independent Evaluation* (Department for Education, 2018), 3.

[167] Ibid.

[168] Freddie Whittaker, 'PM Announces £18m Opportunity Areas Expansion, and £10m to Boost Quality of Teaching', *Schools Week*, 19 May 2021.

[169] Department for Education, *Opportunity Areas Insight Guide: School Improvement* (Department for Education, 2022), 11.

[170] blackpool.gov.uk, 'School Improvement: Transforming Education in Blackpool', Webpage, 5 July 2022.

[171] Department for Education, *Opportunity Areas Insight Guide: School Improvement*, 11.

[172] Ibid., 14.

[173] Ibid., 15.

[174] York Consulting, *School to School Support Project Evaluation: Bradford Opportunity Area Intervention Level Evaluation Report* (Department for Education, 2022), 17.

[175] GOV.UK, 'Education Investment Areas', 7 June 2023.

[176] Area-based Education Partnerships Association, 'What Are Area-Based Education Partnerships?', Webpage, 2023.

[177] Bart Shaw, Billy Huband-Thompson, and Joe Hallgarten, *From Fragmented Centralism to Connected Localism: The Future of Area-Based Education Partnerships* (The Centre for Education and Youth, 2023), 8.

[178] Ibid., 3.

[179] Cousin and Crossley-Holland, *Developing a New Locality Model for English Schools*, 38.

[180] de Csilléry, 'AEPA Annual Conference 2023: Education Partnership Business Models', 5.

[181] Camden Learning, 'Who We Are', 2023.

[182] Camden Learning, 'School Improvement Offer', 2023.

[183] Schools North East, 'About Schools North East', 2023.

[184] Ibid.

[185] Shaw, Huband-Thompson, and Hallgarten, *From Fragmented Centralism to Connected Localism: The Future of Area-Based Education Partnerships*, 16.

[186] North of Tyne, 'North of Tyne to Deliver Ground-Breaking Localed Pilot', 10 June 2022.

[187] Local Ed 2025, 'Pilot 2 Progress.', Webpage, 2023.

[188] Gilbert, *Optimism of the Will: The Development of Local Area-Based Education Partnerships*, 11.

[189] Shaw, Huband-Thompson, and Hallgarten, *From Fragmented Centralism to Connected Localism: The Future of Area-Based Education Partnerships*, 28.

[190] de Csilléry, 'AEPA Annual Conference 2023: Education Partnership Business Models', 26.

[191] Shaw, Huband-Thompson, and Hallgarten, *From Fragmented Centralism to Connected Localism: The Future of Area-Based Education Partnerships*, 17.

[192] Department for Education, *Governance Handbook: Academy Trusts and Maintained Schools* (Department for Education, 2020), 66.

[193] Ibid., 63.

[194] Department for Education, *Maintained School Governance: Structures and Role Descriptors* (Department for Education, 2020), 10.

[195] Department for Education, *The Constitution of Governing Bodies of Maintained Schools* (Department for Education, 2017), 11.

[196] Ibid., 18.

[197] Department for Education, *Maintained School Governance: Structures and Role Descriptors*, 9.

[198] Ibid.

[199] Tower Hamlets, 'Guidance for New Governors', 2023.

[200] HM Government, *The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013: 2013 No. 1624*, 2013.

[201] Education and Skills Funding Agency, *Academy Trust Handbook 2023: For Academy Members, Trustees, Accounting Officers, Chief Financial Officers and Auditors* (Education and Skills Funding Agency, 2023), 9.

[202] Ibid.

[203] Ibid.

[204] Department for Education, *Governance Handbook: Academy Trusts and Maintained Schools*, 57.

[205] Ibid.

[206] Ibid., 58.

[207] Ibid., 57.

[208] Department for Education, *Academy Trust Governance - Structures and Role Descriptors* (London: Department for Education, 2020), 7.

[209] Ibid., 21.

[210] Ibid., 22.

[211] Ibid.

[212] Ibid.

[213] Sam Henson and Megan Tate, *Governing in a Multi Academy Trust: School Governance in 2021* (National Governance Association, 2021), 3.

[214] National Governance Association, *The Schools System: The Voice of MAT Trustees* (National Governance Association, 2022), 12.

[215] Ibid.

[216] Tom Belger, 'AET Academy Trust Puts Parents Back on Governing Bodies', *Schools Week*, 29 January 2023.

[217] HM Government, *Opportunity for All: Strong Schools with Great Teachers for Your Child* (Her Majesty's Stationery Office, 2022), 48.

[218] John Roberts, 'DfE Accused of "Massive Own Goal" on MAT Governance', *Tes*, 28 April 2023.

[219] Ibid.

[220] Education and Skills Funding Agency, *Academy Trust Handbook 2023: For Academy Members, Trustees, Accounting Officers, Chief Financial Officers and Auditors*, 8.

[221] Anne West, Dr David Wolfe QC, and Basma Yaghi, *Secondary Schools (Academies and Maintained Schools) in England: Issues of Governance and Autonomy* (London: LSE Academic Publishing, 2022), 6.

[222] Department for Education, *Academy Trust Governance - Structures and Role Descriptors*, 9.

[223] Ibid., 11.

[224] Department for Education, *Governance Handbook: Academy Trusts and Maintained Schools*, 58.

[225] Education and Skills Funding Agency, *Academy Trust Handbook 2023: For Academy Members, Trustees, Accounting Officers, Chief Financial Officers and Auditors*, 8.

[226] Department for Education, *Academy Trust Governance - Structures and Role Descriptors*, 9–10.

[227] Ibid., 9.

[228] Department for Education, *Governance Handbook: Academy Trusts and Maintained Schools*, 61.

[229] Ibid.

[230] Ibid.

[231] Department for Education, *Academy Trust Governance - Structures and Role Descriptors*, 10.

[232] Department for Education, *Terms of Reference for Advisory Board Members* (Department for Education, 2022), 6.

[233] Regional Department for Education (DfE) Directors, 'Advisory Boards', Webpage, 2023.

[234] Department for Education, *Terms of Reference for Advisory Board Members*, 4.

[235] Regional Department for Education (DfE) Directors, 'Advisory Boards'.

[236] Regional Department for Education (DfE) Directors, 'About Us', Webpage, 2023.

[237] Freddie Whittaker, 'DfE Finally Adds Detail to Secretive Headteacher Board Minutes', *Schools Week*, 25 November 2018.

[238] House of Commons Education Committee, *The Role of Regional Schools Commissioners: First Report of Session 2015–16*, HC 401 (London: The Stationery Office, 2016), 42.

[239] Whittaker, 'DfE Finally Adds Detail to Secretive Headteacher Board Minutes'.

[240] Ibid.

[241] Jack Dyson, 'Sheffield Parents Fight Academy Order as Transparency Rows Reignited', *Schools Week*, 20 April 2023.

[242] Ibid.

[243] Department for Education, *Commissioning High-Quality Trusts: How the Department for Education's Regions Group Takes Decisions about Creation, Consolidation and Growth of Academy Trusts* (Department for Education, 2023), 20.

[244] Department for Education, *Academies Regulatory and Commissioning Review* (Department for Education, 2023), 20.

[245] Jack Dyson, 'Parent Pushback Forces Academy Takeover Rethink', *Schools Week*, 14 May 2023.

[246] Jack Dyson, 'Revealed: Scale of Parent Shut-out on Academy Decisions', *Schools Week*, 19 June 2023.

[247] Ibid.

[248] Tom Belger, 'Minister Admits "Transparency" Needed over Academy Transfers and Conversion', *Schools Week*, 17 November 2022.

[249] National Audit Office, *School Funding in England* (London: NAO, 2021).

[250] Department for Education, 'School Funding: Everything You Need to Know', Webpage, 26 April 2023.

[251] Department for Education, 'How Does School Funding Work and How Does the Budget Affect It?', Webpage, 29 October 2021.

[252] Ibid.

[253] Education and Skills Funding Agency, 'Schools Operational Guide: 2023 to 2024', Webpage, 23 August 2023.

[254] National Audit Office, *School Funding in England*, 27.

[255] Ibid., 38.

[256] Samantha Booth, 'Academy Trusts Expect to Raid Reserves despite "Significant" Surpluses', *Schools Week*, 8 February 2023.

[257] Education and Skills Funding Agency, *Academy Trust Handbook 2023: For Academy Members, Trustees, Accounting Officers, Chief Financial Officers and Auditors*, 39.

[258] Ibid.

[259] Peter Manser and Kreston Reeves, 'Academies Benchmark Report 2023', Webpage, 9 February 2023.

[260] Tom Belger, 'Biggest Primary Trust Plans to Take Control of Its Schools' Funding', *Schools Week*, 8 March 2023.

[261] Jon Andrews, 'Could GAG Pooling Undermine the National Funding Formula?', *Schools Week*, 28 April 2023.

[262] Ibid.

[263] House of Commons Committee of Public Accounts, *Academies Sector Annual Report and Accounts 2019/20: Forty-Seventh Report of Session 2021–22*, HC 994 (House of Commons, 2022), 17.

[264] UK Parliament, 'Tens of Millions of Public Money Used to "Prop up" Poorly Managed Academy Schools with Potentially Excessive Levels of Pay', Webpage, 25 March 2022.

[265] Education and Skills Funding Agency, 'Consistent Financial Reporting (CFR) Framework', Webpage, 29 March 2023.

[266] Education and Skills Funding Agency, 'Consistent Financial Reporting Framework 2023 to 2024', Webpage, 29 March 2023.

[267] Department for Education, 'Academy and Free School Funding Agreements', Webpage, 2020.

[268] Ibid.

[269] HM Government, *Opportunity for All: Strong Schools with Great Teachers for Your Child*, 47.

[270] Regional Department for Education (DfE) Directors, 'About Us'.

[271] Amy Walker, 'Labour Proposes "Report Card" to Replace Ofsted Grades', *Schools Week*, 11 March 2023.

[272] The Fabian Society, *The Education Muddle And The Way Out: A Constructive Criticism of English Educational Machinery* (London: The Fabian Society, 1901), 18.