

Flippin' academy governance

Top-down to bottom-up

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Abstract

The intention of government to create a fully academised school system in England, whereby every academy will belong to a large multi-academy Trust (MAT), further erodes community engagement and accountability. This paper illustrates how the policy of academisation has enabled a top-down governance framework to emerge, replacing the power and control of a national education service with unrepresentative and unelected elites – the Academies Enterprise Trust (AET) is discussed as an example. Democratic innovations are presented, innovations that seek to invert the powerbase of academised governance, so creating bottom-up participatory governance in a shift to what might be termed post-new governance.

Keywords: academy; academy governance; co-operative school; democracy; democratic deficit; governance; post-new governance

Emeritus Professor Ron Glatter argues that the ‘persistent preoccupation’ of successive governments is autonomy and accountability.¹ He advises that institutional autonomy is built into the DNA of the education system and, moreover, drawing on Kogan, we are informed that autonomy is a leading assumption of British educational governance.² Within this paper Glatter presents an overview of the 1975 annual conference of the British Educational Administration Society which, 47 years ago, embraced the theme of ‘autonomy and accountability’.³ Fast forwarding to the current White Paper, ‘Opportunity for all: strong schools with great teachers for your child’,⁴ it is apparent that this political preoccupation persists and, manifestly, within iterations of the Conservative government from 2010 – a government that has ‘dismantled the English national education service’ by academisation.⁵

The White Paper presents neo-liberal dogma that reaffirms the government’s intention to create a fully academised trust-led system – an initiative that failed to secure traction as David Cameron’s ‘academy revolution’ – a policy designed to ensure that local democratic authorities running our schools was ‘a thing of the past’.⁶ An unexpected anomaly, however, is that the White Paper provides for local authorities (LAs) to ‘establish new multi-academy trusts [MATs] where too few strong trusts exists’⁷ and where it is a ‘part of their local strategic plan’.⁸ It will be interesting to see how LAs respond to the challenge of the White Paper, given the illusion of a choice: losing

remaining schools to MATs or forming unnecessary trusts to retain existing families of schools. The critical point, however, is that the English national education system will be dismantled further, and with it local democratic accountability of our common schools.⁹ 'Opportunity for all', the title of the White Paper, is a misnomer as it confers notions of comprehensiveness, community engagement and democracy. The reality of a fully academised trust-led system is rather different.

Academised governance: opportunity for the few

Academies exhibit a systematic democratic deficit whereby the power and control of the organisation is located outside of established public accountability systems and the citizenry, the stakeholders, have little or no influence within the organisation.¹⁰ Furthermore, MATs, to which all schools will be forced to belong, are even further remote from the citizenry than stand-alone converter academies. Within MATs the locus of power is centralised over geographically dispersed academies and the democratic deficit is deepened. Moreover, it is the government's 'expectation that trusts will be on a trajectory to ... run at least 10 schools'.¹¹ As trusts become larger the governance voice of individual academies becomes less audible, and governance legitimacy becomes no more than a legacy of more democratic times.

The White Paper presents both an inaccuracy and a contradiction. It advises: 'so that trusts *continue to be responsive* to parents and local communities, all trusts should have local governance arrangements for their schools. We will discuss how to implement this with the sector'.¹²

First, it is wholly inaccurate to suggest that trusts are responsive to parents and communities, as this article demonstrates. Second, the contradiction is that the explicit need to repeatedly advise trusts to embrace local governance arrangements for their schools, and the intention to discuss implementation strategies, indicates that meaningful structures have yet to be established across the sector.

The intention of the Department for Education (DfE) to discuss governance arrangements, some 12 years into its academisation programme, and to hold a position on meaningful governance is welcome. Until now policy has been to pass decision-making to autonomous trust boards with the advice that, for example, 'we want governing bodies and those that represent them to define good practice'.¹³ This strategy of devolution has failed. It is manifestly clear that the neo-liberal policy of academisation has created, and seeks to perpetuate, a corporate and managerialist governance system that exhibits a disregard for communities – who become merely clients within a quasi-market. The governmental preoccupation is with disaggregation – the breaking up and privatisation of education.¹⁴ There is compelling evidence, across the sector, of non-existent or meaningless community-based governance arrangements within the

marketised and autonomous system. It is surprising, therefore, that the government is sufficiently confident to publish the erroneous and misleading position statement that trusts are responsive to parents and local communities. Compelling counter-evidence is presented, for example, by the National Education Union (NEU);¹⁵ a powerful sector voice, in discussing the Public Accounts Committee report on academies and which argues that:

there is a deficit of both accountability and transparency in the academies system ... that *there is a clear effort (by the DfE) to distract from the reality of academisation*: pushing schools into a top down corporate structure has left staff, pupils and communities with less of a voice and little say over the future of their school ... top-down reorganisations that increase private involvement in state services is something the public does not want to see.¹⁶

Further evidence is presented by the House of Commons Education Committee (HCEC) in its comprehensive report on multi-academy trusts. The committee observed that governance arrangements exhibit a de facto democratic deficit: '[W]e were told by parents that MATs are not sufficiently accountable to their local community and that they feel disconnected from decision making at trustee board level. There is too much emphasis on "upward" accountability and not enough on local engagement'.¹⁷

In addition, the HCEC presents evidence that: 'MATs disengage schools, parents and stakeholders from their communities ... the MAT model leads to dominant chains spread across diverse areas of the country ... many families do not want these for their children'.¹⁸

Moreover, evidence presented by Professors Stapleton and Stafford advise that accountability by parents is 'diminished' and that it is 'unclear how local communities can get voice in a MAT. There is an elongated hierarchical structure between the local community of one academy, and the national MAT executive level'.¹⁹ These views are consistent with the narrative of the author's written evidence submitted to the HCEC that highlights a deepening democratic deficit, resultant governance failings and structural weaknesses in oversight arrangements.²⁰ Furthermore, the policy to 'professionalise' and reduce the size of governing boards, and the intention to remove the right of parents to a place on governing boards, it is argued, erode empowered and participatory stakeholder democracy in state-funded education.²¹

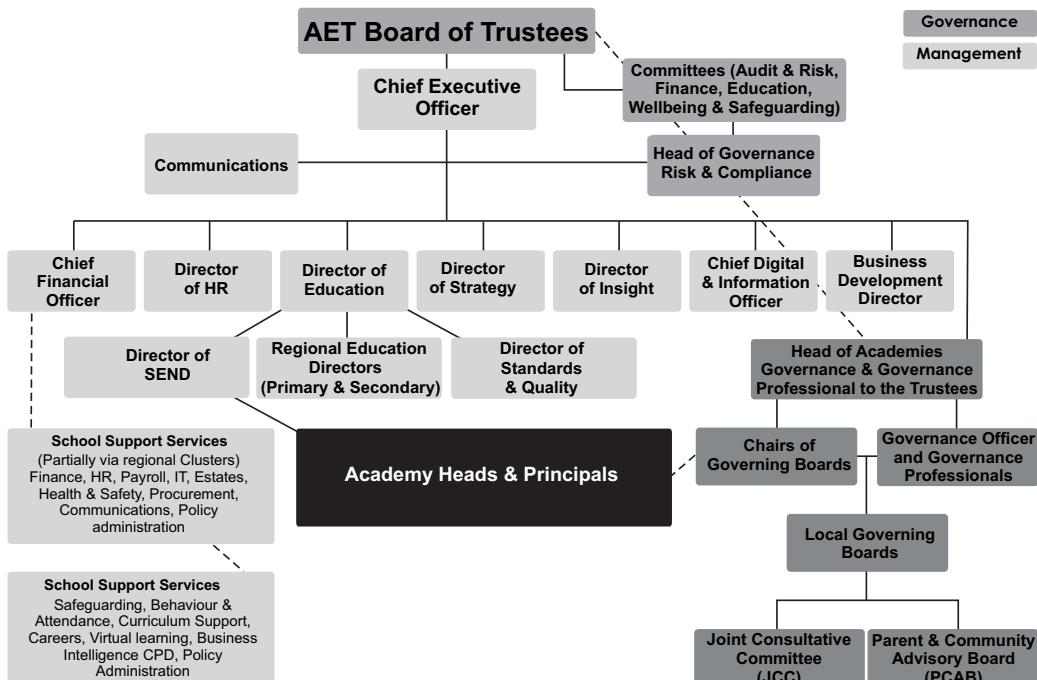
Such convincing evidence, that MATs are detached from local community involvement, prompted the HCEC to advise the DfE that academies have a duty to be clear with local governing boards (LGBs) that the decision-making responsibilities are held by the board of trustees in a MAT and not at local level. Importantly, MATs should demonstrate a *sincere commitment* to outreach and engagement with the local community.²²

Set against the somewhat encouraging rhetoric for community-based governance emerging from the DfE, it is enlightening – and thought-provoking – to consider the governance arrangement of a MAT which could be viewed as an exemplar by government: the Academies Enterprise Trust (AET).²³

Top-down governance and the democratic deficit

AET, once the largest MAT and one of the government's flagship and sector-leading organisations, comprises 57 schools and is publicly funded with a revenue budget of £234 million.²⁴ AET exhibits a classic hierarchical governance structure that excludes meaningful stakeholder voice. The compromised governance framework – one that fosters an organisational-wide democratic deficit – is presented in Figure 1, and subject to analysis below.

Figure 1: The governance framework of AET



First, and omitted from the framework diagram of Figure 1, sits the highest governance tier, the members board that is positioned above the board of trustees. According to the Education and Skills Funding Agency (ESFA) this board 'has a similar role to shareholders of a company limited by shares'.²⁵ The funding agreement between the MAT and the ESFA lies with the members board. Thus, it is the members (though it is difficult to ascertain what the individuals are members of) that control the MAT since it

is this body that has the power to appoint, or remove, trustees from the trust board. The ESFA stipulates that 'Trusts must have at *least three* Members, although the Department's strong preference is that trusts should have *at least five* Members'.²⁶ It is advised that having more than three members provides for a more diverse range of perspectives. AET has the minimum membership of three arguably non-diverse and unrepresentative members, contrary to the expressed preference of the ESFA – a number that could be interpreted as perhaps five to seven members.²⁷ Thus, a membership body double the size of the AET board.

The DfE, ESFA and Ofsted are complicit in allowing AET to establish a governance framework that allows for three unelected and unrepresentative members to hold the funding contract for £234 million of public funds, along with power and responsibility for 57 schools and the education of some 32,000 students – a shocking statistic. How is this arrangement acceptable? Such governance scenarios are common. The Harris Federation, which operates 52 academies, similarly embraces a members board of three, all of whom are part of the Harris family – a dynasty rather than a democracy perhaps?²⁸

Given that the AET trust board comprises Sir David Carter, former national schools commissioner (and former deputy chair of the Education Endowment Foundation, EEF), a former regional schools commissioner as CEO, the current chair of the EEF and includes, as an advisory expert to the trust, the CEO of the EEF, one may expect the composition of the members board to comply with, or exceed, the ESFA's recommendation.²⁹ Trust boards are in a powerful position to apply upward advice and pressure to members. Importantly, in terms of accessibility to the non-executive governance table, and with reference to 'opportunities for all', it appears that the trust is drawing from a relatively small and elite group of people closely aligned to government policy. Importantly, it is noted by Burns, Hambleton and Hoggett that a strategy for genuine empowerment would seek to maximise the power of the citizen as opposed to non-elected elites.³⁰ Skelcher and Torfling advocate the 'containing of such elites by active and democratically educated citizenship'.³¹

The overall governance structure of AET is complex, multi-tiered and top-down,³² and consistent with Wilkins' observation of top-down, bureaucratically overloaded models of service delivery and monopolistic practices.³³ Within this overloaded framework, the LGB and the associated Parent and Community Advisory Board (P&CAB) are positioned at the lower end of the organisational power continuum (see the bottom right of Figure 1). Arnstein, and Burns, Hambleton and Hoggett provide meaningful analyses of citizen empowerment and participation, identifying incremental levels of control ranging from citizen non-participation/weak democracy to citizen control/strong democracy.^{34, 35} With reference to this ladder of citizen-participation, the author regards AET's structure as straddling the second rung of 12 – a level of engagement defined as 'cynical consultation'.³⁶

LGBs within the AET model are constituted in such a way as to inhibit meaningful

stakeholder engagement and voice, although trustee Sir David Carter has advised that 'you cannot have a credible vision that talks about supporting and developing school communities if you do not give them a voice'.³⁷ Focusing the research lens on a specific LGB of AET is illuminating. North Ormesby Primary Academy (NOPA), in the author's hometown of Middlesbrough, lists the LGB composition as:

- chair – principal, the Green Way Academy (AET)
- regional director (AET)
- principal, of NOPA (AET)
- board member, vice- principal, Hall Road School (AET)
- board member school support services (AET)
- clerk to governors (AET)
- parent and community advisory board (P&CAB) representative, a councillor from Middlesbrough Council.³⁸

This governance model exhibits minimal external scrutiny and can be considered a hegemonic mode of self-monitoring. According to the *Governance Handbook*, LGBs, where they exist are intended to: 'provide sufficient diversity of perspectives to enable robust decision making; provide clear separation between strategic non-executive oversight and operational executive leadership; and hold executive leaders to account for the educational performance of the organisation'.³⁹ The AET model does not reflect this intention.

In successive Ofsted inspection reports of NOPA, governance arrangements have not been subject to comment.⁴⁰ Why is a considered analysis and critique of governance not a central feature of such inspections?

The LGB within the AET model is linked to a P&CAB, the key aims of which are: 'to ensure the views of parents/carers are well understood and listened to by school leadership and to help the school make the most of its links to the local community'.⁴¹ Moreover, AET claims that it welcomes and encourages dialogue with anyone who wants the school to succeed. However, the formal mechanism for engagement is via the P&CAB, which is restrictive. The current composition of the P&CAB is identified as:

- chair: local church representative
- member, principal (AET)
- member, parent liaison and school inclusion co-ordinator (AET)
- member: parent x three
- member, police officer.⁴²

This advisory board engages five members of the community and is reflective of 'cynical

consultation', rather than meaningful participation given the size of the parent and community body available to a school.

Governance flipped: the shift to bottom-up

To flip the governance framework of top-down models – that is, to invert the powerbase – is an imperative overdue within the academised trust-led system.

Within the 'citizen-up' structure, power is placed with legitimate members. Legitimacy is a product of holding a stake in the school, for example as a member of a student's family, or by belonging to the community network. Members, it is argued, live and learn together and coalesce to form the essential thread within the 'dense fabric of lasting ties' that constitutes an actual and not academised community.⁴³

The members board in this scenario is one that can understand the many governance issues and challenges at the local level and the implications for their community. Within this reimagined architecture of governance there is an embodied democratic legitimacy – a participative arena in which co-operation, co-construction and co-ordination can flourish.

The reconstituted members board is reflective of members' associations, once a democratic element of Morris' village and community colleges,⁴⁴ which emerged from the ideals of community education or, focusing on a more recent model, the co-operative forums that bring together groups or constituencies of learners, parents, staff, alumni and community representatives, up to 40 members strong, establishing a powerful lateral and vertical governance voice.^{45, 46} As Mervyn Wilson, former CEO of the Co-operative College, said: 'top-down chains of command are not the only way to organise'.⁴⁷ Whilst MATs are largely incompatible with the pursuit of democracy, comprehensiveness and the community school, changing the character of the members board is an essential step to take within an academised system. A further priority is to insist that MATs remain local, in the spirit of 'MAT governance: the future is local'.⁴⁸

The democratically elected and representative members board presented above can appoint an academy trust and LGBs, and organisational powers can be delegated appropriately. Appointment to these boards would embrace open and honest democratic processes, capturing a broad and diverse membership-base.⁴⁹ The critical point here is that power and control is intrinsically vested in the citizenry. Pertaining to the locus of power, Tony Benn's five questions to the powerful in relation to academised governance are pertinent: what power have you got; where did you get it from; in whose interests do you exercise it; to whom are you accountable; how do we get rid of you?⁵⁰ Unsatisfactory answers to these questions illustrate an absence of democracy. These questions should regularly feature at members, trust and local board meetings.

Post-new governance: enabling transformative structures

Academised governance sits firmly within a neo-liberal ideology where new public management and new governance systems dominate. Within such 'modernised' public services, according to Le Grand, the state narrows its function to become funder, with services provided within a free market by a host of suppliers operating in direct competition with each other.⁵¹ Within this cultural and economic environment, public services replicate the private sector. Furthermore, new governance relates to the shift from the state and from government towards a mode of governance that is characterised by markets and networks.⁵² Academy governance embraces the principles and mechanisms of new governance and is responsible for the democratic deficit, a view consistent with Skelcher and Torfling's observation that 'the performance of multi-layered and tangled governance system is hampered by a persistent lack of democratic legitimacy'.⁵³ A system-wide creative shift to post-new governance is an imperative, as argued by Allen and Gann.⁵⁴ Post-new governance is a phase of governance that is informed by imaginative democratic innovation – forms of empowered participatory governance where institutional design 'is argued to enhance civic participation and increase citizens' sense of democratic ownership'.^{55, 56}

The prevailing ideological discourse is academisation and, drawing on Fielding and Moss, a 'dictatorship of no alternative'.^{57, 58} Yet the author argues that democratic alternatives exist and that compelling counter-narratives to academised systems and structures must be explored and promoted. The flipped governance models proposed in this paper are feasible. They are presented for analysis and critique within a developing narrative of democratic innovation to sustain the concept of comprehensive community education.

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