

# Schools that Work for Everyone

**TUC Response to the Green Paper Consultation Document**



## **Introduction**

The Trades Union Congress (TUC) has 51 affiliated unions representing more than 5.8 million workers, including large numbers of teaching and support staff in schools and other educational institutions. The TUC welcomes the opportunity to submit evidence to the *Schools that Work for Everyone* consultation. It should also be noted that a wide range of unions affiliated to the TUC are submitting evidence to the consultation and many of them will be drawing on the day-to-day feedback that they receive from their members (numbering well over 1.5 million) employed in school, colleges, universities, other education bodies, and local authorities.

Before responding to the four key areas covered in the consultation, it is important to emphasise that some of the stated aims in the document are laudable. For example, the TUC agrees that it is right that government should have an “ambition to create an education system that extends opportunity to everyone, not just the privileged few” and that “parents rightly expect the ability to send their child to a good school in their local area”.

However, the TUC disputes that the proposals in the consultation, especially the retrograde step of expanding selective schooling, will achieve these aims and this is backed up by authoritative research findings. According to the research, the planned expansion of grammar schools will benefit wealthier families, discriminate against poorer families, and undermine the status and capacity of many existing good schools in the locality.

The other key proposals in the green paper will simply sustain the highly fragmented school system that government has developed in recent years by focusing on supporting further expansion of academies and free schools. It is also of major concern that the consultation document makes no reference at all to the impact of the proposed school reforms on children with special educational needs and disabilities.

Against this backdrop of further structural change and an expansion of selective education that has little support, the government continues to fail to address the real challenges facing schools. These challenges include a recruitment and retention crisis fuelled by low morale, increasing workload demands, poor pay prospects, real-term cuts to school budgets and unnecessary and poorly implemented changes to assessment and the curriculum. Unfortunately these challenges are given little heed in the green paper which is dominated by a continued fixation on structural change and a misguided strategy to put selective education at the heart of schools policy.

## **The policy context**

It is important to place the planned proposals in the green paper in the context of ongoing school policy reforms, especially the commitment to continue the expansion of academies and free schools. The green paper is very robust on this point, claiming that “free schools and academies programmes have ensured that strong schools and school leaders have been able to extend their success more widely across the school system to open up a greater diversity of provision”. In spite of the welcome U-turn on the main

proposals in the recent Education White Paper, the government continues to emphasise that its “ambition remains that all schools will become academies forming a fully school-led system”.<sup>1</sup> A key element of this policy approach includes further intensification of an enforcement regime that leaves little or no choice for schools and local authorities about conversion to academy status or the establishment of free schools in the local area.

There is little or no evidence to back up the government’s claim that expanding the number of academies and free schools will drive up pupil attainment and progression. In its response to the White Paper the LGA highlighted that only 15% of the largest multi-academy trusts perform above the national average when it comes to how much progress students make, compared to 44% of councils. Recent data from the DfE’s *Academies Annual Report for 2014-15* show that 1 in 4 sponsored academies were judged inadequate, or fell below the minimum standard for exam results, within two years of opening.

A new research study by academics from the LSE analysing the impact of academy conversions in primary schools using Key Stage 2 tests data has concluded that there is “a zero effect” from academisation.<sup>2</sup> Some of the key conclusions in the report reflect what the TUC and its affiliated unions have been citing for a number of years about the academy and free school programme. For example, the authors of the report conclude that:

- “Academisation did not lead to improved pupil performance”
- Growing numbers of schools becoming academies is likely to cause a number of localised problems, including:
  - Large numbers of schools “no longer regularly monitored at the local level” except for Ofsted, which can be very irregular
  - “Negative spill-overs on other schools if opting out of LA control undermines services that the LA is able to provide to other schools in the same geographic area (e.g. child psychologists to support children with special needs in many schools).”
- “The process of restructuring schools in England in this way seems excessively costly if there are no gains for students”

It is also notable that the latest internationally comparative data on maths and science attainment by school pupils published last month – the *Trends in International Mathematics and Science Study (TIMSS)* - show a trend in England of long-term improvement up to 2012 but little or no improvement in the years since then. The new PISA results also lend little evidence to justify the case for the huge structural change programme that has engulfed our school system since 2010.

The latest report from the government’s Social Mobility Commission<sup>3</sup> is very critical of the government’s fixation with structural schooling reform and this pertains to previous policies and the new direction highlighted in the green paper. For example, it says the following about the impact of schools policy reform on social mobility:

- “There is no evidence that reforming school structures, either by continuing the roll out of the academies programme or by introducing new grammar schools, by itself will provide an answer to England’s entrenched social mobility problem”
- “The government’s continuing support for the academy school model, and its more recent proposals for new and expanded grammar schools, are unlikely to deliver its ambitions and risk damaging the outcomes of the poorest children”
- Government should “also re-think its proposals in the recent green paper for independent schools and higher education institutions to set up or sponsor schools.”

Despite the lack of evidence about the positive impact of these policies on attainment, progression and social mobility, the government is pressing ahead with reforms that are proving to be very costly to the public purse. For example, the LGA has estimated that the ongoing programme of converting maintained schools into academies will cost in the region of £320 million. In the Autumn Statement the Chancellor announced that £240 million will be allocated to grammar school expansion from 2017-18 onwards (£60M per annum for four years).

The TUC is concerned that much of the thrust of the current green paper is a reaction by government to the abandonment of its previous policy of forcing all schools to become academies by 2022. It has now devised a new policy approach which will attempt to utilise financial penalties to force independent schools and universities to boost the number of academies and free schools whilst at the same time putting in place a new selective school system that will be hugely detrimental to the life prospects of large numbers of our young people.

### **Impact and identification**

Putting aside the key policy proposals in the consultation, which the TUC is wholly opposed to, we do agree that there is a case for identifying different cohorts of students facing disadvantage, including those that do not quite qualify for free school meals. In recent months the government has tended to categorise this group as “just about managing” and the TUC does of course support policies designed to help such families improve their prospects, including enabling their children to fulfil their potential in education and beyond this into their adult lives.

However, the reality is that the government is failing to help these families and those in greater poverty across a range of measures. As many policy studies have shown a key means of helping the educational attainment of children in these families would be enable them to move out of poverty or to improve their modest household income levels. The Autumn Statement was a stark reminder that, despite the rhetoric in the weeks beforehand, there was little of substance in the Statement to help families facing poverty or families on modest income levels.

If there is little prospect of significantly improving the household income of many of these families, this leaves an even greater onus on schools to drive up the educational attainment and progress of children from these families. However, as a wide range of evidence-based research has shown, the ongoing structural reform of schools set out in

the green paper will do little to help these students and in many respects, especially through an expansion of selective schools, will actually be highly detrimental to their lifetime prospects.

### **Independent schools**

The green paper highlights that independent schools enjoy significant financial benefits through the value of charitable status and associated advantages including relief from business rates. Some estimates put the financial benefits in the region of £250 million each year. The TUC agrees, in principle, with the statement in the green paper that “independent schools could and should do more as a condition of these benefits and their privileged position”. There certainly is scope for a much wider review of how this policy position could be taken forward so that all independent schools are obliged to make a greater return to society.

The TUC is, however, not convinced that the proposals in the green paper designed to make more independent schools sponsor academies or set up new free schools in the state sector is the right approach. As already highlighted in this submission, this proposal is yet another means of subjugating the role of local authorities and driving forward the expansion of academies and free schools through an alternative mechanism. There are also concerns that the proposed measures are designed to further undermine the role of local authority school improvement services which are increasingly in decline as local authority resources in this area are increasingly cut back due to the expansion of academies.

There are also serious questions about the idea of giving independent schools a remit for influencing educational standards in state schools. For example, due to their financial status independent schools are in a position to maintain small class sizes and in some cases to pay higher staff salaries. Their pupil population is also drawn from the richest in our society and research has shown that much of the boost to attending an independent school is linked to family status. To this extent many independent schools have little experience of the challenges faced by state schools and especially those that draw their student population from our most disadvantaged communities.

Despite the efforts of government in recent years to engage independent schools to support its reforms of state school provision, the evidence to date shows what little appetite there is for this. For example, the consultation document highlights that only 8 schools sponsor a total of 11 academies and there are only a handful of free schools supported by independent schools. In light of the evidence to date the TUC is not convinced that the measures being proposed will achieve the desired result, and even if they did, the government is overstating the value of input of independent schools beyond the current collaborative work that they undertake.

### **Universities**

The TUC supports strong collaboration between the university and school sectors and there is a long-standing tradition of this in areas which are mutually beneficial to both. Central to this collaboration is the role that universities have played in providing high

quality initial teacher education (ITT) and continuing professional development (CPD) for teachers and support staff. Yet whilst the green paper is highlighting the need for increased collaboration, the reality is that the government is currently undermining the role of universities in continuing to deliver ITT and CPD. There are other areas where universities engage in activities that are beneficial to schools, including research activities on school education and also a range of outreach work with schools and young people to support progression to higher education.

However, the track record of direct involvement by universities in schools in recent years is very mixed especially regarding sponsorship arrangements. An analysis by the Schools Weeks website shows that “universities have withdrawn their sponsorship from at least four academies amid government concerns over the way they were being run” and that according to an analysis by the website “at least three of the 20 trusts facing financial notices to improve either include or have included university sponsors.”<sup>4</sup>

Most universities are quite rightly focused on their central function to deliver good quality higher education and their collaboration with the school system in support of that central objective. As such it is simply not in the interests of university students and school pupils for a role that involves universities having a direct responsibility for schools. In addition to not being a core function, universities lack the expertise required to take a leading role in supporting schools on a day-to-day basis.

The case against universities playing such a role has been set out comprehensively by Louise Richardson, Vice Chancellor of Oxford University, who recently said the following:

“I think there are many wonderful teachers and headteachers throughout the country and I think it’s frankly insulting to them to suggest that a university can come in and do what they are working very hard to do and, in many cases, doing exceptionally well..... We have no experience in running schools, so I think it would be a distraction.”<sup>5</sup>

Some leading academics in the field of education research, such as Nadia Edmond at the University of Brighton, have also made a strong evidential case showing that direct university involvement can exacerbate school inequality by creating an elite school in a local community which is out of reach of most of the local population.

As with independent schools, the green paper is proposing to use “financial penalties” to force universities to replace the role of local authorities by either establishing new schools in the state system or by sponsoring an academy. The TUC strongly opposes the proposal to link the ability of universities to increase tuition fees with their direct involvement in the school system. In essence this will drive up student debt further and create a link between the resulting increases in student debt and the administration of the academy and free school programme. This raises a number of ethical questions as well as creating perverse incentives for universities to support academies and free schools in order to increase tuition fees.

It is also very unclear how this proposal will operate in the context of the introduction of the Teaching Excellence Framework which will also link to the power of individual

institutions to increase tuition fees. There is the potential for complex and unhelpful tensions between the increasing number of measures that universities are being asked to deliver on in relation to tuition fee increases. Ultimately, the TUC believes it is morally unacceptable to equate rising student debt with a university's engagement in promoting the academy and free school system. This aspect of the proposal is also out of step with the approach OFFA takes in developing individualised access agreements which are tailored to different HE institutions.

### **Selective schools**

In spite of a widespread consensus about the real challenges facing schools, the proposals in the green paper show that the government is intent on intensifying its massive and unnecessary programme of structural change leading to further damaging fragmentation of our school system.

However, the most disturbing aspect of the next phase of structural change that is planned is the proposal to expand selective education through an expansion of grammar schools. It is also highly questionable to what degree the government is actually consulting on this policy in the light of the Chancellor's commitment in the Autumn Statement that future spending plans include an allocation of £240 million for the expansion of grammar schools over a 4-year period.

Since the green paper was published there has been widespread criticism of the proposal to expand selective schools, including by leading figures in the world of education such as the Chief Inspector of Ofsted, the Head of Education at the OECD, the previous Secretary of State for Education, and the current Chair of the House of Commons Education Select Committee. All these leading figures, and many more, have pointed to the evidence-based research highlighting the indisputable facts that expanding selection will benefit wealthier families, discriminate against poorer families, and undermine the status and capacity of other schools in the locality.

The latest report of the government's Social Mobility Commission has been especially damning about the impact of the expansion of selective schools on social mobility and the prospects of young people facing greatest disadvantage. For example, it says that "the focus on grammar schools, like the drive for all schools to become academies, is, at best, a distraction, and, at worst, a risk to efforts aimed at narrowing the significant social and geographical divides that bedevil England's school system."

The Social Mobility Commission's report emphasises that its "greatest concern is that positive gains for the few that attend a grammar school are outweighed by the negative effects for the majority of children in selective areas that go to other schools." This central finding, which is backed up by evidence-based research, goes to the heart of the wide-ranging criticisms of the government's proposals from across the political spectrum.

The latest substantive research in this area has been conducted by the Education Policy Institute (EPI) and the findings puts this impact in context by estimating the actual numerical impact with regard to the educational attainment of pupils in receipt of free schools meals (FSM pupils) in affected areas<sup>6</sup>, as follows:

- “We find no evidence to suggest that overall educational standards in England would be improved by creating additional grammar schools. . . . more grammar schools would likely lead to small gains in attainment for the minority of children attending such schools, including the small number of children from low income backgrounds. But, additional grammar schools would be likely to lead to increases in the aggregate attainment gaps between rich and poor children.”
- “In areas with large numbers of pupils attending grammar schools, poorer children are likely to be net losers from additional grammar school places - there are around 7,000 FSM pupils in the areas of highest grammar school coverage. Based on our estimates, 300 of these pupils could be expected to gain an average of 3 grades in total each, summing to a gain of almost 1,000 grades. But the remaining 6,700 FSM pupils would lose just over 1 grade each on average - summing to 8,000 lost grades. **So this would amount to a net loss of around 7,000 grades for FSM pupils in areas of concentrated selection** [original emphasis].”

In the consultation the government does acknowledge this negative impact of selective education (if only to a partial degree) but argues that the planned expansion of grammar schools will mitigate this by “requiring selective schools to play a greater role in raising standards at other schools” and also putting in place measures to require selective schools to take a proportion of pupils from lower income households. On the latter point the recent EPI research outlines the impossibility of the government achieving its aim by instituting some form of quota system”, with the following analysis:

- “The Government has indicated that it intends to implement some type of quota system for increasing the proportion of poorer students in any new grammar schools. But our analysis suggests that in the **most selective areas, government would need to expand the number of selective school places by a fifth and move 1,600 additional FSM pupils into grammar schools to try and offset the negative effect experienced by these pupils** [original emphasis]. In doing so, this expansion of selective places would result in a diminished ‘bonus’ for those who attend grammar schools and a net loss would persist.”

Along with many other stakeholders the TUC remains unconvinced that the new requirements to make selective schools support other local schools to raise their standards will achieve the desired results. Our view is that the impetus for a school to switch to school admissions on a selective basis is hardly conducive to simultaneously putting in place a strategy for supporting the wider community of schools in the local area.

Importantly, the EPI research also reiterates the finding that international evidence, drawing on the PISA 2010 data, shows “that academic selection in school systems is associated negatively with equity” and that “a school system’s performance overall is not better if it has a greater proportion of academically selective schools”. Andreas Schleicher, Head of Education at the OECD, made this point when commenting on the launch of the green paper in September. He also said that “the importance of grammar schools is dramatically overplayed” because “schools are very good at selecting students

by their social background, but they're not very good at selecting students by their academic potential.”<sup>7</sup>

### **Faith schools**

The TUC is not convinced by the argument put forward in the green paper that there is a case for removing the restriction on faith free schools which currently limits faith based admissions to 50%. It is not that long ago that government Ministers were categorically saying that the 50% limit “ensures that the new high-quality school places that they provide are available to local children, not just those of a particular faith, and it helps to ensure that those pupils receive an inclusive and broad-based education.”<sup>8</sup>

The TUC does not accept that the series of “strengthened safeguards” the government is proposing will “promote inclusivity” to the degree that is claimed in the green paper. The 50% limit was originally designed to ensure that these new schools are integrated fully within their communities, promote inclusivity and community cohesion and deliver a curriculum that prepares all young people for their future lives. If, as is claimed in the green paper, the 50% limit is not impacting as planned in these areas, then rather than undertaking a major policy U-turn the government should instead undertake a more considered review.

The TUC is also concerned that the removal of the 50% limit could have a detrimental impact on social mobility as there is evidence that the resulting expansion of faith-based admissions would be of greatest benefit to high-attaining affluent pupils. Recent research undertaken by the Education Policy<sup>9</sup> has analysed the overall attainment and progress made by pupils, including disadvantaged pupils, in faith schools and also the characteristics of pupils in faith schools, including levels of deprivation and special educational needs. This analysis finds that faith schools:

- educate a lower proportion of disadvantaged children
- educate a lower proportion of pupils with special educational
- enrol a larger proportion of high attaining pupils.

The report “concludes that given that the average faith school admits fewer pupils from poor backgrounds than the average non faith school, there is a risk that increasing the numbers of faith schools would come at the price of increased social segregation, with a risk of lower social mobility.”

### **Special Education Needs and Disabilities (SEND)**

The TUC is concerned that the green paper makes no reference to students with special education needs and disabilities (SEND), in particular relating to the analytical evidence showing that grammar schools tend to have fewer students falling into this category. For example, government statistics show that in existing grammar schools less than 0.1% of students have a statement or EHC Plan compared to 2.4% in secondary modern schools and 1.8% across all schools. There is a strong evidence base in support of the conclusion that students with SEND would especially lose out in the more highly selective and even more fragmented education school system that is being proposed in the green paper.

## References

<sup>1</sup> DfE Press Release, 30/11/16

<sup>2</sup> Eyles, A. Machin, S. and McNally, S. (2016) *Unexpected School Reform: academisation of primary schools in England*, LSE Centre for Economic Performance, Discussion Paper no.1455, November 2016

<sup>3</sup> Social Mobility Commission (2016) *State of the Nation 2016: social mobility in Great Britain*

<sup>4</sup> Schools Week website, <http://schoolsweek.co.uk/university-sponsors-quiet-over-promised-academy-support/>

<sup>5</sup> Louise Richardson, Vice Chancellor of Oxford, *Oxford University condemns ministers' call to open schools as 'insulting' to teachers*, TES, 22/9/16

<sup>6</sup> Andrews, J. et al (2016) *Grammar Schools and Social Mobility*, Education Policy Institute

<sup>7</sup> Grammar schools benefit rich, says OECD, 15/9/16 (BBC website: <http://www.bbc.co.uk/news/education-37364697>)

<sup>8</sup> House of Commons debate, 7 March 2016

<sup>9</sup> Jon Andrews & Rebecca Jones, *Faith Schools, Pupil Performance, and Social Selection*, Education Policy Institute, December 2016