

Anne West and Rita Nikolai

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**Article (Accepted version)
(Refereed)**

Original citation:

West, Anne and Nikolai, Rita (2017) *The expansion of “private” schools in England, Sweden and Eastern Germany: a comparative perspective on policy development, regulation, policy goals and ideas*. *Journal of Comparative Policy Analysis: Research and Practice* . ISSN 1387-6988

DOI: [10.1080/13876988.2016.1262549](https://doi.org/10.1080/13876988.2016.1262549)

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This version available at: <http://eprints.lse.ac.uk/68294/>

Available in LSE Research Online: January 2017

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**The expansion of “private” schools in England (academies/free schools), Sweden
(*friskolor*) and Eastern Germany (*Freie Schulen*): A comparative perspective on
policy development, regulation, policy goals and ideas**

Anne West and Rita Nikolai

Anne West is Professor of Education Policy in the Department of Social Policy at the London School of Economics and Political Science. Her research focuses on policy analysis in the fields of education, early years education and care, and school finance. She has published extensively in the field of education policy.

Rita Nikolai is Assistant Professor for System-related School Research at the Institute for Education Studies, Humboldt-University Berlin. Her main research interests are in the field of comparative public policy analysis with a special focus on school politics and the development of private schools in liberal welfare states.

Correspondence author: Anne West, Department of Social Policy, London School of Economics and Political Science, Houghton Street, London WC2A 2AE, UK. Email: a.west@lse.ac.uk.

Abstract

In a diverse range of European countries, there has been an increase in the proportion of pupils attending schools owned by private bodies but funded by the state. In this article we compare the policy development and governance of private government-dependent schools in three countries/regions: England, Sweden, and Berlin/Brandenburg in Eastern Germany. We find that the regulatory frameworks vary and are associated with specific policy goals and ideas, with apparently similar ideas having different meanings. We also find that the growth of private government-dependent schools is related to policy goals, differing institutional configurations and political parties.

Key words: private government-dependent schools, comparative education policy, regulation, funding, policy goals, ideas

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Introduction

Across much of the western world the role of the state in relation to the provision of welfare services has been redefined, with private providers playing an increasingly important role in areas such as early childhood education and care, and school-based education (for example, Blomqvist 2004; West et al. 2010; White and Friendly 2012). These changes are important in terms of what they portend for the role of government and assumptions about how education should be provided.

A major strand of comparative research has focused on the educational outcomes of pupils who have attended private schools (e.g. McEwan 2002; Dronkers and Robert 2008). Our interest however, is in the development of policy and the rules governing private government-dependent schools: regulation is particularly important in contexts where substantial public funding is allocated to institutions not owned by the state.¹ Whilst the political science literature has addressed public school education policy (Busemeyer and Trampusch 2011), the private school system has until recently been largely neglected. In this article, we focus on private government-dependent schools and seek to answer the following question: To what extent can policy goals and ideas explain the regulation and development of private government-dependent schools?

Literature and theory

Comparative political science research on private schools has addressed a variety of different themes and adopted a range of different theoretical perspectives, focusing in particular on institutional rules on the one hand and partisan politics on the other. The importance of the former is stressed by Klitgaard (2007, 2008) who investigated the politics of school voucher and parental choice reforms in the US,

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Germany and Sweden. His research found the introduction of vouchers and free school choice to be highly correlated with different institutional rules for political decision making: in short, the capacity for reform was higher in Sweden than the US or Germany as political power is more concentrated in the hands of the central government than in the other two cases, both of which are federal states. Institutional reasons for divergent trajectories as regards the provision of public aid to private schools in Australia, New Zealand and the US were also given by Zehavi (2012a). Significantly, research by Köppe (2015) on the governance and regulation of welfare markets in Germany, Sweden and the US suggests that strong path dependence and continuity with previous institutional features of the public system are prominent in education markets.

Another important body of literature on private education markets focuses on partisan politics. Thus Gingrich (2011: 7) in her research on England, Sweden and the Netherlands argues that the right is more positive towards markets and the left more inclined to increase state control, with parties using “markets strategically to reshape the state to achieve their long-run ideological...aims”. In a similar vein, Zehavi (2012b) exploring the private delivery of education within five countries, found that the right tends to set the privatisation agenda with the left being more reluctant than the right to privatise delivery. Furthermore, Hicks (2015) focusing on Sweden and England argues that left parties tend to be more supportive of markets in school systems when societal inequality is low.

We build on this burgeoning body of research by addressing an issue that has not hitherto had a high profile in the political science literature, namely the policy goals and ideas underpinning the development and regulation of private government-dependent schools in England, Sweden and the Eastern German *Länder* of Berlin and

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Brandenburg (which form a metropolitan region). The ways in which actors develop institutions is influenced by policy goals and ideas (Béland and Hacker 2004; Hall 1993). By considering school governance – by which we mean regulation, inspection and funding – and underlying policy goals and ideas, it becomes possible to gain a fuller appreciation of the variation in the reforms to private government-dependent schools. This is important as although “political institutions embody the rules of the game that political actors follow as they seek their goals”, they “do not necessarily tell us what goals those actors have or what issues they deem important” (Béland and Hacker 2004: 45). Policy goals and ideas are thus important. The latter are seen as “normative or causal beliefs held by individuals or adopted by institutions that influence their attitudes and behaviour” (Emmerij et al. 2005: 214), with the meaning of an idea depending on the institutional setting (Schmidt 2011).

As Hall (1993) notes, policymakers typically work within a framework of ideas that specifies the policy goals and the instruments used to attain them. Thus, in this article, we first analyse the development of policy by mapping out the instruments and the rules governing private government-dependent schools in each of our case studies; we focus on reforms, regulation and inspection, financing and outcomes. Second, we analyse policy goals – and associated ideas – with respect to the regulatory framework in each country/region. Third, we relate the growth of private government-dependent schools to policy goals, political institutions and parties. Two general arguments are proposed: first, that the regulatory frameworks adopted in different countries/regions are associated with policy goals and ideas; and second, that the growth of private government-dependent schools is related to policy goals, political parties and institutions.

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Political institutions are crucial for enabling reform, with particular institutional configurations facilitating or limiting the range of options available for policymakers (Okma et al. 2010). Thus, in unitary states power is more concentrated in the hands of central government so facilitating reform, whilst in federal states authorities at the central level co-exist with the units that comprise the federation; as a result federalism can hamper policy reform (Klitgaard 2007). As regards partisan differences, we argue that although conservative parties in both England and Sweden introduced private government-dependent schools, the left supported their continued development but in so doing sought to address inequalities (see also Hicks 2015). In Berlin/ Brandenburg, left parties supported the introduction and expansion of private schools to “catch-up” with Western Germany following reunification.

Since the early 1990s, there has been an increase in the proportion of pupils attending private government-dependent schools in England (academies and free schools); in Sweden (*fristående skola* or *friskolor*); and in two Eastern German *Länder*, Berlin and Brandenburg (*Ersatzschulen* or *Freie Schulen*). Whilst the policy outcomes are similar – as regards an expansion of private schooling – the countries/regions differ along key dimensions. Sweden is a unitary state, Germany a federal state (and Berlin and Brandenburg individual states) and the UK a quasi-federal state (with England being a constituent country) (Bogdanor 2005). They are also at different points on the left-right political continuum and represent different types of ‘education regimes’ (Green et al. 2006; West and Nikolai 2013). Thus, the Swedish education system is driven by strong egalitarian ideas with a comprehensive education system. In England, egalitarian ideas are less strong: 7 per cent of pupils attend fee-charging private independent schools which are academically selective and 5 per cent of pupils attend academically selective grammar schools.² In Germany, the

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idea of status maintenance is crucial, with academic selection in school-based education reproducing social stratification. It might thus be expected that the governance of private government-dependent schools would be more focused on egalitarian ideas in Sweden than in either England or Berlin/Brandenburg.

In this article, we argue that although institutional and partisan perspectives are crucially important to an understanding of the development and expansion of private schools, policy goals and ideas can shed further light on the reasons for expansion and moreover, the nature of the regulation of private schools in different contexts.

In the next section we map out policy development focusing on the period from the late 1980s/early 1990s to 2015/2016. We draw on policy documents, legislation, regulations, guidance, academic literature and media reports to provide a thick description of each case. The case studies are followed by first, a comparative analysis of policy goals, ideas and regulation; and second an analysis of policy goals, outcomes, institutions and political parties. The final section concludes.

Policy development in England, Sweden and Eastern Germany (Berlin/Brandenburg)

For each country/region, reforms, regulations, inspection and financial arrangements are presented along with the policy outcomes. These are summarised in Table 1.

England: Academies and free schools

Reforms

In England, radical changes have taken place in the provision of school-based education, with a majority of secondary schools now being academies owned by private not-for-profit bodies and funded by the government. Policy changes leading to this transformation can be traced back to the late 1980s, when the Conservative

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Government, elected in 1979, introduced a raft of policy reforms affecting state-maintained schools, which at this time were under the supervision of local authorities. The 1980 Education Act increased the priority given to parental choice and the 1988 Education Reform Act resulted in the introduction of a national curriculum and testing programme and a change to the school funding system, with schools being funded on a predominantly per capita basis. These changes resulted in a quasi-market and promoted a competitive market in school-based education (Le Grand 1991; Glatter 2012). From 1992 public examination results were published in the form of “league tables” and a new school inspection body – Ofsted³ – was established. Schools could also choose to opt-out of local authority control and be funded directly by central government as grant-maintained schools.

The 1988 Education Reform Act allowed for the introduction of the first private government-dependent schools: 15 independent city technology colleges (CTCs) were eventually established. These were a new institutional form: private, not-for-profit bodies funded by a contract with central government and run by external sponsors (which made a contribution towards capital costs); the schools were predominantly government funded and did not charge fees (see Whitty et al. 1993).

Following the 1997 general election, the Labour Government enacted the 1998 Schools Standards and Framework Act after which grant-maintained schools reverted to local authority control. Significantly however, in 2000, sponsored academies, akin to CTCs – private government-dependent schools – were established. In essence, the CTC policy was resurrected and revised to become the academies policy. Like CTCs, academies were to be run by external sponsors, to be not-for-profit, and to have a legally-binding contract (funding agreement) with central government. Sponsors were

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initially required to make a financial contribution, but this requirement was later removed.

After the 2010 general election, the Conservative-Liberal Democrat Coalition swiftly enacted the 2010 Academies Act, enabling schools deemed to be performing well to convert to become academies⁴ (Hicks 2014; West and Bailey 2013). New provision academies (or free schools, the Department for Education’s (DfE) policy term) could also be set up by sponsoring bodies of different types, including groups of parents, teachers or faith groups (DfE 2015a; 2015b). Primary academies were also introduced. Subsequently, the 2011 Education Act changed the arrangements for establishing new publicly-funded schools: the “free school presumption” means that where there is a need for a new school, the local authority must seek proposals to establish an academy (DfE 2013).

Regulation and inspection

Turning to the regulatory framework, academies are under the direct control of central government. Schools that wish to convert to academy status must seek approval from the DfE, as must new sponsors of academies. All academies are owned by an academy trust – a non-profit making trust – which must also register as a company and provide audited accounts to the DfE (DfE 2015c). The trust enters into a contract – funding agreement – with the Secretary of State for Education. Sponsored academies are owned by an external trust which is responsible for one or more academies. Where the trust is responsible for more than one academy there is a multi-academy trust or chain with a board of trustees accountable for the entire trust and local governing bodies accountable for decisions delegated to school level (DfE 2014). Most converter academies are governed by stand-alone trusts (Hill et al. 2012).

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As regards admissions, academies must adhere to the same statutory guidance as state-maintained schools. New academies are non-selective, and not permitted to select pupils on the basis of ability,⁵ although like other schools are able to select a proportion of pupils on the basis of aptitude in a subject area. They can also have a religious character (for example, Christian, Muslim)⁶ or follow a particular philosophical approach (for example, Montessori, Steiner (also known as Waldorf or Steiner Waldorf)). Academies are subject to the education legislation that regulates private government-independent schools⁷ but have to meet specific requirements in a number of domains. They do not need to follow the national curriculum: instead, they must teach a broad and balanced curriculum including English, mathematics, science, and religious education. Nor do they need to adhere to the national statutory requirements regarding teachers' pay and conditions. Since 2012, the DfE's model funding agreement has allowed them to employ unqualified teachers. However, academies must follow the statutory assessment (that is, testing) arrangements that apply to state-maintained schools.

Academies are inspected by Ofsted under the same framework as state-maintained schools (Ofsted 2015). Indeed, an academy trust can be dissolved by central government if its test scores/examination results are deemed to be a cause for concern and following an inspection by Ofsted (see BBC News 2015). Academy chains have also been closed following inadequate inspections (BBC News 2014).

Financing

The financing of academies is inextricably linked with that of local authority maintained schools. Funding for school-based education is distributed by central government to local authorities by way of a hypothecated grant, with the amounts allocated varying according to local authority characteristics (Chowdry and Sibieta

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2011). Although academies are funded by central government, the amount they receive is determined using the funding formula devised by the local authority in which the academy is located and in line with other state-funded schools in the area (in accordance with regulations) (West 2015). However, academies also receive funding – determined centrally – to cover services previously provided by the local authority (Education Funding Agency 2015). If the school can buy in the services it needs more cheaply, or has less need for such services, it can benefit financially from becoming an academy. This additional funding has acted as an incentive for state-maintained schools to convert to academy status due to considerable uncertainty over school budgets following the 2007-09 financial crisis and the austerity programme imposed by the Coalition in 2010.

Outcomes

There has been a massive increase in private government-dependent schools since 1990 when there were only three such schools (city technology colleges). Academies were introduced in 2000. In 2003, 0.03 per cent of pupils attended academies (Department for Education and Skills (DfES), 2003). In 2009/2010, prior to the installation of the Coalition Government, 2 per cent of pupils attended academies (DfE 2010a). By 2015/2016, 20 per cent of pupils attended primary academies and 66 per cent secondary academies (DfE 2016).

Sweden: Friskolor

Reforms

During the 1980s, the publicly-funded school system in Sweden became a key issue for the Social Democrat Government. The public expressed concerns about the difficulty they had sending their child to a school of their choice, and a raft of proposals for school reform were put forward. Decentralisation and a new funding

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system were introduced in 1990/1991 with central government delegating funding for education to local authorities by way of a block grant, earmarked for schools and educational purposes (Klitgaard 2008).

Following the election of a Liberal-Conservative Government in 1991, pressures for a shift in emphasis from equality to choice gained new momentum (Ellingsaeter and Leira 2006). The government passed legislation that increased the role of independent schools in the school system (Lundahl 2002; Skolverket 2006). As a result of Proposition 1991/92:95 Choice and Independent Schools, comprehensive independent schools⁸ were permitted to receive a per pupil amount equivalent to 85 per cent of the average costs of a public school pupil, and to cover the remaining amount by charging parents an additional school fee. The Social Democratic Government, elected in 1994 continued with these policies, but there were some policy reforms. It initially reduced the state contribution to 75 per cent but two years later decided that independent schools should be granted public funding on a per pupil basis, with the amount being equivalent to the cost per pupil in public schools in the municipality. However, schools could no longer charge fees so fostering greater equality in terms of school access (see also Hicks 2015; Zehavi 2012b).

Regulation and inspection

Turning to the regulatory framework, all types of legal entities (i.e. a company, a foundation, or a non-profit organisation), must be approved by the Swedish Schools Inspectorate (Skolinspektionen) in order to operate as an independent school. The provider must adhere to the national school constitution, objectives and curricula; however, teaching can have a different orientation from that in municipal schools – for example, a particular religious, language or teaching

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profile (e.g. Montessori or Waldorf). The municipality in which the independent school wishes to operate is consulted on the application and may also provide local knowledge about the school organiser and its ability to run an independent school.

The 2010 Education Act resulted in some changes to policy. Organisations cannot be granted permission to operate if this would result in considerable negative consequences to the pupils or the school system in the municipality where the school is located. These negative consequences include having to close an existing school, which could lead to some pupils having a considerably longer journey to school, or municipalities incurring significantly higher costs. The municipality's comments are taken into consideration by the Inspectorate when making its decision (Skolinspektionen 2015).

Independent schools initially had a separate regulatory framework from municipality schools. However, following the implementation of the 2010 Education Act, enacted by the centre-right Alliance for Sweden Coalition (2006-14) with cross party support (cf. Hicks, 2015), they have had to comply, as far as possible, with the same regulatory framework as municipality schools (Sveriges Riksdag 2010). Nevertheless, a number of differences remain; for example, they are allowed to use different admissions criteria from those of municipal schools if there are more applicants than places: they can give priority to siblings already at the school; the time that the child's name has been on the school's waiting list; and proximity to the school (for municipal schools the criteria are proximity of the home to the school and siblings (Båvner et al. 2011)).

In 2011, new curricula for all compulsory and upper secondary schools came into force and mandatory national subject tests for pupils in years 3, 6 and 9 of compulsory school were introduced. The whole upper secondary school system was

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also reformed: the curriculum was tightened, in the name of better quality control. All schools were given common goals, and the number of vocational programmes was reduced and independent upper secondary schools were no longer allowed to provide their specially designed programmes. As a result, all operators of upper secondary schools had to apply for their licences to be renewed (Skolinspektionen). Certification and registration of teachers was also introduced with only certified teachers normally being eligible for permanent employment. School teachers' pay is negotiated at the school level between the teacher and the principal in both independent and municipality schools (OECD 2015).

Inspection of schools is undertaken by Skolinspektionen. After an operator for a new *friskolor* has been approved the first inspection takes place prior to the school opening. This focuses on whether the operator has the ability to meet the requirements of the education stated in the Education Act (for example, sufficient pupils, certified teachers and all necessary facilities). A limited inspection is then carried out within the school's first year to ensure that it is working in accordance with the licence conditions. Although independent and municipal schools are inspected similarly, the Inspectorate additionally ensures that in the case of independent schools, only the education stated in the licence is conducted and that the operator is economically stable enough to ensure long-term viability. Admissions procedures are also monitored. If an independent school does not comply with regulations, the Inspectorate may withdraw approval. All licences are broadly similar: older licences are transferred in line with changes in legislation which also means that an operator is unable to invoke the wording or the terms of an old licence (Skolinspektionen 2015).

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Financing

Schools that are approved become entitled to financial support and then receive a grant from the home municipality of the pupils who attend the school. Each municipality determines the amount to be granted for each pupil attending independent schools with decisions being based on the principles the municipality applies when allocating resources to its own schools (Eurydice 2015a). Municipalities have the right to “insight” into the independent schools, although this does not enable them to ask school operators about their business plans.

Outcomes

The number of pupils attending independent schools has increased steadily over time, with the concentration being greatest in the metropolitan areas of Stockholm, Malmö and Gothenburg. In 1991/1992, only 1 per cent of pupils attended independent comprehensive schools; by 2015/2016, this had reached 15 per cent (Skolverket 1993a, 2016a). The increase was greater at the upper secondary level: in 1992/1993, 2 per cent of pupils attended independent schools and in 2015/2016, 26 per cent (Skolverket 1993b, 2016b).

Eastern Germany (Berlin and Brandenburg): Freie Schulen

Reforms

Since 1990 there have been profound changes to education policy in the Eastern German *Länder*. Prior to reunification, the education systems in East and West Germany differed. In West Germany, a parliamentary democracy was established following the Second World War, and the German Constitution, laid down in 1949, placed the school system under the authority of the state. In East Germany (the German Democratic Republic (GDR)) schooling was organised under

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Communist principles, with strict centralised political control (Geißler 2011); there were no private schools (Koinzer and Mayer 2015: 31). Following reunification in 1990, the German Constitution was extended to the Eastern German *Länder*; this allowed for the introduction of private schools. The Constitution sets the framework for private schools (Koinzer and Leschinsky 2009): the entire school system is under the supervision of each of the 16 *Länder*. The right to establish private schools is guaranteed in Article 7 of the German Constitution. Private schools – so-called *Ersatzschulen* – need the approval of the *Länder*. Such approval depends on equivalence with public schools in terms of the educational aims, facilities, teacher training and qualifications and teachers’ terms and conditions of employment (Article 7, para.4); however, private schools do not need to adhere strictly to the public schools’ curricula (Eurydice 2015b).

A private primary school may only be established if it serves a special pedagogical interest or if parents apply for a denominational/interdenominational school or one with a particular philosophy (such as Waldorf) to be set up because there is no public school with this profile in the municipality (Article 7, para.5). At the secondary level *Ersatzschulen* may be academically selective. To award school leaving certificates corresponding to those at public schools – for example, the *Abitur* awarded by the academically selective *Gymnasium* – *Ersatzschulen* must be licensed by the state; this requires the school to have met the conditions for approval for a set period of time and to adhere to regulations applicable to comparable public schools (for example, pupil admission) (Koinzer and Leschinsky 2009).

Once approved, a school becomes entitled to financial support from the *Land*.⁹ The contribution varies between *Länder* (Klein 2011) with the amount paid to public schools being used as a yardstick.¹⁰ Private schools can charge fees but they must be

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socially equitable – that is, “moderate” or reduced for low-income parents – to avoid segregation according to parental means.¹¹ Across Germany, virtually all private schools are not-for-profit with a large number being maintained by the Catholic or Protestant churches (Eurydice 2015b).

Regulation and inspection

There are differences between states regarding the regulation, funding and inspection of *Ersatzschulen*.¹² We focus here on two *Länder* Berlin, the capital city and Brandenburg, which together form a metropolitan region in Eastern Germany. In both cases, private school providers need the permission of the Ministry in order to operate: new providers have to submit a pedagogic concept (framework curriculum, timetable and so forth) and information regarding, for example, the number of pupils and teacher qualifications; teachers must also be approved. Private schools also have to offer the same upper secondary school qualifications as public schools. The Ministry has the right to visit the schools and observe lessons, but the schools are not subject to school inspections. However, if shortcomings are identified – such as falling pupil numbers, problems with teacher pay, inaccurate pupil numbers – which are the basis for the financial contributions by the *Land* – and not ameliorated, the schools can be closed.

Financing

Although the Social Democrats (SPD) have been in power in both Berlin and Brandenburg since 1990, in recent years they have reduced the financial contributions¹³ made to private schools. Since 2013, all new private primary schools in Berlin have had to wait five years to receive a financial contribution from the state in contrast to the three year period previously required. In Brandenburg, a different approach was adopted. In 2011, the SPD announced that the setting up of private

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schools was now complete: the number had now reached Western German levels and it was therefore time to limit state contributions (taz 2011). Moreover, the number of private schools had increased almost six-fold between 1999 and 2010 and were increasingly attracting pupils, so resulting in the closure of public schools. In 2012, the SPD-Die Linke (a radical left party) Coalition in Brandenburg introduced new procedures for calculating the financial contributions made to private schools, resulting in a reduction of around 30 per cent of the contributions made by the *Land* (Die Zeit 2013): previously private schools received 94 per cent of the personnel costs of public schools. The Coalition argued that in order to achieve a comprehensive network of school across the *Land*, the Ministry was continuing to provide small primary and secondary schools which had high staffing costs. Thus, the increased staffing costs for the public school system were benefiting private schools even though they were not offering a comprehensive network of schools. The opposition parties (CDU (Christian Democrats), Bündnis 90/Die Grünen (Greens), FDP (Liberals)) appealed to the Constitutional Court regarding the new regulation, but in 2014, they lost their case (RBB 2014).

Outcomes

Since 1990, the number of *Ersatzschulen* has increased in Eastern Germany (including Berlin) (Koinzer and Leschinsky 2009; Koinzer and Mayer 2015); this increase is associated with a low birth rate resulting in small, costly public schools in rural areas being closed. Thus, in Brandenburg, between 1990 and 2003, 149 public primary schools were closed due to declining birth rates (Fröhlich 2012); in response, parents linked up with Protestant church authorities to reopen these as private schools (Zeit Online 2014). In Brandenburg the percentage of pupils attending private schools increased from virtually nil to 11 per cent (primary: 8%, secondary: 12%) between

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1992 and 2015 (MBS 2016), and in Berlin¹⁴ from 3¹⁵ to 11 per cent (primary: 7%, secondary: 13%) (SfBJW 2016).

---Table 1---

Policy analysis and discussion

We have seen that in England, Sweden and Berlin/Brandenburg, policy regarding private government-dependent schools developed differently with the rules governing their operation also varying. In this section, we focus first, on policy goals, and how these are manifest in the regulatory framework, and how ideas regarding parental choice of school vary. Second, we analyse policy outcomes and relate these to policy goals, institutions and political parties.

Policy goals, ideas and regulation

Policy goals regarding the development of private government-dependent schools vary between the cases studied (see Table 2). In England, since the early 1990s school diversity and choice of school for parents have been consistent policy goals. As regards the academies policy, the main policy goal under Labour was to increase the performance of schools deemed to be failing (Gorard 2009; West and Bailey 2013) – the roll-out was restricted because of concerns about educational inequality associated with further privatisation (Hicks 2015). Although this goal remained under the Coalition, school autonomy became an “absolute priority” (DfE 2010b: 54) and also a means to improve educational attainment, another policy goal. In 2015, the Conservative Government declared that one of its goals was to end local authorities’ role in running schools and for all schools to become academies (HM Treasury 2015). A further policy goal has been to ensure a level playing field as regards admissions; this in turn is related to another goal, namely fostering a market-

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like environment in order to improve educational standards (Hicks 2015; West and Bailey 2013).

In Sweden, the main policy goals with the introduction of *friskolor* were freedom of choice for parents (Ask 1992), a higher quality education arising from increased competition between schools, and greater cost-effectiveness. Policy goals also include diversity and choice between public and private providers and equivalence in the school system (Lundahl 2002; Skolverket 2006): equivalence has had a higher priority since 2010.

Across Germany policy goals include school diversity, parental choice of school (KMK 2015) and equivalence between public and private schools: one of the main duties of education authorities is to provide equivalent conditions, with regulation by state authorities to ensure effectiveness and social balance (Koinzer and Leschinsky 2009); another implicit policy goal is reducing government expenditure (Reuter 2002). As regards both Berlin and Brandenburg in Eastern Germany, which were formerly part of the Communist GDR, a clear policy goal was to “catch-up” with Western Germany, as private schools had not been allowed in the former GDR (Koinzer and Mayer 2015: 31).

In light of these different policy goals, we might expect to find some variation between countries in the regulation of private government-dependent schools, and this is indeed the case. In England, the goal of autonomy is manifest by academies not having to follow the national curriculum, employ qualified teachers, or pay teachers in line with the regulations that apply in state-maintained schools. However, there is a goal of equivalence as regards admissions, and this is also an implicit goal as regards assessment, testing and public examinations; these together facilitate the operation of the school quasi-market in England. In Berlin and Brandenburg, in line with the

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policy goal of equivalence, admissions must be carried out in a comparable way (for example, admission to *Gymnasium*) and private school teachers must be trained and certified in the same way as public school teachers. In addition, private schools implicitly follow the curricula¹⁶ of the *Länder* because they offer the same upper secondary school qualifications as public schools (for example, the *Abitur*). In Sweden, parental choice of school is an explicit policy goal and to enable parents to choose a school beyond the local school, admissions arrangements differ between public and private schools. However, since 2010 a greater priority has been given to the policy goal of equivalence with similar requirements regarding the curriculum and assessment, and teacher certification having been introduced, so curtailing the earlier autonomy of *friskolor*.

---Table 2---

It is notable that in all cases there is a policy goal relating to parental choice of school. However, the ideas underpinning the notion of parental choice have different meanings in different institutional settings (cf. Schmidt 2011). Thus, in Sweden, the idea of egalitarianism is fundamental; this is manifest in the rules for admission, and equivalence as regards the curriculum, assessment, and teachers' certification and pay. In England, egalitarianism features in a far more limited way and only as regards admissions, assessment and inspection: these facilitate the functioning of the school market. In Berlin and Brandenburg, egalitarianism is evident as regards teacher training, teachers' pay and conditions, and assessment, are concerned. However, the idea of status maintenance is also apparent insofar as private schools can select pupils on the basis of ability (as can public schools) and charge parents fees.

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Policy goals, outcomes, institutions, political parties

The proportion of pupils attending private government-dependent schools has increased over time in all cases; however the rate and extent of change has varied. This we argue is related to policy goals, political institutions and partisan politics. In England, following slow, incremental change in the 1990s under the right and then the left, radical change took place in 2010 when the centre-right coalition took over, prioritising the policy goal of school autonomy, and swiftly enacting legislation. The rapid increase in private government-dependent schools has transformed the school-based education system in a very short period of time.

In Sweden, the growth of private government-dependent schools has been slower and incremental. The policy was introduced by the right and subsequently supported – albeit modified – by the left. Most recently the policy goal of equivalence between private and public schools has had a high profile: the right, with cross party support, revised the rules governing private schools because of concerns about the lack of equivalence. In both Sweden and England there is a unitary system of government which enabled policy to be developed and subsequently modified with relative speed (see also Klitgaard 2008).

In Germany, reunification was fundamental to the development of private schools in the Eastern German *Länder*. The notion of Eastern Germany “catching up” with Western Germany became a policy goal. However, the increasing expense of subsidising private schools led to two left-wing *Länder*, Berlin and Brandenburg, seeking to restrict their growth by reducing public financial support.¹⁷ Significantly, it was not possible for the government to make drastic reductions as private school providers are able to invoke the German Constitution because the *Land* is obliged to

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provide subsidies to recognised *Ersatzschulen*. The political institutional configuration thus limits the choices available to policy makers (cf. Okma et al. 2010; Klitgaard 2007).

Extant theories regarding both the institutional configurations and partisan politics are important in seeking to understand the development of private schools. In Germany there are more institutional constraints than in England or Sweden because the former is a federal state. Partisan theories help explain the rate of expansion of private schools. In England and Sweden right parties initiated reforms: although left parties have supported the development of private schools, the policy goals – and associated ideas – have differed between the left and the right (see also Hicks 2015). In Berlin and Brandenburg, left parties supported private schools in order to ‘catch-up’ with other regions. This was an important policy goal following German reunification and once achieved, public financial support was reduced.

Conclusion

In this article we have argued, first, that there is an association between the regulatory framework of private government-dependent schools and policy goals and associated ideas in England, Sweden and Berlin/Brandenburg; and second, that the increase in the proportion of pupils attending private government-dependent schools can be related to policy goals, political parties and differing institutional configurations. As our analyses have shown partisan differences still exist. Nonetheless we see that there is some overlap between the policy goals in countries at different points on the left-right continuum.

Previous research has revealed that different welfare state regimes are associated with diverging patterns of education markets (Köppe 2015). Our research adds to this work by establishing that the development of private government-

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dependent schools in three different education regimes is associated with similar policy goals regarding parental choice of school; however, the ideas underpinning these policies have different meanings with egalitarianism being a stronger feature in Sweden than in either Germany – where the idea of status maintenance is also evident – or England.

Further research could usefully address the variation in policy development within federal and quasi-federal states such as Germany and the UK where education is devolved and where there are different constellations of political actors. This study points to the importance of considering the ways in which legislation, regulation and funding can be used to meet desired policy goals. Although there has been an expansion of private government-dependent schools in each country, governments have followed different pathways. Further comparative work is warranted which investigates the extent to which similar or different forces drive the policy-making processes of privatisation in school-based education and the roles played by policy goals, ideas, institutions and actors.

Acknowledgements

We would like to thank the two anonymous reviewers and the journal editor for their comments and suggestions.

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Endnotes

¹ Private government-dependent schools are controlled and managed by a non-governmental organisation (e.g. a church or a business enterprise), or their governing board consists mostly of members not selected by a public agency (UNESCO-UIS/OECD/Eurostat 2016).

² Others select children on the basis of faith or a proportion on the basis of aptitude (West et al. 2011).

³ Ofsted is a non-ministerial department reporting directly to Parliament.

⁴ With the agreement of the school’s governing body.

⁵ Maintained grammar schools that convert to academy status retain grammar school status.

⁶ Faith-designated free schools, when oversubscribed, can reserve up to 50 per cent of places for applicants of the faith; no similar constraints apply to faith designated maintained schools (see West et al. 2011).

⁷ Education (Independent School Standards) Regulations 2012.

⁸ Catering for pupils between 7 and 16 years of age.

⁹ Some funding is provided by local authorities.

¹⁰ Support includes contributions to staff costs and in some cases building costs, teaching materials, teachers’ pensions.

¹¹ In 2014, the maximum amount did not exceed €140 a month with states subsidising 60 to 90 per cent of the costs (Scheunpflug 2015).

¹² The legislation of all *Länder* follows a standard framework drawn up by the *Kultusministerkonferenz* (KMK) (Eurydice 2015b).

¹³ Subsidies to private schools in Eastern Germany are broadly in line with those in the Western Germany (Klein 2011).

¹⁴ Berlin was reunited in 1990 with West-Berlin (Federal Republic of Germany) and East-Berlin (GDR). Private schools were forbidden in the GDR.

¹⁵ Prior to reunification there were some private schools in West-Berlin.

¹⁶ See Capano (2014) for details of public school policy developments in Germany.

¹⁷ Other *Länder*, governed by the SPD and the CDU, in both Eastern and Western Germany (Baden-Württemberg, Saxony, Thüringia) have sought to restrict their financial contributions, but the constitutional courts have declared these to be unlawful.

Table 1: Regulation, funding, inspection and outcomes of private government-dependent schools (2015)

	Dimensions	England	Sweden	Berlin/Brandenburg
Regulation	Admissions	School admissions code (similar to maintained schools)	Different criteria from municipality schools	Broadly the same as public schools (except for schools with a special profile for music or sport)
	Teachers' qualifications	Unqualified teachers can be employed (different from maintained schools)	Teachers must be certified (same as municipality schools)	Broadly the same as public schools (successful completion of a teacher training programme)
	Teachers' pay and conditions	No requirement to adhere to teachers pay and conditions regulations (different from maintained schools)	Individually negotiated (same as municipality schools)	Follow <i>Land</i> pay and conditions (same as public schools)
	Curriculum	No requirement to follow national curriculum (different from maintained schools)	Same ordinances and curricula as municipality schools	Different from public schools (no requirement to follow <i>Land</i> curriculum)
	National/state assessment	Same as maintained schools	Same as municipality schools	Same as public schools
Funding	Public funding	Public funding is same as maintained schools in local authority plus some additional funding	Same as municipality schools	Lower levels of funding than public schools in the <i>Land</i>
	Parental financial contributions	None	None	Moderate/reduced fees
Inspection	Inspection	Same as maintained schools (Ofsted)	Broadly the same as municipality schools (<i>Skolinspektionen</i>)	Different from public schools, no inspection (supervision by the <i>Land</i>)
Policy outcomes	Percentage of pupils in government-dependent private schools (2015/2016)	Primary: 20% Secondary: 66%	Comprehensive: 15% Upper secondary: 26%	Brandenburg Primary: 8% Secondary: 12% Berlin: Primary: 7% Secondary: 13%

Table 2 Policy goals: Private-government dependent schools (2015)

	England	Sweden	Berlin/ Brandenburg
Choice of school for parents (beyond local school)	x	x	x
Diversity of school types	x	x	x
Choice between public and private providers		x	x
To end local authorities' role in running schools	x		
Level playing field regarding admissions	x		x
Freedom of choice via different admissions		x	
School autonomy (to increase educational attainment)	x		
Increase competition to obtain higher standards	x	x	
Increase competition to increase cost-effectiveness		x	
Equivalence between private and public schools		x	x
Reduce government expenditure			x
To "catch-up" with other regions			x