



Secondary schools (academies and maintained schools) in England: Issues of governance and autonomy

Executive Summary¹

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Introduction

The English state-funded school system has been transformed over the past decade, with a massive expansion of academies funded directly by central government. In January 2022, eight out of ten secondary schools were academies. What was previously a national system of maintained schools has become a fragmented system of locally administered maintained schools and centrally controlled academies.

In this research, we focus on the fundamentals of school governance: who “controls” schools of different types. We sought to answer the following research questions:

- How does school governance – in theory and in practice – vary between schools maintained by local authorities, single academy trusts (SATs) and schools in multi-academy trusts (MATs)?
- What is the extent of delegation regarding school admissions, the curriculum, and the pupil premium in MATs?
- To what extent is there a match between information on governance that should be published and what is actually published by schools/trusts?

The research involved a documentary analysis. It comprised a “thick description” of legislative provision and policy-related documents, and an empirical research study of 23 secondary schools. The schools were of different types: maintained schools, SATs, and schools in MATs, and varied in terms of religious character, region, urban/rural location, local authority area, and MAT size. The documents we analysed consisted of those published by individual schools, academy trusts, and Companies House (including trusts’ schemes of delegation).

¹ Full paper: West, A., Wolfe, D. and Yaghi, B. (2022) *Secondary schools (academies and maintained schools) in England: Issues of governance and autonomy*, Clare Market Papers, Number 24. London: LSE. Online. Available at: <http://eprints.lse.ac.uk/id/eprint/115362>

Key findings

The school governing body in maintained schools has a constitution laid down by statute with specific powers, and represents parents, staff, and the local authority. In contrast, academy trusts are private companies adhering to company law; the trust generally has a small number of members who appoint trustees; the trust board makes decisions about the mission of the academy trust and determines which powers and responsibilities should be delegated or controlled centrally.

We found that the process regarding the appointment of SAT or MAT trustees was rarely open to public scrutiny. Trustees often held corporate positions (if in employment), and had little, if any, education expertise. A sizeable minority of academy trusts did not have the requisite number of parent governors. We found that information regarding governance arrangements was not always “readily available” as it should be.

Overall control in an academy lies with the SAT or MAT trust board, and in our sample, this power extended to the appointment of governors to “local school governing bodies” (LGBs) (where the MAT allowed for them), the appointment (and removal) of chairs of LGBs and the appointment of headteachers of academies.

Maintained school governing bodies are responsible for the school budget, appointment of governors and staff appointments, including the appointment of the headteacher. SATs have similar responsibilities, but this is not the case for schools in MATs. In our sample, only some LGBs had input regarding the appointment of the headteacher.

Turning to specific areas of governance, admissions arrangements are the responsibility of the local authority (for community and voluntary controlled schools), the school (voluntary aided schools), or the trust board. For schools in some MATs, the LGB (where one existed) was involved with admissions policies, although in different – sometimes very limited – ways. Some academy trusts followed the local authority oversubscription criteria for community schools, facilitating parents’ navigation of the school “choice” process. Not all academies and voluntary aided schools gave information about the admission of children with Education, Health and Care Plans.

The curriculum in maintained schools and SATs is the responsibility of the school (ultimately the governing body/trust board). However, for schools in MATs, we found limited delegation to LGBs in some cases. A common national curriculum is important for equality of opportunity and whilst maintained schools are required by statute to follow the national curriculum, academies are not. Nevertheless, in most academies in our sample, the curriculum was aligned with the national curriculum regarding the subjects taught. Moreover, explicit reference to the study of the national curriculum, particularly at key stage 3, was made by half of the academy trusts.

Turning to use of resources, governing bodies of maintained schools and SATs have autonomy to decide how best to use resources including the pupil premium, but for schools in MATs there is less clarity and in only one case in our sample was the LGB responsible for how the pupil premium was used.

Our findings shine a light on the fragmentation of the state-funded secondary school system in England. Schools operate to different rules: statutory education law in the case of maintained schools and company law and government policy in the case of academies. Governance varies. Governing bodies of maintained schools are legal entities with specific powers. Academy trusts are legal entities but schools in MATs have no legal identity, with only the powers delegated to them by the trust board. There is fragmentation regarding the structure of academy trusts, with variation in terms of the number of members, the number of trustees, the expertise of trustees and schemes of delegation. There is no transparency regarding decision making as trusts do not have to publish minutes of meetings (although some choose to do so). There is a clear deficit in terms of local democratic accountability: whilst some trusts have a clear community focus and/or representation, this is not the norm.

Implications for policy

- There is a compelling case for greater transparency regarding the process of setting up academy trusts; this would mean that parents and other interested stakeholders are better informed about the companies in receipt of public money.
- There is an *a priori* case for the appointment of trustees of academies to be more transparent, and for trustees to have educational expertise: whilst they are companies, academy trusts are providers of state-funded education and recipients of large amounts of public funding.
- A stakeholder model of governance (for SATs, MATs and any LGB) – with representation of parents, staff, the local authority, and the wider community – would provide local democratic accountability and more transparency about the functioning of academy trusts.
- There is a convincing case for all state-funded schools to have local governing bodies with clear powers and responsibilities (including the appointment of the headteacher, responsibility for the budget, curriculum, and ethos setting), giving all state-funded schools – not just maintained schools and SATs – a similar level of autonomy to that of schools maintained by the local authority (instituted following the 1988 Education Reform Act).
- Schemes of delegation for MATs should be similar in form and content to ensure that schools in different MATs have the same powers and responsibilities.
- There is a strong case for admissions arrangements and criteria used by academy trusts to be aligned with those of maintained schools in the local area; this is the case with some academy trusts and clearly aids the process of parental “choice”.
- All state-funded schools should be obliged to provide clear information regarding the admission of children with special educational needs and disabilities including those with EHCPs to aid parental “choice”.
- A national curriculum can be a means of ensuring equality of opportunity in terms of access to the curriculum: there is thus a strong case for a common curriculum to be offered in all state-funded schools.
- There should be common requirements for all state-funded schools regarding information that should be publicly available to aid parents and other stakeholders.

- There is a compelling case for a common “rule book” for all state-funded schools to ensure a cohesive school system.

In conclusion, the current fragmentation of secondary education raises important questions regarding the school system as a whole in England and the extent to which it is fit for purpose. Our research findings provide support for greater clarity and transparency regarding the governance of schools of all types and add support to the notion of a common rule book for all state-funded schools to assist with the creation of a fairer and more cohesive system.

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