

## **Room for manoeuvre? Tracing the implications of system-wide autonomy**

BESA Insight Day Conference address

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### **Introduction**

People don't like change – especially middle class, English people, and especially where the education of their children is concerned. We're particularly attached to the idea of schooling being local, and to the idea of the local school being the foundation stone of the local community. So challenging that these considerations should always trump issues around variable quality in the local schools landscape and making the case for structural change was always going to be a bumpy ride for reformers.

Without wishing to align myself too closely with the detail of present government policy, I want to begin by positing that the structural changes we have witnessed in the form of academies and free schools and the corresponding dismantling of local authority services are profound in their implications for the future of provision, and they are certainly irreversible, but that they are also broadly headed in the right direction, for all that insufficient attention has been paid to transitional frameworks. At CMRE we've been putting the case that increasing school autonomy, choice and competition can improve outcomes, but only if you get the design right, and measures to do so are supported by the wider policy platform: while we support the overall direction of travel then, we have expressed reservations about missing components and aspects of implementation. I'll state up front that we feel that the profit motive should have been accommodated from the outset into the free school programme (we never really got the 'rocket boosters'), and that the authorisation process is bureaucratic and incoherent, but I also think that local authorities should have been handed a clear, revised, more focused brief, with reduced statutory responsibilities, and a road map. In the same way, the need, from the off, for transitional arrangements – something like the extension in the remit of the Schools Commissioner, by regionalising that function, which has been set in train only recently now by the Coalition, should have been anticipated. This with a view to knitting together under-resourced, vulnerable, insular-thinking, and/or isolated schools into partnerships and chains, and networking outstanding heads to drive improvement. Lack of attention to design in these areas has led to confusions of purpose and responsibility that might have been avoided.

But the broad direction of travel is the right one – school autonomy and supply-side reform to encourage new school operators into the market, in a system in which incentives for all actors are aligned with measurable outcomes, and failure carries consequences, is the way to go, and in time offers the prospect of us being able to phase out these arrangements. The best cross-national research analysing international test scores indicates that independent school competition and choice have an important role to play in increasing pupil achievement and productivity, so we should invest our energies in increasing autonomy. Researchers at CMRE have done comprehensive work surveying this evidence and have advanced a number of policy proposals that are consistent with this conclusion.

So, there is no going back.

## **1. 'No going back – the academisation of the English education system**

The legislation that was introduced in 2010, within weeks of the Coalition's formation and using parliamentary procedures intended for fast-tracking measures to counter terrorism, has instigated massive structural change in the English schools system. By the end of that summer, upwards of 70% of Secondaries had expressed interest and applications began to flood in. Despite widespread dismay expressed by detractors, focusing mainly on the manner of implementation, the disruption caused, and the over-exalted claims made in political rhetoric seeking to create the momentum for change, the tide proved unstoppable. Today Academies, once specially purposed with strategic freedoms to effect turnaround in our most challenging schools, now represent approaching 60% of Secondaries, and 12% of schools overall. As of the beginning of last month, there have been over 2,800 conversions. In addition, new schools have been set up – at last count, 174 of them (with a further 157 in the pipe) – with a view (at least initially) to fostering more diverse provision, choice in the local schools landscape, and, that awful concept 'competition'.

While it's true to say that the system had been moving in this direction, via a succession of new structures over many years (Mike Baker, for example, branded academies a recreation of the Conservatives original grant-maintained schools), it's undoubtedly the case that the Academies Act 2010 has, at least in theory, given new free schools and academies an unprecedented level of autonomy from local government and national frameworks to determine how they operate, the content of their curricula, how they spend their money, and over pay and conditions. Nevertheless, there are many features of our education system that serve to deter exploration of those freedoms – the tie-in, effectively, to what is now a heavily prescriptive national curriculum, and the continued existence of national pay scales to name but two – and with financial incentives to convert and a plethora of other reform proposals having blurred the focus, we're still getting to grips with the consequences.

## **2. Excluded middle? The changing face of local authorities**

First, I want to look briefly at these as they touch local authorities, the 'excluded middle'. The effects of this whole-sale 'opt-out' (particularly of Secondaries) on local authority procurement, especially in relation to school improvement, have been immediate. Many LAs have let go in-house expertise in these areas or cut services altogether, while at the same time paradoxically remaining democratically accountable for securing the right outcomes for children in their area and for supporting schools through ensuring access to training. Others have focused on brokerage of school to school partnerships; some have concentrated on commissioning. For still others, fragmentation has offered opportunities to export what they do best – the Hackney Learning Trust and Essex Education Services being two outstanding examples in the area of school improvement. Taking advantage of their historical relationships and the information and data they have on these schools, they've pressed home their market advantage over competing private operators.

But there have been casualties and the gaps in provision that have opened up have hurt primaries the most. In public service markets, it is not enough to rely on spontaneous market responses, as innovative as some have been: new markets must be framed right, with appropriate attention to incentives, if they are to succeed where subsidised services have failed to deliver the quality of provision, and scale economies expected. Unfortunately opportunities for new competition from new and smaller private suppliers have been lost however because of a lack of anticipation of what should have been predictable impacts of devolution. Not until November of this year will the government's efforts to reform procurement in its EU-facing aspect (the new 'light touch' regime for schools; lot division of contracts; etc.) take effect, and preparation of English legislation only got

underway last year for reducing Pre-QQ requirements, improving access to tender information, and other measures to support transaction with SMEs. What we want are more competitive market conditions to effect more efficient procurement of more effective solutions by schools – things are moving in the right direction, but we might have to wait a little longer than we'd hoped.

We're slowly moving in the right direction in respect of the much discussed issue of what will replace the 'middle tier' in respect of the organisation of provision of support and specialist services too I think. While local schools network supporters campaign for the reconstitution of LEAs, the shake down effect on the training and support they once offered has led to a sharp increase in subscription to professional associations and other membership-based bodies, such as The Key and the SSAT, and participation in online forums and use of web-based resource banks. There are school to school partnerships emerging spontaneously across the landscape too, as well as those brokered by DfE agents working with the School Commissioners Office, and, albeit subject to tight DfE controls, we are seeing consolidation into chains that is at least 'market initiated'. Chains effectively provide for many of the functions previously fulfilled by LAs, and their development across the schools landscape holds the long-term promise of much more efficient delivery of children's services than we have experienced to date. So perhaps professionals can collaborate, schools groups can share among their people what they consider to be best practice, and schools can compete, and we do not need a middle tier?

The Coalition's answer to this has of course been the creation of Regional Schools Commissioners (RSCs) – presented as further evidence of a shift in operational decision-making from Whitehall to school leaders, and towards an independent and self-regulating system, but with a reporting line through the Director-General for Infrastructure and Funding at the DfE direct to the Secretary of State – a pretty short tether by any account. RSCs and their teams of outstanding heads have been given the charge of identifying and challenging under-performance where it exists, and powers to instigate inspections, via the Secretary of State, as necessary. This represents further investment in the present 'back-room brokering' approach to new school supply and academy sponsor takeover of failing schools, which places too much emphasis on the judgement of individual 'experts' in school improvement in deciding school futures. What we want is open tendering at very least, which would be more efficiently undertaken by LAs than brokered in the back room and then handed to central government bureaucrats to contract. It's also far from ideal in respect of its usefulness for school improvement. Far better to have a properly incentivised market in which good schools have reason to scale up and form chains.

### **3. The development of central government accountability**

Again, while the weight of the international evidence base highlights the role that accountability mechanisms play in supporting and enabling improved outcomes, we at CMRE have not been alone in expressing misgivings about what the Schools Commissioners plan and other measures say the English government's understanding of the level and forms of accountability required for us all to benefit from schools exercising their new freedoms. Decentralisation has overall been accompanied by accession of substantial powers to the Secretary of State for Education (now to be exercised at an operational level in respect of free school and academy monitoring, by the new Regional Schools Commissioners), and the replacement of democratic accountability for the quality of educational provision with direct contractual responsibility to the DfE, with whom funding agreements are also signed. In respect of free school authorisation and monitoring, this is a far cry from both the liberal licensing regime operative in Sweden (enabled of course through individualised voucher funding) and the multiple charter boards that authorise and oversee the performance of equivalent schools in

the States – and indeed the present arrangements may yet prove unworkable. It is foolish for central government to indulge in the sport of trying to pick winners.

#### **4. Regulatory paradox**

The government hopes to ameliorate the effect of this by introducing greater independence to the regulators, reforms to the performance measures, and greater investment in information provision. While the top jobs undoubtedly remain political appointments, the heads of Ofsted in respect of school standards, and Ofqual, in qualifications and assessment have been given a much greater degree of autonomy to challenge their political masters, with a remit to focus more sharply on aspects of schools' work which have the greatest impact on raising achievement. Questions as to whether teachers' pedagogy is sound are now to take a backseat to assessment of outcomes, with keener attention to the progress that all pupils are making, as opposed to whether they reach required minimum standards. To facilitate this, all inspections will in future be conducted by Ofsted itself, and there will be a greater role for experienced heads of outstanding schools in discovery of what is not working when the results do not bear scrutiny.

At Ofqual meanwhile the government have signalled an end to previous administration's efforts to provide the reassuring narrative necessary to maintaining faith that improving results meant improving education by asking the regulator explicitly to step up to challenge both politicians and exam boards through the employment of a tightened-up comparability framework. The regulator has stepped up to this in the first instance, significantly, by reminding us that the primary purposes of qualification relate to certification of what pupils know, understand, and can do, and then only recognising, rather than condoning their use as accountability measures of teacher and school effectiveness - something that both the assessment community and various policy think tanks, ourselves included, have been trying to highlight for years. They've also produced much tighter controls on qualification standards both at the point of application for recognition and on an ongoing basis. And, central to its new remit, it now polices the limits of comparability – internationally, over time, and between different qualifications and subjects. The most recent squeeze has been on the many GCSEs in 'peripheral subjects' deemed to be not as challenging as core academic subjects included in the new EBacc performance measure.

#### **5. Reform of performance measures and investment in information provision**

The key question to ask of these developments and the performance measures that support them is the extent to which they support the transition to the more autonomous and self-improving system envisaged. Michael Wilshaw is a Methodist at heart, and not terribly keen on innovation, so we're unlikely to see new criteria emerge that recognise creative pedagogical problem-solving or experimentation with technology for example, but shifting the focus from teaching styles to learning outcomes, and requiring schools to justify their interventions with reference to evidence of impact (as signalled in changes to the way pupil premium spend will be scrutinised), will help. Nevertheless, inspection remains overly preoccupied with ensuring that supposedly correct processes and procedures are followed.

There is much to be encouraged by in government reforms of the performance measures. League tables at secondary level have been overhauled to focus them more keenly on core curriculum learning, take the pressure off the C/D boundary, and reduce the influence of equivalents, etc., making these harder to game, but these measures also come at the cost of a certain homogenising of provision. The government would like to open access to the NPD and other data sets enabling more detailed socio-economic profiling and tracking, but it remains to be seen whether what ensues

will take the form of an actual market in information supply, such that pupils, parents and the general public may benefit from competing accounts of how well schools serve young people's and the wider public's diverse interests.

There is much yet to be done if we are to see truly credible and efficient mechanisms emerge that are fit for the purpose of incentivising discovery and implementation of what works in education.

A key area for attention, and one that will affect all of you directly, is the question of what needs to happen to equip the system for the extensive piloting required to gather the evidence necessary for discovery and replication of successful strategies. The government has outlined its vision for the role of research, analysis and data in driving educational improvement, which it envisages could displace central guidance as the source of orthodoxy in educational practice. And it has begun putting in place the necessary infrastructure to support this transition – through agencies such as the National College for Teaching and Leadership, the Teaching Schools initiative, and via funding to the arms-length Education Endowment Foundation. The National College, through its new 'Closing the Gap: Test and Learn' scheme has prepared over 700 schools to get involved in rigorous RCT research testing a variety of interventions targeted to closing the attainment gap for disadvantaged pupils. Teaching Schools have a remit for research and development, which is related closely to their core purpose of teaching training. The Education Endowment Foundation has been established, via government grant, to fund the evaluation of cost-effective and replicable projects to address educational disadvantage. These are expressly aligned with its key objective of securing the conditions for a self-improving, school-led system.

But there's a problem: though they send the right message on the importance of grounding product development in research, such programmes can only support the trialling of a handful of interventions at a time, and those making the selection are likely to have particular biases, whether overtly, as in the case of central government commissioned research (the priorities for which change with the vicissitudes of politics), or less obviously so, at those bodies purposed to support teachers. The more potentially disruptive your innovation, the less likely it is that it will be chosen for trial. It's hard to imagine funds being readily available for researching an Ed Tech proposition that might involve a fundamental re-think of the role of the teacher, for example. Which is why ultimately government needs to be looking more to the schools market itself, through independent initiatives, school to school partnerships and collaboration with recognised research bodies, to perform this function.

Consistent with this ultimate objective, the establishment, with ministerial support, of the independent Education Technology Action Group (ETAG) for example – to address how the system needs to adapt to disruptive technology for the benefit of learners – has been a welcome initiative. And there have been other encouraging signs too – of a change of culture in education – the formation of the Education Media Centre out of an initiative of the Institute for Effective Education (IEE), at the University of York, for example – making it easier for the media to access useful academic and research expertise in the course of their reporting.

We hope to examine these and other issues around the application of Ed Tech in schools in forthcoming research. Suffice to say at this juncture that with increasing recognition of the importance of using research evidence to inform professional practice and organisational decision-making, service and resource providers who make the effort to demonstrate the educational return on investment will increasingly have the edge. Finding the resources for R&D is of key importance and should be added to other questions around whether schools have the incentives and true freedom they need to innovate and experiment.

And finally, a plug - if you're interested in what works in education, you'll be interested to learn about our new research digest. Every fortnight we are précising the economic research on what works in education, both from a macro-policy perspective as well as from the point of view of teachers and head teachers who are looking for more effective classroom strategies. The digest provides abstracts and snippets of such research fortnightly, with comment and analysis of selected studies that are especially interesting from the point of view of educators and policymakers. Details of subscription may be found on our website [www.cmre.org.uk](http://www.cmre.org.uk)

Thank you.