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Academies: an indicator that we have lost the will and capacity to care and protect

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This is a piece about education structures and governance and the most marginalised children. It raises concerns about educational provision in the context of increasing academisation, now, alarmingly, set to be universal.

The education policy language in England in 2016 crackles with demands for standards, accountability, competition, compliance and markets – and profit, secrecy and rejection. Academies were an imaginative move under the Labour government to solve the problem of ‘failing schools’, where their local authorities could not raise standards. In 2010, there were 203 *sponsored* academies, all secondary. Like many ‘third way’ initiatives intended to breakdown the barrier between the private and public sectors, in health, criminal justice, youth work and family support, it may have offered some innovative and efficient answers in the early days – let’s say up to 2005. In particular, it may have offered solutions that were not arising from self-satisfied local authorities or state bureaucracies. The sacrifice was the loss of democratic control as exercised through elected local councils. Sadly, it was too easy to be critical and intolerant of LAs, their slowness, sometimes ineffectiveness, often lack of drive. But what have we now?

Anthony Giddens, intellectual champion of *The Third Way*, insisted that this third way ‘must reduce inequality’, and, if it does not, ‘is a betrayal of the social democratic ideals of collective provision for the poor and needy’ (1999, Better than warmed over porridge, *New Statesman*, 12 February, 25-26). We can conclude that it has not succeeded in these terms and is indeed a betrayal. The door was pushed wide open by Labour in the institutions of Health and Education. Ripped off profit and championing the easy wins is what the private enterprise logic demands. Some academy federations are locally based arrangements, much like mini-LAs. These were set up with the full agreement of the LA and they take on the full range of functions and responsibilities which were once the job of LAs. The Coastal Academies Trust in Thanet, Kent is one; this is a collective which explicitly and actively seeks to support its weakest or most challenged schools, even in partnership with its grammar schools.

Under the Conservative/Lib-Dem coalition, the number of *conversion* academies, primary and secondary, has risen to 4,676 schools (June 2015), approaching a quarter of all schools. Over half of all secondaries in England are academies. There are none in Scotland, Wales and Northern Ireland (nor league tables or semi-private inspection systems).

It is difficult for an education system structured around national or regional academy chains to design collective provision for a defined area and population. It is more difficult still to ensure that those liable to exclusion, whether through disability, deprivation or ethnicity, are recognised and catered for. The chaotic mix of local authority schools, free schools, academies and then special schools,

Pupil Referral Units (PRUs) and Alternative Provision (AP) means those once tasked with coordinating local services are left to fill the gaps, fund the costly and tailor provision for the exceptional and challenging.

Over eight million children are educated in England's schools, one seventh of the total population. A particular worry about the increasing, and some say irreversible (not true), dominance of academies and the lack of oversight to which they are subject concerns the diverse ways of removing 'unwanted pupils'. Those we can count are:

1. **Permanent exclusions** have reduced to around 5,000, 66% with some level of SEN (2013/14). Most go to PRUs and AP.
2. **Fixed period** exclusions numbered 143,000 instances, 10% with statements and 43% with SEN without statements
3. **Pupil Referral Units** (PRUs) accommodate 14,500 pupils and 27,500 are in **Alternative Provision** (AP); half are in Year 11. Most are on managed moves, dual registration or short-term placement. 79% of pupils in PRUs have SEN of some description.
4. **Elective Home Education** (EHE) is the formally recorded education for 27,000 children (July 2014); an increase of 65% over six years. An estimate of those pushed into this option is 9,000

Those where we can only speculate, and estimate from informed professionals are:

5. **Reduced Timetables**, sometimes for medical reasons but reportedly used for some at risk of exclusions but it is recommended that it is short-term. Estimated numbers are 30,000 for at risk of exclusion pupils (2014/15).
6. **Extended study leave**, usually year 11 but reports are of its wider use. Estimated numbers 20,000 (2014/15).
7. **Attendance code B - Approved Off-site Educational Activity** is a frequently cited location for some challenging pupils but difficult to differentiate those at risk of exclusion and pupils on courses shared with another school. Ofsted does not enquire about the former. Incidental reports, aggregated up give us an estimate of 15,000 young people
8. **Children Missing Education** (CME). This is a most worrying area with children completely off the radar. All local authorities have guidance on this but a child removed from a school's register is not necessarily reported to the local authority and the child's file is retained in the school awaiting a request from the new school. Again, reportedly, some Academy chains are said to be *not* reporting to the LA. Numbers estimated in Telegraph, based on freedom of information enquiries, are 12,000 but it should be noted that 69 LAs reported 'none', which is difficult to believe! The DfE is consulting on improving reporting of CME.

In 2011/12, only 1.3 % of pupils in alternative provision (AP) achieved 5 or more A\* to C GCSEs, or equivalent, including English and mathematics; the national average was 54%. The proportion with registered special needs is around 75%.

Omitting fixed period exclusions, and accepting some estimating, we know of 51,000 school age children designated as those who need to be educated outside mainstream education (3 and 4 above). More speculatively, an additional 77,000 are part of an unrecorded population outside mainstream in much less supervised circumstances (4 – 8 above). Missing mainstream education affects disproportionately children affected by other disadvantages and unmet needs, whether poverty or special needs.

Speedy assessment of children and speedily identified appropriate provision would help. Following SEND reforms in September 2014, 61.5% of EHC plans were issued within the revised deadline of 20 weeks. It still seems slow.

The special needs and exclusion terrain was always fraught with conflict and challenge and when local authorities were in control it was not uniformly well-run. Their claimed 'safety net' role was sometimes unconvincing. Now there is and while formally reported exclusions are down to 5,000 per year but AP is the new 'secret garden'. Can one point the finger at academies? In a poorly monitored system, it would be to the advantage of market-oriented education-business, striving for positive results in what is measured, to use covert means of removing challenging children

Anecdotes abound about academies excluding by the backdoor, offering inaccessible alternative provision as the option to pupils excluded (fixed term or permanent), placing barriers to the admission of special needs pupils, registering pupils as attendance code B (approved off-site educational activity), extended study leave and forced EHE when they have been *required not to attend*, stating when in local authority organised meetings that there is no reason for the academy to comply with any decision the LA makes. Add to this the public money to pay huge salaries to academy chain chief executives and their associated staff development businesses, designed for the academies under their control. Evidence is not convincing that academies are more successful in raising attainment levels than mainstream schools.

Academisation is seriously damaging and will be more so if government proposals to see all schools outside local authorities and local democratic control. It is not a matter of blaming individual academies, or academy chains but the very rules and laws which have made their creation possible. The horror when all schools become academies will mean Giddens' mild reservations in 1999 have come to pass with inequality certainly not reduced and protection and care of the needy and vulnerable less assured than it has ever been.

### **Some sources**

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