THE ‘INDEPENDENT STATE SCHOOL’ AND ITS AFTERMATH: WHICH WAY NOW?

Ron Glatter


[Note: This paper represents the views of the author and not necessarily those of the organisers or other project participants.]

Back to the future?

In 2005 former Labour Prime Minister Tony Blair wrote “Our aim is the creation of a system of independent non-fee paying state schools. It will be for schools to decide whether they wish to acquire a Trust – similar to those that support Academies – or become a self-governing foundation school” (Blair 2005: 4). In this quote he used a number of terms redolent of the pivotal role that elite private schools play in English culture and society: independent, fee-paying, trust, academy, self-governing, foundation. (He himself had been a beneficiary of such a school, although his happened to be one of the few in Scotland).

I have suggested elsewhere that the private school sector has been a major influence on the debate about school structure in England, albeit a largely unspoken one (Glatter 2011). Policy-makers tend to put emphasis on issues of branding, such as the terminology Blair was using in that quote, rather than of resources because the huge gap in resourcing between the private and state-funded sectors is unbridgeable on any realistic scenario. The terminology evokes a sense of traditionalism, solidity and individuality and implies, like private schools, control by the owners or trustees and the market rather than by the public and their elected representatives.

Blair claimed this was a radical reform but the strong focus on autonomy and diversity was in tune with the historical tradition of the English system. In the 19th century state education developed in England much later than on the continent. “The dominant tradition that remained was a voluntary system characterised by great diversity of schools and a lack of integration between them” (Wiborg 2009: 40). Maurice Kogan, who had been Secretary to the Plowden Committee on primary education before becoming a professor of government at Brunel University, pointed out in a keynote at our Society’s fourth annual conference in Cardiff in 1975 that control by the institution – whether school, college or university – of its own work was a “leading assumption of British educational governance”
(Kogan 1975a: 20). Responding to Kogan, Anita Ellis, the deputy head of a comprehensive school in Bristol, contended that secondary heads and their staff in England had much more autonomy than their US or French counterparts and that we were unwilling to acknowledge that for fear of stimulating fresh accountability measures.

In an Open University course unit in 1979 I argued that the degree of autonomy accorded to educational institutions in England and Wales was “probably the best-known, the most distinctive and almost certainly the most significant” feature of the system (Glatter 1979: 37) with the result that the values being promoted were widely dispersed at a large variety of separate points distant from central government, as Kogan had pointed out in a book on educational policy-making (Kogan 1975b). Another feature to which I drew attention in the unit was the ambiguity surrounding the control of education at the time with the formal relationships of different bodies often vaguely defined and the actual relationships tending to be governed by custom and practice. In other words, the system, in so far as it could be referred to as such, was, as it had long been, very ‘loosely coupled’ (Weick 1976).

In his chapter in a foundational text in this academic field, George Baron, the first professor of educational administration in Britain, described a pragmatic, highly pluralist micropolitical system involving a delicate balance of power, principally between central government, local education authorities and the organisations representing teachers, with significant autonomy for schools (Baron 1969). A less benign picture was painted recently by Eric Bolton, a former Senior Inspector of Schools with long experience, who considered that few outside individual schools knew much about what they were doing or how well they were doing it and the functions of central government were highly circumscribed (Bolton 2014). In line with the tradition of a high degree of diversity, when comprehensive schools were becoming widespread observers noted their great variability (e.g. Richardson 1975). In this general context, the suggestion frequently made by politicians when the ‘independent state school’ concept was being promoted that the new arrangements would undermine the ‘monolithic’ character of the existing system was highly misleading though effective as a ‘framing’ or marketing device. If anything the model being advanced, had it been implemented to the degree ostensibly intended, would have taken the English system even further in a direction, relating to autonomy and diversity, to which it was already firmly committed.
The reform juggernaut gathers pace

In 1959 a Ministry of Education document for primary school teachers commented that “the process of education in this country has always been a slow evolution, not subject to sudden change” (quoted by McCulloch 2017: 27) and that still largely held true until the late 1980s.

The Education Reform Act (ERA) of 1988 which followed Margaret Thatcher’s third election victory changed that tradition fundamentally. It gave greatly increased powers to schools over resource allocation but introduced a prescriptive and detailed national curriculum and regular assessment of pupils. It linked the funding of schools quite closely to pupil numbers with provisions for open enrolment thus promoting a competitive market. Some schools could obtain significantly enhanced autonomy either as ‘grant maintained schools’ or sponsored City Technology Colleges. Reflecting many years later on the great change in relation to the curriculum, the former education secretary Shirley (now Baroness) Williams (2009) has commented that it represented “a lurch from one extreme to the other, from too much autonomy to virtually none. It is the heavy price England pays for a highly politicised system”.

The annual publication of schools’ examination and test results for secondary schools began in 1992 and a year later the Office for Standards in Education (Ofsted) was established: this used a slimmed-down corps of Her Majesty’s Inspectors (HMIs) to contract private inspection teams to carry out regular school inspections and supervise them. (Most recently this function has been taken in-house).

The Labour government which was elected in 1997 and held office until 2010 introduced some modifications to the approach of its predecessors, for example projects designed to give extra support to schools in disadvantaged urban areas and a new emphasis on cooperation to balance competition, but a consensus would be that the continuities were more pronounced than the discontinuities. As Whitty (2008: 171) remarked in an article marking twenty years since the ERA, Labour “…seems to have gone further down the market route, and much further down the privatization route, than the Conservatives ever achieved, as well as increasing central steerage of the system through such initiatives as the National Literacy and Numeracy Strategies”. A highly significant development was the introduction of academies in 2000. These were sponsored schools operating as charities on the basis of so-called ‘funding agreements’ - in effect contracts - with the Secretary of State for Education and having no formal connection with the local authority. The vast bulk of the funding was provided by the government with generally a small contribution required from the sponsor (later abolished). They were regarded as largely autonomous and were seen as the epitome of ‘independent state schools’. Most but not all academies were set up in deprived areas sometimes replacing schools in difficulty.
This model was seized upon and developed by the incoming Conservative-Liberal Democrat coalition government in 2010, with education under the radical, neocorporate stewardship of the Secretary of State Michael Gove until 2014. Schools which had excellent inspection reports, often in prosperous areas, could also become academies – these did not require a sponsor. As under Labour’s programme, a sum calculated to be the amount that the local authority would have received for oversight and support of that school was transferred to the academy following its conversion, with obvious implications for the capacity of the local authority to fulfil its functions in respect of its remaining schools and the school-age children in its area. Another new category of school, so-called ‘free schools’ intended to be established by parents, teachers or other groups and funded by the government, was also brought into the academy framework, as were other types of schools – university technology colleges and studio schools. These new types of school, added to a variety of faith and specialist schools, created a bewildering array of a kind reportedly described as a ‘liquorice allsorts’ system by a well-known researcher and commentator Professor Alan Smithers (Garner 2011).

The coalition and from 2015 the Conservative governments have sought to move towards every school, both primary and secondary, becoming an academy. The policy framework has the following four features:

- The minimisation of the power of local government over education through academisation
- A national framework of performance targets and inspection for all state-funded schools (including academies)
- Collaboration between schools to provide resources and impetus for school improvement
- Successful headteachers becoming ‘system leaders’ exercising leadership beyond their own school

(Adapted from Simkins et al. 2018).

The ‘slow evolution’ model referred to in the 1959 Ministry of Education document quoted earlier has long gone. Paul Cappon, a senior Canadian educationist with wide international experience, was a Policy Fellow at the Department for Education in England in 2014/15, with a remit to examine the preparedness of English young people for life and work. In his report to the Department (Cappon, 2015) he noted England’s relatively unimpressive performance in international educational comparisons and particularly in the decline of adult skills across recent generations, as shown by the OECD’s Programme for International Assessment of Adult Competencies (PIAAC). Cappon attributes much of this to structural weaknesses in the schooling system. He claims that there is too much focus on individual schools and too little on the wider system – a feature which as we have seen has a long history - resulting in great inconsistency. He refers to the “curious combination of centralization and
decentralization, and to the fragmentation of delivery that characterizes the English system”. There are strengths, but these “occur despite – rather than because of – systems and structures that are currently in place. Sustainable improvement is infrequent in a context of incoherence” (Cappon, 2015: 53–4). In his view, the “system appears to be inherently unstable, changeable with bewildering speed” (Cappon, 2015: 21).

It is important to recognise that these characteristics are not limited to education. More than a decade ago in a magisterial article the political scientist Christopher Pollitt coined the term ‘redisorganisation’ to denote the serial restructuring that had been prevalent in the government of public services in several jurisdictions over the previous 20 years or so (Pollitt 2007). Although the process of redisorganisation had also affected other countries, it was especially pronounced in England, which comparative studies showed to have been among the most activist, hard-driving countries with regard to public management reform.

The pace since then has not slackened, if anything it has accelerated despite changes of government. In a study for the Institute for Government, Norris and Adam (2017) examined the effects of the rapid and frequent ‘policy reinvention’ or ‘policy churn’ that appears an endemic feature of contemporary government by looking at three areas, one of which was further education. The authors remarked that “The sector has undergone five major reorganisations during the last two decades, and no institution has survived longer than a decade” (ibid.: 9) and that all the change disrupts organisational memory making further change more likely. It also hinders the collection of robust evidence about which policies and reforms have worked and why. The human cost is many thousands of students grappling with a confusing set of qualifications that hold varying values in the labour market, with little confidence that a particular qualification will still exist in another five years. “The failure to develop adequately a stable FE system contributes to skills shortages – a major factor in the UK’s productivity problem” (ibid.: 28).

The wider national context is significant in other respects as well. One of these is the constitution. The constitutional specialist Vernon Bogdanor (2013) has pointed out that Britain remains one of only three democracies, the others being New Zealand and Israel, without a codified constitution. In a compelling tract, the journalist and former head of Margaret Thatcher’s policy unit Ferdinand Mount (2012) has described the extraordinary centralisation of power that occurred during and since her period in office. Power used to be spread around in what he calls a rather casual, haphazard fashion. It was an opaque and in many ways unsatisfactory set of arrangements. In Mount’s account Thatcher seized on its looseness and the ambiguities of the unwritten constitution to create a centralised state which her successors have been very willing to deploy and extend. For example, he claims that she largely neutered
local government by significantly changing its financial basis so that it became dependent on the centre for the great majority of its funding. Of particular significance in relation to education, where the powers of local authorities have been greatly curtailed, is that, unlike the position in other European Union states, local government enjoys no constitutional protection (see Cox 2010).

Deeper cultural characteristics also need to be taken into account. For example Green and Janmaat (2011) identified distinctive ‘regimes of social cohesion’ based on statistical analysis of key variables. They contrasted ‘liberal’ or more individualistic traditions in the UK and USA with more solidaristic ‘social market’ and ‘social democratic’ orientations in parts of continental Europe. (Within this dichotomy Scotland and Wales might appear distinct from England and lean more towards the solidaristic end of the spectrum). One example is that the absence of the types of social partnership arrangement involving for instance local government, employers and unions which are often found in Europe are largely absent in England, as Keep (2015) has explained in his analysis of governance in relation to vocational education and training. This gives central government great control over institutions and provision and in proposing and implementing reform. As le Roux (2014) put it “...The executive is able to rearrange the architecture of the state at will, irrespective of the views of other state institutions, and at short notice”.

The weakening of local government is by no means confined to education. A study by the National Audit Office (NAO) has questioned the sector’s financial sustainability and pointed to the consequent risk of “slowly centralising decision-making” (National Audit Office 2018b: 12). Yet it also has a distinctive educational dimension, as Lubienski indicates in his study of ‘disintermediation’ – “efforts to undercut the perceived power of intermediate or meso-level governance structures” (Lubienski 2014: 425) – in England, the U.S.A. and New Zealand. He refers to the view of supporters of market models that these intermediate structures interfere with what should be a direct connection between consumers and service providers in local schools. He argues that rather than promoting autonomy such moves produce power shifts to non-state actors who are largely impervious to outside democratic influence, yet the new model appears no more effective than the old in terms of academic outcomes and appears less well suited to tackling equity concerns. This assessment is reminiscent of Pollitt’s (2007) conclusion that despite all the energy and the huge cost devoted to such reform strategies there is no convincing evidence of their effectiveness either in Britain or elsewhere.
Standards v. structures: a false dichotomy

In England in recent years, as a result of the kinds of reform strategies that have been outlined above, there has been a largely unhelpful debate in which it has been claimed that structures are of little consequence and that outcomes depend essentially on high quality teaching and leadership, not structures. In the terminology frequently employed, standards matter far more than structures. What appears to be meant by this assertion is that working to improve teaching and leadership is likely to have a more significant impact on performance than changing structures (William 2010). That is very different from arguing that structures are unimportant. The language may be a barrier here. It is likely that we need broader concepts than ‘structures’ and ‘standards’ with their narrowly technocratic connotations. The OECD has concluded, in the context of the challenge of seeking to combine equity with quality, that “the way education systems are designed has an impact on student performance” (OECD 2012: 25) and the notion of ‘system design’ seems potentially powerful. Attention must be paid to improving teaching and leadership, of course, but excellent teaching and quality leadership cannot be fully effective in a capricious and dysfunctional framework, which can also have detrimental effects on distributional equity.

In this connection taking a ‘whole system’ approach to reform is regarded by many as particularly important (Glatter, 2012a; Burns and Köster, 2016). For example Munby and Fullan (2016: 4) argue that “You can’t run a whole system for students in a region, state or country by relying entirely on exceptional leadership in each school”. That way, they claim, you get “change in small pockets… with exceptional schools attracting the best talent and the rest left struggling in comparison”. They also describe the uncomfortable position in which school leaders in current reform contexts often find themselves: caught between heavy top-down accountability which fails to motivate people and which can distort the purposes of education, while at the same time having to react to government’s emphasis on autonomy and diversity at school level that can breed isolation and excessive variability in performance.

Underestimating the significance of systemic factors may relate to a perspective on reform which focuses on individual school units or separate groups of schools rather than taking a ‘whole system’ approach in the interests of promoting coherent support structures and consistency in provision (Glatter 2012b). That perspective aligns closely with the quasi-market model which views schools as largely separate units competing with one another, a distinct feature of what the Finnish educationist Pasi Sahlberg (2011) has referred to as the ‘Global Educational Reform Movement’ (GERM). Studies in a variety of countries have provided little cause for optimism that this model yields the educational benefits that its advocates claim (for example Waslander et al., 2010; Jensen, 2013).
A view of the aftermath

Focusing on the notion of ‘system design’ I suggested in an earlier contribution (Glatter 2011) that the changing governance of school systems tends to display a set of tensions, of which the following seemed relevant examples:

- The coherence of a system and its fragmentation
- The autonomy of individual schools and the wider community and public interest
- Diversity of provision and social equity
- Competition and collaboration
- Central and local decision-making

These tensions are not of course separate but interact with one another. They involve subtle and delicate processes and the balance that is struck within each of them at any point in time in any country will have an impact on the kind of schooling that students receive. Referring to them as processes implies that system design consists of more than simply ‘structures’ but must include at least processes as well, a point to which I will return later. The list of exemplar tensions is clearly very relevant to Blair’s notion of the ‘independent state school’ (ISS) and I will use it to try to assess current conditions in England. The limitation of space allows only a very cursory review for illustrative purposes, with numerous key aspects unavoidably omitted.

**Coherence and fragmentation.** This issue has been addressed directly in a report by the government’s public spending watchdog, the NAO (National Audit Office 2018a). It noted that the number of academies, schools run by charitable trusts outside local authority (LA) control, had grown steadily since 2010. A much higher proportion of secondary than primary schools had become academies. Overall just over a third of all state-funded schools were in academy trusts which leaves the great majority still maintained by local authorities, although nearly half of all pupils are in academies. There is an extraordinary degree of variation across England: for example the proportion of mainstream schools that were academies ranged from 8% in Lancashire and two other LA areas to 93% in Bromley.

The other major development was the great growth in so-called multi-academy trusts (MATs) where a group of schools is brought together under a single trust, often under the control of a third-party ‘sponsor’, especially in the case of schools considered to be in difficulty or underperforming. The NAO report indicates that at January 2018 there were 1,324 MATs and that 690 approved sponsors were actively sponsoring academies, in many cases more than one. Where the sponsor proves unable to support an academy or closes down the trust the Regional Schools Commissioner (RSC, of whom there are eight, spread across the country) is expected on behalf of the government to ‘re-broker’ the school to a new sponsor. According to the NAO this can be a
particular difficulty in the case of the most troubled schools whose multiple challenges can make them less attractive to potential sponsors.

The NAO’s conclusions refer to the fact that there is no clear rationale for the split between local authority and academy trust responsibility: “This complicated position means that it is incumbent on the Department to clarify its policy and make sure that the school system is coherent with all of its parts working effectively together. This will be crucial to secure value for money and provide children with access to good end-to-end schooling” (National Audit Office 2018a: 13). Their first recommendation frames the critique even more powerfully: “Now it no longer expects all schools to become academies, the Department should articulate its vision for the school system. Specifically it should set out how it sees academies, maintained schools and local authorities working together to provide an integrated, efficient and effective school system across all parts of the country”. It is striking that such strongly worded advice has come from an official body.

The actual picture is far more diverse than the limited account presented here so far suggests. As another report, drawing on both academic and legal expertise, indicates, over the length of time that the academy programme has been developing “What has emerged has been a range of governance structures of enormous range and complexity” (West and Wolfe 2018: 13) and this has happened without any parliamentary scrutiny. Moreover there is huge variation in the sizes of MATs, with some having 40 or more schools but most comprising between 2 and 10 (ibid.: 18). Moreover this development appears to be having an impact on equity. One conclusion from the major study of the so-called ‘self-improving school-led system’ (SISS) at the University College London Institute of Education was that “the somewhat random development of MATs is encouraging further fragmentation and the entrenchment of status hierarchies across the system” (Greany and Higham 2018: 93). Overall “the research revealed widespread concern that the system is becoming more fragmented” (ibid.: 99) leading for example to schools at the bottom of their local hierarchies struggling to recruit students.

Another indication of the complexity within the system was provided by Courtney (2015). He acknowledged that diversity had always existed in the system but suggested that it was now possible to identify no less than around eleven legal school types in England and he offered further categorisations based on differences relating to curricular specialism, pupil selection, types of academy and types of multi-school groups. The latter are indeed highly diverse and Simkins et al (2018: Table 2) have presented a table attempting to capture some of the key sources of variation, based on factors connected to a group’s formation, structure and organisation and its approach to inter-group relations – whether primarily professional or commercial. They point out that this great heterogeneity presents significant challenges for schools, whether local authority-maintained or academies, and their leaders, who “are faced with important strategic choices about which school groups to engage with and on what terms” (ibid.: 8). The implications for leadership are
drawn out by Rayner et al (2018: 158) who observe that the system “encourages relentless strategising in localised manifestations of change that bring challenges to survival, as schools seek advantage in the local market-place. Localised agency is a complexity of risk and anxiety...”. This raises significant issues relating to school leaders’ preparedness and personal and professional capacity to make judgements with such far-reaching implications.

The current situation in many areas can fairly be described as a complex patchwork of schools and school types with strong local hierarchies that is very difficult for families, particularly those with limited educational background, to navigate (West et al. 2009) and much greater public debate about the problems of parental choice and school admissions than is common in developed countries (Green and Janmaat 2011). The vehicle for attempting to impose some coherence is what has come to be known as ‘hyper-accountability’ (Hazell 2018). The dominant focus of accountability in England today is central government through its range of instruments of control. Some years ago Maurice Kogan referred to what he perceived as “an enormous superstructure of monitoring and inspection” (Kogan, 2002: 338). A key element in the range of instruments was performance indicators, such as published examination results, which the media convert into school ‘league tables’. Kogan (2002: 338) contrasted this type of information with the ‘hot knowledge’ that practitioners generate every day: ‘Hot knowledge grows cold when far away from its point of origin. The knowledge which takes pride of place in official thinking is very cold indeed...’. Performance indicators are prime examples of decontextualised and cold knowledge... They have the advantage of producing easily comparable data whereas everything we know suggests that the components of school performance include subtle and complex processes and contextual factors’. In the same year the philosopher Onora O’Neill gave the prestigious Reith Lectures which are broadcast nationally. She criticized the entire approach to public service accountability. Performance indicators are “chosen for ease of measurement and control rather than because they measure performance accurately” and “the new culture of accountability provides incentives for arbitrary and unprofessional choices” (O’Neill, 2002: 54, 56). A culture of intelligent, less distorting forms of accountability was needed which focused on good governance and enabled professionals and public servants “to serve the public rather than their paymasters” (O’Neill, 2002: 59). These assessments still seem valid today.

The inspection body Ofsted whose published reports and blanket ratings (‘Outstanding’, ‘good’, ‘requires improvement’ and ‘inadequate’) are particularly influential is a strong focus of public and professional debate (Hazell 2018). The Education Policy Institute asked the question “Is it easier for some schools to be judged ‘good’ or ‘outstanding’ than others?” and concluded that “There is a clear and systematic negative correlation
between school intakes with more disadvantaged children and more favourable Ofsted judgements” (Hutchinson 2016: 15). Ministers point to increases in the numbers of children in ‘good’ or outstanding’ schools as testimony to the success of their policies. But as Jon Andrews (2018) of the Education Policy Institute has pointed out such claims do not take account of statistical factors such as the large increase in the student population or of the fact that many higher-rated schools have not been inspected for a number of years. Connecting such changes with the government’s reforms is therefore dubious not least because “the large structural reforms, through the expansion of the academies programme and the introduction of free schools, have so far resulted in little or no impact on overall attainment” (ibid.: 6).

**School autonomy and the wider interest.** This tension appears to have been resolved in favour of the wider public interest as defined by the government, in particular through the high stakes accountability framework just mentioned. A poll of over 1,200 teachers for the Sutton Trust in 2018 found widespread scepticism about the impact of autonomy in the classroom. Even among those working in the academy sector hardly more than a quarter of the sample (27%) thought that their autonomy had had a positive impact in the classroom. Among academy leaders, nearly half thought that the autonomy linked to their status either had no effect or that the impact was negative.

As I have suggested elsewhere “Autonomy is not a simple concept and key questions about it include autonomy for whom and over what” (Glatter 2012a: 412). Simkins (2003) distinguished between criteria power over setting aims and purposes, defining performance criteria and determining evaluation processes, and operational power to provide the service using relevant skills and resources within the criteria set. He suggested that central government has greatly increased its criteria power, both directly and through key agents such as Ofsted while LAs have been squeezed between central government with its expanded criteria power and the level of the school where there has been a gain in operational power. Teachers have lost criteria power and students remain largely disempowered. Though formulated some years ago, much of this analysis still holds, indicating the length of time that these trends have been proceeding.

The notable change concerns MATs. West and Wolfe (2018: 9) explain the irony of the current situation in that regard: “The academies programme, promoted to bring freedom and independence from central control for schools, has ended up with over 70 per cent of academies actually being run by Multi-Academy Trusts (MATs) having entirely lost the legal identity and autonomy enjoyed by both stand-alone academies

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1 See [https://www.suttontrust.com/newsarchive/academy-leaders-sceptical-about-academy-freedoms/](https://www.suttontrust.com/newsarchive/academy-leaders-sceptical-about-academy-freedoms/)
and [LA] maintained schools”. From their wide-ranging study Greany and Higham (2018: 50) would not limit the loss of autonomy purely to academies in MATs: “We found that any increase in operational power available to academies has not been comparable to the changes to the accountability framework, which have allowed the state to continue to steer the system from a distance and to increasingly intervene and coerce when and where it deems necessary”.

Simply because the degree of school autonomy appears to be much less than the 'ISS' rhetoric had implied does not mean public interest issues have not arisen. Academies, whether in the form of MATs or standing alone, are authorised to operate by means of so-called ‘funding agreements’ from the Secretary of State. These are in effect contracts. This means that there has in recent years been a large and unprecedented development of ‘governance by contract’ (Feintuck and Stevens 2013) in the English school system whereby a substantial proportion of schools funded by the taxpayer are contracted out to an extremely diverse range of third parties, while the majority are still governed through traditional statutory relationships. Observing this development, two U.S.-based writers commented that, in contrast to the LA system under which “Schools saw themselves as part of a broader community”, as academies “schools have strong incentives to promote their own interests, not those of the public as a whole” (Ladd and Fiske 2016: 39). They considered this would be a particular temptation in relation to the larger MATs which do not have to be composed of schools within the same geographical area.

This seems likely to be an inevitable consequence of current policy that strongly encourages the development of MATs, which Greany and Higham argue should be understood in terms of mergers and acquisitions rather than partnerships: “The influence of business models and the language of MAT policy and practice has clearly emphasised private sector and corporate structures” (Greany and Higham 2018: 85). From their extensive empirical work they conclude that the operation of markets combined with the force of the accountability arrangements has produced an increasingly ‘constrained professionalism’ creating “strong systemic pressures for school leaders to prioritize the success of the organization over the needs of particular children” (ibid.: 34, italics in original). An example is the much-publicised topic of ‘off-rolling’ where academically weaker pupils, often those with special educational needs, are encouraged to leave a school before a key set of examinations takes place, to help protect the school’s ‘league table’ position (Bradbury 2018).

Numerous problems relating to oversight of MATs have arisen, for example the issue of ‘orphan schools’ where schools have to be ‘re-brokered’ because, for example, their MAT can no longer support them. As already indicated this can take some time if the school is in challenging
circumstances and therefore not attractive to potential sponsors (NAO 2018a). In such cases “the outcome is that central government, in the form of the RSCs [Regional School Commissioners], completely and privately decides what happens when it comes to school re-organisation” (West and Wolfe 2018: 27, my emphasis). Another controversial issue concerns ‘forced academisation’ under which a LA-maintained school that has failed an Ofsted inspection is made to become a ‘sponsored academy’ and forced to join a MAT chosen for it without any necessary involvement from its staff, governors, parents or local community. Once made the arrangement cannot be reversed. At a hearing of the House of Commons education select committee the senior civil servant at the Department for Education (DFE) was unable to provide any firm evidence that this procedure offered improved value for money (Santry 2018). There has also been a succession of financial issues relating to perceived excessive salaries, conflicts of interest including criminal behaviour and lax financial management within academy trusts2.

From a review of research on developments around the idea of the ‘independent state school’ in England, the U.S.A. (charter schools) and Australia (independent public schools) Salokangas and Ainscow (2018: 131) concluded that evidence of positive outcomes of school autonomy “across the three countries is largely unconvincing”. Regarding the claim that such approaches tend to foster innovation, they consider that “in terms of educational practices, research in the three countries has not been able to trace much evidence of innovation. Rather, it has pointed out that teachers working in these schools are subject to similar, if not greater, control as their colleagues in other types of publicly funded school, which greatly affects their practice” (ibid.: 127).

An overall summary of the first two tensions might be that in England we have moved even further away from system coherence without achieving the benefits of the ISS model predicted by its advocates.

Diversity of provision and social equity. A major OECD review of more than 250 studies found little evidence to support the view that competition improves schooling (Waslander et al. 2010). According to this wide-ranging study, introducing market mechanisms in education does not tend to generate innovation, it can increase social segregation and the evidence showed no link to improved teaching and learning. Of particular interest for our current discussion is that the review pointed to two significant features of market mechanisms that help to account for the overall negative conclusion. The first feature is local hierarchies of schools, which are particularly prominent in many areas of England: “Schools with able and white pupils from advantaged backgrounds rank highest in the local hierarchy, irrespective of objective measures of education quality. The position of a school in the local hierarchy plays a

2 For a summary see West and Wolfe 2018: 27-29.
role in the choice behaviour of parents” (Waslander et al. 2010, para. 262).

The second feature is the inelasticity of both demand and supply in education. For example: “The vast majority of parents are satisfied with a school that does not perform well and do not leave or bypass the school. The implication is that an important correction mechanism does not work in education markets as it does in other markets” (ibid.).

Gorard analysed national data in England to determine how far children living in poverty are clustered within particular schools and the factors associated with social segregation. He concluded that, while the social composition of the area surrounding each school and local transport facilities are important factors, the single most important is the diversity of local schooling, with areas containing (selective) grammar schools, faith-based schools and academies having much higher levels of segregation than areas that have mostly retained community comprehensive schools (Gorard and See 2013). A literature review by Allen et al. (2014) found that schools are more segregated than neighbourhoods in almost all parts of England, and that the additional sorting is highest where there is higher population density and large proportions of autonomous schools. Findings such as these question the rhetoric claiming that school structure is unimportant in comparison with teaching quality and leadership.

A research-based review of the capacity of primary schools to respond to growing population diversity has concluded that the increasing fragmentation of the system has led it to reflect and reproduce substantial social segregation (Ainscow et al. 2016). It has also meant that: “The provision available to support schools’ development is incoherent and patchy, whilst central direction and accountability mechanisms focus schools on only a narrow range of educational tasks. However, we have also suggested that some schools find their own way through this fragmented system in order to develop creative responses to diversity”. (Ainscow et al. 2016: 29). The latter point indicates that some schools and school leaders are able to overcome barriers imposed by problematic structures and processes and manage to find a way to succeed in spite of these, but that does not mean such arrangements are beneficial for the system as a whole.

MATs appear to demonstrate wide variations in performance with some trusts doing well but a larger group showing results at the opposite extreme (Department for Education 2018). Around 1700 schools are ‘sponsored’ academies, meaning that their sponsors are expected to raise the performance particularly of disadvantaged students within their schools. A study of these arrangements which has been conducted annually for the past few years has concluded that “while there have been
some outstanding performers, too many chain sponsors, despite several years in charge of their schools, continue to struggle to improve the outcomes of their most disadvantaged students” (Lampl 2017: 3). This clearly raises questions about the capacity of the system to cope with any significant expansion.

More broadly, in a national survey of 698 school leaders two-thirds of the respondents (66 per cent) “agreed that inequalities between schools are becoming wider as a result of current government policy” (Greany and Higham, 2018: 101).

**Competition and collaboration.** The issues here will already be evident from the preceding discussion. As we have indicated, there is a wide diversity of school types and individual schools compete for pupils, though a variety of more and less formal collaborative arrangements have arisen in recent years, some of which were promoted by government while others emerged from the ground up. It is a complex and unstable system with little coherence but its underlying logic is of the market and competition, and as Boyask (2018: 120) suggests: “The fundamental flaw in an education system built upon market values is that, as in any competitive marketplace, there will be winners and losers”.

This became evident in the empirical work conducted in various localities in England by Greany and Higham (2018). They found that “in more competitive environments... school leaders were more likely to report an unwillingness to work with other local schools, particularly if they perceived doing so would put their own school’s hierarchical status at risk” (ibid.: 60). Moreover, and particularly concerning, the current policy agenda relating to SISS was exacerbating the problem, in that it was “creating new forms of competition and that this is often accentuating the role of local status hierarchies, as ‘well positioned’ schools take advantage of their status to acquire additional resources and influence” (ibid.: 67). Other researchers refer to the tension between collaboration initiated through top-down directives and that arising more organically and based on a clear, shared purpose: “Leadership needs to be located within the partnership and care taken to avoid domination by one key player” (Chapman 2015: 58; see also Simkins et al. 2018).

As already mentioned governance by contract has become an increasingly important feature of the English system in recent years, particularly in relation to the various types of school under the academies programme whose status is determined by contracts (‘funding agreements’) issued on behalf of the Secretary of State. The U.S. organisation theorist Philip Selznick saw “the intrinsic conflict between the premises of contract and those of association” as a major theme of his path-breaking work on institutions: “The logic of contract runs up against the logic of sustained
cooperation” (Selznick 1996: 272). This is an issue to which we will return.

**Central and local decision-making.** In an earlier contribution I attempted to summarise the remarkable mutation in the governance of education over the past few decades in these terms: “Schools have acquired far more responsibilities and the centre has been transformed from a trusting referee and resource provider to a demanding and impatient managing director with frequently changing identity and priorities” (Glatter 2012a: 570). I have already referred to Lubienksi’s (2014) work on ‘disintermediation’ in a wider international context, covering also the U.S.A. and New Zealand as well as England, in which he concludes that ‘disintermediation’ is less about devolution than about a power shift to non-state actors such as those controlling the new academy trusts: what Ball and Junemann (2012: 124) have called “a new social enterprise elite... joined up in a complex web of philanthropic, political and business relationships”.

In this connection the churches have had a long and highly significant history in English education and by 2017 more than a third of all state-funded primary schools and around a fifth of secondaries were faith-based schools, predominantly Church of England and Roman Catholic3. This is perceived as a strong brand and successive governments have fostered its growth. The proportions have been increasing in recent years and as Courtney (2015: 811) states “Religious institutions have taken advantage of the promotion of alternative providers to position themselves as an exemplar for that role”. A YouGov opinion poll in 2013 of over 4,000 people found that a clear majority (45% to 32%) disapproved of state funding for faith schools4 and other research has indicated numerous issues relating to admissions to faith-based schools (for example Levitt and Woodhead 2018). It is also noteworthy that religious affiliation among the population has declined significantly over the past fifteen years according to the latest British Social Attitudes survey and only 2% of adults under the age of 24 now identify with the Church of England5. This issue could be considered an aspect of the wider question of the ownership of educational provision prompted by the recent reforms which seems worthy of wider discussion. Who owns our publicly-funded schools, and what are the social and educational implications of the current arrangements?

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3 See [https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06972](https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06972)

With their power and resources substantially reduced, though they still have significant statutory responsibilities, LAs now form part of an “ungainly middle tier” (Simons 2017: 23) including the eight RSCs who are civil servants accountable to the Secretary of State and also, it is sometimes claimed, the larger MATs. However the latter are corporate bodies providing contracted educational services to the government and hence can hardly be regarded as part of the overall framework of governance. School governors’ role has also been upgraded so that they are expected to perform some oversight and other obligations previously undertaken by LAs (Wilkins 2016a) and it seems likely that, in line with the ‘independent state school’ vision, it was originally thought nothing more would be needed: central government could oversee it all from Whitehall. If so this proved a significant misjudgement and so the RSCs were created in 2014.

The RSCs now exercise significant responsibility relating to both academies and maintained schools. West and Wolfe (2018: 17) claim this involves “a lack of transparency or democratic accountability: they have been... appointed as individuals, without any real public (or parliamentary) scrutiny or control”. Some years ago Pring put the overall position in stark terms: “What is being created is the most personally centralised education system in Western Europe since Germany in the 1930s – each school contracted directly to the Secretary of State…” (Pring 2013: 157). This raises fundamental issues of ownership, democracy and pluralism (Glatter 2017b).

It is now unlikely that every school will come within this type of framework but the fact that around half of all the pupils in publicly-funded schooling in England are in what might be called ‘schools contracted to the central government’ attests to the rapid and radical nature of the governance changes that have taken place since 2010. The process of commissioning the provision of schooling, still a relatively new one in England, is likely to emphasise the specification and achievement of ‘technical’ standards rather than the less tangible qualities relating to the broader social and moral purposes of schooling. This process is typical of what Goldspink (2007) called “the funder/purchaser/provider structures for the delivery of government services” that have become common in several countries. It operates on the basis of Agency Theory, in which contracts are central features. Goldspink explains the risks inherent in the relationship between the principal (the purchaser) and the agent (the provider), not least in devising relevant incentives and monitoring achievement under the contract: “The focus on what is measurable (outputs) rather than what is important (outcome) can lead to goal displacement... In the context of devolution, performance information can be used to ‘control’ and ‘police’ rather than to improve local learning. This is indicative of a commitment to the practices of command management and offsets the potential benefits of decentralisation, sending messages of mistrust” (ibid.: 33-34). In Goldspink’s view there are clear
consequences for teacher commitment and morale and that is one of the reasons for questioning the wisdom of separating delivery from policy as the system of contracting out does. This may help to explain the low level of job satisfaction of teachers in England relative to that of those in many comparable countries (Zieger et al. 2018).

The central/local tension masks another, more ideological one, between neoliberal and neoconservative drivers in education policy. Courtney (2015: 814-5) describes this as the tension "between free market distinctiveness and the neoconservative appropriation of knowledge definition and production... So, the increase in educational providers serves to disguise how the state is becoming more, not less powerful". He argues that both of these positions tend towards differentiation and hierarchy, one through markets and the other through privileging more academic forms of learning which advantage particular groups of students.

**Which way now? Some suggested signposts**

In the face of the constant policy upheavals I fully sympathise with all those, especially practitioners at the front line, who call for a period of stability. But in the light of the very volatile and barely sustainable position we have reached, some of which I have tried to sketch out above, this does not seem a practical way forward. The commentator and former political adviser Philip Collins has referred to ‘the paradox of policy churn’: “Precisely because policy churn creates such a mess, it requires some more change to put it right. Nobody wants a stable mess” (Collins 2017: 27).

A former senior adviser to government, Matthew Taylor (2015), has distinguished between ‘communitarian’ and ‘technocratic’ approaches to public and social policy. In the technocratic perspective, he writes: “the search is on for scalable solutions. Once the right intervention is identified, it is then a matter of arranging things so that the solutions can be delivered as reliably and uniformly as possible... In recent decades, the top-down approach has been supplemented by the favouring of market mechanisms”. By contrast, in communitarian approaches “it is the quality of engagement among front-line service providers, clients and citizens that is crucial... Power in this model is decentralised and the boundaries between the bureaucratic rationality of the state and affective domain of civil society are deliberately blurred” (Taylor 2015: 14-16). Note that in this formulation ‘communitarian’ covers both service providers and ‘users’ (“clients and citizens”). In education it might be appropriate to identify the former separately, perhaps as a category labelled ‘professional’, so that engagement by staff on the one hand and by non-employee stakeholders on the other are each explicitly and separately recognised.
In English schools policy the technocratic and market-based approaches have recently dominated and communitarian (whether elective or more broadly representational) and professional forms of engagement have fallen into serious decline. This seems to me the major weakness that needs to be remedied in relation to policy development and governance. It would involve not just *structures* but also *processes* and implies a substantial redesign of the system and a significant cultural shift. To give one example, on the basis of his large-scale study of school governance Wilkins (2016b) argues for the need to remove “the burden of technical-bureaucratic directives that now beleaguer the everyday work of ordinary governors”.

**Trust and legitimacy: the jewels in the crown.** As we have seen, the predominant approach to reform in England in recent years has been central diktat, with potential countervailing forces such as local government and local communities progressively diminished, while central bodies such as the inspection body Ofsted and the government-controlled RSCs have increased in strength. The review by the Canadian specialist Paul Cappon referred to earlier concluded that “there are in England few moderating influences, brakes, structured feedback mechanisms and social partnerships that might reduce the impact of short-term empiricism of central decision-makers” and that “a balance between legitimate political responsibility and accountability and the deep engagement of stakeholders” (Cappon, 2015: 64) needed to be achieved. Without securing ‘buy-in’ through genuine partnerships, policy options were likely to fail because of resistance (ibid.: 69).

Such messages were aligned with and drew from conclusions by the OECD. A review of international research and experience about how to achieve reform successfully in education emphasized the importance of engaging stakeholders, in particular ensuring that changes resonate with teachers’ thinking and involving teacher unions in reforms (OECD 2015). It also stressed that a long-term perspective is needed when implementing reforms, especially where these involve a different philosophical approach to teaching methods or changing the governance structure of schools. Such a perspective involves significant tensions with political pressures. Leadership is required to establish “how alignment, consistency and a long-term perspective can be reconciled with the needs of politicians to promote an understandable and popular policy agenda on a day-to-day basis” (Ibid.: 167). Another OECD study, on governing education in a context of complexity, concluded that trust “is an essential element of educational governance and is required for good system functioning” (Burns and Kőster 2016: 227).

These lessons arguably need to be taken on board much more firmly in England than they have been in the recent past. They extend beyond
education to the whole realm of government in any context. “[T]he
crude and fickle. It rests, ultimately, on force, threat and sanction…
The authority that sits on legitimacy is something else… This is the jewel in the crown of governance that makes for stable, strong and reliable authority… People obey not because they must but because they want to. It pulls followers into a settlement which they see as rightful” (Ringen, 2013: 51), yielding a measure of ownership and consent. Ringen considers the recent failures of public sector reform in England to be largely due to the way professionals such as doctors and teachers have been treated. Instead of being rallied for reforms they have been put under command and subjected to crude technocratic measurement: “Rigidly schematic targets, controls and performance indicators present themselves to workers as oppressive disincentives” (ibid.: 21). This is counter-productive because “Governing is a power business, but never only a power business. It is also, and always, a people business” (ibid.: 50). Nor has the wider population been mobilized for the reforms: “The government did, everyone else was done to” (ibid.: 22, italics in original). A similar message emanated from the work of the Institute for Government on the process of policy development in England: “Our studies of change which have lasted point to the importance of establishing both a clear evidence base and a wider coalition for change before embarking on reform, in order to provide resilience” (Norris and Adam 2017: 30).

Here are some examples of changed policies and processes which could help to address this over-arching issue and also some of the other tensions that were identified earlier in the paper.

- **The Department for Education (DfE) should clarify goals for the system.** As mentioned earlier the National Audit Office (2018a: 13) has called on the Department “to articulate its vision for the school system”. Jonathan Simons, who was head of education strategy under two governments, has also criticised “the absence of anything approaching [a] shared and explicit understanding of end goals” (Simons 2017: 12). He also stressed that securing consent is vital: “The critical reason why consent is needed is that without it much education reform is doomed to fail” (ibid.: 20)

- **The recently-introduced system of contracting out the provision of schooling to a huge array of disparate providers should be phased out.** As the discussion in this paper indicates it greatly increases the complexity of the system as a whole without any clear educational gain and introduces major problems of oversight. It also runs the risk of delegitimising citizen

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6 Surveys have shown that parents feel marginalised in relation to government reforms (see Croft 2017: 54).
stakeholders, including parents and students, who are not party to the contract (Glatter 2017a; Thorley and Clifton 2016).

- **The accountability system should be greatly simplified and be made more supportive.** One particularly significant and arguably over-influential instrument is the Ofsted grading system (outstanding, good, requires improvement and inadequate). There is a case for it to be abolished entirely (Sherrington 2018) or at least greatly reduced, for example to indicate simply whether a school’s performance is good or not yet good (Stewart 2015).

- **No school should any longer be its own admissions authority.** The numbers of schools allowed to exercise this function has grown rapidly with the rise of the academies programme, but as Astle argues (2017: 117) this “represents an open invitation to take the low road to school improvement; to boost your school’s scores without improving your teaching”.

- **Provision should be made for local democratic and strategic co-ordination and community governance covering all schools in an area.** The current situation in which there is a mix of publicly-funded schools in a locality, with some responsible to a democratically-based authority and others not, is divisive, creates many anomalies and defies logic, and there is no educational evidence to support such a distinction.

Moving in the direction of these suggestions would in my submission create a more coherent and inclusive school system in England.

**Conclusion:**

the ‘independent state school’ laid to rest

In the quote at the start of this paper Tony Blair said that the aim was to create “a system [my italics] of independent non-fee paying state schools” but it always appeared questionable whether that model was compatible with the notion of a ‘system’. Was it even practicable in a medium-sized country with in excess of 20,000 schools and a population of well over 50 million to operate on the basis of the central state being the next level of governance above the individual school? That might work for a small number of schools, as was the case in the 2000s (just over 200 by 2010), but it no longer appears sustainable in the context of the huge rollout of the model since then so that it now covers around half of all students.

The original aim and the subsequent mass rollout were predicated on the assumption that it was possible to mimic the governance set-up of private schools for schools that are largely or wholly funded from the public
purse. This had an obvious political appeal given the unique status and influence of the private school sector in English society (see for example Verkaik 2018) but the assumption appears flawed because the context and accountabilities of publicly-funded schools are entirely different. Nevertheless in the English context it proved possible to implement such a radical and high-risk strategy extremely rapidly due to the distinctive constitutional arrangements permitting substantial control by the central executive and the related cultural acceptance of policy churn and ‘redisorganisation’ (Pollitt 2007). There were no effective checks and balances. These factors arguably need urgent attention if similar issues are not to arise in the future.

The inherent weaknesses of the framework appears to have stimulated various attempts to inject systemic features in a search for some coherence. These included increasing the weight and significance of the accountability system which as we have seen severely constrains autonomy and creates displacement of educational goals. Then there is the promotion of roles such as Teaching Schools and National Leaders of Education (NLEs) under the heading of ‘system leadership’ which is regarded by Greany and Higham (2018: 47-48) as a “problematic concept” in part because “a national network of ‘system leaders’ was seen to be an increasingly separate, elite grouping” . The most significant development in this direction has been the massive growth in the number and variety of MATs which now cover more than two-thirds of all academies and remove the legal identity of the individual schools within them. Thus what was intended to be the main vehicle for implementing the ISS idea, the academies programme, has ended up leaving many schools with less autonomy than has historically and culturally been the norm in English education – a remarkable paradox.

None of these or the other instruments that have been introduced appear at this stage to be succeeding in helping to produce an orderly, equitable or intelligible system that is capable of generating trust and consent. It seems likely that this can only be achieved by the more fundamental kinds of changes outlined at the end of the previous section.

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ron.glatter@hotmail.co.uk

[Ron Glatter is Emeritus Professor of Educational Administration and Management at The Open University, a Visiting Professor at the University College London Institute of Education and Honorary President of BELMAS, the British Educational Leadership, Management and Administration Society].
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