

# **Inquiry into the performance, accountability, and governance of Multi-Academy Trusts**

## **Response of the Association of School and College Leaders**

### **A Introduction**

- 1 The Association of School and College Leaders (ASCL) represents more than 18,500 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
- 2 ASCL welcomes the Education Select Committee's inquiry into the performance, accountability, and governance of Multi-Academy Trusts (MATs). This is all the more timely and apposite given the recent publication of the white paper, Educational Excellence Everywhere, which proposed a fully academised system and a proliferation of MATs. We would like to take this early opportunity to comment on the white paper.
- 3 Opponents of the white paper's proposals point out that one size does not necessarily fit all, and wonder why schools which are doing perfectly well under local authority control should be forced to become academies. These are good points and we would urge government to relax the compulsory requirement when it brings forward its bill.
- 4 We would strongly encourage ministers to allow federated groups of maintained schools alongside multi-academy trusts. Groups of schools have the potential to create the conditions for deep and sustainable partnerships that build professional capacity, collaborative learning and joint practice development, and have collective responsibility for pupils' outcomes.
- 5 Our remarks are organised in sections as follows:
  - A Introduction**
  - B The role of MATs in the context of other intermediate structures**
  - C The current MATs landscape**
  - D The balance of decision-making**
  - E Monitoring and managing the expansion of MATs**
  - F The characteristics of high-performing MATs**
  - G How the performance of MATs should be assessed**
  - H Conclusion**

### **B The role of MATs in the context of other intermediate structures**

- 6 The response to this inquiry depends on whether we are locating the discussion in the present landscape or the future landscape as envisaged by the white paper, Educational Excellent Everywhere.

- 7 Looking to the future, we should note that
- school leaders (including executive leaders of MATs) *improve schools*,
  - regional schools commissioners *intervene* and
  - Ofsted *inspects*.
- We need absolute clarity about these three roles and responsibilities in the emerging landscape.
- 8 Multi-Academy Trusts, as legal vehicles for groups of schools, are responsible for the quality of education for the children and young people who attend schools in their group. As such, they are providers of education. They are not intermediate bodies, if by intermediate we mean a 'middle' tier between schools and government.
- 9 In the current education landscape, local authorities have historically held a 'middle tier' role not so much for the school improvement functions, but for their intervention functions.
- 10 Currently, local authorities have a duty under the Education and Inspections Act, 2006, to exercise powers of intervention where a school is causing concern. However, there is a fundamental conflict of interest in local authorities having the power of intervention over schools they maintain. Maintained schools are not legally separate from a local authority. Therefore it is tantamount to the local authority exercising powers of intervention over itself.
- 11 As a general principle, the 'authority' that exercises powers of intervention should be legally separate from the institutions to which powers apply.
- 12 Under more recent legislation, the role of the regional schools commissioners has been strengthened and clarified. Regional schools commissioners exercise oversight and scrutiny of all schools and powers of intervention in relation to schools that are not performing well. It is right that the regional schools commissioners are independent of, and legally separate from, both maintained schools and academy trusts.
- 13 However, there is more work to be done to clarify the relationship between Ofsted and regional schools commissioners. It is right that there is an independent inspectorate that acts on behalf of parents to inspect schools and reach conclusions about the quality of provision. Ofsted has no executive functions and cannot intervene in schools or require them to take any specific actions. Nor should Ofsted have an 'improvement' role.
- 14 Regional schools commissioners have executive functions and can intervene in schools that are not performing well. It is clear that although they 'broker' improvement support for schools that are not performing well, they are not an improvement agency.
- 15 In conclusion, in the emerging landscape, MATs are responsible for the quality of education in their group of schools; Ofsted inspects the quality of education on behalf of parents, and regional schools commissioners intervene when the quality of education is not good enough.

## **C The current MAT landscape**

- 16 The white paper has set out the current MAT landscape, including the geographical coverage of MATs as sponsors.

- 17 We assume that although sponsors currently come from different backgrounds, by far the most common model going forward will be for good and outstanding schools to lead the development of multi-academy trusts.
- 18 The leadership challenges of multi-academy trusts at different points in their growth are significant. We are pleased that the government has recognised the need to invest in leadership development programmes.
- 19 Multi-academy trusts are vehicles for groups of schools to work together to build capacity in the system and improve outcomes for children. We must ensure that the focus on leadership development is not just at the top of these new organisations, but rather than we focus on the whole pipeline, ensuring that there are sufficient, high quality professional learning opportunities for:
- Emerging executive middle leaders – those leading subjects or faculties across groups of schools
  - Senior leaders and heads/principals of individual schools
  - Executive leaders, including senior posts in MATs up to and including the executive principal or CEO
  - Leadership and executive leadership teams.
- We are pleased that the government has committed to working with the profession-led Foundation for Leadership in Education to take forward this work.
- 20 Groups of schools working together in formal governance arrangements like MATs have the potential to develop our knowledge and understanding of ‘deep partnerships.’ We need MATs to focus on the power of collective capacity.

## **D The balance of decision-making**

- 21 There is a balance of decision-making at the individual school level and at the group level. This is a matter for the trust boards of individual MATs.
- 22 The evidence says that:
- There are different approaches to the level of prescription on curriculum and pedagogy. An earned-autonomy model can be effective, but different organisations set the threshold in different places.
  - The level of prescription in relation to teaching and learning is not always related to prescription in vision and purpose.
  - Generally, more successful organisations take firm control of schools where outcomes are not secure or declining.

It is also generally the case that high performing organisations have strong partnerships with schools in the wider system<sup>1</sup>.

- 23 ASCL encourages an approach in which the trust board is clear at the outset about whether the MAT has:
- a shared distinct teaching, learning and assessment model;
  - quality assurance arrangements;
  - a model of earned autonomy and if so, where the thresholds are set;
  - a school improvement model that includes taking firm, interventionist action where schools are not secure;
  - a protocol for how the MAT develops strategic partnerships including with schools in the wider system.

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<sup>1</sup> Source: DfE – What does a high performing academy sponsor look like?

- 24 It is also important that the trust board considers the appropriateness of its formal governance structures. Again, this is a matter for the trust board. It is vital that every MAT has a clear governance structure, with a formal scheme of delegation which is understood at all levels of governance. The evidence tends to suggest that lean boards with a strong skill-set are more likely to be successful.
- 25 It is effective to distinguish between the strategic and operational – strategic direction exercised at board level with more operational accountability at local governing body level. It is a matter for the trust board to decide how and whether to delegate responsibilities and functions to local governing boards. The level of delegation to schools in the group could be different, with good or better provision having high levels of delegation and weaker provision much lower levels of delegation. However, there has to be a point at which decisions are made in the interests of the group rather than the individual school. It is important that trust boards are clear about what this point is.

## **E Monitoring and managing the expansion of MATs**

- 26 It is clear that some MATs have expanded too quickly and as a result, the performance of individual schools within the group has suffered. Ultimately, this means that the quality of education for children and young people has suffered. We do not think this is acceptable. The system is learning, however, from this early failure.
- 27 The evidence says that MATs should grow carefully, understanding their own capacity and the challenges and risks they take on. Strong financial planning is vital. Consideration should be given to geography. If the strength of a group is its capacity to manage professional learning and share pedagogical practice across a group of schools, then those schools need to be in geographical proximity.
- 28 ASCL encourages MATs to have clear criteria for which schools will be able to join the group and to work in geographical proximity. We accept that widely spread trusts can work, provided there are workable clusters of geographically proximate schools.
- 29 In Hargreaves's terms<sup>2</sup>, MATs need to have 'partnership competence' by which is meant; fit governance, high social capital, collective moral purpose, evaluation and challenge.
- 30 Recently the National Schools Commissioner, Sir David Carter, has outlined a plan to separate MATs into four categories. He intends to publish assessment criteria to monitor and manage the expansion of MATs as they expand. Although we await the detail of this proposal, it is a helpful contribution.
- 31 We would like to take this opportunity to point out that academy reporting is currently an administrative and bureaucratic burden which is costly to operate and diverts resources away from children and young people. ASCL asks government and its agencies to consider a streamlining and reduction of bureaucratic burdens on academy trusts related to both conversion and financial reporting.
- 32 Capacity of both the RSC function and the Education Funding Agency will also need to be addressed as the number of MATs increases.

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<sup>2</sup> David Hargreaves (2012) A self-improving system: towards maturity. NCSL.

## F The characteristics of high-performing MATs

- 33 As the system matures, it is important that there are robust mechanisms to test and evaluate the characteristics of high performing MATs.
- 34 The assessment that Sir David Carter has made of the characteristics of high performing MATs is a good place to start. Carter proposes that, first, there is clear evidence that the outcomes for young people who are educated within the MAT are exceeding previous performance and national expectations. He goes on to identify nine characteristics:
- there is a well-communicated **strategic vision and plan** that moves seamlessly from implementation into impact
  - there is a clear **accountability framework** for the performance of the trust that all staff understand, including what happens when key staff under-perform
  - there are clear **quality assurance systems** in place to improve consistency and performance
  - there is a clear **delegated framework for governance** at trust board and local governing body level that makes the responsibilities of both the board and any local governing bodies explicit
  - there is a trust-wide **school improvement strategy** that recognises the different interventions needed at different stages of the improvement journey that a school undertakes
  - there is a systematic programme of **school to school support** that is focused on the need of individual academies
  - there is evidence of skilled **management of risk**
  - there is a clear **succession plan** for the key posts within the MAT
  - there is a trust-wide commitment to **making a contribution** to local, regional and national educational networks beyond the MAT.
- 35 This set of nine characteristics is necessary but not sufficient for a MAT to be high performing. ASCL would propose, in addition to the functional characteristics described above, that MATs should have leadership driven by moral purpose, professional generosity and reciprocity. We believe that if MATs are to support the system to significant improvement then they need to deliberately and explicitly create the 'alliance architecture' that can:
- build capacity and create the conditions for deep and mature partnership;
  - transform curriculum and assessment;
  - create powerful pedagogies from collaborative professional learning and joint practice development;
  - build professional capital;
  - find local solutions to teacher supply;
  - talent-spot and create leadership development opportunities across a group of schools;
  - ensure data is used to be accountable to the people served; and
  - re-imagine our schooling system, rooted in shared moral purpose.
- 36 ASCL is working with its members to build professional capacity and expertise to take forward this vision.

## G How the performance of MATs should be assessed

- 37 The white paper implies that the performance of academy trusts is best quantified by looking at individual academies within the trust. It further suggests that there is an

opportunity to 'hide' weaker performance if this is not the case. We believe the opposite is true.

- 38 If Progress 8 is to be used as the headline indicator (and the white paper indicates that progress is the main instrument for accountability), then it must be applied to the whole MAT, which needs to be considered an entity. This is because statistical significance, an essential component of Progress 8, is a function of the number of pupils involved in the measure.
- 39 An individual academy may have a relatively small number of pupils making its confidence interval quite wide. If its Progress 8 score is below zero, a wide confidence interval might 'rescue' it from being designated 'below average' by spanning zero.
- 40 However when all the eligible pupils in the several schools of a trust are considered, the larger number of pupils reduces the confidence interval. If the Progress 8 score for the trust is negative, the confidence interval will be small and hence may not disguise 'below average' performance. 'Hiding', of concern in the white paper, is possible when the academies are considered separately, not when the MAT is considered as an entity.
- 41 There are other aspects of MAT performance which *are* related to individual academies, such as the success or otherwise of the MAT in raising the Ofsted status of its academies. Individual schools within a MAT should have a range of published data so that they are directly accountable to the communities they serve, but the performance of the MAT as such needs to be judged on aggregate data.

## **H Conclusion**

- 42 I hope that this is of value to your inquiry, ASCL is willing to be further consulted and to assist in any way that it can.

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25 April 2016