

<b>REPORT OF THE CHILDREN AND YOUNG PEOPLE'S SCRUTINY COMMISSION</b>		
<b>IMPLEMENTATION OF THE GOVERNMENT'S ACADEMIES PROGRAMME IN HACKNEY</b>  <b>Overview and Scrutiny Board</b> <b>20 March 2006</b>	<b>Classification</b> <b>Public</b>	<b>Enclosures</b>
	<b>Ward(s) affected</b> <b>All</b>	<b>Appendix 1</b> Terms of Reference for the Review of Local Implementation of the Governments Academy Programme <b>Appendix 2</b> Academies Review Contributors

## 1. INTRODUCTION

- 1.1 The Government's preferred way of increasing secondary schools provision is by way of its academies programme. This involves selecting a sponsor who provides £2M, or about 8% of the cost of the building, and subsequently takes a significant role in governing the school, which is independent of local education authority control. The Government believes that this close and powerful involvement of people who are not education specialists will help to ensure high standards in the new schools.
- 1.2 A number of aspects of this programme are controversial at a national level, and a Select Committee of the House of Commons has investigated these doubts. It shared many of them. It would be strictly beyond the scope of this enquiry to consider doubts about the programme as a whole.
- 1.3 However, it is entirely proper for us to consider both the reasons for Hackney and its education provider, the Learning Trust, using the academies programme and the way the programme is being implemented in the Borough. This is what the enquiry reported on here did.
- 1.4 The Commission sympathized with the Authority and the Trust in their decision to use the academies programme. Members were relieved to have reassurances about the way the programme was being implemented both by the Authority and the Trust on the one hand and the Academies and their sponsors on the other. Some concerns remained, especially about with the way the academies will interact with other secondary schools in the Borough.
- 1.5 Generally however, and despite any doubts that members may still have about the programme at the national level, the Commission is able to endorse the way it is

being implemented here in Hackney, and wishes the academies and their pupils, staff and sponsors well as they settle into the family of Hackney schools.

- 1.6 The Commission hopes that the recommendations it has made will assist the Authority, the Learning Trust and the academies themselves to ensure that maximum benefit for all Hackney's children is obtained from their introduction.

Cllr Geoff Taylor



Chair of the Children and Young People's Scrutiny Commission

## **2. BACKGROUND**

- 2.1 The Borough's ambition is to educate 80% of its secondary state school students at good schools within the Borough. The Government's academies programme is being used by the Authority and the Learning Trust to implement this strategy. There may eventually be as many as five academies in Hackney, built on sites provided by the Council.
- 2.2 In the light of the significance of the academy programme to Hackney, the rapidity with which it is being implemented, and the controversy that the programme has attracted, the Scrutiny Commission asked for a presentation from the Learning Trust on the development of Hackney's academies in July 2005. The Commission then decided that a full review into the introduction and development of academies in Hackney was justified. In September 2005 the Overview and Scrutiny Board formally agreed that the Commission should turn their consideration into a full review subject to terms of reference being drawn up and agreed.

### **3. PROCESS**

- 3.1 The Commission's intention to consider the Hackney academies programme was advertised in the Hackney Gazette on the 14 July 2005. Members of the public and other interested parties were invited to attend the meeting and to submit written evidence.
- 3.2 In July 2005 the Commission received a presentation on the development of Academies in Hackney from Peter-John Wilkinson, Director for Children and Inclusion at the Learning Trust. The Commission also considered oral evidence from a number of witnesses, which included Hackney NUT, Hackney School Governors Association (HASGA) and local parents.
- 3.3 The Chair of the Commission and the Scrutiny Officer visited and met with the principals and representatives of the Mossbourne Community Academy, the Petchey Academy and the Bridge Academy.
- 3.4 On the 23 November the Commission heard evidence from Sir Michael Wilshaw, principal of Mossbourne Community Academy, David Daniels, principal of Petchey Academy and Nick Wright of Union Bank of Switzerland (UBS) the sponsor of Bridge Academy. Alan Wood, the Chief Executive of The Learning Trust also gave evidence at that meeting.
- 3.5 The commission is grateful to everyone who contributed to its enquiry whether by submitting written evidence or by giving and being questioned on, oral evidence. The members hope that this report will constructively draw attention to some matters of concern while simultaneously helping to allay some of the fears about academies that may have originated in places where the Government's academies programme is being implemented in a different way.

### **4. RECOMMENDATIONS**

- 4.1 The Commission recommends that:
- 4.1.1 The Learning Trust in partnership with the fair-banding secondary schools and primary schools work urgently towards routinely carrying out secondary admission assessments in primary schools during normal school time (7.26.1).
  - 4.1.2 The Learning Trust work urgently with the academies and all Hackney's other secondary schools towards agreeing to use jointly a fair-banding system for all admissions (7.26.2)
  - 4.1.3 Hackneys Academies in partnership with the Learning Trust and Hackney School Governors Association (HASGA) seek ways of providing for more parental/carer and community representative recruitment on Academy Governing Bodies in Hackney (7.31.1).
  - 4.1.4 The Mayor of Hackney, if possible with the support of Hackney's MPs, approach the Secretary of State for Education and Skills to request that future academies be required to include more community representatives on their governing bodies, making their governance arrangements more like those of Voluntary Aided schools. (7.31.2)
  - 4.1.5 In the interests of community understanding and harmony the academies make use of the Hackney agreed syllabus for religious education (7.40.1).
  - 4.1.6 The Mayor of Hackney, if possible with the support of Hackney's MPs, approach the Secretary of State for Education and Skills to request that future academies be required to include more community representatives on their governing bodies, making their governance arrangements more like those of Voluntary Aided schools. (7.31.2)
  - 4.1.7 Hackney's academies consider using the Learning Trust's Exclusion Appeals Panel in order to reassure parents/carers that their children would be fairly treated if they were ever excluded. (7.47.1)
  - 4.1.8 Hackney's academies work with the Learning Trust and other bodies to make the concept of extended schools a reality. (7.55.1)

## **5. COMMENTS OF THE MONITORING OFFICER**

- 5.1 There are no legal or propriety issues that require comment.

## **6. COMMENTS OF THE FINANCIAL CONTROLLER**

- 6.1 The recommendations do not have material budgetary impact; however, should additional resource be required this will be contained within the existing Trust budgets.

## **7. FINDINGS**

- 7.1 Why Academies in Hackney?
- 7.2 The Learning Trust's witnesses reminded the Commission about the poor health of Hackney secondary education in 2002. Symptoms included:
- 7.2.1 Negative educational judgments about Hackney's young people were being made.
  - 7.2.2 Schools were having problems with teacher recruitment and retention
  - 7.2.3 Parents were moving their children out of the Borough to be educated.
  - 7.2.4 The Learning Trust met a 'wall of complaints' of what was on offer in education.
  - 7.2.5 Schools were nervous of change and feared competition.
  - 7.2.6 There was a shortage of places within Hackney for Hackney children.
- 7.3 It was clear to the Trust and the Authority that a large improvement in and a rapid expansion of secondary education was needed. The question was how that could be provided in a Borough that had no spare resources. The Trust told the Commission that the Government's academies programme was seized on, not because of enthusiasm for the thinking behind the programme, but because it offered the only way of rapidly providing Hackney children with more and better secondary schools.
- 7.4 The Trust and the Authority had therefore entered into the academies programme and now planned to open up to five academies. The Trust believed that this plan was already bearing fruit:
- 7.4.1 The first academy was Mossbourne was completed and open in less than three years on the site of the closed Hackney Downs School, and places are greatly in demand.
  - 7.4.2 Several schools have raised their standards as a result of the stimulus provided by the coming of academies, with particularly good performances coming from Haggerston Girls and Hackney Free.
- 7.5 Other witnesses told the Commission that the decision to join the academies programme faced considerable local opposition in Hackney, not least from parents, and reminded it that a Parliamentary Select Committee felt academies to be untested and had called for a pause in their development.
- 7.6 The Commission recognised that if new schools were to be provided and the Government's way of funding new schools was by way of the academies programme, the Authority and the Trust had had no practical alternative to using the programme.
- 7.7 Sponsors

- 7.8 Given the important role of the academy sponsors, and the concerns expressed about giving such a role to people who may have little real interest in Hackney children's education and perhaps have ulterior motives, the selection of the sponsors was clearly critical. The commission was told that the Learning Trust and the Authority have worked closely together developing the criteria for the selection of sponsors. It heard that the criteria were:
- 7.8.1 All sponsors must have an established commitment to Hackney
  - 7.8.2 All academies will be committed to working in a collaborative way across Hackney's education community, particularly engaging in 14-19 partnerships.
  - 7.8.3 Sponsor investment at the start of the project must not jeopardise the continuation of the Academy if the sponsorship failed.
  - 7.8.4 When an approach is seen to be clearly unwelcome, Hackney Council have the power of veto as they own the land.
- 7.9 The Commission were told that the Learning Trust and the Authority take great care in selecting each sponsor of an academy, on the basis of an Expression of Interest which sets out the proposed academy's vision and ethos, including its approach to admissions, its plans for collaborative working and its proposed specialism.
- 7.10 Having questioned the Principals of two of the three then-agreed academies and a representative of the sponsor of the third, the Commission was satisfied that there was no evidence of any doubtful ulterior motives on the part of the sponsors, such as had been suggested by the involvement of a creationist as a sponsor elsewhere. Hackney's sponsors seemed genuinely to want to make a positive contribution to the education of Hackney children. The Commission was reassured that the sponsors of the three academies had demonstrated a longstanding connection with Hackney and Hackney education: Sir Clive Bourne (sponsor of Mossbourne) was born in the Borough; Jack Petchey (Petchey Academy) had made very generous contributions to east London young people's development through his Foundation; and UBS (Bridge Academy) had absorbed Warburgs, which had had several years of close involvement with Homerton College of Technology.
- 7.11 Admissions
- 7.12 The Commission heard of concerns that it was against equal opportunities to require children to turn up on a Saturday morning to undergo the assessments on which admission to Hackney's academies are based, especially when there are cultural and religious interests.
- 7.13 The Commission heard that admission criteria for academies are governed by a code of practice and are consistent with the arrangements for maintained secondary schools in Hackney. The Learning Trust was consulted on the admission arrangements for Mossbourne, Petchey and Bridge Academies. All Hackney academies are mixed and non-denominational and give priority to children in public care and with special education need statements. The Commission also heard that none of Hackney's academies will exercise their right under the Government's programme to select 10% of their intake by aptitude for their chosen specialism. All

the academies are included in the coordinated London-wide admission arrangements.

- 7.14 The Commission was told that the Mossbourne Community Academy - the only one open so far - holds open evenings to which parents are invited and informed about assessment and banding. In addition primary school head teachers are visited to explain the process. All letters concerning the assessment process are translated as necessary and alternative days are provided if there is a clash with religious observance.
- 7.15 The Commission felt that the agreement with Hackney's academies that had been outlined helped allay concerns that the academies could, if they so wished, deliberately and systematically exclude vulnerable children and, in effect, select for ability.
- 7.16 Fair Banding and Assessments
- 7.17 The Commission learnt that all Hackney's academies admit pupils using a fair banding system based on nationally recognised testing instruments. The Commission was told that banding makes sense where there are more applicants than places and that banding under these circumstances provided for transparency and fairness. It is meaningless to say that children 'pass' or 'fail' such an assessment, since it merely establishes each child's ability on a range of indicators; the academy then accepts an intake representative of the whole range of ability of the pupils applying. Regulations require that the ability range is decided on by applications to the school. The Commission noted that the intake was therefore representative of the range of ability among the children applying to the academy, *not* the range of ability in Hackney's school-leaving cohort for that year.
- 7.18 In Hackney, among the non-academy secondary schools only Cardinal Pole School also admits children by the fair banding system. The Commission was told that Mossbourne, Petchey and Cardinal Pole are coordinating their assessment arrangements so that pupils will need to be assessed only once. All parents and primary heads are notified of assessment arrangements and alternative dates are offered for making assessments.
- 7.19 The Commission was pleased that multiple assessments were being avoided by agreement. However, it felt that the fact that the assessments currently take place neither in the primary school nor in school time would inevitably disadvantage some children who needed to be assessed in the security of familiar surroundings if the assessment was to be accurate. Members were pleased to be told by the Learning Trust that a proposal to consider carrying out assessments in primary schools was under consideration and that agreement to this was being sought from the primary schools.
- 7.20 A parents group opposed to academies expressed to the Commission the view that banding was in effect a form of selection. It argued that children in a lower ability band living near an academy, having been unlucky enough not to be among those in that band admitted to the academy, would have to find schools outside of Hackney as they would not fall into the catchment areas of other schools in the Borough. The Borough would thus rid itself of educational responsibility for these children. The Commission considered this view but felt that the solution to the

problem it feared was the Learning Trust's programme of increasing secondary provision within Hackney – which the use of the academies programme was intended to achieve – rather than abandoning the fair-banding system.

- 7.21 It was suggested to the Commission that the testing instrument being used by the academies in Hackney was not ideal. The Commission took the view that while it may possibly not be ideal, its national credentials strongly suggested that it was adequate to the task it was being used for. Again, this could not be an acceptable reason to abandon the fair-banding system.
- 7.22 The Commission accepted that fair banding was an appropriate way of ensuring that the schools using the system took a representative selection of the children who had applied and therefore had been assessed. However, they noted that in the current year only about 70% of transferring pupils will be assessed.
- 7.23 All of the children who get into an academy, irrespective of their ability, have parents or carers who gave a preference for an academy and were able and willing to get the child to the assessment; such children are likely to enjoy the great advantage of parental support. By contrast, the children whose parents for whatever reason did not give a preference for an academy would all go to non-fair-banding schools. They feared that this could easily lead to a form of selection, not by ability and not intentionally.
- 7.24 The Commission would regret such a development, but acknowledged that the solution was not in the hands of the academies, since they needed to use fair-banding to ensure a representative intake. If fair-banding was needed by the academies, but its use by only some secondary schools threatened to introduce an element of unintended social selection, the only solution was for all the secondary schools to use fair-banding.
- 7.25 The Commission also noted that Government's recent White Paper on Education promotes the use of banding for all secondary schools.
- 7.26 The Commission therefore recommends that:
- 7.26.1 The Learning Trust in partnership with the fair-banding secondary schools and primary schools work urgently towards routinely carrying out secondary admission assessments in primary schools during normal school time.
- 7.26.2 The Learning Trust work urgently with the academies and all Hackney's other secondary schools towards agreeing to use jointly a fair-banding system for all admissions.

## 7.27 Governance

- 7.28 The concern was expressed to the Commission that the academies were in danger of becoming disassociated from the community they sought to serve because their governing bodies were not required to have community representation.

- 7.29 The Commission was told that academies' governing bodies include a local authority representative (The Learning Trust) but have no other statutory or contractual requirement in regard to parental, community or business representatives being placed into their governing bodies. The Commission also learnt that the Learning Trust has no power over governing bodies as governors are appointed by the Government and the Secretary of State for Education.
- 7.30 The Commission shared the concern that had been expressed and hoped that Hackney's academies would see it as being in their interests to ensure that various community interests were adequately represented on their governing bodies.
- 7.31 The Commission therefore recommends that
- 7.31.1 Hackney's Academies in partnership with the Learning Trust and Hackney School Governors Association (HASGA) seek ways of providing for more parental/carer and community representative recruitment on Academy Governing Bodies in Hackney
- 7.31.2 The Mayor of Hackney, if possible with the support of Hackney's MPs, approach the Secretary of State for Education and Skills to request that future academies be required to include more community representatives on their governing bodies, making their governance arrangements more like those of Voluntary Aided schools.
- 7.32 Filling the Academies
- 7.33 The Learning Trust's policy is to fill the academies a year at a time, starting with Year 7. Many Hackney parents whose children attend out-of-Borough secondary schools have asked why their children cannot be brought back to the Borough to use the accommodation in the newly build academies that is standing, or will stand, empty. The Commission understood this frustration and raised the matter with the Learning Trust.
- 7.34 In response, the Trust explained that experience showed that a secondary school which was filled up immediately on opening was likely to have considerable difficulty in instantly creating a culture of educational success across all year groups. The pupils themselves would be removed from friends and known teachers and thrown together to form a wholly new school community. Moreover, to remove considerable numbers of pupils from the schools where they are well-established would destabilize those schools. It was therefore unlikely that to bring out-of-Borough pupils back to fill the academies would serve the interests either of the new academies, or the schools they would leave, or the pupils themselves.
- 7.35 The Commission accepted that the Trust's approach was the right one.
- 7.36 Curriculum
- 7.37 The Commission heard of concern that Hackney's academies are not required to follow the national curriculum. This was a central part of the Government's intention for academies and therefore outside the scope of this enquiry.

- 7.38 However, the Commission felt that it was right to comment on one specific aspect of the curriculum, namely religious education. This has long been a controversial issue in education, and all state schools are required to use a syllabus that has been agreed locally by representatives of the local religious communities meeting with the education authority in the local Standing Advisory Committee for Religious Education (SACRE). Hackney SACRE has an agreed syllabus that is well respected not least as a useful element in building understanding between the Borough's communities.
- 7.39 The Commission was told that the Petchey Academy intends to follow the Hackney Agreed Syllabus for Religious Education and that although the Mossbourne Community Academy does not offer the national curriculum it does provide for religious education and holds assemblies on moral themes and marks religious festivals. The Bridge Academy was interested in the work of the SACRE in their consideration of including religious education in the academy's curriculum.
- 7.40 The Commission recommends that:
- 7.40.1 In the interests of community understanding and harmony all Hackney's academies make use of the Hackney agreed syllabus for religious education.
- 7.41 Exclusions
- 7.42 The Commission heard of concern about the management of exclusions in academies. Representatives of the academies were asked about what policies and appeals had been put in place and whether the academies had bought into the Learning Trust's process for exclusions and appeals.
- 7.43 The Mossbourne Community Academy said that exclusions would be managed through normal process, governor meetings and appeal panels and that when necessary the academy would subscribe to the Learning Trust's appeal process.
- 7.44 The Petchey Academy told the Commission that where it was necessary the Academy would stay with custom and practice but with independent appeal panels.
- 7.45 The Bridge Academy advised the commission that it would want to follow good practice.
- 7.46 The Commission acknowledged that the academies had considerable autonomy in this as in other areas and encouraged them not to use this autonomy as a means of ridding themselves of challenging pupils before every reasonable method of keeping a pupil at the academy had been tried.
- 7.47 The Commission therefore recommends:
- 7.47.1 The Commission recommended that Hackney's academies consider using the Learning Trust's Exclusion Appeals Panel in order to reassure parents/carers that their children would be fairly treated if they were ever excluded.

#### 7.48 After School Activities

7.49 The Commission very much encourages the use of schools out of hours both by pupils and the wider community. It was pleased to hear that Mossbourne Community Academy offers two extra hours on the normal school day in addition to Saturday morning provision, and that the Bridge Academy was committed to providing extended school provision when the Academy opens.

7.50 The Commission looks forward to the resolution of the current difficulties over the charging of VAT on the building costs of the academies if they charge for the use of school facilities by community groups. When this is resolved the Commission hopes that the excellent facilities in the academies will be widely used, helping to knit the academies into the communities they serve.

#### 7.51 Collaboration with Other Educational Institutions

7.52 The Commission very much hopes that Hackney's academies will work closely with other educational institutions as well as with their local communities. It was pleased to be told that the academies have undertaken wide ranging community consultations and have linked up with Hackney's family of schools in addition to many of its local communities. There is also ongoing collaboration and engagement with the Learning Trust and Hackney Council and each of the academies will engage in one of Hackney's three geographical 14-19 partnerships.

7.53 The Commission regards as a key concern the creation of in-Borough provision for 16 to 19 year olds many of whom currently choose to continue their education outside of Hackney. It was told that the coming of the academies programme has made new investment possible, and that both Mossbourne and Stoke Newington were now able to consider making 16-19 provision.

7.54 The commission recommends that Hackney's academies work with the Learning Trust and other bodies to make the concept of extended schools a reality.

7.55 The Commission therefore recommends:

7.55.1 Hackney's academies work with the Learning Trust and other bodies to make the concept of extended schools a reality.

#### 7.56 Special Educational Needs (SEN)

7.57 The Commission learnt that Academies are governed by a code of practice on admissions and SEN. Pupils with a statement of special educational needs which names an Academy are required to be admitted. Pupils with special needs but without statements are admitted in accordance with the over subscription criteria.

7.58 The Commission was also reassured by the facts that Mossbourne was specializing successfully in the education of children with autistic spectrum disorders, and that the principal of Petchey was a Special Education Needs specialist.

#### 7.59 Funding

- 7.60 The Commission was aware of a rumour that current account costs of the academies were higher than for other secondary schools, and that they were therefore receiving more money per pupil. The Commission put this point to the Learning Trust.
- 7.61 The Commission was told that this rumour was quite wrong: the cost per pupil was the same for pupils in academies and in other secondary schools. Academies are held to account through the same funding agreements as specialist schools. It concluded that the origin of the rumour might lie in the fact that, whereas academies received the full per-pupil Government grant, part of that grant to maintained schools was retained by local education authorities to pay for central services. If academies wished to use those services, they would need to pay for them, as maintained school do not.
- 7.62 The Commission heard of concerns that in order to enhance provision with the same cost per pupil academies had to opt out of the nationally agreed conditions of service that applied to local education authority schools.
- 7.63 The Commission agreed that it would deplore any funding arrangements that favoured academy pupils over other secondary pupils. It accepted that the freedom of academies to determine what conditions of service to offer their staff was integral to the concept of an Academy.

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### **Background papers**

The following documents have been relied upon in the preparation of this report or were presented to the Scrutiny Commission as part of the investigation:

Description of document	Location	Date
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Mossbourne Community Academy Website	<a href="http://www.mossbourne.hackney.sch.uk">http://www.mossbourne.hackney.sch.uk</a>	19 July 2005
Bridge Academy Website	<a href="http://www.bridgeacademyhackney.org">http://www.bridgeacademyhackney.org</a>	19 July 2005
Petchey Academy Website Academies Evaluation – 2 <sup>nd</sup>	<a href="http://www.petcheyacademy.org.uk">http://www.petcheyacademy.org.uk</a>	19 July 2005
DfES - The Standards Site, Academies/Funding	<a href="http://www.standards.dfes.gov.uk/academies/what_are_academies/funding/?version=1">http://www.standards.dfes.gov.uk/academies/what_are_academies/funding/?version=1</a>	10 March 2006
Evaluation by Price Waterhouse Coopers	Department for Education and Skills	2005
Cuckoos in the Nest: The Case against City Academies	National Union of Teachers	19 July 2005
Written Evidence from Hackney School Governors Association (HASGA)	HASGA	19 July 2005
Academies – are they the way forward? Anthea Davey	Times Educational Supplement	12 May 2005
Secondary Education – Fifth Report of Session 2004-05	House of Commons – Education and Skills – Minutes of Evidence	9 March 2005
Memorandum submitted by the Rt Hon Charles Clarke MP, DfES on Academies Programme	House of Commons – Education and Skills Committee	7 December 2004
ACADEMIES Schools to make a difference 'Academies Sponsor Prospectus 2005'	Department for Education and Skills	July 2003
City Academies: Arrangements for Pupils with SEN and Disabilities	The National Autistic Society	20 December 2001