

Unite briefing for Councillors: New Academies Bill

On 26th May 2010 Secretary of State for Education, Michael Gove, announced legislation that would enable primary schools, special schools and grammar schools to become Academy schools. Prioritisation has been given to those schools considered to be 'outstanding' and the changes are being rushed through Parliament and local communities – Gove has boasted that new Academies can be open by September 2010.

All the main teacher unions (ATL, NAUWT, NUT) and support staff unions (GMB, UNISON and Unite) have grave concerns and are opposed to this policy.

Lack of consultation and accountability

- The new Academies Bill sets **no requirement for consultation with parents or staff** before a school converts to an Academy school. There will be no role for the Local Education Authority in either overseeing or supporting the Academy; the Academy is answerable only to the Secretary of State through a contract known as the "Academy arrangements". This removes proper, local democratic accountability. In addition, although Academies are to be charities they will be exempt from Charity Commission investigation.
- There is currently no mechanism to take a school from being an Academy back to being a maintained school, under the Local Education Authority, so once the action has been taken there is no going back.
- The Bill is silent over whether having set up a company to take over an existing school the governors could then sub-contract the running of the school to a private company which could then make a profit. Gove has stated he has "no ideological objections" to companies making profits from schools, and in Sweden 75% of schools are run to make a profit.

Concern over quality and equity of education

- There is no evidence that converting to an Academy will have any impact on standards. So far schools that have become Academies are those deemed to be 'failing' secondary schools which have often then received a range of additional support as part of their conversion to Academy status. There is evidence that some Academies have been disproportionately excluding pupils or accepting fewer pupils with Special Educational Needs. Many Academies in disadvantaged areas have fewer pupils eligible for free school meals than the maintained schools they replaced.
- The schools being prioritised to become Academies already have 40% fewer poor pupils than the national average. The Sutton Trust has said that this "suggest[s] that the new cadre of academies will be more socially exclusive than schools as a whole".
- The Bill focuses on the process of setting up an Academy saying little about how they will actually operate. An Academy would have to comply with general requirements on tackling discrimination on grounds of gender, race and disability and offer a limited right to make complaints about the school. But the Freedom of Information Act would not apply or any rules relating to Special Education Needs, admissions, exclusions, staff or the composition of the governing body unless specifically imposed as part of the "Academy Arrangements". This could easily lead to different rules in each school, which won't have been subject to local consultation.
- It remains unclear whether the government considers that new Academies are bound by the Human Rights Act or the equality duties that apply to 'public authorities'. The new Bill does not provide parents or pupils with any way of complaining about or challenging how the Academy is operating (as they can do with maintained schools through the LEA).

Concern about the impact on staff

- The trade unions are also deeply concerned about the impact on staff, as well as the impact on parents, pupils and the education available in a local community as outlined above. As an employee staff have a separate, legal right to be consulted on the impacts to their employment contracts arising from the change of school status under TUPE regulations. We don't believe this can happen effectively during a school closure.
- The trade unions value how Local Authorities act as a 'safety net' dealing with problems with budgets, potential redundancies and other complex issues around staff health, induction, training needs, disability provision, challenging parents, pupils and so on. Local Authorities also play a valuable role in facilitating

schools working together through mechanisms such as the Joint Negotiating Committees and staff training arrangements.

- Academies are outside of the new School Support Staff Negotiating Body. Trade union recognition agreements and negotiations around pay, terms and conditions will have to occur with each individual Academy or with private organisations that run a string of schools. There is concern that schools will follow the pattern of what has happened in other privatised public services; as the biggest cost is labour staff are faced with attempts to drive down their terms and conditions and reduce their numbers, simply to save money. This will be deeply damaging to the quality of education delivered and attracting staff in the future.

How you can help

- The trade unions will be running campaigns in schools and local communities across the country. We can supply you with the contact details of the local workplace representative in your area so that a broad based campaign involving staff, parents, pupils and the wider local community can be built against privatising our education system.