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The development of the academies policy, 2000 – 2010: the influence of democratic values and constitutional practice

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by

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ABBREVIATIONS

AAA	Anti-Academies Alliance
APS	Assisted Places Scheme
BSF	Building Schools for the Future
CCC	Cumbria County Council
CEA	Cambridge Education Associates
CSE	Certificate of Secondary Education
CTCs	City Technology Colleges
CSJ	Commission for Social Justice
DCSF	Department for Children, Schools and Families
DES	Department of Education and Science
DfE	Department for Education
DfEE	Department for Education and Employment
DfES	Department for Education and Skills
ECHRF	European Convention of Human Rights and Freedoms
ERA	Education Reform Act (1988)
FAS	Funding Agency for Schools
FE	Further Education
FOI (A)	Freedom of Information (Act)
GCSE	General Certificate of Secondary Education
GMS	Grant-Maintained Schools
HMI	Her Majesty's Inspectorate
HOC	House of Commons
HOL	House of Lords
HRA	Human Rights Act (1998)

LEA	Local Education Authority
LMS	Local Management of Schools
MP	Member of Parliament
NAO	National Audit Office
NASUWT	National Association of Schoolmasters Union of Women Teachers
NEET	Not in Education, Employment or Training
NUT	National Union of Teachers
NWRIU	North West Regional Intelligence Unit
OFSTED	Office for Standards in Education
PLASC	Pupil Level Annual Schools Census
PLP	Parliamentary Labour Party
PPS	Parliamentary Private Secretary
PwC	PricewaterhouseCoopers
SEN	Special Educational Needs
SSAT	Specialist Schools and Academies Trust
YPLA	Young People's Learning Agency

INTRODUCTION TO THE THESIS

1. Focus of inquiry and constitutional principles

A policy to establish academies in deprived urban areas to replace failing secondary schools, introduced by a Labour government in 2000 with the minimum of legislative fuss has, within a decade, provided the platform for a fundamental shift in the way that state secondary education is organised in England. Academies are funded by the public purse though operate outside the remit of the local authorities. Instead this school type answers to the Secretary of State for Education, as principal regulator, through a contract agreed between the Department for Education (DfE) and the academy trust rather than through the statutory arrangements that apply to other schools in the state system (DfE, 2011a). The present Secretary of State for Education, Michael Gove, hopes that academies will become the preferred school model within the term of this Parliament and, in the summer of 2011, just over 700 academies are operating and a further 400 secondary schools have had their applications for transfer to academy status approved (DfE, 2011b). This means that a quarter of secondary schools in England are already, or nearly, academies. If this trend continues, the organising principle of a national system of schools, locally managed, established in Section 6 of the Education Act of 1944 could, over time, become null and void.

Through Section 1 of the Academies Act of 2010, the Coalition government has legislated to allow maintained secondary, primary and special schools to apply to become academies and Section 4 of the Act has given the secretary of state the power to intervene in the case of failing schools to make them become academies. In addition, the DfE has offered further encouragement by inviting outstanding schools to apply through a fast-track scheme. The respected educational journalist Mike Baker (2011) predicted that many governing bodies would elect for academy status, propelled in part by worries over funding and that this would have a negative impact on those schools remaining in the local authority system:

> Soon a tipping point will be reached and even the most reluctant will feel unable to resist the tide. Once several large secondary schools have converted, taking their share of central budgets, a local authority will be unable to support those schools that remain. ... I predict that by the next general election most schools will have become academies. This will be the coalition government's big legacy, far more significant than the relative sideshow of free schools.

The response from some senior Labour politicians, who served in the variously named education ministries of the Labour government, is that this move is 'a perversion' of the original policy (Stratton and Williams, 2010). In contrast, the New Labour figure most closely aligned to the academies movement, Andrew Adonis, welcomed the Coalition government's move to encourage more academies as a desirable and the logical next step. As he stated in an interview with *The Spectator*:

> Neither I, nor Tony Blair believed that academies should be restricted to areas with failing schools. We wanted all schools to be eligible for academy status, and we were enthusiastic about the idea of entirely new schools being established on the academy model, as in Michael Gove's Free Schools policy.
> (Smith, 2011)

Since Margaret Thatcher's period in office, governments have become increasingly proactive in attempting to 'modernise' and re-form the welfare state and this thesis will argue that, from the perspective of constitutional practice, there has been an increasing urgency to push through a legislative programme of public service reform. Despite this, Tony Blair wished he had gone 'further and faster' in reforming education, health and welfare services (Wintour, 2011) and ministers in the Coalition government have taken this to heart. For instance, Michael Gove, in a press interview made clear that:

> 'I love *A Journey*, I have never read a book like it', the education secretary says of Tony Blair's bestselling memoirs. Gove opens it at his favourite page to read out, in a slow and admiring tone, Blair's conclusion that opposition to public service reform can be beaten. 'There you are', he says with a broad smile, 'One of the other lessons of *A Journey* – there are many lessons in it – is don't hang around'.
> (Watt and Wintour, 2010)

There are growing signs of some public resistance to this approach to policy formation. For instance, professional bodies and some parliamentarians

(including Graham Stuart, the Conservative chair of the education select committee) objected to Michael Gove's use of emergency powers to enact the Academies Act of 2010 (BBC News, 2010) and, outside education, in May 2011, Andrew Lansley, the Secretary of State for Health, was obliged by David Cameron, following considerable pressure from medical professional bodies, politicians and the public, to call a pause in the progress of the Health and Social Care Bill in order to conduct a 'listening exercise' (Campbell, 2011).

In modernising the Labour Party, Tony Blair and his advisers sought to reconfigure the Party's traditional social democratic values by applying a new emphasis on freedom, individualism, self-reliance and choice. In public policy terms, the Labour government showed an increasing appetite for change that was not necessarily reflected at citizen level where strong allegiances to the welfare state remained. In the area of domestic policy, the political divisions now seemed to be less between the main political parties and more between political leaders on the one hand and their broader party memberships and some sections of the general public on the other. Indeed, Tony Blair (2010) complained of a public out of step with the speed and the extent of reform he considered necessary.

Understanding the causes and consequences of the speed and the radical nature of secondary school reform in England is the prompt for this PhD inquiry. The hypothesis is that there has been a shift in constitutional practice and a realignment of democratic values in informing schools policy. The work of this thesis, in tracking the development of the academies policy, reveals a marked shift in decision-making style at the top of government. In the years of the Labour governments between 1997 and 2010, policy-making was robust more than consultative; urgent more than deliberative; experimental more than careful. Policy-making in education also became more closely associated with the views of the prime minister. Hennessy (2001a: 507), in assessing Tony Blair's political style, was worried by his 'excessive prime ministerialism' that 'cuts against the collective grain' and, in chapter 3, the ability for a prime minister to exploit the latitude provided by a mostly unwritten constitution to exert power will be discussed.

Before exploring the links between democracy and secondary education policy, it is necessary to highlight the reasons for the rise in prime ministerial power. In his introduction to Bagehot's *The English Constitution*, Richard Crossman (1989: 52 – 57) considered that, 'The post-war epoch had seen the final transformation of cabinet government into prime ministerial government'. A system that he thought was supported outside Whitehall and Westminster 'by a concentration of power in the hands of an oligopoly in finance and business' and 'a handful of businessmen and executives' who managed the media. Crossman hoped that in future years the British people would throw off their traditionally deferential attitude to government and insist that 'the House of Commons should once again provide the popular check on the executive'. Since Crossman made this assessment in 1989, prime ministerial power, according to many constitutional experts has continued to increase exponentially (see Hennessy, 2001a and Bogdanor, 2003).

Barnett (2002: 15, 5 - 6) characterised the constitution of the UK as largely unwritten, flexible in nature and exhibiting mainly though not completely separated powers. The definition of constitutionalism (and the criteria necessary to prove its presence) that Barnett presents in the extract below is important to a number of propositions made in this thesis concerning how power is distributed and how that impacts policy:

> 'Constitutionalism' is the doctrine [that] governs the legitimacy of government action. By constitutionalism is meant – in relation to the constitutions written and unwritten – conformity with the broad philosophical values within a state.
>
> Constitutionalism implies something far more important than the idea of 'legality' [that] requires official conduct to be in accordance with pre-fixed legal rules. A power may be exercised on legal authority; however, the fact is not necessarily determinative of whether or not the action was 'constitutional'. The doctrine of constitutionalism suggests, at least, the following:
>
> 1. That the exercise of power be within the legal limits conferred by Parliament– the concept of *intra vires* – that those who exercise power are accountable to law;

2. That the exercise of power – irrespective of legal authority – must conform to the notion of respect for the individual and the individual citizen's rights;

3. That the power confirmed on institutions within a state – whether legislative, executive or judicial – be sufficiently dispersed between the various institutions so as to avoid the abuse of power; and

4. That the government in formulating policy, and the legislature, in legitimating that policy, are accountable to the electorate on whose trust power is held.

Barnett (ibid: 13) thought that the separation of powers was 'difficult to ascertain and evaluate', that although the legislative, executive and judicial elements used different powers – there were so many exceptions to the rule that the doctrine lacked credibility in its 'pure' form. Barnett's idea expressed in the point 3 above regarding the importance of the dispersal of power in order to avoid its abuses therefore seems the more useful way to view the precondition for decision-making in a democracy. A key argument in this thesis is that policy-making has been formulated in a concentrated rather than dispersed manner, that, as prime minister, Blair adopted a robust attitude to exercising his power and that the theoretical notion of constitutional 'checks and balances' was not strong enough to resist the force of his political ambition.

In the literature review in the chapters 1 - 3 and the empirical research chapters thereafter, three research questions will form the framework for this inquiry:

1. What does the development of the academies programme reveal about the connection between democratic values and secondary education policy formation?

2. How has constitutional practice influenced the development and scrutiny of the academies policy?

3. What do the discourses of those who supported or contested the academies programme reveal about democratic values and constitutional practice in policy making?

2. The literature review

In approaching this inquiry into the academies policy and its relationship to democratic values and constitutional practice, chapter 1 examines the broader literature to form a view of the intellectual and political factors, which contributed to the forging of the link between democracy and school education in England. One of the greatest challenges in coping with the vast literature on democracy, and the subsets of values that may contribute to the idea of democracy e.g. social justice, equality and liberty, is appreciating how highly contested the definitions of these key terms are and how deeply the different interpretations have influenced the changing relationship between the state and its citizenry.

Definitions of democracy cannot be viewed in isolation without gaining a broader understanding of the changing nature of the role of the state in its provision of services to its citizens. What those elected to government believe they should offer citizens and what citizens believe should be offered to them does not always coincide. In the re-forming of the welfare state initiated by Margaret Thatcher and continued by all her successors in Downing Street, there has developed an increased divergence of understanding between the state and its citizens about the nature of the 'social contract'.

The literature review in chapter 2 explores the reasons for the political shift in schools policy that occurred when the Conservative Party was in government between 1979 and 1997. Influenced by New Right thinking about the role of the state and the function of schools in society, the Conservatives instituted a number of key reforms based on parental choice and diversity. This thesis will present the argument that a feature of this political period was that this thinking was presented using a populist style of communication, where politicians spoke to the individual ambitions of parents over the heads of the teaching profession. In addition, the direct personal involvement of Margaret Thatcher and John Major in initiating school reform signalled a more assertive and single-minded approach to policy formation. This review will analyse the

political circumstances that led to New Labour replicating much of the Conservative thinking in the area of schools policy and the accompanying style of communication and political leadership in their development of the academies programme.

The review in chapter 3 examines how constitutional practice has influenced the development and scrutiny of the academies policy. Constitutional experts (e.g. Harden and Lewis, 1986; Bogdanor, 2003; Jowell and Oliver, 2004) have noted the rising power of the executive and the difficulty in holding decision-makers to account in an increasingly complex public policy landscape. In tracking the development of the academies policy, the literature review in chapter 3 will examine the workings of the executive, the legislature and a particular section of the judiciary concerned with public law.

3. The empirical research

The empirical research conducted for this thesis comprises a qualitative analysis of material gathered from 18 interviews and the production of two case studies. In combination, this research seeks to examine the experiences, motivations and values of individuals who directly participated in the development, implementation or contestation of the academies policy. In doing this, the research gathers together, in one place, voices from the political and administrative classes at national level, elected members of local government, sponsors of academies, journalists, public lawyers, pressure groups and unions. The analysed data offers an insight into the dynamics of policy-making in British government in the first decade of the twenty-first century.

The discourses from those who supported and those who contested the academies policy appear based on beliefs, sincerely held, and driven, in whole or in part, by democratic values. These values issue from different traditions of political philosophy concerning the respective roles of government and citizens. In the interviews, advocates and critics delivered strongly worded arguments concerning their belief either in academy education 'set free' from the local authority or comprehensive education, locally controlled. There was often an

underlying layer of frustration attached to the interviewees' particular stances and this combination of intellect and passion would seem likely to reduce opportunities for genuine dialogue.

The views of those interviewed provided a glimpse of the complexity of decision-making of great relevance to the state's relationship with its citizens. They raise questions about the differences in expectations between the citizen and the state about the provision of services, how the increasing gap in understanding between governments and citizens can be narrowed and how accountability works when public services are delivered through contracts. Ideas about the 'contracting state' have been developing since the 1980s when Margaret Thatcher, in her 'Next Steps' strategy, removed some sections of public service delivery to quangos and private organisations. This strategy had been inspired by similar actions in Sweden though for political and constitutional reasons, the UK government did not match the Swedish government in ensuring that such outsourcing came with strong supervision and regulation in favour of the rights of citizens (Harden, 1992). Government contracting of public services has proved to be an increasingly important area of interest and the legal and human rights implications are discussed in more detail in the third section of chapter 3.

4. Key milestones and political phases of the academies policy

Assessing secondary education policy during the Labour period of government, Shaw (2007: 77) believed that:

> A decisive role was played by the prime minister and his top aides - Blair exhibited a close and continuing interest in secondary education and most of the crucial initiatives in the choice and diversity agenda emanated from Number 10 rather than the Education Department.

Nowhere was this more apparent than in the prime minister's support for the academies policy. Seldon (2007: 547) described the introduction of academies as the 'litmus test of Blairite reform'; a reform that built on several of the school policies initiated by the preceding Conservative government. In their separate assessments of New Labour education policies, Tomlinson (2005) thought that

Labour had followed and, in some respects, gone beyond the Conservative reforms instituted after 1988 and Ball (2008: 87) indicated that, 'Relatively little of previous Conservative policy, of which there was also a great deal, has been clearly dispensed with since 1997'.

In 2000, David Blunkett, then Secretary of State for Education and Employment, introduced, in a speech to the Social Market Foundation, the city academies policy as a solution to the problem of 'seriously failing schools'. The policy was placed on a statutory footing in Section 130 (1) of the Learning and Skills Act of 2000 (which repealed Section 482 of the Education Act of 1996 relating to the CTCs) and Sections 65 – 69 of the Education Act of 2002. The academy model represented the government view that a stronger application of the levers of independence, choice and diversity was necessary to address the issue of failing schools. The model enabled sponsors to run academies outside the constraints of local authority control, provided exemption from the conditions laid down by the Schoolteachers' Pay and Conditions Act of 1991 and offered the promise of freedom from the bureaucratic constraints experienced by maintained schools.

Andrew Adonis, largely instrumental in the implementation of the academies policy in his capacity as education adviser to Tony Blair and later, following his ennoblement, as under-secretary of state for schools, envisaged that the external sponsors, the independent structure and the more demanding ethos of the academies would serve as a much needed route to opportunity, particularly for pupils from disadvantaged backgrounds. In the House of Lords, Adonis cited some of the evaluations conducted by PricewaterhouseCoopers (PwC, 2003, 2005, 2006), improvements in academic standards and popularity with parents to justify the high level of investment and the decision to expand the target for the number of academies.

As academies were introduced into the school system, a number of researchers, independent research bodies, public lawyers, union leaders and journalists raised concerns over the sponsors' control of the curriculum; the majority-holding status of sponsors and their nominees on the boards of governors and

the erosion of rights of parents and pupils (as academies were not subject to aspects of public education legislation). Many of these critics also challenged government claims about improvements in standards, suggesting that community schools, given the same attention and level of investment, might also have shown similar improvement.

In 2005, the White Paper for the Education and Inspections Bill included moves to entrench and accelerate the academies programme and this provoked a negative reaction in some sections of the Parliamentary Labour Party (PLP). This reaction emanated from general concerns about the impact of the academies on other schools, the possible creation of a two-tier system of secondary education and the reduction of local authority involvement in the co-ordination of school services. MPs also had more specific worries allied to particular practices within academies relating, for instance, to admissions and exclusions, the provision of special educational needs (SEN) and staff working conditions. Fifty-two Labour MPs voted against the government and twenty-five Labour MPs abstained. This was Labour's largest backbench rebellion at a Third Reading since 1924 (Shaw: 73) and the government required the cooperation of the Conservative opposition to secure the enactment of the Bill.

In the final months of Blair's premiership, Seldon (2007: 479), a political biographer with high level access to Downing Street and Whitehall, thought the prime minister had 'become more anxious than ever to make his keynote policies irreversible before his successor took over' and that he wanted to:

> See further bold policy announced to consolidate all he had set in train
> to date … more academies with Adonis suggesting an increase of the
> target from two hundred to 'five or six hundred' (later reduced to a, still
> sizable, 400).

Despite Treasury hostility to this doubling of the target for the numbers of academies, Blair, in a conference speech to the Specialist Schools and Academies Trust (SSAT), announced that this indeed would be the new target. A document, prepared for the secretary of state, Alan Johnson, by the head of the academies unit and released to the writer of this thesis in partially redacted form through the Freedom of Information Act (FOIA), stated that:

> We have an increasing amount of evidence that academies are working: examination results are rising, Ofsted reports and the PwC evaluations are positive and parents are voting with their feet.

The contents of the document also suggested broader ambitions for the academies model:

> The pool of potential schools has shrunk… there is still a significant number of underperforming schools… not all of these schools are in deprived areas but, while we should retain a focus on deprivation, there is no reason not to use the academy model to tackle educational failure in other areas.

In 2007, following the transfer of prime ministerial power from Tony Blair to Gordon Brown and the arrival of Ed Balls at the newly formed Department for Children, Schools and Families (DCSF), observers (see Wolfe, 2010 and the interview material in chapter 5 and 6) noted a number of adjustments to the policy which included a more standardised approach to the funding agreements (the document that laid out the legal relationship between the academy sponsor and government), encouraged sponsorship from educational and charitable organisations – rather than business and invited the local authorities into the commissioning process. In 2010, the election manifestos of the Conservative and the Liberal Democrats Parties supported the continuation of New Labour's academies policy. The Liberal Democrats wanted closer involvement with the local authorities while the Conservatives stated that they would accelerate the pace of the programme and extend it to successful secondary, special and primary schools.

The previous paragraphs present a chronology of the key events connected to the academies policy. Another way to present its development is to note that, in the period 2000 to 2010, it moved through three phases, each identified with a different political partnership:

Phase 1: Tony Blair and Andrew Adonis, 2000 – 2007

Phase 2: Gordon Brown and Ed Balls, 2007 – 2010

Phase 3: David Cameron and Michael Gove, 2010 and onwards

In Phase 1, Blair and Adonis directed the efforts of the Department for Education and Employment (DfEE) and later the Department for Education and Skills (DfES) to replace failing secondary schools in deprived areas with 'independent' academies outside the control of the local authorities. Their main emphasis was to attract sponsors from outside education with the necessary business experience and entrepreneurial 'DNA' to run academies. Such sponsors would be offered considerable freedom from the strictures imposed on local authority-controlled schools and it was thought that this would provide the necessary impetus for the raising of standards. The dynamism of sponsorship was to be aided by a stress on innovation in all areas of academy activity, for instance in the design of the curriculum, in leadership and management, in pupil ethos and behaviour and school architecture. The legal contracts (called 'funding agreements') made between the academy sponsors and the Secretary of State for Education were highly individualised, allowing different arrangements to exist from one academy to another. Assessing this period, Shaw (2007: 69) cited 'a senior government adviser' claiming that the 'ends' of the academies policy were solidly social democratic though the 'means' were grounded 'in a cool, dispassionate analysis of what worked'.

Criticisms of this phase suggested that the precondition that academies be located in deprived areas with failing schools was not always adhered to (Beckett, 2007 and NAO, 2010), that some of the corporate sponsors were not ideally suited to run academies (Hatcher, 2006 and see interview material in chapters 5 and 6), that the costs in running the programme, especially through the use of Building Schools for the Future (BSF) funding, were excessive (HOC, 2005; NAO, 2007) and that the funding agreements allowed questionable practice in admissions, exclusions and special educational needs (SEN) to develop (HOC, 2005; Wolfe, 2010).

In Phase 2, Gordon Brown as prime minister and Ed Balls as secretary of state at the DCSF, partly through their own political instincts and partly in response to criticisms about the programme from Labour backbenchers, interest groups and teaching unions, made adjustments to the policy. They re-emphasised the original social justice aims of the academies policy, sought to standardise the

funding agreements in some respects and moved towards sourcing sponsors with educational experience from the charity, Higher Education (HE) and FE sectors. While still maintaining 'independent' status, academies were now required to cooperate more closely with local authorities on admissions, exclusions and the co-ordination of the 14 – 19 curriculum. Local authorities were also included in the planning of academies in their areas and allowed some limited role as co-sponsors. While critics of this second phase of the policy thought that their main concerns about academies had been partially addressed by the above policy adjustments, many academy sponsors and principals saw the changes as placing an unreasonable administrative burden upon them in direct contradiction to the freedom and independence promised by Blair and Adonis.

In some of the empirical research conducted for this thesis (chapters 5 and 6), the views of key figures involved, at national level, in supporting or contesting the academies policy outline the underlying political motivations and pressures that lay behind the inception and the shift in the programme from Phase 1 to Phase 2. The two case studies in chapters 7 and 8 are designed to reflect Phase 1 (Islington) and Phase 2 (Barrow-in-Furness) respectively. Phase 3 lies mainly outside the time period set for this thesis, which spanned 1997 – 2010, though the fact of the Coalition government's rapid expansion of the policy is central to some of the main propositions made. Labour opposition frontbenchers depicted the Coalition government's extension of the academies programme as a perversion of the original model. Michael Gove, the secretary of state for education, riposted that he was following the logic of the Blair and Adonis intention for the programme: that all schools should be able to access the advantages of the academy model independent of the local authorities.

CHAPTER 1: LITERATURE REVIEW OF THE LINK BETWEEN DEMOCRACY AND SCHOOLING

Introduction and chapter outline

This first chapter of the literature review aims to place the origins of the academies policy in its widest historical, philosophical and political context in relation to the connection between democratic values and schooling. This approach follows the argument made by Carr and Hartnett (1996: 183) in the most recent academic text to examine, in a substantial way, the links between democracy and school education in England. In writing of the education reforms undertaken by the Conservative government, the authors suggested that such actions:

> … cannot be adequately understood unless they are placed within a much longer history of educational change; and that the history cannot be abstracted from the larger political and cultural history through which our contemporary liberal democratic society has evolved.

In modern English society, the origins of the link between democracy and schooling are rarely publicly articulated outside the confines of those concerned with researching education policy. Since the publication of the Black Papers in the period between 1969 and 1978 and Callaghan's Ruskin College speech delivered in 1976, it has been the instrumental purpose of schooling, the curriculum, school leadership and workforce development, the behaviour of pupils and declining educational standards that have attracted the most attention.

This chapter is organised as follows:

Section 1 of this chapter considers the difficulty involved in understanding what the word 'democracy' means and how the different values of liberty and equality that contributes to its definition are in a relationship that is antagonistic. It will examine the socio-economic and historical factors that created the conditions for full representative democracy in Britain in the late

1920s and will seek to understand how earlier political philosophies relating to liberalism still survive in a more radical form today.

Section 2 traces the growing links between social democratic values and state schooling in England; links that became formally established in the passing of the Education Act of 1944. It will analyse why some philosophers thought that access to a broad education was a vital ingredient to the creation of a true democratic state and the development of an active citizenry. It proceeds to examine the reasons for the breakdown in the social-democratic consensus that between the mid-1940s and the late 1960s largely determined the direction of school policy. Finally, this section tracks the influence of the New Right in developing an alternate ambition for the nation's schools and the urgent need for radical reform.

Section 3 explores the factors that contributed to the redefinition of the nature of the 'social contract' between the state and its citizens that took place in the 1970s and the Labour Party's reinterpretation of the meaning of equality and social justice. These moves created a convergence in agreement about school reform at party political leadership level, laying the foundations for the later introduction of the academies policy.

Section 1: Interpretations of democracy

Democracy concerns the key decisions that citizens and their representatives in government make about how they arrange their collective lives. As Holden (1988: 8) asserted:

> A democracy is (or the term 'democracy' connotes) a political system of which it can be said that the whole people, positively or negatively make, and are entitled to make, the basic determining questions on important matters of public policy.

Long before the formation of the welfare state, different views about the meaning of democracy had developed. Classical liberal interpretations of

democracy emphasised optimum freedom and opportunity for the individual to operate in a free market, this to be achieved within the bounds of law and at the minimum level of state intervention commensurate with the maintenance of a stable society. Later, social democrats emphasised, at minimum, equality of opportunity as a route to ensuring the collective good; a goal that could only be achieved through the presence of an interventionist state strong enough to restrain the vagaries of the market and to manage the economy to the benefit of all citizens.

Holden (ibid: 36 - 37) observed that, 'The liberal state evolved before democracy was grafted on to it'.   In contemplating the nature of this evolutionary ordering, he quoted this view from Macpherson that:

> Before democracy came in the Western world there came the society and the politics of choice, the society and politics of competition, the society and politics of the market. This was the liberal society and state…both the society as whole and the system of government were organised on a principle of freedom and choice.
> (Macpherson, 1977; quoted in ibid: 37)

Holden (ibid: 12) suggested that an inevitable tension surrounded the conflicting priorities to uphold the individual's right to liberty with the need for society to secure the common good. For Holden, the adjective 'liberal' implied 'a concern with individual freedoms that centres on the need to limit the power and the authority of the government.' He added that:

> In the classical view 'democracy' refers to the location of a state's power, i.e. in the hands of the people, whereas 'liberal' refers to the limitation of a state's power.

Various thinkers noted the multi-faceted and changeable nature of the concept of democracy. Some considered that the word had become vacuous through overuse.   For instance, Holden (ibid: 2) saw the idea of democracy as 'so universally approved' that it had become 'empty of meaning, [making] the definition of democracy a notoriously difficult and controversial business'. Birch (2001: 2) thought there was an intellectual laziness surrounding attempts to define the idea of democracy, explaining that:

> Many of these concepts are commonly used without definition because they are familiar to us from general usage and we think we know what they mean.

Beetham and Weir (1999: 6 – 7) concluded that democracy had:

> Become one of the most generalised words of approval in the political lexicon during the twentieth century. As a result it has tended to become synonymous with whatever the particular user happens to approve of – whether individual freedom or social equality, majority rule or minority rights – popular participation or elite competition.

Several commentators have considered that it would be unhelpful to settle on a specific definition of democracy. For instance, Marquand (2008: 75) thought it was 'misleading to think of British democracy as though it were a single monolithic lump to be accepted or rejected en bloc'.

Until the early twentieth century, the idea of democracy was not viewed in an especially positive way and, for the property-owning and political classes, was more feared than appreciated as a proposition. As Macpherson (1973: 5) articulated:

> Democracy originally meant rule by the common people, the plebeians. It was very much a class affair; it meant the sway of the lowest and the largest class. That is why it was feared and rejected by men of learning, men of substance, men who valued civilized ways of life.

Even those political philosophers who favoured democracy in principle were themselves cautious about how the concept might work in practice. In the seventeenth century, Locke was persuaded by the ideas of popular consent and majority rule though did not believe that all people should have the vote. In the nineteenth century, John Stuart Mill (1951) anticipated in theoretical terms the potential benefits of the franchise for the civilising self-development of the masses though considered that, 'It is hurtful that the constitution of the country should declare ignorance to be entitled as much political power as knowledge'. He therefore concluded that the right to vote should require a tax paying and literacy qualification and recommended 'multiple votes' for skilled professionals and those with higher education (ibid; quoted in Birch, 2001: 63). It is shocking perhaps to modern sensibilities to realise that plural voting for graduates and

some categories of business people was not abolished in Britain until the late 1940s (Allen, 1964).

Despite a centuries long parliamentary tradition, it was not until 1928 that Britain became a fully enfranchised nation. Voting rights had been extended to the 'lower and wider orders' (ibid: 12) in a 'crab-like progress towards democracy' (Crick, 2002: 12). For some observers of democracy, the extension of the franchise was not so much positively driven by noble sentiment but rather by mass industrialisation and the resulting shift in the balance of power between the classes. In Britain, this realignment served to increase the confidence and market value of working people and culminated in the Labour Party's entry to Parliament in 1906. As Macpherson's (1973: 3) stated:

> The working-class that had been produced by the capitalist market society had become strong enough to get into competition, strong enough to demand it should have some weight in the competitive process. Liberal-democracy is thus the unique product of successfully developing capitalist market societies.

The economic and political consequences of the stock-market crash of 1929, and the subsequent Great Depression prompted a growing acceptance among politicians that the Utilitarian view that the liberal capitalist model was the best way to ensure 'the greatest happiness for the greatest number' was unsustainable as a model and that 'The state had to assume more responsibility for the wellbeing of its citizens' (Carr & Hartnett, 1996: 51).

The radicalising effect of two world wars contributed to the growth of representative democracy in Britain. It seems extraordinary, from the distance of a century, that only 60 per cent of the British armed forces fighting in the First World War had the franchise (Allen, 1964: 10). In reflecting on the Second World War, Simon (1991: 35) noted that:

> As the war proceeded, a widespread realisation took root – that it was impossible, if Britain was victorious, to go back to the stagnant, class-ridden depressing society of the 1930s. … [It] brought to the forefront aspects too readily disregarded in peacetime. When men (and women) are required to die for their country, the thought necessarily arises that a country worth dying for must also be a country worth living in – not merely for the fortunate few but for all citizens.

There was widespread agreement on the case for change and this laid the ground for 'the complacent and consensual Britain of the post-war years' (Marquand, 2008: 59), though some commentators questioned the depth of that condition. For example, Harris (1986: 239) considered that, 'the national consensus was an artificially manufactured myth' and Lowe's (1990) view was that the political consensus was real though had limitations.

What kind of democracy now exists in England? Those on the left and centre-left would say that they aspired to live in a social democracy. Holden's (1988: 19 - 20) definition of social democracy is very tightly defined:

> Social democracy exists where there is social equality – roughly speaking a classless society (or something approaching it) in which there are little or no differences in status or social advantages.

While Barry (1979: 104) saw social justice as 'central to social democracy … [and] the just distribution of resources in society', he considered that Crosland held a more technocratic view, falling distinctly short of the idea of a classless society:

> The aim of social democratic politics was to promote economic growth [allowing] the fiscal dividends of economic growth to be used as investment in public provision through health, education and welfare, which would maintain more or less the absolute living standards of the better off whilst raising the relative position of the worst off.
> (Crosland, 1956; quoted in ibid)

By applying any of these criteria, Britain cannot be described as a true social democracy with recent studies showing long-term and escalating levels of inequality (Joseph Rowntree Foundation, 2000; The Sutton Trust, 2009). A government-commissioned report entitled *An Anatomy of Economic Inequality in the UK* indicated that the levels of income inequality in 2007-8 were the highest since the late 1940s (Hills, 2010). In addition, access to higher education provision still disproportionately favours the better off (Adonis and Pollard, 1997), the House of Parliament is increasingly dominated by the professional classes (Jones et al., 2001) and research on the top 100 journalists in Britain found that 54 per cent had been independently educated and 45 per cent had attended Oxbridge (The Sutton Trust, 2006).

Since 1979, liberal values in a modernised form have had an increasing influence on public policy. The terms 'neo-liberal' and 'neo-conservative' are used by political and social scientists as a shorthand way of explaining a set of complex ideas surrounding the role of the state and the relationship between government and citizen and the terms will appear in later chapters of this thesis. In this context, the word 'neo' relates to an updated, distilled and radicalised version of the political philosophy of liberalism that predated the arrival of representative democracy in Britain (as discussed previously in this chapter). Held (2002: 253) used the two terms interchangeably under the broader heading of the 'New Right' and it is perhaps helpful to conceive of neo-liberalism and neo-conservatism as related, sharing some fundamental ideas in common though characterised by distinct differences in emphasis and tone.

Both these political philosophies stand in contrast to the social democratic interventionism so typical of the immediate post-war era. One of the fundamental ideas neo-liberalism and neo-conservatism share in common is the belief that the market should be viewed as a positive force in the life of the state and that its 'neutral' mechanisms could be applied, not just to business and banking matters but also to the efficient running of public services. In many Western democracies, neo-liberalism is seen as the dominant 'global economic ideology' based on 'deregulating most aspects of economic activity, privatising public enterprises and trying to cut back on state expenditure' (Jones et al., 2001: 27). Held (2002: 253) added to this list the idea that the market needed maximum freedom to operate and that depended in part on limiting the power of interest groups that might inhibit rather than support its efficiency. Held (ibid: 254) considered neo-liberalism had a confrontational relationship with democracy:

> At root, the New Right has been concerned to advance the cause of 'liberalism' against 'democracy' by limiting the democratic use of state power. The complex relationship between liberalism and democracy is brought out clearly in this confrontation, a confrontation [which] reminds one forcefully that the democratic component of liberal democracy was only realized after extensive conflict and remains a rather fragile achievement.

While neo-liberals advocated the positive aspects of the freedom of markets and the need to protect the rights of the individual, neo-conservatives projected a more defensive discourse based on fear of the degeneration of society (McLean and McMillan, 2009) and operated within a more morally judgemental framework that advocates self-reliance, self-discipline and family values. Taken to the more extreme case, as in parts of the American Republican party, religious belief is openly deployed as the 'proof' of the correctness of their cause and the justification for their actions.

Like Held, Klein (2008: 111 – 12) viewed neo-conservatism and neo-liberalism as two sides of the 'New Right' coin. In her view: 'All these incarnations share a commitment to the policy trinity – the elimination of the public sphere, total liberation for corporations and skeletal social spending' (ibid: 14 and 57). She presented a more extreme opinion than Held about the incompatibility between social democracy and neo-liberalism. Klein believed that neo-liberal politicians were intent on delivering 'shock therapy' to the social democratic state in order to transfer the delivery of public services to the more efficient private sector.

These descriptions of the similarities and differences between neo-liberalism and neo-conservatism are sometimes expressed in hybrid form in the practical business of politics. In examining the different wings within political parties in the UK, neo-liberal, neo-conservative and social democratic strands may all be detected within the same political party. For example, Norton, in analysing the political ideological differences at play within the Conservative Party, identified seven groupings as follows:

> Neo-liberals believe in the rigorous application of market forces; the Tory Right stresses moral issues, especially law and order; pure Thatcherites combine a belief in market forces with a desire for law and order; Wets believe in a role for government interventionism in social and economic affairs; Damps believe in the same as Wets but not so intensely; Populists reflect popular attitudes, being left on social issues but right on law and order; Party Faithful support the party rather than the ideological strands of thought.
> (Norton, 1996, British Politics Newsletter, No. 86; quoted in Jones et al., 2001: 235)

Neo-liberals and neo-conservatives would take exception to Held and Klein's views that their political beliefs are incompatible with democratic values or practice. Some of the discourses of the interviewees who participated in the empirical research for this thesis (see chapter 5) clearly had ideas about the state and social policy that could be termed neo-liberal though they would affirm that they operated legitimately within a democratic system of government. They would also argue that their actions were driven in part by democratic motives attached to providing greater opportunity to citizens through the provision of certain social polices. In terms of education policy, Professor James Tooley (2010: 97), known for his opinion that schooling should be taken completely out of state control, clearly typifies this point of view. In reflecting on the link between equality of opportunity and education, Tooley challenges the post-war idea of universal benefits as inefficient and damaging to 'the least advantaged' in society:

> I suggest abandoning educational equality altogether and replacing it with a concern for the least advantaged might be a more fruitful approach. One of the policy areas that seems to have potential for helping the least advantaged concerns 'choice'.

For Tooley, the use of markets in education is the mechanism with most potential to benefit the least advantaged and some of the interviewees made similar arguments in their support of the academies programme.

Section 2: The link between democratic values and schooling

In their introduction to *Education and Democracy*, Dyson and Lovelock (1975: 31 & 37) presented the basic argument connecting schooling to democracy: 'If people are to have power, they must be literate.' They drew attention to the view of Tom Paine that the provision of education would help citizens see 'the rationale of the whole system (of government), its origin and its operation; best supported when best understood' and his assertion in *The Rights of Man* that:

> There are two forms of government; one based on inherited privilege, the other on election and representation, the first requires ignorance for its operation and the second reason.

In *Democracy and Education,* Dewey (1916) argued that the social education of the citizenry, acquired in part through schooling, was a vital ingredient for a fully developed democratic state:

> The devotion of democracy to education is a familiar fact. The superficial explanation is that government resting upon popular suffrage cannot be successful unless those who elect and who obey their governors are educated. Since a democratic society repudiates the principle of external authority, it must find a substitute in voluntary disposition and interest; these can be created only by education (Dewey, 1916; quoted in Dyson & Lovelock, 1975: 279)

In the early part of the twentieth century, Dewey challenged the conventional view that schooling for the masses should be mainly concerned with providing the basic skills required by industry. As Carr and Hartnett (1996: 119) stated:

> At the end of the nineteenth century the proposition that only a minority of the population needed to be educated and that the masses only required a minimal elementary education, was still widely recognised as being consistent with the idea of a democratic society.

Dewey (1916: 279 – 280) resisted this limited reading of the purpose of schooling because he considered that it demeaned the true meaning of democracy:

> The notion that 'the essentials' of elementary education are the three Rs mechanically treated is based upon ignorance of the essentials needed for realisation of democratic ideals.

He attributed such views to the influence of the 'negative' liberal tendency to protect freedoms rather than promote equality:

> The starting point of such an analysis was … a realisation that the existing political institutions of liberal democratic societies had not been initially introduced to expand democratic participation but to protect the individual freedom of the nineteenth century middle classes.
> (Ibid: 56)

Dewey considered that the rapid pace of industrialisation had eroded the type of active public life typical of pre-industrial communities to the point where society had lost its sense of communal purpose. Indeed, so much so, that 'an active citizen was not [seen as] a necessary feature of democracy' (ibid: 57). In Dewey's view, this decline had to be addressed and that:

> What was required for the twentieth century was not an extension of liberal democracy but a new conception of liberal democracy; one that would revitalize liberal values in a way that not only recognized that the traditional opposition between the individual and society and between liberalism and democracy was now obsolete, but also took into account the major intellectual, cultural and economic transformations that had occurred during the nineteenth century.
> (Ibid: 59)

For Dewey, industrialisation had corrupted liberal values and 'liberalism had degenerated into protectionism of minority rights' (ibid: 59). For him, 'a democratic school was a common school to be accessed by all classes, creeds and colours'. Dewey made this statement in 1916, roughly half a century after the Thirteenth Amendment abolished slavery in America and half a century before the passing of the Civil Rights Act of 1964 that, among other actions, made illegal school attendance based on the separation of the races.

In calling for the idea of a common school, Dewey echoed the English philosopher and New Liberal, T.H. Green's earlier demand that education and citizen participation in society was a pre-requisite for democratic life. Green rejected Matthew Arnold's notion that education be designed to reinforce the prevailing social hierarchy with educational opportunity eked out to the middle classes contingent on the growing needs of industry or empire. Rather, Green wanted:

> Education to undermine, not underpin, class barriers and snobbery [and] … looked forward to a comprehensive system of schools that would unite the classes by the freemasonry of a common education.
> (Green, 1984; quoted in Heater, 1990: 80 - 82)

In the years between the Great War and World War Two democratic notions of citizenship and equality of opportunity had a strong influence on the push for universal secondary education in England. In this period the school provision was inadequate for these greater democratic purposes. This is Simon's (1974: 21 – 22) description of the English school system that prevailed:

> In practice, then, the nation's education was conducted in three vertical divisions: a closed system of preparatory and 'public schools', run independently and open only to the wealthy; a semi-closed system of grant-aided secondary schools, with their own preparatory system mainly open to fee-payers, with a fixed proportion of free places into

which pupils from elementary schools were drafted at 11; and an elementary system in which the vast majority remained from 5 to 14.

To put this divided system in perspective, 90 per cent of pupils did not get beyond elementary school thus 'relegating the great majority of working-class children to an inferior form of education for the shortest possible time at the cheapest possible rate' (ibid: 28). Despite the pressure to extend secondary school provision to all pupils, an extension of access and an increase in capital funding provided by Section 44 (1) of the Education Act of 1918, this system existed up to the passing of the Education Act of 1944. G.C.T. Giles (1946:42), president of the National Union of Teachers (NUT) from 1942 to 1943, argued that, 'From a human, from a democratic, from a national point of view [the school system] needed drastic recasting' and that the pre-war system of elementary schooling was 'never intended to provide, and can never provide, equality of opportunity' (ibid: 25). In 1942, the Council for Educational Advance, under the leadership of Professor R. H. Tawney and comprising the NUT, the Trades Union Congress (TUC), the Cooperative Union and the Workers' Educational Association called for:

> Immediate legislation to provide equality of opportunity for all children, irrespective of their social and economic condition in order to equip them for a full life, and for democratic citizenship.

Rab Butler (1971: 90), President of the Board of Education and responsible for the 1944 Education Act, recorded in his memoirs how military conflict highlighted the need for social reform, including the right to education:

> It is remarkable how in England educational planning and advances have coincided with wars. In the earlier years of the twentieth century, the Boer War and the First World War have both provided an impulse.

Butler cited the experience of evacuation forcing the nation to re-examine its values when those in the suburbs and the country caught a glimpse of the hidden lives of the 'submerged tenth' from the urban areas, 'revealing that "two nations" still existed in England a century after Disraeli used the phrase' (ibid: 92). In the two years leading up to the parliamentary consideration of the Education Bill, Butler consulted a plurality of interests outside Westminster: the local education authorities, the teaching and the wider education profession

(through their unions and associations) and the Anglican and Roman Catholic churches. Although it has been argued that the influence of the religious institutions in shaping post-war secondary education was too dominant (see Simon, 1991 pages 51 - 53).

During this period, the dialogue concerning education and democracy also included an unprecedented attack on the public schools. For some, these institutions were viewed as fundamentally undemocratic and an enemy of social cohesion. Giles (1946: vii) claimed that:

> The old school tie tradition, which has dominated British, and especially English, education up to now, is out of date, inadequate for an epoch of rapid scientific advance, and unsuitable for the age of the common man.

Giles (ibid: 26) outlined what he thought the consequences were for a democratic country:

> As I see it, the continuance of a system of public schools standing outside the main educational system and enjoying a prestige out of all proportion to its size is incompatible with a democratic system.

In a pamphlet, *The Post War Reconstruction of Education*, the National Association of Schoolmasters demanded:

> The elimination of the public schools on the grounds that schools which cater for 'one caste' only cannot be included in a national system. Public schools being 'the most exclusive employment agency in the world' had no place in a reconstructed system.
> (Quoted in Simon, 1991: 44 - 45)

In July 1942, Butler appointed the Fleming Committee to investigate the feasibility of public school integration into the state system. By a tactical piece of timetabling, this committee reported after the passing of the 1944 Education Act (see Baron et al., 1981: 571 – 578). As a result, Butler claimed: 'The first class carriage had been shunted off into an immense siding' (quoted in Finch, 1984: 14). Even though the attack on public schools was ultimately fruitless, the issue of the negative effect of public schools on the rest of society had been raised publicly at national level and revealed the increasing articulation of social democratic values.

As discussed in the preceding pages, the notion of the informed citizen contributing to democracy was an increasing feature in discussions concerning the development of popular education in democratic society. Key to this idea was the nature of the relationship between citizen and state and where the balance of political power should reside. In contemplating the idea of 'rule by the people', Lively (1975: 30) developed a typology based on seven gradations of the power relationship between the rulers and the ruled. This ranged from the strongest indicator of democratic activity where all citizens govern to, in mid-spectrum, rulers being accountable and removable by citizens and then to the weakest variant where rulers acted in the interests of the ruled. This last arrangement, in Lively's view, would be 'insufficient to constitute the basis for a system that may be termed democratic'.

Two of the founders of liberalism, Hobbes and Locke, held low expectations for the need for direct citizen involvement in government considering that political sovereignty occurred through the assent of the people to be governed; the transfer of power from the ruled to their rulers. In contrast, Rousseau (1968) thought that sovereignty could never be transferred by the people to their governments but resided with them: 'A people can be free if it retains sovereignty over itself, if it enacts the rules or laws which it is obliged to obey' (ibid: 29 and 30). For Rousseau, representative versions of government had limitations:

> The people's deputies are not, and could not be its representatives, they are merely its agents; and they cannot decide anything finally. Any law which the people has not ratified in person is void. The English people believes itself to be free; it is gravely mistaken; it is free only during the election of Members of Parliament; as soon as the Members are elected, the people is enslaved; it is nothing.
> (Rousseau, 1968; quoted in Held, 2002: 141)

Rousseau took the broadest view of the link between democracy and human development and dignity:

> The passing from the state of nature to the civil society produces a remarkable change in men; it puts justice as a rule of conduct in the place of instinct, and gives his actions the moral quality they previously lacked. ... Although in civil society man surrenders some of the

advantages that belong to the state of nature, he gains in return far greater ones.
(Rousseau, 1968: 64)

While the purest theoretical form of democratic government - where all citizens participate in decision-making – has practical and logistical difficulties, those advocating the strongest possible level of participative democracy believed that the presence of an active and informed citizenry was the hallmark of a healthy and evolved democracy. Held (2002: 267), in examining the ideas of those thinkers concerned with participative versions of democracy, stated:

> Pateman has argued, drawing upon central notions in Rousseau and J.S. Mill, that participatory democracy fosters human development, enhances a sense of political efficacy, reduces a sense of estrangement from power centres, nurtures a concern for collective problems and contributes to the formation of an active and knowledgeable citizenry capable of taking a more acute interest in public affairs (Pateman, 1970, chapters 2 and 6).

Marshall (1950) divided the development of citizenship into three increasingly evolved categories:

Civil citizenship: the ancient sense of membership of a city-state or country under certain changing conditions of property ownership and free status which in modern times give legal rights to all citizens: 'The civil element is composed of the rights necessary for individual freedom' (Marshall, 1950; quoted in Crick, 2000: 7). Marshall tied this directly to the idea that, 'Education is a necessary pre-requisite of civil freedom'.

Political citizenship: the 'right to participate in the exercise of power' (ibid), access to the franchise and associated rights.

Social citizenship: an idea built on the framework of civil and political rights noted above that suggested that no one could be a true citizen without sharing in the benefits of society. As Marshall asserted:

> By the social element I mean the whole range from the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in society.
> (Ibid: 7)

Marshall saw the 'modern drive towards social equality [as] the latest phase of an evolution of citizenship [that] has been in continuous progress for some two hundred and fifty years' (Marshall, 1950; quoted in Heater, 1990: 265). For Marshall (1950: 10 - 11), the school was one of the key public institutions most connected to social citizenship and he considered that:

> The growth of public elementary education during the nineteenth century was the first decisive step on the road to the re-establishment of the social rights of citizenship in the twentieth.

Heater (1990: 100 - 101) later added a class interpretation to Marshall's original model by emphasising the distinction between legal-political versions of citizenship and social citizenship, seeing the legal-political categories as:

> In the interest of the capitalist class, whereas the expansion of social citizenship was not ... citizenship is predicated upon the principle of equality, capitalism on inequality.

This idea of social citizenship is important to this thesis because it stresses the right to education as a pre-condition of citizenship. For this reason, it is useful to place Marshall's full definition in this text:

> It is the belief that, since all citizens are assumed to be fundamentally equal, in status and dignity, none should be so depressed in economic and social condition as to mock this assumption. Therefore, in return for the loyalty and virtuous civic conduct displayed by the citizen, the state has an obligation to smooth out any gross inequalities by the guarantee of a basic standard of living in terms of income, shelter, food and education.
> (Ibid: 26)

Broadening this discussion to include an international perspective, a citizen's right to education was recognised in Article 26 of the Universal Declaration of Human Rights in 1948 and then, in 1953, enshrined in the European Convention for Human Rights and Freedoms (ECHRF) where there are 16 basic rights of which the First Protocol, Article 2 is the right to education:

> No persons shall be denied the right to education. In the exercise of any functions, which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Further, Articles 28 and 29 of the Convention on the Rights of the Child in 1990 advocated the right to education on the basis of equal opportunity. The Convention attached the following criteria to outline what such a right to education should entail: that education should be free and government-funded with an adequate infrastructure and trained teachers; that access should be on a non-discriminatory basis and accessible to all; that schools should keep pace with the changing needs of society and challenge inequalities. In 1998, the Human Rights Act (HRA) 'incorporating the rights enshrined in the ECHRF' was passed into domestic law' (Barnett, 2002: 23). It is interesting to note, though, that the British government secured a 'reservation' that the rights of a parent to determine the education of their children would be respected only if compatible with the requirements of the Education Acts (ibid: 629).

Section 3: Changing definitions of the role of the state and social justice

Held (2002: 223 - 234) considered that the post-war period was marked by consensus: 'a period of consent, faith in authority and legitimacy.' He considered that there was a 'contract' between the state and its citizens and a respect for the 'central institutions of society' that enabled 'a world of free enterprise, moderated and regulated by an interventionist state'. For Held, this was a welfarist, social democratic conception of the role of the state, helpfully sustained by a prolonged period of economic growth in the 1950s and 1960s, where:

> The boundaries of the 'new politics' were set by a commitment to social and economic reform, by respect for the constitutional state and representative government, and by the desire to encourage individuals' pursuit of their interests while maintaining policies in the national or public interest. … By protecting citizens from arbitrary interference and by aiding those who were vulnerable, governments could create a wider range of opportunities for all.
> (Ibid: 234)

In this consensual atmosphere, classical liberal voices arguing for a smaller and less interventionist state did not permeate mainstream government circles though some economists influenced by ideas of liberalism anticipated a bleak future. In *Road to Serfdom*, Hayek (1944) warned of a world laid waste by the

corrupting influence of socialism. While not against the idea of basic welfare provision for the needy, Hayek saw a firm difference between a welfare system that:

> Provide[d] a minimum level of support to those who are unsuccessful in the market from destitution and one, which, as for example in social democratic policies, acts as an instrument of redistributive justice through securing greater social and economic equality.
> (Held, 2000: 268)

For Hayek, 'democracy is not an end in itself; rather it is a means, a utilitarian device to help safeguard the highest political end – liberty' (Hayek, 1944; quoted in ibid, 2002: 259). He agreed with Schumpeter's (1976: 269) description of democracy as:

> A political method, that is to say, a certain type of institutional arrangement for arriving at political, legislative and administrative decisions and hence incapable of being an end in itself, irrespective of what decisions it will produce under given historical conditions.

Hayek (1944) stood diametrically opposed to the views of Keynes (1936) concerning the fiscal and monetary control and manipulation of markets for social ends. He thought that Keynes was unrealistic in his objective of securing social justice, as everyone would have a different view of what was just. Instead, Hayek believed that the market would provide the most neutral and therefore the fairest decision-making mechanism concerning the affairs of the state. Held's critique of Hayek's view was that he neglected:

> The distorting nature of economic power in relation to democracy and the complex pattern of market formation, oligopolitistic and monopolistic structures, the imperatives of the system of corporate power and multinational corporations, the short-term logic of commercial banking houses and the economic rivalry of regional power blocks.
> (Held, 2002: 160)

By the end of the 1960s, Held (ibid: 240) considered that there was a growing question mark over the sustainability of the post-war consensus. He outlined the reasons for the decline:

> Increasing economic difficulties, the demise of the Bretton Woods international economic framework, retrenchment in many Western economies, mounting problems in meeting the costs of the welfare state, growing signs of disillusionment with the dominant political parties; electoral scepticism in the face of the claims of politicians: all of these were signs indicating that within and underlying the political system were deeply structured difficulties.

From this point, Held tracked the emergence and development of dissent concerning the legitimate role of the state and the robustness of the old social democratic certainties in the shape of New Right discourses.

During the 1970s, debate concerning welfare provision started to shift towards New Right interpretations of the role of the state in a democracy for the following reasons. Firstly, there was a rise in citizens' expectations about their right to access the resources of the welfare state. Secondly, Conservative Party policy makers identified the need to address a growing welfare dependency culture in Britain, a view later shared by the Labour Party from John Smith's time as leader and thereafter. Thirdly, the providers of welfare services became bureaucratised, professionalised and more opaque in their practice and were accused of being increasingly removed from the life and language of ordinary citizens. Fourthly, criticisms began to grow about operational inefficiency and financial waste in public services.

Margaret Thatcher and her advisers introduced this critique to the national debate from 1979 onwards and every prime minister since then has been convinced of the necessity of changing the relationship between the state and its citizens through a radical overhaul of the organisation and delivery of public services. Where there are political differences between left and right, with Conservatives seeking a reduced, less interfering state, the New Labour ambition was for a smaller, more modern and enabling state. As Tony Blair (2010: 685 - 686) opined in his memoirs:

> Progressives … have to offer a concept of the state that actively empowers people to make their own choices and does not try to do it for them. So the state will be smaller, more strategic but also active – not a necessary evil, as some on the right would have it, but redesigned for today's world.

Bobbitt (2002: 215) proposed a theoretical historical model based on the idea of a crisis in legitimacy to explain the changing role and function of the state. For him, ever since communities organised themselves into national entities, the state had endured a series of 'legitimization crises' where a state and its constitutional arrangements inevitably shifted at the point when the state no longer met the expectations of its citizens. According to Bobbitt, rulers and governments had contracted to deliver increasingly greater promises to their peoples. This started in the fifteenth century with a base level of protection from outside threats offered by the 'princely state'. By the time of the post-war consensus of the mid-twentieth century, in the context of a nation-state, these 'protections' had been greatly expanded to include the promise of economic and social security.

In the period marking the end of the twentieth century, Bobbitt concluded that the most 'triumphant exemplar' of the nation-state, even 'at the moment of its most widespread adoption', faced a 'legitimization crisis' because it could no longer deliver on the bargain made with its citizens. For Bobbitt, the nation-state was replaced by the market-state, which he defined as:

> The emerging constitutional order that promises to maximize the opportunity of its people, tending to privatize many state activities and making representative government more responsive to markets.
> (Ibid, index: 919)

For Bobbitt (ibid: 230) the market-state would be 'indifferent to culture' and neutral to the kind of values associated with social democracy: 'The sense of a single polity, held together by adherence to fundamental values, is not a sense that is cultivated by the market-state.' The banking crisis of 2008 and the resulting civil unrest seen in some European countries, demonstrates a growing gulf between citizens who have deeply entrenched expectations of welfare support and pension rights, based on social democratic principles, and governments who increasingly display 'a refusal to guarantee outcomes' to their populations (ibid: 232).

When compared to their Conservative predecessors in government, one of the striking political differences of the New Labour administration was its emphasis

on social justice. The phrase 'social justice' is open to a number of interpretations. Definitions that indicate that the term concerns how the benefits 'owned' by society are distributed seem to be helpful. Scott and Marshall (2005: 329 - 330) defined the concept in the following way, whilst recognising its contested nature:

> A wide variety of principles are available to regulate social and economic inequalities and so the concept of social justice is the subject of great dispute. Different political ideologies yield different principles of justice. Among the variety of concepts and theories advanced in this way, those of desert, merit, entitlement, equality of outcome, equality of opportunity, need, and functional inequity would seem to be the most relevant to sociologists.

Political opinions about the meaning and merit of social justice in a democratic society began to diverge in earnest in Britain following Thatcher's radical decision to contain the remit of the welfare state. The new definition was far less generous than Rawls' liberal interpretation of social justice, particularly the 'difference principle', explained in 1972 in *A Theory of Justice*. Here Rawls expounded the view that inequalities were permissible in the distribution of scarce resources if they benefit the least favoured in society.

Labour leader, John Smith's establishment of the Commission for Social Justice (CSJ) in 1994 laid the groundwork for many of New Labour's ideas surrounding the need for citizens' entitlements to be accompanied by citizens' responsibilities. The commission defined social justice as:

> A hierarchy of four ideas: equal worth of all citizens; the rights of all citizens to meet their basic needs; primary distribution and redistribution of opportunity to promote life chances; the reduction and, where possible, the elimination of unjust inequalities.
> (CSJ, 1994: 204)

The commission concluded that social justice could not be achieved through the proactive offices of the welfare state alone. It depended on a dynamic market economy to provide greater opportunity to all sections of society. Of note also in the commission's report and a departure from traditional Labour thinking, was the notion that it was opportunity rather than financial resources through the tax system that should be redistributed (ibid: 213).

Callinicos (2001:46 – 47) believed that New Labour tied its sense of a just society firmly and explicitly to the principle of equality of opportunity, not equality of outcome 'which they associate with the Old Left':

> Equality of outcome is pretty much a red herring, since it is hard to come up with anyone, at least in contemporary debates, who has advocated placing everyone in precisely the same material position.

For Callinicos, the New Labour interpretation of equality of opportunity was predicated on the idea that society should help address the misfortunes of individuals arising from brute bad luck. Once 'access to advantages [has] been equalised', the New Labour view was that inclusion polices could get people to the starting line and, from that point, people could access opportunity.

Blair constructed a narrative of social justice, responsible citizenship and national prosperity in order to redefine the idea of a welfare state where the citizens had duties and responsibilities, not just rights and entitlements. In *Labour Party News* (September/ October 1994), Blair proclaimed that:

> We must build a programme for government, which embodies our beliefs and principles in strong communities and responsible citizens, in equality of opportunity and social justice.

Blair believed it was feasible 'to combine ambition with compassion, success with social justice' (White, 1994). In a speech in 2005, he stated:

> Our goal is a Britain in which nobody is left behind; in which people can go as far as they have the talent to go; in which we achieve true equality – equal status and equal opportunity rather than equality of outcome.

In his desire to re-fashion the welfare state, Blair believed that inclusion of middle class support was essential. Early in his political career, Blair had concluded that the middle classes were disengaged and dissatisfied with the status quo and that, 'British democracy rested ultimately on the shared perception by all the people that they participate in the benefits of the common weal' (Blair, 1983). Blair wanted to attract the support of those traditionally seen as high taxpayers and low users of public services. For him, social justice should apply to all classes:

> Social justice is about building a nation to be proud of. It is not devoted to levelling down, or taking from the successful and giving to the unsuccessful. It is about levelling up.
> (Blair, 1996: 150)

Blair's prescription was for a 'second-generation welfare state' that would help those excluded from opportunity but would also attract, through the provision of valued services, the middle class. He thus redefined social justice as a liberating force for all citizens, not just for the disadvantaged:

> There is also, however, another image, only too familiar, of social justice as a subtractive and inhibiting force which busies itself, for reasons ranging from asceticism to sheer envy, in taking away things from successful people and giving them to the unsuccessful (minus the considerable bureaucratic costs of doing so). This is not social justice, as we understand it. Social justice does indeed attend to the needy – that is part of its point – but in doing so it can be an enabling force for everybody
> (Ibid, 1996: 142 – 143)

In 1996, while still utilising social democratic terminology, Blair (ibid: 7) advocated the need to modernise:

> The ultimate objective is a new political consensus of the left-of-centre, based around the key values of democratic socialism and European social democracy, firm in its principles but capable of responding to changing times.

He tried to de-politicise the debate by suggesting that Thatcher's prescription for solving the problems faced by the state was based on practical necessity, not ideology:

> I even decided to own up to supporting changes Margaret Thatcher had made. I knew the credibility of the whole New Labour project rested on accepting that much that she wanted to do in the 1980s was inevitable, a consequence not of ideology but of social and economic change.
> (Ibid: 99)

Correcting the imbalance was a technical and practical problem for Blair requiring radical reorganisation and new players: 'I was now clear that public service reform needed major structural change including a much closer relationship with the private sector market' (Blair, 2010, 313 – 314).

Summary to chapter 1

This chapter has highlighted the complexity that surrounds conceptions of democracy, the role of the state and citizen and how these have been linked to the provision of universal secondary education in England. It has highlighted the tensions between opposing approaches to the way society should run: one based on free markets and individual opportunity and the other on notions of the interventionist state, egalitarianism and collectivism. It has emphasised the presence of a liberal interpretation of the state long before the emergence of full representative democracy in Britain and it has outlined the reasons for the connection between state provision of schooling and representative democracy, highlighting the idea that active citizens should be provided with a level of education substantially beyond the basics required by future employers.

As with democracy, there are competing ideas surrounding the meaning of social justice. Blair's co-opted the term to include already advantaged groups. For him, the term social justice had become more of a concrete tool than an abstract value to be offered to citizens to enable them to create their own opportunities in life.

The next chapter explains why and how political leaders from Thatcher onwards introduced the market mechanisms of choice and diversity to the secondary school sector. In so doing, this next chapter highlights the ways in which this new approach to policy was accompanied by a shift in the constitutional relationship between the prime minister and the executive on one side and a diminished Parliament and system of local government on the other. Building on school diversity and choice schemes introduced by the Conservatives in the 1980s and 1990s, New Labour's academies policy has proved to be the strongest initiative taken by government to change the way schools are run and the next chapter lays the background to its inception.

CHAPTER 2: REVIEW OF CHANGING POLITICAL DISCOURSES ON SECONDARY EDUCATION POLICY, 1969 - 1997

Introduction and chapter outline

Chapter 2 reviews the changing democratic discourses and the accompanying processes of transmission that prompted the school reforms of the 1980s and 1990s and provided the policy logic for the development of the academies programme. In examining the content of the discourses - and the processes of transmission - against the changing political and constitutional context of the period, the review will propose that the move away from collective social-democratic decision-making heralded a more 'muscular' and less consultative approach to devising policy for secondary education.

This chapter does not attempt a chronological approach to the formation of education policy in this period - territory thoroughly covered by Simon (1991) and Carr and Hartnett (1996) - but seeks instead to consider the views, actions and policies of the politicians who had the most radical influence in determining the current structure for secondary schooling. In this way, though Callaghan's Ruskin Speech had political significance, it was the 'Black Paper' writings of the New Right that initiated the ideological platform for a shift in schools policy, the 'retrenchment from egalitarianism' (Tomlinson, 2005: 23) and the move towards a more instrumental view of the purpose of schools in society. According to Simon (1991: 451), Callaghan did not offer, in his critique of schools, a radical agenda of his own but was instead guilty of 'stealing the thunder of the Black Paperites'.

The chapter is divided into three sections:

Section 1 examines the reasons for the retreat, at the end of the 1960s, from the social democratic consensus surrounding school education and the concurrent arrival of political leaders with a more radical and populist approach to public service reform. This section will introduce a central constitutional

theme of this thesis: that the power of prime ministers to influence the shaping of the system of secondary schools in England increased substantially as the collective social democratic style of policy development - so visible in the creation of the Education Act of 1944 - began its decline.

Section 2 focuses on how the New Right discourses emanating from the political advisers and pressure groups most closely linked to Margaret Thatcher had a profound influence on the direction of schools policy. It will examine three school policy initiatives that laid the ideological blueprint for the academies programme: the assisted places scheme (APS) that enabled publicly-funded access to the public schools, the creation of the city technology colleges (CTCs) and the introduction of grant-maintained schools.

Section 3 discusses the political circumstances that contributed to Tony Blair's strategic modernisation of the Labour Party. By moving Labour to the centre ground, Blair 'followed where Thatcher led' (Marquand, 2004: 59) in substantial elements of her public service reforms. In using the levers of choice and diversity, Blair founded his policies on many of the Conservative initiatives, while presenting a new emphasis on social inclusion as a route to social justice. According to some commentators, this attempt placed New Labour policy ambitions in a state of inevitable internal contradiction: the deployment of resources to gain positive outcomes for social justice that were then 'constantly penalised' by market mechanisms (West and Pennell, 2002: 218).

Section 1. The retreat from the social democratic consensus

After the passing of the Education Act of 1944, a consensus presided in government circles that school education should be viewed as a central pillar of the welfare state, available to all on an equitable basis in order to maximise opportunity. As Finch (1984: 49) stated:

> The emphasis of social policy in education was to equalise opportunities, pool resources and to share them equitably, and to eliminate (as far as possible) the relationship between a child's financial circumstances and the educational opportunities offered to him or her.

By the 1960s, a growing critique emanated from the left of the Labour Party and beyond that suggested the 'New Jerusalem' had not been achieved in Britain and that the welfare state had failed to create a more egalitarian society. On the far left, the view was that 'corporatist' socialism had failed to deliver (Hall and Jacques, 1983) and had demonstrated a technocratic Fabian detachment from the realities of the life faced by the ordinary citizen. This was demonstrated by the reality of secondary education provision where the idea of 'parity of esteem' for the different types of schools had not materialised. In the state school sector, 80 per cent of pupils in secondary moderns endured 'inferior resources and less well qualified staff' and were excluded from access to national examinations until CSEs were introduced in 1965 (Tomlinson, 2005: 16). With the exception of a small proportion of pupils in technical schools, the 'selected' remainder in grammar schools enjoyed superior facilities, better-qualified teachers and access to national examinations.

Despite a doubling of university student numbers from 1960 to 1969, entry to university almost exactly paralleled the academic hierarchy of schools (Halsey, Heath and Ridge, 1980: 178). In analysing class bias in higher education, Williamson (1981: 25) concluded that in relative terms: 'Despite the supposedly propitious circumstances [economic growth and expansion of education opportunities], no significant reduction in class inequalities was in fact achieved' and that the expansion of universities in this period 'benefited those who were already privileged more so than those who were not'. In reviewing equality levels in this post-war period, Goldthorpe et al., (1987: 327 – 328) assessed

that, 'The barriers to mobility have shown a notable persistence from decade to decade' with working class pupils having to demonstrate far more merit than their middle and upper class counterparts in order to succeed academically.

The Labour Party leaders of the period were either ambiguous about, or directly supportive of, the value of the meritocratic ladder of educational opportunity supplied to some working class pupils through selection. For example, Hugh Gaitskill was 'satisfied that grammar schools should continue to educate small selected groups despite the adoption by the Labour Party of a policy of comprehensive schools in 1952' (Tomlinson, 2005: 17) and Harold Wilson famously claimed that grammar schools would be closed 'over his dead body'. As Benn and Simon (1974: 43) tartly concluded about the reluctance of Labour leaders to back wholeheartedly the movement towards non-selective comprehensive schooling: 'This alone would seem to exonerate the Labour Party from accusations of precipitate innovation.' For Tomlinson (2005: 27):

> The political left had never managed to develop the democratic egalitarianism … inherent in extended secondary education in common schools, an equalizing of opportunities and resources, and progressive education. Instead … the Labour leadership was until the 1960s content with a version of meritocracy, which was consistent with selection…

After the Second World War, the prevailing meritocratic view was that citizens should be given the chance to climb a 'ladder of opportunity' in order to access the economic and social benefits of life. The resources and structures provided to enable the least advantaged to reach even the first rung of that ladder were not enough to create a true level playing field. An experienced Labour politician with an insight into this period, Roy Hattersley, concluded that liberal versions of equality depended on creating a meritocracy where citizens had the opportunity to prosper through their own effort. In his view, 'The alternative to equality is mobility described in its crudest form as 'equality of opportunity', the ability to rise.' For Hattersley (2006: 4 – 5):

> Meritocracy is no more than a pattern of shifting inequalities which, superficially, seems more acceptable than an established, entrenched hierarchy because wealth is the result of talent rather than, let us say, inheritance. However, if inequality is morally wrong and inimical to

> social harmony, how it comes about is less important than its consequences. … Meritocracy is essentially a system with, like all competitive systems, winners and losers.

On the right wing of the Conservative Party, there was increasing criticism of an inefficient welfare state, inward looking and dominated by the interests of the professionals who ran the various public services. The Conservatives also thought that social democracy's promise to deliver equality to working class groups destined for lower status jobs was setting unrealistic expectations incompatible with state stability.

Conservative thinkers dominated political debate on the purpose of education from the late 1960s to the mid 1980s. Their agenda was founded on individual freedom, self-reliance and meritocracy (Hall and Jacques, 1983: 3 – 4) and a significant proportion of the proposals for reform they made at that time now constitute the statutory bedrock of English schools policy. Conservative thinkers contributing to the Black Papers in the period from 1969 to 1977 criticised the poor standards of academic performance and discipline in schools, the progressive teaching methods deployed and the lack of suitably trained pupils for the needs of industry.

Simon (1991: 396 – 398), in reviewing the Black Papers, considered that, 'They primarily reflected the disturbance, and indeed rage, of the authors at the new trends in education that characterised the 1960s'. He described the first Black Paper, *Fight for Education*, published in 1969 against a backdrop of student revolt, as 'a somewhat hysterical response' that broke the consensus on education. The editors, Professors Cox and Dyson, both from university departments of literature, expressed 'sometimes very vividly, the sense of outrage felt by those who had, in a very real sense seen their world turned upside down' (ibid). Child-centred primary school education and the rise of comprehensives were picked out for special criticism and as the reason for the student insurrections – though students of the time would have grown up within the regimented environment of 1950s education and only a tiny proportion of comprehensive pupils were represented in the total student population – just 2,260 in 1967 and 6,770 in 1970, out of a grand total of

200,000 and 228,000 students respectively (Benn and Simon, 1974: 311; Simon, 1991: 597).

The Crisis in Education, the second Black Paper, was published just before the Conservative Party Conference of 1969. A contributor, Cyril Burt claimed that educational standards were lower than at the eve of the First World War, though it was later discovered that this assertion was based on fraudulent data. In 1970, *Goodbye Mr Short*, the third Black Paper, focussed on a critique of the comprehensive system and progressive education and proposed that selection be reintroduced for five to eight per cent of pupils (ibid: 400). There was an attack on the idea of egalitarianism: that it was undesirable and unachievable and created a system whereby the mediocre profited and the talented suffered.

In 1975, Brian Cox and Rhodes Boyson edited *The Fight for Education*, the fourth Black Paper which according to Simon (ibid: 442) 'Presaged doom, havoc and general chaos if existing trends were not reversed'. The use of the American voucher system was advocated to enable those parents not satisfied with the local offer to choose where they sent their children to school. This Paper also contained criticisms from industry about how poorly schools prepared their pupils for the world of work. In 1977, the fifth Black Paper edited by Rhodes Boyson and Norman St John Stevas, then Conservative Shadow Minister for Education, advocated an extension of parental choice and the preservation of selective schools alongside comprehensives. The idea of different curricula for different abilities was discussed and the introduction of an assisted places scheme proposed.

In examining the contents of the four Black Papers published from 1969 to 1975, Wright (1977: 139 - 140) concluded that:

> They range from some astonishing pieces of ignorance and confusion through to some thoughtful, if contentious, pieces that are a welcome contribution to the debate. … Close scrutiny … reveals a staggering number of errors, inaccuracies and misrepresentations.

Wright (ibid: 144 and 146) tracked a number of these including: Cyril Burt erroneously claimed that grammars had a more diversified population, in terms

of social background, than comprehensives and Cox and Bryson who described teachers 'fleeing' state education at a time when staff turnover was actually reducing (ibid: 140 – 143). While appreciating Wright's forensic investigation of the irregular use of data in the Black Papers, the Centre for Contemporary Cultural Studies (Baron et al., 1981: 212) suggested that it was still important to bear in mind that, despite the questionable factual base of some of the content, the Papers had a definite and cumulative effect on policy makers through 'a process of circular validation' with New Right policy makers and critics recycling each other's material.

In his commentary on the Black Papers, Simon (1991: 400 - 401) concluded that the 'excessive anti-egalitarian zeal' of the Black Paperites had failed to 'effectively hit the target.' Though he recognised that the Papers found a later resonance in the context of the declining economy and the crises of education, he perhaps underplayed the depth of their long-term influence. In 1985, the Centre for Policy Studies' *Omega File* advocated that principles of economic competition be applied to schools, and the Hillgate Group (Cox et al., 1986) recommended that greater consumer power over school choice be handed to parents and that the power and influence of the LEAs should be curtailed. For these advisory groups, the promise of the welfare state to redistribute opportunity had been compromised by Labour's 'corporatism' and in the opinion of Hall and Jacques (1983: 13 – 14), this failure made Thatcher's radicalism more acceptable to the public:

> Its rise was predicated on Labourism's decline. It seized on precisely those points of public consciousness, which Labourism had abandoned. It exploited the internal contradictions, which the social democratic corporatist strategy of successive Labour governments had generated. … In circumstances where commitment to 'welfare' fails to redistribute wealth or to increase real changes in the balance of power it is possible to make the return to possessive individualism look like 'common sense'.

The increase in the influence of party political leaders on the direction of secondary schools policy is a key theme in this and the following chapter, and in the empirical research conducted for this thesis. The proposition is that this was less of a phenomenon during the years of social democratic consensus. Of

course, Rab Butler brought great personal and political energy to the creation of the Education Act of 1944 but his approach was more policy-led than personality-led. Butler represented a national mood whereas the politicians most responsible for initiating radical reform in secondary schools policy from 1979 onwards followed a more individualistic and populist route. Policy was created by the political elites and communicated through the popular press. The discourse was one of assertive leadership where the teaching unions and professional bodies were viewed with suspicion and the public were seen as in need of enlightenment on the subject of school reform.

While not an exhaustive list, the political leaders who followed this pattern of advocating radical reform through a populist style of communication included: Rhodes Boyson, Sir Keith Joseph, Angus Maude, Oliver Letwin, Margaret Thatcher, Kenneth Baker, Tony Blair, Andrew Adonis and Michael Gove. The members of this group share, albeit separated by time and party political alliance, a political philosophy founded on radical interpretations of the role of the state and the place of schooling in society, rather than the social democratic assumptions upon which the Education Act of 1944 was built. On the Conservative side, two in this group have shown great staying power 'topping and tailing' the radical school reforms of the past three decades: Oliver Letwin, in Thatcher's policy unit from 1983 to 1986 was appointed as secretary of state for government policy in the Coalition government that came to power in 2010 and Kenneth Baker, Secretary of State for Education from 1986 to 1989 and architect of the ERA, was appointed by Michael Gove to take charge of the development of the new university technical colleges based on the academies model.

The Labour members of this group, Tony Blair and Andrew Adonis, made use of social democratic terminology to communicate their message though how substantially their actions reflected the traditional definition of that political philosophy is contested. For instance, Hall's (2003: 19) analysis was that aspects of social democracy ran alongside neo-liberalism but the latter ideology provided 'the dominant logic'; Marquand (2004: 52) concluded that, 'New

Labour had abandoned the old social democratic dream of mastering or transcending capitalism'; Hattersley (2006) did not recognise social democratic values in New Labour policies at all; Shaw (2007: 201) thought that New Labour had lost its social democratic soul when it came to the fraternal and collective tradition. He did think, though, that its social democratic credentials could still be claimed for its redistribution policies, though he admitted that higher income groups were lightly taxed, that the UK's level of corporation taxes was among the lowest in the EU countries and that New Labour would in fact:

> Willingly concede that it has taken steps to dismantle the traditional social democratic collectivist state. But the enabling state by which it has been replaced continues, as a matter of principle to guarantee access to core public goods (health and education etc) according to need and free at the point of use.

Hall's analysis perhaps showed the clearest understanding of the political situation: that the dominant 'operating system' of neo-liberal ideology placed Blair and Adonis on a spectrum of democratic discourse when it came to school reform where they had more in common with the radical elements within the Conservative Party than with the traditional social democratic wing of the Labour Party.

To understand the direction of schools policy it is relevant that most of the members of this group of radical reformers were educated largely outside the state system (with the exception of two attendees of grammar schools) followed by, with one exception, an Oxbridge education. Additionally, from the perspective of educational expertise, Rhodes Boyson was the only one with direct experience of teaching in secondary schools. For the remainder, personal values and political beliefs, rather than professional experience, supplied the reference points concerning the need for reform of England's secondary schools.

Except for Thatcher and Baker who both worked in industry before entering politics (with Andrew Adonis fleetingly at British Gas) the group members came from the 'communicating professions' of law, education and journalism (Mellors,

1978: 58). In research on the demographics of parliamentary membership, journalism in particular is referred to as one of the 'instrumental professions' because of its close contact to politics and the 'training in the arts of persuasion and publicity' that it demands (Cairney, 2007: 212 - 213). Many of this group also acquired work experience classified as 'instrumental' in addition to their main profession. For instance: political party organiser, think-tank researcher and policy adviser (ibid: 214).

It is fair to recognise that two of the political architects of the welfare state – Attlee, and Butler - were also from privileged educational backgrounds. Butler worked as a university lecturer before entering politics, though it is pertinent to note that Attlee had prior experience in social work. The central point here though is that these two members of the wartime coalition government located their political philosophy within the parameters of the social democratic values that so typified the political mood of the period. In contrast, most of the members of the group under discussion had a privileged experience of education, professional backgrounds more suited to executive action than consensual debate and a serious ideological critique to offer concerning the purpose and operation of the welfare state.

In many of the utterances of this group, it seemed that their own personal experience of education made it perhaps inevitable that standards in state secondary schools would appear well below par and in need of reform.

The 'professionalisation' of government communication that took place in this period was a feature of a new populist approach to the presentation of schools policy through the 'colonization of the popular press' (Hall and Jacques, 1983: 29). Carr and Hartnett (1996: 158 - 159) made note of the 'consummate political, media and rhetorical skills' deployed by the Thatcher governments and considered that:

> The New Right helped to construct a view that education at all levels (but especially in schools and in teacher education) was in severe crisis. It did this by careful selection of research findings and by continual reference to *cause célèbre* schools and cases [and] by the 'filleting' of evidence and careful use of unrepresentative schools.

The speeches and writings of these radical reformers were typically geared to presenting the identification of a serious and unresolved problem and the provision of a superior solution. A tight circle of policy advisers who supplied such solutions were more influenced by the education policies put in place by 'advanced' competitor nations than by professional opinion from the local education authorities or the teaching profession. During the 1970s, 'corporatism' in political decision-making had originally referred to the idea of business and union interests gaining access to policy development opportunities where concessions were offered by government in return for assistance in implementation (Held, 2002). Now a narrower version of 'sectoral' or 'meso' corporatism where government excludes groups unsympathetic to their aims has been identified (McLean and McMillan (2009: 122).

These reforming ideas were conveyed using various populist communication techniques such as speaking to the ordinary citizen over the heads of the professionals; using plain language that honoured common sense and 'simple moral pieties'; the deployment of personal biography to articulate values; the belittlement of the teaching profession and, *in extremis*, the articulation of moral outrage (Hall and Jacques, 1983: 13). For example:

Demonstrating the power of plain language, Rhodes Boyson (1978: 10) laid out his personal political philosophy in three succinct sentences:

> The Conservative Party is not an egalitarian party. It believes in the right of the individual to develop within the constraints of moral law. The only equality it accepts is at the ballot box, before the law and in the sight of God.

Communicating a superior vision of the future provoked by the need to end an undesirable state of affairs in the present, Oliver Letwin, on the subject of Conservative school reform, stated that:

> There is a real chance now … of turning our maintained schools gradually into independent, professional institutions whose clients' fees are fully paid by the state, instead of fragments of a vast nationalised industry woefully mismanaged, strike bound and desolate.
> (Oliver Letwin, *The Independent*, 6 February 1986; quoted in Simon, 1991: 524 - 525).

Similarly, Tony Blair communicated the aspiration that the state should provide pupils with 'as good an education as anyone can buy in the private sector' (Blair, 2005). How the resources available to public school style education could be provided on a universal basis through tax receipts is left unexplained.

> We must do better to tackle the pockets of deep educational disadvantage; do better in lifting schools from average to good; do better in enabling more good schools to become genuine centres of excellence, giving as good an education in the state sector as anyone can buy in the private school system.

Deploying personal biography in combination with setting out the unsatisfactory state of affairs in state schools, Michael Gove, in his speech to the Conservative party conference in October 2010, reprised the sacrifices his parents made to secure a 'good schooling' for him and then presented the troubling thought of how badly things could have turned out if he had found himself with a different set of parents:

> For me this is a very personal crusade. I do not believe that who you are born to should determine who you become and I hate the idea that an accident of birth should limit any child's opportunities. Whatever hand fate deals you; schools should give every child an opportunity to make their life anew. I am uniquely fortunate. I was given a second chance. I was adopted as a child. My adoptive parents - my mother and father - are very special people. Both left school at 16, my father to work in the fish trade, my mother as an assistant in a jeweller's shop.
>
> But while nobody in my family had gone to university they both knew the real value of learning. My parents made huge sacrifices, running down their savings, foregoing new cars and foreign holidays, so that I could go to a great school. Without their love and sacrifice I would never have had the opportunities I enjoyed. I will never forget, and can never adequately repay, their generosity.
>
> But what I can do is reflect. What if I'd grown up with different parents in a different part of this country? Perhaps going to one of the primaries where half the children leave unable to read and write properly. Perhaps going onto a secondary where nine out of ten leave without decent GCSEs. My life would have been blighted, my future limited, my chance to make a difference gone.

Section 2. Choice and diversity in the secondary school system

As the planners of the post war secondary school system found, pre-existing school provision cannot be easily discarded whatever the temptation to start afresh. For Glatter (2009: 105), the organisation of secondary schooling in England has developed haphazardly driven by differing political approaches and is consequently incoherent at a systemic level. With dissatisfaction increasing in some quarters about the standards in schools and what was taught in them, the approach to school reform has been to work around the existing system. This typically involved a standard operating procedure: One, remove the bureaucratic constraints thought to impede performance in schools - hence the introduction of Local Management of Schools (LMS) in Sections 33 to 51 of the Education Reform Act of 1988 thus reducing local education authority (LEA) 'interference'; two, introduce new schemes and school structures formally separated from LEA influence or control, for example, the assisted places scheme, city technology colleges and grant-maintained schools. Here the view was that these schemes should compete with existing provision seen as undesirable or failing; three, put in place increased requirements for measurement to demonstrate the relative success or failure of schools – for example, inspections from the Office for Standards in Education (Ofsted) and league tables – in order to help parents make 'informed' choices as consumers.

An examination of the introduction of the assisted places scheme, the city technology colleges and the grant-maintained schools conducted over the next few pages reveal the following policy characteristics that would later set the blueprint for the introduction of the academies programme:

1. The political communication of the new schemes or school structures by highlighting a lack of satisfaction with the existing model

2. The personal backing of the prime minister, the curtailment of LEA influence and increased control from the centre of government

3. The utilisation of extra funding streams and other resources challenging notions of parity and equality across the school system

4. The introduction of an aura of 'specialness', mainly through attracting new partnerships from outside the state school system

5. The addition of statutory incentives and pressures (through follow-up legislation) to seek to accelerate the schemes' adoption

The appetite to address non-performance directly and to leverage improvement from inside the system seemed oddly muted compared to the high energy and political excitement generated by radical change. The Conservatives wanted to rely on the natural momentum of the market to flush out failure in the system, though they interestingly saw no contradiction in influencing that market by injecting additional funding and resources to their favoured schemes.

The assisted places scheme (DES, 1985), sponsored by Sir Keith Joseph and Oliver Letwin and introduced in Section 17 (1) (a and b) of the 1980 Education Act, was aimed at:

> Giving certain children a greater opportunity to pursue a particular form of education that was regrettably not otherwise, particularly in the cities, available to them.
> (DES, 1985; quoted in Griggs, 1985: 89).

The scheme was viewed by the DES as a partial compensation for the failure of a pilot scheme to introduce vouchers into the state school system and Sir Keith Joseph's decision to follow the advice of his civil servants that it would be too costly and complicated to implement. Finance for the scheme was arranged to fund up to 25,000 places (Simon, 1991: 559) and by 1987 a total of 26,897 pupils had been aided at a cost of £48 million (Carr and Hartnett, 1996: 161). The scheme was aimed at pupils from 'modest backgrounds' and was means tested. In a review of the scheme in operation from 1981 to 1987, boys dominated with low representations from girls and ethnic minorities (Edwards et al., 1989: 41).

The scheme eventually supplied funding to 12 per cent of the independent schools' total pupil population and this bolstered the viability of independent schools where, in some cases 30 to 40 per cent of their pupils accessed APS funding (ibid). Edwards et al., (ibid: 161) found that 70 per cent of assisted places pupils had a parent or parents who had been educated at independent or selective state schools and this confirmed, in their view, that:

> We have seen that the British educational system has always been inequitable. Those with sufficient financial capital have always been able to purchase elite education for their children in the private sector or by buying homes close to high-status state maintained schools. Those with cultural capital but insufficient finance have been able to 'work the state system' to ensure their children received the best education available.

The CTCs were introduced as a pilot scheme to create new schools in 'areas of urban disadvantage' (DES, 1986). Sir Cyril Taylor (Blair et al., 2009: 84) recalled the scale of ambition at the policy initiation stage. For him the idea originated during a conference at the Centre for Policy Studies in January 1986 where:

> It was recommended that the government establish 100 directly funded technology schools supported by industry, which would focus both on raising overall educational standards and improving the technical skills of school leavers, so that they would be more likely to obtain employment.

> Thus was born the City Technology Colleges initiative. At the Conservative Party Conference in October 1986, the new education secretary, Kenneth Baker, announced that the government would provide funding initially for the creation of twenty-five city technology colleges, hopefully with the support of private sector funding.

As a model it was 'the first radically new type of school to be created since the 1944 Act' and was announced in 'an intensely political' manner by Kenneth Baker at the 1986 Conservative party conference (Whitty et al., 1993: 56). Critics of the proposal thought that the CTCs were introduced 'to encourage inequality in the system, reintroduce selection, weaken comprehensives and the power of the local education authorities' (ibid: 60). By the time of the 1997 election, just less than one per cent of the school population attended the CTCs.

The CTCs were introduced in Section 105 (1) (a and b) and (2) (a, b and c) of the Education Reform Act of 1988. They were established as independent schools to be run by educational trusts with close links to industry and to be funded by government in line with per capita LEA spending (Whitty et al., 1993: 58). Sir Cyril Taylor was at pains to call them 'state comprehensive schools' (Blair et al., 2009: 82) but the DES described the new colleges as 'private schools' where staff would be employed by the governing body of the trust, which would also determine their pay and conditions (DES, 1986).

According to Whitty et al., (1993) the DES had not fully researched the likely level of enthusiasm for sponsorship before launching the CTC policy. In fact, some industrialists took a dim view of the government turning their back on the family of maintained schools. For instance, Sir John Harvey Jones from Imperial Chemicals Inc made clear that his company preferred to use the framework of school liaison already set up with the LEAs (ibid). Rogers (1992: 175) pronounced the government quest for private sector funding as displaying 'the triumph of optimism over experience in respects of the enthusiasm of industry and commerce to invest directly in schools'. From 1988 to 1993, 15 CTCs were established. The project was suspended because of fiscal pressures caused by the economic crisis, according to Sir Cyril Taylor (Blair et al., 2009: 87) or the difficulty of finding sponsors, according to Beckett (2007).

The ideas that inspired the introduction of grant-maintained schools were initially proposed by the Hillgate Group who recommended, in a report in 1986, that all schools should be owned by individual trusts, that LEAs should not employ teachers and that schools should be allowed to source additional funding to access better facilities and teachers (Cox et al., 1986). As covered in Stevens (2010), the introduction of grant-maintained schools and the resultant opting out of local authority control generated the greatest controversy surrounding Sections 52 to 104 of the ERA of 1988. For Flude and Hammer (1990: 58): 'Of all the changes that were signalled, it was the proposal to establish a new category of grant-maintained schools that created the greatest controversy.' Maclure's (1990: 57) thought that, 'No provision in the Act aroused stronger feelings than those on grant-maintained schools'.

Even on the Conservative side, Lord Whitelaw indicated that, when it came to the relevant clauses of the ERA, the House of Lords would probably reject opting out (Baker, 1993: 230). The Conservative-run council in Barnet thought opting out would result in 'a system loaded against maintained schools in an indefensibly inequitable manner' (Haviland, 1988: 105).

During the 1990s, the Conservatives introduced further legislation to jump-start the initially rather sluggish growth of the grant maintained schools. The White Paper, *Choice and Diversity* (DfEE, 1992), proposed a loosening of constraints concerning balloting rules and the curtailment of LEA canvassing against schools moving to grant-maintained status. In the Education Act of 1993 (Section 3 – 6), responsibility for school admissions was divided between the LEAs and the newly established Funding Agency for Schools (FAS) at the level of ten per cent of grant-maintained schools. FAS alone would take charge at the point of 75 per cent of schools transferring (Tomlinson, 2005: 59), an indication of the extent of the government's ambition for expansion.

The Bush et al., (1993) study of the grant-maintained schools noted that, 'The Conservative Government has deployed significant resources to support its political objective of creating an autonomous schools sector' but concluded that this was unsustainable in terms of public expenditure. At its peak, 19 per cent of schools transferred to grant-maintained status. Sir Kenneth Baker (1993: 220) recorded Labour's acceptance of the policy after its fourth election defeat:

> A late and reluctant convert to the growing popularity and success of opting out was the Labour Party. It was only in June 1992, after Labour's fourth successive election defeat that their Education Spokesman, Jack Straw, at last came round to accepting grant-maintained schools. On behalf of the Labour Party, he recommended that local authorities should no longer oppose applications for grant-maintained status.

Despite this acceptance, one of the first actions taken by Tony Blair in government was to suspend the policy, a move he later regretted (Seldon, 2007). Many of the principles of independence were retained in the shape of foundation schools.

Section 3. Emergence of New Labour, 1994 – 1997

The history of the Labour Party, until the arrival of Tony Blair as leader, was marked by a legacy of difficulty in winning elections and retaining political power for any sustained period (Gould; 1998; Hennessy 2001a; Coates 2003). In summing up the stark statistical evidence, Marquand (1999: xiii) stated:

> In the seventy years from 1922, when Labour became a serious contender for control of the state, and 1992, when Neil Kinnock led it to its fourth successive defeat, there had only been two decisive Labour victories. The governments produced by these victories held office for a total of only nine years.

Marquand (ibid: viii - ix) thought that this embattled political background produced the following behavioural responses in the Labour Party: 'A mixture of assertiveness and defensiveness of sectional fragmentation and group loyalty, which … entered the bloodstream of its leaders and activists.' Gould (1998: 26) went so far as to isolate this inward facing characteristic as 'the ultimate explanation for Labour's failure to dominate the century'. This defensive stance prevented the party from responding with enough agility to two related changes to their electoral base: the decline in the size of the working-class population and the shift in that population's aspirations: 'a new working class which everywhere was more private and family-focussed in its ambitions and social habits' (Coates, 2005: 12 – 13).

In refashioning Labour, Blair produced an image of a modern party that the middle class could support at the ballot box. Blair's attempt to reassure this section of the voting public was less to do with presenting a distinctive ideological message and more to do with distinguishing New Labour from the unreconstructed 'Old' version and skilfully creating an impression that the updated version would be as competent (particularly in terms of managing the economy) as their Conservative forebears – though with a more empathetic face and ready to invest in those public services particularly popular with these groups, namely, hospitals and schools.

Biographers and diarists charting the Blair years in office are littered with references to his conceptual vagueness in communicating New Labour's ideology to others. For instance, Marquand (1999: 236) thought that New Labour 'constructed a formidable myth but not a distinctive ideology' and Giddens (1999: 33) considered that, 'In the early to mid-1990s, in common with other social democratic parties, Labour was casting around for an effective ideological position'. Coates (2005: 39) saw the relationship between Blair and the Third Way as somewhat loose, as 'not finished, not clear … presented … less an ideology, more a rhetorically defined space'. In Coates' view, the Third Way did not amount to a coherent ideology and that, 'Whatever this emerging "Third Way" argument was, it was not rocket science. It was always nearer the cliché and platitude than that' (ibid: 39, 223). After two years in office, Giddens (ibid: 155) considered that:

> Many who praise the scale of the victory also see the New Labour project as an empty one - that being media-savvy was not enough and that its time on the political stage would be short, and its contribution to the revival of social democracy limited.

In assessing their record on education policy at the end of the first term in office, West and Pennell (2002: 218) viewed New Labour 'acceptance' of Conservative reforms as enthusiastic:

> The Labour government can be seen as having embraced the quasi-market with a similar enthusiasm to that of its Conservative predecessors. The main structures are still in place – parental choice, open enrolment, funding following pupils, school diversity and publication of league tables.

West and Pennell judged that any policy changes had been made 'at the margins' and that the 'market-orientated philosophy continued largely unabated'. In examining New Labour's policies on school diversity, the authors went further and suggested that, 'There is, if anything, an even more market-oriented philosophy underpinning this policy than pursued by previous Conservative administrations'. In assuming power, Blair kept in place the Conservative government-appointed heads of the Teacher Training Agency, Ofsted and the Qualifications and Curriculum Development Agency (Seldon,

2007). There were some differences. One such was New Labour's readiness to take responsibility for delivery of education policy, signalled by Blair's establishment of the Standards and Effectiveness Unit within a week of victory. In addition, New Labour's rationale to justify the continuance of Conservative policies in education was that there would be a new emphasis on social inclusion in order to accelerate access to social justice and greater opportunity.

Tony Blair and Gordon Brown, at the start of the first New Labour government, announced that education, training and life-long learning would provide the routes to social inclusion. They prompted a number of initiatives designed to bring disadvantaged groups into the mainstream of society as well as moves to demand more parental responsibility for their children's learning and behaviour. Recent evidence summarised in the following few paragraphs suggests that, in the New Labour period in government, the middle classes have been first in the queue to exploit the benefits of new initiatives in school education and, in so doing, have increased the exclusion of other classes. As Shaw (2007: 14 – 15) noted, higher-income groups leveraged the market place 'price signals' introduced by the Conservatives and maintained by New Labour and that this was 'likely to widen the disparity in life-chances'.

Reay's (2006, 2008) work surrounding middle class utilisation and 'monopolisation' of public resources in education in the New Labour period is convincingly presented.   Reay (2008: 640 – 641) has argued that Blair continued the initiatives of the preceding Conservative government, through, for instance, the 1991 *Parents' Charter*, to redefine the parental role in education: 'the intensification of the move from parental rights to increased parental responsibilities.' On assuming power, New Labour's introduction of home-school agreements and the 'contractual' responsibility of parents to actively support their child's education cemented the trend. In coining the expression 'colonisation of home by schooling', Reay argued that this blurring of home-school responsibilities had resulted in:

> The paradoxical situation in which the public sphere, including education, is increasingly being privatised, while the private sphere of

the home is increasingly being publicly regulated and activities within it held up for scrutiny and judgement.
(Ibid: 642)

Her thesis was that:

> The importation of the work of the school into the home has exacerbated educational inequalities, while the thriving choice agenda has become an educational means for middle class parents to increasingly monopolise what they perceive to be 'the best' for their children.
> (Ibid: 647)

Reay thought that the ability of parents to utilise the 'benefits' of choice and play their role in educating their children was 'differentially distributed according to social class' (ibid: 643). She cited research that indicated that the use of home tuition services, access to extra-curricula activities and the willingness to 'play the education market' were used by mainly middle-class parents who possessed the necessary economic and social capital.

Additionally, Reay considered that the middle-class had made maximum use of available education initiatives offered by the government and consequently (though inadvertently) increased levels of social exclusion. As an illustration, Reay mentioned the Gifted and Talented scheme where working class pupils were found to be disproportionately under-represented. This compelled the Secretary of State for Education, Ruth Kelly, to admit in 2005, during a speech to the Institute of Public Policy Research, that:

> Our Gifted and Talented schemes must not just be for the middle classes – they are for everyone and we may need to do more to ensure children from all backgrounds are being involved.
> (Ibid, 2006: 290).

Reay also cited research conducted by Belsky et al., (2006) showing that the Sure Start programme – often positioned as one of New Labour's clear successes - had 'overwhelmed and alienated working-class mothers leaving middle-class families to reap the benefits' (Reay, 2008: 645).

Summary to chapter 2

This chapter has highlighted how the changing political discourses concerning 'the very purposes and performance of our education system' (Cox and Boyson, 1977: 64) that took place from the late 1960s had a profound influence on current policy relating to secondary schools. Of key importance was the manner in which these discourses have been developed. Debates concerning education were no longer mediated through teachers and their professional bodies and unions – or the local authorities - but through the assertively communicated populist opinions of prime ministers and their advisers.

The tripartite system of education developed in Britain in the post-war period and the introduction of grant-maintained schools, CTCs and the system of specialist schools in the 1990s encouraged middle class parents to focus on obtaining the best available schooling for their children. If not satisfied with the state options, the wealthiest of this group could opt for private education. As the recent research discussed in the last section and the earlier groundbreaking work of Goodin and Le Grand (1987) has demonstrated, choice favours the already financially and socially advantaged groups in society and the greater the choice the greater the opportunity for further advantage. The case study on Islington (chapter 7) shows what can happen when the utilisation of choice in education occurs in a substantial way.

When Blair won the 1997 election after 18 years of Conservative government, the welfare state had changed radically. The power of the local authorities had been truncated and many of the assumptions of social democracy had been challenged. Citizens had become used to the involvement of private organisations in delivering public services. In the state secondary school sector, 19 per cent of schools had left the control of the local authorities by opting for grant-maintained status. Given this backdrop, the arrival of the academies seemed, in the initial stages, almost uncontroversial outside the teaching unions, the pro-comprehensive school lobby and those university researchers that were concerned with the effects of choice and diversity policies on the school system.

The next chapter examines, using the academies policy as an exemplar, how the legislature and the judiciary have responded to the increasing dominance of the executive in determining the direction of secondary education. The chapter will assess how effective Parliament has been in scrutinising the legislation relating to the academies policy and in holding ministers to account as the programme was implemented and then expanded. The fact that academies are run through contracts has invited attention in the form of a number of judicial reviews and legal challenges concerning the academies and, for public lawyers, this has raised wider concerns about the problems for human rights and accountability when public services are delivered through contracts and away from parliamentary supervision.

CHAPTER 3: LITERATURE REVIEW OF THE DEVELOPMENT OF THE ACADEMIES POLICY - A CONSTITUTIONAL PERSPECTIVE, 2000 - 2010

Introduction and chapter outline

In the literature review process so far, the philosophical and political links between secondary schooling and democratic values were explored against the backdrop of changing beliefs concerning the role of the state. Following this, the reasons for the demise of the post-war social democratic consensus concerning education were discussed as well as the consequent rise of an alternative political discourse that favoured policies geared to providing greater school diversification and independence. This particular discourse, it has been argued, stemmed from a less consensual, more robust and urgent approach that developed during the period of Conservative government between 1979 and 1997 and then replicated to a significant degree when New Labour won power in 1997. New Labour's introduction of the academies programme was clearly built on the school choice and diversity policies put in place by their predecessors.

This last chapter of the literature review will focus on placing the development of the academies policy in its constitutional context. It will argue that Tony Blair's 'presidential' or 'command' leadership style (Riddell, 2000; Hennessy, 2001a) and his sense of moral certainty - features he shared in common with Margaret Thatcher - were now combined with a far more informal yet centralising management style that corralled decision-making and political communication into Downing Street (Beetham et al., 2002).

This chapter will argue that this presidential approach impacted the quality of policy decision-making and Parliament's ability to play a full role in its capacity as scrutiniser of the actions of the executive.

This chapter is divided into four sections.

Section 1 explores how the constitutional inheritance of the Thatcher years influenced the formation and direction of schools policy in the New Labour period and will discuss one of the fundamental building blocks of democracy: that those in government have a duty to account for their decisions to Parliament and the citizenry.

Section 2 examines the role played by government in initiating and developing the academies policy and will include an analysis of its attitude to and use of evidence-based research.

Section 3 focuses on material from an interview with public lawyer, David Wolfe, who has been involved in the majority of judicial reviews relating to the academies policy and highlights the legal and other barriers to ensuring adequate accountability if public services are run by private organisations in a contractual relationship with central government.

Section 4 discusses the role played by Parliament in scrutinising the relevant legislation and in holding the government to account for its development and management of the academies policy.

Whereas access to relevant information was comparatively straightforward in the first two chapters of this review process, exploring how recent policy is formulated when so little is yet in the public realm necessitated the use of material that came from the empirical research. Accordingly, an analysis of David Wolfe's interview is captured here because his expertise as a public lawyer is entirely relevant to the subject matter of section 3 in this chapter. In addition, a few interview extracts are included from the Rt Hon Vernon Coaker who held ministerial office, Sir Cyril Taylor, who advised Tony Blair on school policy and investigative journalist, Francis Beckett. In the case of these last three interviewees, the majority of their main contributions can be found in chapters 5 and 6.

Section 1: Constitutional inheritance and democratic accountability

In 1997 New Labour inherited a constitutional landscape that had changed significantly in the previous eighteen years of Conservative government. Though the distinctions between the functions of the executive and its agents, the legislature, and the judiciary remained theoretically intact, there had been a significant realignment of power in favour of the executive (Harden and Lewis, 1986; Jowell and Oliver, 2004; Marquand, 2008). In addition, the increased 'professionalisation' of parliamentary membership, with proportionately more MPs now wishing to build long-term political careers and competing for government jobs had significantly increased the sway of prime ministerial patronage. This resulted in a more dependent and compliant parliamentary party (Jones et al., 2001).

As well as these changes at the centre, the power and reach of local government had been greatly reduced by Thatcher in terms of its control over the delivery of public services (Ranson, 2003). Bogdanor (2003: 550 – 551) was clear about the ultimate consequence of the battle, successfully fought by Thatcher in the 1980s, to curtail local authority influence and increase central control of its finances. He saw that New Labour, in assuming power in 1997, had:

> No desire to return to the model of the self-sufficient authority, rather, it adopted a programme of modernisation which generally accepted and, in certain respects, the party leadership built on, the functional reforms of the Conservatives.

His conclusion about the relationship between the local authorities and central government in the New Labour period was as follows:

> Given the functional and financial regime under which local authorities are now obliged to operate, and given the government's intention to give greater autonomy only to those local authorities which responded 'constructively' to Labour's modernisation agenda, Labour's proposals were not sufficient to alter the general assessment that, by the end of the twentieth century, *local authorities had effectively become agencies of central policy* (italics added).

As argued in Stevens (2010), the result of this shift in power meant that many public services previously run by local authorities transferred, in a more fragmented and more opaque manner, to private organisations and non-governmental agencies contracted or appointed by central government. This increasing involvement of the centre of government and its 'quantocracy' (Weir, 2005) in the running of public services, together with the rise in the volume of legislation needed to run an increasingly complex state (Harden and Lewis, 1986) made Parliament's constitutional duty to hold government to account for its actions far more onerous to accomplish.

During this period, Feintuck (1994: 138), in researching the issues of accountability and choice connected to the introduction of the grant-maintained schools, anticipated the future constitutional difficulties:

> Though state education in Britain has not yet been privatized, in the sense of the selling-off of assets, the evidence … might lead to the conclusion that a very real process of privatization has taken place, in the sense of schools having been removed from the effective mechanisms of public accountability. The inherent risk in such a development is that, in the absence of an effective mechanism of public scrutiny, it will not be possible for citizens, or public lawyers, to ensure that constitutional and democratic expectations are fulfilled.

Accountability is a fundamental building block of democracy. No matter the varying definitions of democracy, no matter the different political emphases, the idea that politicians need to give account and be accountable is, as expressed by Harden and Lewis (1986: 240), 'an assumed feature of the British way of life'. For these constitutional experts:

> The rule of law and its later associations with democratic forms of government have depended in full upon the visibility of organised public life [and] open conduct is the lynchpin of our system of legitimation.
> (Ibid: 242)

There are a number of levels of accountability, some easier than others to verify in concrete terms. For instance, checking on financial probity is a more tangible task than scrutinising the impact of policy decisions. While not dismissing the importance of such a version of accountability, Harden and Lewis (ibid: 242) viewed the emphasis placed on it as a nineteenth century notion that now required 'considerable supplementation' due to the increased

complexity surrounding policy choices in modern government. In examining what accountability meant in practice, Harden and Lewis made a useful distinction between *ex ante* and *ex post* accountability. They argued that it is *ex ante* when consultation with a plurality of interests was of most value:

> In terms of *ex ante* accountability, accountability before irrevocable policy decisions (or non-decisions) occurs; Parliament can only make informed choices if alternative programmes rationally defended are presented to it. There seems little likelihood that the executive can be trusted to perform this task itself. Responsibility to the nation as a whole can only be expected by ensuring that the opportunity for participating in the debate [that] leads to policy choice is afforded to constituencies.

Ranson (2003: 463 – 467) believed that definitions of accountability in education had shifted in the mid 1970s when, in his view, 'the age of professionalism' in public service had been replaced by a neoliberal and managerialist approach to government. For Ranson, this move ran counter to social democratic notions of the common good. In this transformation, he considered that the public sphere had been supplanted by:

> The neutral principles of negative liberty according rights to individuals and individual corporations to pursue their interests unfettered by any public authority. … Rights of possessive individualism override substantive conceptions of the public good. What this is eroding is any conception of the public good as a collective good determined through democratic participation, contestation and judgement in the public sphere.

In examining the government's attitude to ensuring accountability in the school system, Ranson (ibid: 470) considered that the areas of focus had further narrowed, resulting in:

> A limited set of performances and outcomes – principally, test and examination results – which inadequately represent the more comprehensive, spiritual, cultural, moral, aesthetic, and intellectual values and purposes the nation has established for its schools.

For many observers of the democratic process, the need to access information relevant to policy decision-making was a paramount prerequisite for the securing of true accountability in a democratic system. For example, Garforth (1985: 145 – 146) stated:

I believe that democracy is procedurally unworkable without a resolute and unremitting effort to discover the truth, present it fairly and make it accessible. By 'procedurally' I mean the institutions by which the values of democracy are given practical expression in social and political life. Among these are [the] government, Parliament and its various committees, political parties, universal suffrage, the civil service, the courts, industry, the unions, the media, universities and similar research bodies, and the many other institutions [that] contribute to the machinery of democracy. …

None of these can function effectively, that is as a means of implementing the democratic values, except on the understanding that the relevant facts are known and freely available. Without this understanding decisions cannot be relied upon or authority trusted. … Access to information, with the least possible concession to secrecy, must therefore be regarded as a fundamental right of the citizen to enjoy and a fundamental obligation of the authority to provide.

Britain, with its traditions of secrecy in government in the area of policy development (Hennessy, 2001b: 346; Beetham et al., 2002: 150), has lagged behind many other liberal democracies in facilitating public scrutiny through the supply of relevant information. In considering the legislative progress from White Paper to enactment of the Freedom of Information Act of 2005, Flinders (2006: 420, 425) argued that the planned legislation had been 'eviscerated' in the 'drift to the draft Bill … and whereas the White Paper had received near-universal praise, the draft Bill received near universal hostility' for being seen as weaker than the preceding Conservative government's Openness Code.

In examining the differences between the Bill and the Openness Code put in place by the previous Conservative administration, Flinders noted that it 'exempted the analysis underlying new government decisions of policy proposals' whereas the code stated that, 'The facts and analysis of the facts leading to decisions or proposals must be published once the decision or proposal is announced' (2006: 426 - 427). As Flinders indicated:

All FOI laws contain some protection for policy advice. This is generally defined as material relating to the development of government policy [that] consists of opinion, recommendation, and the exchange of views or similar material. However, none of the main overseas laws exempts material in the comprehensive and absolute terms of the draft Bill. The government will not even have to acknowledge whether information within this substantial class exists at all. There are no exceptions to this all-embracing exemption. … All material … considered during the

development of a policy would be exempt. This will absolve the government of the need to account for even the simplest questions about the basis for its decisions.
(Ibid: 430)

Freedom of Information legislation is of particular importance in scrutinising the academies as, throughout the Labour period of government, this school type was exempted from the Act (see Beetham et al., 2002: 148 - 149). In January 2011, the Coalition government extended the Act to include academies and the Secretary of State for Education has now placed a duty on the Young People's Learning Agency (YPLA) to 'advise and support academies in meeting any duties they may have under the Act' (Gove, 2011).

Section 2: The role of the executive and its agents

Tony Blair's 'presidential' approach had a strong and distinctive influence on the nature and progress of New Labour's reform of public services. Influenced by a small group of advisers, 'fast policy' (Ball, 2008) was developed in an environment somewhat removed from Harden and Lewis's emphasis on the constitutional need for *ex ante* accountability. Where scrutiny did take place, observers detected in the discourses within government a readiness to override any resulting recommendations. For instance, in viewing government plans to accelerate the pace of the academies programme, the education and skills select committee had asked for more testing of the model to take place. This followed their assessment of evidence submitted by, among others, Professor Stephen Gorard, who informed the committee that he considered that, 'The rapid expansion of the academies policy comes at the expense of rigorous evaluation' (HOC, 2003a). In the minister's official response to the committee's recommendation, the DfES stated that it could not 'let down' children while waiting for five years to see if policies worked (HOC, 2003b).

The 'five years' was a reference to the DfES appointment of PwC to run a longitudinal evaluation of the academies programme. Anticipating points concerning governmental attitudes to research to be made in the following chapter on methodology, it is useful to look at some aspects of the PwC evaluation. PwC issued their first report to the DfES in 2003. Intended for

confidential distribution to the Department, it was released to public view through a FOI request in 2005. Given the small number of academies that had opened at that point, the emphasis of the first report concerned the establishment of the research methodology for the five-year period of evaluation and a survey of the impact of school diversity policies including the US experience with charter schools.

In this survey work, PwC (2003: 12) found that diversity and choice policies were most exploited by middle class parents and resulted in the creation of a two-tier system in school provision. This report was intended for limited internal distribution and this may have encouraged PwC to be more forthright in communicating their conclusions in the positive spirit of encouraging policy makers to find ways to avoid such pitfalls. This was especially important given New Labour's focus 'on raising standards while maintaining a strong commitment to social equity and equality of opportunity' (Blunkett, 2000). In addition, the survey found that the greater freedoms given to charter schools in the US did not have the intended innovative effect on the curriculum but, instead, emphasised a 'back to basics' approach. These findings challenged the veracity of the government's logic that academies, freed from local authority influence and curriculum constraints, would become more innovative and that this would serve to raise standards in areas of urban disadvantage.

Just a glimpse at the methodology and presentation of results is interesting as government ministers and their representatives repeatedly used the PwC evaluation material in Parliament and elsewhere to prove 'popularity with pupils and parents' and to justify expansion. While the points made in the following paragraphs may appear rather pedantic, they are there to illustrate that the extrapolations extracted from the data were at times overly ambitious.

The research methodology for the five year evaluation comprised interviews with stakeholders, questionnaires sent to pupils, parents and staff and analyses of existing schools' standards and behaviour data, mainly acquired through the Pupil Level Annual Schools Census (PLASC). A particular feature of the questionnaires was the emphasis placed on proving popularity.

Table 1 below gives return rates for the questionnaire-based surveys. The high rate of questionnaire returns from pupils can perhaps be explained by the fact that they generally were required to complete them in class (please also see commentary on power relationships in research on page 112). Parents agreed in advance to complete questionnaires and even with the usual problems associated with low questionnaire return rates, it is surprising that only a quarter bothered to return them. The government claim of popularity among parents therefore needs to be placed with more precision in the context of a quarter of the population responding.

*Table 1: Survey return rates 2003 – 07 (taken from PwC report, 2008**: 34)*

Questionnaire type	Evaluation year 06/07	Evaluation year 05/06	Evaluation year 04/05	Evaluation year 03/04
Pupil	3537 (74%)	3539 (77%)	1832 (77%)	1666 (83%)
Staff	764	817	394	403
Parents	966 (22%)	992 (25%)	571 (26%)	433 (27%)

Note: Response rates not available for the staff survey

The figures in Table 1 are exactly transcribed from the PwC report. In the table PwC omitted to provide a percentage calculation in the staff return rate column making it impossible to assess the proportion of return. Instead it stated that, 'Response rates [are] not available for the staff survey' although the second and third reports did in fact log the staff questionnaire returns at 29 and 24 per cent respectively and the fourth report just gave a raw score of 817 but no percentage rate (PwC, 2005:4; PwC, 2006: 70; PwC, 2007: 6). On further inspection of the accompanying text, PwC indicated that 'sample attrition' was a risk in longitudinal studies and that was 'particularly the case with staff members, where we observed a decline over time in the number of responses to the staff survey' (PwC, 2008: 37). In their second report PwC (2005: 4) stated that 'In terms of robustness and representativeness, the pupil survey is generally more reliable than the staff and parent survey which, although in line with the response rates achieved in similar surveys in other evaluations, were nonetheless lower'.

On 5 December 2006, Lord Adonis announced to the House of Lords (Hansard, column 1058) that there would be a doubling of the target for academies from 200 to 400 and used the results of the PwC evaluation as one of the justifications for expansion

The information Lord Adonis was using came from the most recent – the third - of the PwC evaluations 'based on fieldwork conducted with 24 institutions, including academies and predecessor schools' of which 15 were academies and 9 predecessor schools. In this report, PwC claimed that, 'It was not possible, given the extent of the evidence that has been collected and analysed to date, to provide a definitive assessment of the overall success of the initiative' (PwC, 2006: 6). A further two reports for the longitudinal study had yet to be presented. PwC was not averse to raising significant points of concern in their annual evaluations and issued a somewhat equivocal verdict on the academies in their final report:

> As a number of academies have only been open for only two to three
> years and none have been open for longer than five years it is difficult
> to make a definitive judgement about the success of the programme.
> Some clear (positive) trends are, however, discernable.
> (PwC, 2008: 31)

By the end of August 2010, the total level of revenue expenditure for the academies programme amounted to £3.2 billion (NAO, 2010: 4) and, with an average of £27 million of capital funding attached to each new academy building, it would be expected that the combination of inspiring new architecture, the hiring of 'superheads', the potential freedom to set preferential rates of pay for staff, the attention of sponsors and government administrative support would have produced positive outcomes – but the question is, at what cost? To put this expenditure in perspective, the NAO concluded, in an earlier report on funding the improvement of poorly performing schools in special measures, that the most expensive option in such circumstances was to close the school and re-open a replacement while the least expensive option was to keep the original school going but spend an average of £500,000 on improvement strategies (NAO, 2006: 8).

Section 3: The role of public law

For readers of this thesis from an educational rather than legal studies background this section starts with a brief summary of the role and place of public law and of the process of judicial review in the British constitution. The traditional role of public law has been to 'ensure that public bodies act within their power – or *inter vires* – according to common law principles of natural justice and 'judicial review' is 'the means by which the courts control the exercise of government power' - power which has been granted to them by Parliament (Barnett, 2002: 837, 845). In the last few decades of the twentieth century this traditional role has been 'sharpened' by Thatcher's initiation of quangos in the 1980s and the influence of international law through the Human Rights Act of 1998. This has meant that new tests of 'reasonableness' and 'fairness' have been added to the earlier remit (ibid: 838 – 839).

The definition of 'public body' is problematic though, suffice to say, they include, according to Barnett: 'Government departments, local authorities, tribunals, state agencies and agencies exercising powers which are governmental in nature' (ibid: 837). In addition, what may look like a private body can be treated as a public body and be susceptible to judicial review if its work is 'analogous' to a public body (ibid: 840). In this way, the function of a body delivering public services is more significant than its form. In the case of academies, the funding agreements between the Secretary of State and the academy trusts work through private contracts and this has raised complications. In this section, the expert views of a public lawyer, David Wolfe, who was interviewed as part of the research for this thesis, will be presented and discussed in order to highlight the key issues in this area. The placing of academies on a private contract footing has removed much of their activity from parliamentary scrutiny. For Wainwright (2004: 151), this model had implications in a democratic society:

> The differences between these and other means of popular control over
> public resources on the one hand, and government's deference to the

private sector model of efficiency on the other, hinges on understandings of democracy. The government relies heavily on contracts between public officials and private companies as mechanics of democratic control, but legal contracts are not a sufficient basis for democracy, [at best] they are a blunt instrument of democracy.

It appears that the few lines relating to the introduction of the academies policy contained in Section 130 (1) of the Learning and Skills Act of 2000 and Sections 65 – 69 of the Education Act of 2002 attracted little attention. In interview, public lawyer David Wolfe considered that parliamentary agreement that a contract (in the form of a funding agreement) would be the mechanism to determine how academies were to be run was unusually remiss: 'In a way Parliament was so slack originally in allowing this to be done through a contract model.' His assessment was that the legislation was presented in a manner that made MPs think that they were voting on a specific project with limited impact:

> It started off … as a single section of legislation in an Act, with very limited detail and very limited constraints, to do something that I think was probably originally intended – I suspect, if you had been a … bystander … you would have said: What are you voting for here? They would have said: This is a pilot exercise, this is a new model that is being tried, we are giving the state this extra power to try this new model and we'll just see what happens. I don't think they would have expected for it to then develop with no more scrutiny into the vast edifice it has become, even putting aside the new Conservative proposals, and so, there's a really stark contrast between the rest of the education system where there is a lot of law, a lot of statutory materials, a lot of regulation, a lot of guidance and the academies stuff where there is really almost nothing.

It appeared that some of the early funding agreements had been put together so rapidly that they included clear breaches of international law. As David Wolfe stated in his interview:

> So you then have these early academies with these 'all over the place' funding agreements, some of which included some things, which were clearly unlawful. So, for example, by reference, let's say to comparison with the requirements of the European Convention on Human Rights, some of them, for example, didn't allow parents to remove their children from RE, which is broadly a requirement coming from the Strasbourg jurisprudence.

Building on this theme, David Wolfe made the point that maintained schools were protected by statute which meant that the rules concerning their

establishment had legal weight and predictability. This was not so in the case of academies run by contracts:

> But there were also, and this is where most of the case law stuff came from, issues around the process. Fundamentally, because the funding agreement was so critical to what the academy would end up looking like, the process for establishment became even more important. More important than in a maintained school because, in a maintained school, precisely because maintained schools are defined in legislation, you know what you're going to get. You know you are going to get this regime for SEN and this regime for exclusions.

> But in academies, because it's all in the funding agreement, you actually don't know. So, what people were often complaining about was: We are not being properly involved in the design of this new school - the design being manifested in the funding agreement. So most of the case law, to come back to your question, was broadly about process failures because that's what most of public law is about.

In terms of the ability of Parliament to scrutinise the academies policy, David Wolfe pinpointed the contract nature of the funding agreements between the 'independent' academies and the secretary of state. In effect this placed the institutions outside the reach of Parliament in some key respects, making it more difficult for the media to present or scrutinise the policy in a meaningful manner:

> But, they went for this model that was very, very open. In other words, only a single provision in an Act of Parliament and everything else then done through contract. … If anyone tells you about academies, what I say is look at the funding agreement because every funding agreement is different or at least it is capable of being different and every time you hear anybody who claims to know what they're talking about on the radio when they are talking about academies, they forget that fundamental point.

In his experience of acting in some of the early judicial reviews, David Wolfe considered that the role of public law in shining a light on processes at government and local government level did improve the standards of consultation and the content of the funding agreements:

> So, through a series of three or four cases, over a period of 18 – 24 months, the courts took a view on the process and without actually ever saying that any of the processes had been unlawful … nonetheless of shining a light on the process led the Department [DCSF] to improve their processes. Because I mean I think this often happens in judicial

reviews – the public authority squeaked through with the court but the process of actually being embarrassed publicly about the shoddiness led them to improve their – so, even though they won the case and the claimant lost the case, the public authority, nonetheless, improved their processes.

So, as we went on, they got much better at consulting parents on the closure of existing schools in the area with academies. And they also steadily improved their model funding agreement. The model of course being the starting point for each new funding agreement; So, I don't know how many [versions] there were but probably seven or eight or ten different funding model agreements and I dare say if you really wanted to you could track the various texts back. At various points they introduced a model then refined it and refined it. A new academy last week would have had a better funding agreement, assuming they stuck to the model, than an academy starting two years ago, four years ago. …

Nonetheless, in being less cynical about it, the latest academies were produced with funding agreements, which made provisions ever more like what would go on in a maintained school. If you look at the latest annexes around SEN and exclusions, they come pretty close to saying the academy will behave like a maintained school when it comes to exclusions or when it comes to SEN. They don't quite say it in those terms – but they come pretty close to it. So those latest ones are probably as good as it gets, given that this is being done by a contract.

David Wolfe saw further improvement in the standard of funding agreements with the arrival of Ed Balls as secretary of state at the DCSF. As with some other interviewees participating in this research, the theme of the role of personality in policy making is apparent:

So, partly because of that litigation and partly because Ed Balls became secretary of state rather than Andrew Adonis with a different take on the academies stuff, you end up with a model, as process – the new academies look much better.

Contrary to the expectations of some observers of the academies policy that Brown would downplay the programme, David Wolfe's view was that Balls, despite his reservations, set out to make the best out of a difficult situation:

From what I know of Ed Balls, he wouldn't have embarked on the academies process in the first place, in my understanding. I suspect he would have preferred, if when he became secretary of state, when Gordon Brown became prime minister, the academies programme would have been shelved but, for whatever reason, they decided not to shelve it. I suspect he then went to the civil servants and said: How can we deal with the problems that have been identified? To their

credit, over time, they've moderated the worst excesses of those problems.

David Wolfe thought that the DfES and later the DCSF altered or excluded some of the more unacceptable elements contained within the funding agreements as a result of judicial review, irrespective of whether they were won or lost:

> Well, I think what they've been very, very successful at - they don't win many cases but they have a really big impact on thinking in the Department and the way the Department has been forced to change.

David Wolfe expressed frustration in the political transfer from Tony Blair to Gordon Brown when the government started to emphasise the similarities between academies and state schools. In his view they were trying to compare two entirely different entities: one a school system founded on statute law and the other a school system primarily built on contract law. He also considered that the Department tried to settle out of court when at all possible on the grounds that it was better to leave things vague than establish any kind of precedent:

> So that's where, when the politicians say – you know, Ed Balls a month ago says: The situation in academies is no different from maintained schools – that is both right and wrong. It is right in that the words on the paper are there, putting aside the history of the old academies, but there is still the issue of enforcement. … Now, there were a number of cases where that issue was bubbling around in the case but they have always settled [out of court]. They have always settled, I think, because the Department has leant on the academies to roll over because they don't really want these things decided in court.

Despite his view that the judicial review activity achieved positive outcomes, David Wolfe recognised the great limitation was that such legal challenges were restricted to the establishment of an academy, not its activities and practices once opened. In this respect, he had serious reservations concerning the contract nature of the relationship between the sponsor and government. One of his most important contentions was that individual citizens were without guaranteed representation as they were not parties to any contract:

> Now, this is a lawyer's point; the contract is between the secretary of state and the academy sponsor. The child, the parent is not a party to that contract. On ordinary, basic legal provisions, you can't enforce a contract to which you are not a party. Now, sometimes you can enforce

a contract to which you are not a party but it is quite rare and I don't think you could simply go along in a contract and enforce it here but you never know. This is stuff that has never really been tested in court and it actually goes back to your constitutional question, there is a much bigger issue about the state operating through private contracts.

He clarified this point in terms of how it would appear in court if a parent attempted to enforce a right to a particular school service or process for their child:

> There is still a legal discrepancy in the position in those latest academies as opposed to a maintained school – it's about enforcement. Now, the issue here is that if your child is in a maintained school and they have a statement of SEN or they are being excluded or whatever, and what is being done is not in accordance with what the statute says, you can go to court or the child can go to court and bring a judicial review and say that this school or the LEA is acting unlawfully. The statute says: This is the process you follow and the school isn't following that process - a straightforward judicial review, a breach of the law because the law applies in a straightforward way. If, however, your child is in an academy, it may well be the same words but they are in a contract.

Although, in the case of academies, individual citizens were not parties to the funding agreements between the secretary of state and academy sponsors, Wolfe believed that there might be room for argument on the public law principle of 'legitimate expectation', though this had yet to be tested in court. Militating against this legitimate expectation was the counterargument of 'good reason not to':

> What are you going to argue, if you are a child, if you say they have breached the funding agreement? Well, normally they would say: Well, you are not a party in this funding agreement, what is it to you? So, what you would have to argue is: We have a legitimate expectation – and that's a public law principle - that they would behave in a way that they have said they would behave.

> Now, that is to take a public law analysis and apply it to this context. The public law analysis says that, broadly speaking, if a public body say they are going to do something unless there is good reason not to. So, this is what you would say: they told the world in a contract with the secretary of state that this is how they would do it. They have to do that unless there is good reason not to. So you would say, 'judicial review' for failure to comply with my legitimate expectation …

> The problem, however, is that you don't have a legitimate expectation that they would necessarily do what they said they would do, you just have a legitimate expectation that they would do what they said they would do unless there's a good reason not to. So it's the 'good reason not to' that's the get out.

Broadening this area of discussion, David Wolfe gave an example of a legal challenge within his own chambers when a client made a representation to a prison run by a private company:

> And there is a much wider issue around the state making provision through contracts in this way, which applies in other places. As it happens a colleague of mine at the moment has a case where his client is a prisoner in a private prison where there is a contract between the secretary of state and the private prison company which says you have to provide this, that and the other by way of health care to the prisoners.
>
> Now, the prisoner isn't getting what the contract says he should be getting and you can see that the structure is very analogous to what we're talking about. So, the prisoner brings a judicial review of the private prison company and says: I want what your contract says to the secretary of state that I should be getting, the prison then says: We're not in a position…

On the publication of the details of the Academies Bill of 2010, David Wolfe held a dim view of the move to eliminate the statutory consultation requirements for the discontinuance of schools. He pointed out the implications:

> So, to go to your democratic deficit question – well, you might not agree with them but this was a relatively democratic process. So that was where we got to a month ago – yesterday - this morning even!
>
> Now it may well be that the [Academies] Bill is now on the website but what is then interesting if we then look to what seems the fullest document so far, we then look at this [reading from document]: 'Allow maintained schools to become academies and empower the secretary of state to issue an academy order requiring the local authority to cease to maintain the school.'
>
> Now, this is new – that will require new primary legislation – an academy order. Reading between the lines of what that does, that means that you will no longer need to go through the discontinuance process. So, that mechanism would have involved: publishing a statutory notice, allowing six weeks for objections, considering the objections – puff, out of the door - you suddenly by-pass all the processes. …
>
> So, that's removing Section 482, that's removing provisions, by-passing provisions in Schedule two of the Education Act, 2006, which actually replicated old stuff that had been around since 1994 or something. Suddenly, you've changed the process – instantly.

In looking at Michael Gove's plans for the expansion of academies contained in the Academies Act of 2010, David Wolfe anticipated the crossing of a frontier in terms of public involvement with schools:

> In a way, if it wasn't such a god-awful mess, it would be beautiful, no doubt they think it's beautiful. But, effectively, what this does, leave aside the question about what the new funding agreements will look like because we don't know, but what it does is it removes – it does something which is very radical at least at this scale in education in this country – because state education in this country has been very heavily characterised by public involvement: public involvement in the process of setting up and changing and reorganising schools and, even in the academies regime – because most of them were created from existing schools. By this funny sleight of hand in the discontinuance regime, you've still got public involvement and the number that were genuinely brand new where there wasn't much public involvement – there really weren't many of those – half a dozen slipped through in the early days, really only a few. The vast majority of the 200 or so we've got now actually came about as a result of a public process.

In looking ahead to the plans for the expansion of the academies programme made by the Coalition government as well as their other reform initiatives in the public services involving private suppliers, David Wolfe contemplated the constitutional implications:

> Now, in a way we're talking about the academies but there is a systemic constitutional issue around control of privatised, outsourced [services] [and this] will only become more [important] in the next parliamentary period.

The contribution made by public law through judicial review to the direction and shape of education policy is not always considered in studies relating to the English school system. It could be said that, through the work of public lawyers, an effective challenge was conducted to the actions of government in some aspects of the academies policy.

Section 4: The role of Parliament

In examining the role that Parliament played in scrutinising the legislation connected to the introduction of academies and the policy as it was implemented, it is important to distinguish between those parliamentary activities most controlled by the executive i.e. the choice and content of White Papers, draft Bills, the timing and duration of debates and those areas of

parliamentary life less prone to dictation by the executive. In the latter case, there is evidence of democratic endeavour and it could be argued that the attention paid to the academies policy by select committees, the concerns expressed by Labour backbenchers and peers in informal meetings and the activities of lobbying groups and unions did have some impact – though to a varying extent.

In interview, the investigative journalist, Francis Beckett held a dim view of the capacity of Labour MPs to scrutinise fully some areas of domestic and foreign policy during Blair's premiership. Reflecting on the increasing level of career ambition among politicians and the associated impact on voting behaviour, he stated:

> In the end the Parliamentary Labour Party has proved to be such a pathetic body, really. It didn't like most of what it voted for in the Blair years. I suppose if they could let Blair take them to war in Iraq, they could let it do pretty well anything. They didn't like the war in Iraq. Watch them now saying: I didn't like it. Well - why didn't you vote against it? Well, I believed what he was saying. You did that - but nobody else did. You know, come on! So, you know, in the end, because we have such a centralised, neo-presidential system here, where their careers are entirely dependent on prime ministerial approval, no Member of Parliament who wanted much of a future was prepared to step out of line.

In the next chapter, the analysis of interview responses provided by David Blunkett, Estelle Morris and Vernon Coaker who were all at the DfEE during Tony Blair's first term in office present a shared view that the academies initiative came from Downing Street. In responding to a question about the communication that took place with the Labour Party concerning the academies policy, Vernon Coaker gave details of the process and the response from some Labour MPs and unions:

> Well it was a Number 10 policy with discussions with the Department. I mean, during Blair's time there were policy initiatives [and] Adonis in there with the prime minister. Part of that was generated there and then in discussions with the Department. I mean, in terms of process: that was the policy, that policy was explained to the Party. It would have been put forward and then there would have been debates about it.

In reply to a follow-up question about the timing of the communications with the PLP, he stated:

> I don't know exactly when but there would have been the germ of an idea, it would have been thought about at the beginning and it would have been started to have been introduced – I mean, there is a parliamentary backbench committee, there are meetings that ministers set up and when the Bill comes forward, there are discussions that take place around the Bill.

Vernon Coaker listed the changes made to the academies policy due to representations made in Parliament:

> Well, it changed it in terms of sponsors; it made sure that the government kept emphasising the necessity for trade union recognition, even though it wasn't formal, if you understand me; the importance of national pay and conditions; the importance of the role of the local authority, albeit that 'role' was in inverted commas; the need to ensure there was equality, that the traditional values of the Labour Party were not lost even though there was a pursuit of excellence argument and, in terms of equality of opportunity, not allowing a two-tier education, selection by the back door, that special needs was properly looked after, that the excluded kids were not going to be dumped.

Writing during the long period of Conservative government that preceded New Labour, Harden and Lewis (1986: 111) took a critical view of Parliament's competence to hold the executive to account.

> Parliament does not govern, but more importantly neither does it fulfil the constitutional promise of accountability implicit in the notion that authority to govern flows through Parliament. It does not ensure that sufficient information is made public, it does not scrutinize the work of government effectively and it does not ensure adequate debate about policy and choices.
>
> The parliamentary processes ... while not totally ineffective ... are severely limited by government control of the business of Parliament, grounded in party dominance, and by the exclusion of Parliament from all but the final stages of policy making.

Since that time, the removal of substantial aspects of government activity to quangos has served to cloud the processes surrounding policy formation and implementation. The legislation for the academies programme has been trickled piecemeal through two Acts of Parliament and, as public lawyer, David Wolfe, pointed out, a few lines in a Bill dealing with a wide range of other

matters can look innocuous. For these reasons, the main weight of the scrutiny of the academies policy fell, *ex post,* to the select committee system

Outside the debating chamber, parliamentary select committees have taken an interest in the area of school diversity and the impact of academies (e.g. HOC, 2003a, 2003b, 2004, 2007 and 2011). An assessment of their reports suggests competence though a number of observers of select committees had doubts about their capacity to carry influence. For instance, Jowell and Oliver (2004: 265 – 267) considered that, 'It cannot be said that there has been a systemic improvement of committee work in the House of Commons' and pointed to deficiencies in the select committee system, that:

> Even when inquiries are independently and professionally conducted and critical findings of facts are made, it is all too easy for ministers to escape responsibility in the sense of acknowledging culpability.

In listing the reasons for this systemic failure, they suggested that the proportional strengths of party representation (largest party holds the majority) and the 'varying agendas' of its members created barriers to effective inquiry; that the lack of cross-examination expertise was a drawback, making thorough investigation more difficult; that the committees were under-resourced in terms of administrative and research support; that civil servants were only able to attend committee inquiries on the direction of their ministers and that the committees 'do not have the power to compel the attendance of witnesses or the production of documents if the government is unwilling'. In addressing the first of these factors, it is worth noting that, in 2011, the Coalition government introduced a new system of election to the chairs of committees that excluded the involvement of the Whips' office.

Harden and Lewis (1986: 108) saw the main weakness of select committees as their dependence on the executive to supply information. So while they are able to 'send for papers, persons and records', they are subject to two constraints:

> MPs, including ministers, cannot be required to attend a committee except by an order of the whole House and such an order is also needed to require ministers holding the office of secretary of state to produce papers. In practice this means that whereas a refusal by a private body or individual to give evidence can be reported to the

> House as a breach of privilege, a committee must go in the first
> instance to the House in order to require attendance by ministers or
> production of documents by a secretary of state.

Harden and Lewis (ibid: 109) pointed out that, where civil servants appeared with the permission of their ministers, the *Memorandum of Guidance for Officials Appearing before Select Committees* listed a number of 'forbidden topics', such topics included advice to ministers and the release of sensitive information of a commercial or economic nature. As Harden and Lewis (ibid) concluded:

> The select committees are in a much weaker position than they would
> be if they had specific powers to require attendance and documents
> from ministers. … Committees must proceed with the knowledge that
> all the procedural advantage rests with the government.

In an updated advisory document published by the Cabinet Office in 2005, Section 55 of the *Departmental Evidence and Response to Select Committees*, gave the following instructions regarding the handling of policy questions:

> Officials should as far as possible confine themselves to questions of
> fact and explanation relating to government policies and actions. …
> Officials should as far as possible avoid being drawn into discussions of
> the merits of alternative policies where this is politically contentious.
> (Cabinet Office, 2005)

This was particularly pertinent to questions regarding the academies policy because of the frequently cited criticism that other, less expensive alternatives should have been more fully considered before such an investment was made.

In a recent investigation, Hazell and Worthy (2011) from the Constitutional Unit at University College London found that select committee members seemed reluctant to break the unwritten rules of engagement between Parliament and the executive. In their interim report into the parliamentary use of FOI, they concluded that select committees made very little use of this route to the acquire information. In fact, they found only one example of an application from the Scottish affairs committee. The researchers drew attention to a characteristic interviewee view that using FOI:

> Ran contrary to 'the ethos' of committees. They shouldn't need to use
> FOI. If a committee wanted information, the government department

is expected to provide it. To use FOI may signal that the information is not within the normal 'remit'.
(Ibid: 13)

In an attempt to assess the impact of select committees in scrutinising particular aspects of the academies policy, the conclusions of reports, made under the aegis of the committee of public accounts, have been chosen as representative. This body is the most powerful and best resourced of the select committees in Parliament (see Barnett, 2002: 514 – 515) as, unlike all the others, it can call on an independent investigatory service in the form of the National Audit Office (NAO). The following account of the findings from investigations made by the committee of public accounts and the NAO between 2006 and 2011 outline some criticisms of the running of the academies programme though it is worth noting the obvious limitations of the nature of their inquiries post-policy implementation (Jowell and Oliver, 2004: 396).

In 2006 – 2007, the NAO conducted their first inspection of the academies programme.   The NAO's standard investigative approach included the appointment of outside experts to form a reference panel to 'comment on emerging findings' (NAO: 2007: 41). It is interesting to note that two members of this panel were also members of the PwC consultancy team involved in the five-year longitudinal evaluation of the academies programme (see PwC, 2008: 2). For some, this may raise questions of constitutional procedure concerning the level of professional distance required when the executive and an agency that scrutinises public spending on behalf of Parliament examine the same area for different reasons.

It came as a further surprise to read in their report, that the NAO had 'visited' and interviewed academy sponsors and staff alongside the PwC team who were conducting the academies evaluation. The NAO rationale for this decision was as follows:

> To avoid overburdening the academies, we carried out the majority of our initial visits … with PWC, who have been commissioned to undertake a five-year evaluation of the academies programme and needed to interview the same staff as part of the evaluation.
> (Ibid: 40)

This joint approach gave the NAO some pause for thought:

> Before embarking on this collaboration, we assessed its risks to our independence. For example, we checked that the PwC team carried out its work completely independent of the Department. During interviews we asked additional questions, as necessary, to meet the specific objectives of our study.
> (Ibid: 40)

In a later inquiry, the NAO identified in a report of standards of financial management in the DCSF that, 'There is currently no reporting of the financial performance of the academies sector to Parliament' (NA0, 2009: 20). It emerged that the academies that had opened from 2003 to 2009 had not had their accounts publicly scrutinised. The NAO recommended that the new agency tasked through the Apprenticeship, Skills, Children and Learning Act of 2000 (Sections 77 - 79) with the future funding of academies – the Young People's Learning Agency (YPLA) – 'should prepare an annual report for Parliament on the performance of the academies sector including an audited consolidated account for academies' (ibid: 21).

The NAO published their second full investigation of the academies programme in 2010. This report (NAO, 2010) was harder hitting than its predecessor, possibly taking advantage of a change of government to get its points across. It reported that the emphasis on the independence of academies had brought 'greater risk to governance and accountability' (ibid: 6); that two-thirds of the academies 'do not yet have sufficient data for the NAO to assess their educational performance over time' (ibid: 7) and, that two-fifths had never submitted a return of their accounts (ibid: 37). Of the academies that opened in 2008 – 2009, only half had experienced a Departmental review of their financial management and control systems (ibid: 38). In one-fifth of academies, the chair of governors also chaired the finance committee (ibid: 41). Since then, Michael Gove has agreed that the YPLA must make an annual report to Parliament.

Using the 2010 report findings submitted to them by the NAO as a prompt for further inquiry, the committee of public accounts stated that, as the guidelines from DCSF are not mandatory, 'There are already signs of potential financial and governance instability, even at this early stage of the development of the programme' (HOC, 2011: 5). The committee also said that the Department and the YPLA:

> Have struggled to monitor and administer the relatively small number of academies to date, and now must cope with a rapid expansion across many more schools.
> (Ibid: 8)

At the time of this investigation, the DfE had 123 staff out of a total of 3,010 working in the academies unit (Office of National Statistics (2010), Civil Service Employment, Table 11, p. 23) and the committee of public accounts concluded that:

> Too much of the current framework is permissive, and there is insufficient mandated practice to prevent individual academies adopting practices, which do not comply with basic standards of good financial management and governance.
> (Ibid: 14)

The Committee was concerned that Section 12 (4) of the Academies Act of 2010 had removed the requirement of academy trusts to submit their accounts to the Charity Commission in a direct way. Instead all academy trusts were to be categorised as 'exempt charities'. The Committee spelled out the implications:

> This means that the Secretary of State for Education has replaced the Charity Commission as the principal regulator, and academy trusts submit their accounts to the Department only.
> (Ibid: 11).

The Committee noted the DCSF's cultural sensitivity to the need for academies to have freedom to operate. For example, in one of the evidence sessions, the Rt Hon Richard Bacon MP asked David Bell, the permanent secretary of the DfE, to explain why only one third of academy trusts had audit committees. Bell's response was as follows:

> I think the answer to that is that we were trying, at the time – and you might think imperfectly or wrongly – to get the balance between what it is we were going to require the academies to do against the freedoms that were set. Now, I think it's a very legitimate question for this committee, of all committees, to ask. I just don't think it's quite as straightforward for us to say what the 'mays' and the 'musts' must be, because we do want to consult, but it would be very easy for us to be back – not in front of this committee, although I'm sure we might be – accused of imposing a whole set of bureaucratic procedures that inhibit the freedom and autonomy of the schools, so we've got to get this balance right.
> (HOC, 2011: 36)

In the above scenario, Bell was reflecting the beliefs of his ministers. Francis Beckett, in interview, highlighted the negative impact of the changes in the relationship between civil servants and government during the New Labour period. He considered that government views concerning what was expected of civil servants went beyond the traditional relationship of neutral and professional support:

> I think under the Blair administration, the civil service was politicised in a way that it had never quite been before. Thatcher started it but it increased at a massive rate under Blair. If you watch the Iraq inquiry now and you see civil servants – very senior civil servants – getting up and talking about what has been going on and attacking their old political masters – that would have been an inconceivable event twenty years ago …
>
> Now - why is that happening? …. I think it is the politicians not the civil servants who have ended that [the idea that advice was confidential] by politicising the civil service, by forcing the civil service, more and more, to become advocates of policies, not just advisors – advocates of government policies.

Summary to Chapter 3

When looking at parliamentary scrutiny of the academies policy, it is clear that parliamentarians have an uneven record in deploying their powers of scrutiny. While critics believed that they failed to grasp the implications of some of the early legislation connected to academies, they did show competence in identifying and communicating key issues of concern in select committee and the more informal meetings that took place between the PLP and various interest groups. The issue though is one of the weighting of scrutiny post-policy

implementation, of timing and the slowness of government to respond to criticism and make changes. For example, in 2005 the NAO identified problems with financial management in academies and the committee of public accounts was even more exercised by this issue in 2011, eventually persuading the DfE to agree to increased supervision.

From the evidence and arguments presented in this chapter, there is no doubt that part of the academies policy's evolution was influenced by the opinions and actions of parliamentarians and public lawyers. The journey has been an expensive one in terms of time, effort and public expenditure. A minimum criticism that can be applied to New Labour's policy approach in this area is that more consideration, reflection and consultation before the policy got to the statue book and a prompter response to concerns raised in Parliament would have wrought a considerable improvement.

With the Coalition government's re-establishment of an academies programme disconnected from local authority involvement, Vernon Coaker raised the question of control and accountability:

> I think that the academy system as it now stands is a perversion of what is was before. The other thing of course is that local authorities are completely taken out of the equation but the problems that the local authorities have to deal with aren't taken out of the equation. Somewhere down the line someone is going to have to deal with the void left by the fact that the local authorities are, in a sense, withering on the vine.

The Coalition government's reshaping of the academies policy through the Academies Act 2010 and the Education Bill of 2011 (presently in committee stage) will concentrate more power at the centre of government. Vernon Coaker thought this centralising tendency lay in contradiction to the Coalition's emphasis on localism and that in due course a structure of locally accountable management would have to be put back in place:

> In a sense, there's a huge dichotomy between the localism agenda of the current coalition government and the centralisation that takes place under the [new style] academies. So, the local authority doesn't make the decision, the local politicians don't make the decision – it's Gove and the Department and the various bodies they have set up. It's a

bizarre situation. In the end you'll have all these schools floating around and then you've got the YPLA. …

They went from a managed system with freedom and flexibility within but got hooked up on this idea that things were over managed and there was a stifling of creativity and initiative to one now where they've just got a free-for-all.

Now, in the end, that will have a real consequence. … I would predict that in a few years time – three years, five years - they will say: We have to inject a bit of more local management here because there are issues arising which we're being asked to adjudicate but we're being asked to adjudicate at national level or the YPLA are being asked to adjudicate it – and they're not elected.

It is difficult to quantify, in human, political and financial terms, the resources utilised by parliamentary select committees to ensure that the government of the day is made to account for its actions but they are considerable. Members of the select committees can rightly claim that they can have an indirect influence on encouraging government to amend particular policies and practices, though the government of the day may choose not to recognise such influence. Until stronger formal powers are given to such committees, it will continue to be challenging to hold a powerful executive fully to account.

Reflections on the research questions: Chapters 1 to 3

This is the last of the three chapters reviewing the literature and it is useful at this point to reflect on how the findings emerging from this process relate to two of the three research questions outlined in the introduction.

The first question asks what the development of the academies programme reveals about the connection between democratic values and secondary education policy formation.

The material analysed suggests that secondary education policy is no longer created in a pluralistic fashion. Instead, an elite group of political advisers connected to the executive now play a major part in determining the direction of policy. This leaves the local authorities at the periphery and a form of sectional corporatism presides where the executive work with an elite group of 'handpicked' super-heads rather than a broader representation of the

educational establishment. For some of these decision-makers, the values that motivate them may include a commitment to democratic values connected to social justice, but this is accompanied by a sense of moral duty to raise standards in secondary schools and, for those nearer the neo-liberal end of the spectrum: the belief that the private sector could better handle the challenge of failing schools.

At certain intervals citizens can, through the franchise, have a say in whether they wish governments to remain in power or whether to vote them out of office. In practice, the convergence of thinking between the political leaders on the policy actions that need to be taken in areas like schooling, health and welfare means that the franchise has become a rather blunter tool. It is therefore more difficult to distinguish between the main parties and this convergence may partially explain the decline in the number of citizens willing to vote in general elections (Jones et al., 2001) and the difficulties that Labour shadow ministers have in challenging Coalition policies that they themselves originated.

At government level, in the process of radical reform, the democratic values connected to schooling have not been eliminated but dislodged from centre state and superseded by other aspects: a sense of urgency to address poor performance, a political not just educational commitment to change, a belief in the dynamic value of freedom and independence combined with the efficiency of enterprise and the private sector.

Such democratic values that remain have been to some degree co-opted and re-configured to complement such beliefs – for example, Tony Blair's reworking of the notion of social justice.

The social democratic values so central to the formation of the Education Act of 1944 have not disappeared altogether in government or the wider community. The empirical research in later chapters clearly reveals this in the discourses of those interviewees who opposed the academies. Similar sentiments were also

expressed when the three government ministers interviewed wrestled with aspects of the policy that they felt departed from Labour values and in the discourses of academy sponsors who saw their actions as entirely consistent with schools policy in a social democracy.

The second question asks how constitutional practice has influenced the development and scrutiny of the academies policy?

While some local authorities ran their secondary schools effectively and to a high standard, it cannot be denied that others did not and New Labour accusations of poor standards and low expectations did apply in some areas. Equally, in applying the principles of pluralism or Barnett's (2002) principle of the dispersal of power, the 'producer' interests in the 1960s became too dominant and an argument could be made that the political consensus presiding at the time and the passive role played by parents and pupils in education decisions could hardly be described as fully democratic. Then it was the teaching profession in their 'secret garden' and the local authorities but now it is the executive class and their political ideologies. In humbling the local authorities and the teaching unions in the 1980s, Thatcher substantially removed two sources of educational and pedagogic expertise that could not be replicated by those in central government.

As is the natural tendency in British politics, tackling a current problem through years of painstaking improvement and gradual incremental change does not fit into the timetable of a parliamentary term. The political imperative is that results need to be seen to happen in a shorter timeframe and, from a policy perspective, overlaying current practice with an entirely new approach seems much more attractive. In this way, the idea of a plurality of interests contributing to the making of education policy could now be viewed as an anachronism.

It is not just the ascendancy of the executive but also the speed of its operation, which has changed constitutional practice. Parliament, from the

evidence presented in this chapter, is apparently less well equipped to ensure the effective scrutiny of legislation or the decisions and actions of the executive or to be able to keep pace with the myriad number of agencies and private entities that play their part in delivering school policy. In this scenario, the power of individual members of the executive, elected and non-elected is considerable.

In chapters 5 and 6, interviewees close to the development or contestation of the academies policy shed light on constitutional practice through the New Labour years in government. Their experiences are visceral as well as intellectual and they present a picture of modern politics and policy making in a constitutional environment where the executive has played an increasingly dominant role. Before proceeding to the empirical chapters, the following chapter presents an account of the reasons for the research methods chosen and the ethical, political and organisational associated with conducting the research for this thesis.

CHAPTER 4: RESEARCH METHODOLOGY AND DESIGN

Introduction and chapter outline

The empirical research for this thesis is based on qualitative interviews with national and community figures involved in supporting or contesting the academies policy and two case studies describing the events surrounding the closure of schools and establishment of academies in Islington and Barrow-in-Furness. The intention of the research is to shed light on the political factors that led to New Labour's introduction of the academies policy and what the discourses of those involved reveal about democratic values and constitutional practice.

This chapter is divided into three sections:

Section 1 examines the challenges involved in researching a topic concerning the politics of education. It then explores the researcher's dilemma in dealing with their own interests and values whilst aspiring to gather and analyse data with an open mind.

Section 2 presents an account of the reasoning behind the choice of qualitative interviewing as one of the main research methods and outlines the intellectual, technical and ethical considerations arising from this method of inquiry. It highlights the pitfalls and possible safeguards that can be put in place when the subject of inquiry is politically controversial and the associated issues connected to ensuring data validity in an 'elite' interviewing environment.

Section 3 will outline the other research method deployed – the case study – and the technical challenges of cross-comparison, validation and triangulation. The case study approach introduced a valuable additional dimension to the overall study though raised questions of how a study of the particular relates to the researcher's intellectual need to generalise findings.

Section 1: The politics of researching education policy

In Dale's (1994) opinion, the weighting of research work within education tended to gravitate more towards 'educational politics' than the 'politics of education'. Dale thought that the politics of education had an external dimension whereas educational politics rested on the understanding that the subject could be explained fully from within its own borders. For Ozga (2000) the politics of education carried the greater resonance and she plainly allied herself to the critical school of educational research that placed policy in the broadest of political contexts. Ozga noted Cox's differentiation between *problem-solving theory* and *critical theory* as a useful way to highlight the nature of policy studies; the former based on the acceptance of the 'prevailing social and power relationships and the institutions into which they are organised' and the latter required a questioning examination of 'the prevailing order in the world [and] a construction of a larger picture of the whole which the initially contemplated part is just one component' (Cox, 1980; quoted in ibid: 45).

A moment of particularly active engagement for critical theorists in the field of educational studies occurred when Thatcher and then Major put in place a range of radical reforms in secondary education involving competition, diversity and parental choice. Noticeable in this period was the presence of some researchers ready to openly connect their personal political agenda to their professional inquiries. For example, Whitty and Edwards (1994), in their investigation into the CTCs, planned the release of research findings to coincide with that year's Labour Party conference. The generally critical orientation of research into education policy in this period inevitably provoked a reaction from government and their advisers about its usefulness. This was demonstrated by the findings of the Hillage Report (see Tooley and Darby, 1998), commissioned by Ofsted, which concluded that the academic research emanating from faculties of education not only failed to provide useful information to inform policy but also did not contribute positively to professional practice and,

additionally, was politically biased and fragmentary in nature. The report prompted an increase in the use by government departments of quantitative methods and a stress on the evaluation of policies post-implementation. For instance, in the New Labour period, Cohen et al., (2000: 38 – 43) noted the 'inescapable political dimension of research' and the 'drift' of state funding towards evaluation. Whitty (2007:163 - 164), in calling for a more pluralistic view of research, considered that despite an increase in overall research funding in the New Labour years, a greater proportion was under the assertively directed remit of government:

> But greater funding and public visibility have not been without their costs for education research. New Labour's founding commitment to 'The Third Way' brought with it a mantra of 'what works', often interpreted in a rather narrow and mechanistic way. Under this commitment and, as a main funder of research and initiatives, the government has been increasingly explicit about the type of research it sees as best fulfilling its aims.

In observing the shift to evaluation, Norris cited Kushner and Macdonald's (1987; quoted in Norris, 1990: 83) view that there had been a great decline in the mediating agencies so characteristic of the post-war approach to the management of education and that:

> Although there is more funded programme evaluation and much of it is officially independent, evaluators are largely co-opted into a conspiracy of pretence that programmes are by definition educationally and financially sound.

Though Norris (ibid 83 – 84) considered that Kushner and Macdonald had overstated their case, he raised his own concerns about excessive governmental control of research briefs:

> Government departments are increasingly behaving as if they were private purchasers of a commodity, which they own and can control to suit the political purposes of the moment. … The prospect of central government acting like a private corporation, defining its domestic interests in much the same way as IBM might define its commercial interests, is more than a little alarming. Access to knowledge about the conduct and effects of social policy is part of the process of the checks and balances necessary for the maintenance of democratic accountability and control.

In outlining the challenges of researching education policy, Ozga (2000: 41 – 42) thought that the researcher would inevitably bring to their chosen area of inquiry a set of values: 'a concern to maintain the capacity of education to contribute to individual and community wellbeing, beyond the narrow sense of economic contribution.' Given the holding of such values, she questioned the feasibility of conducting 'hygienic' research and thought that researchers would be disingenuous if they laid claim to a position of absolute neutrality in their investigations. Walford (1994a: 96) also accepted the presence of a value orientation within social science research settings and found it 'axiomatic that the motivation for conducting all research is linked to subjective political evaluations of what is important and unimportant'. Despite this level of subjectivity, from a methodological standpoint, he believed it was 'possible to fight for some form of neutrality and objectivity in the way in which research studies are conducted'. The later discussions in the next sections of this chapter will suggest how research design in general and interview approaches and data analysis techniques in particular can help build such neutrality and objectivity.

Section 2: Research methodology: qualitative interviewing

The recency of the policy under investigation, the nature of the research questions and the particular people who could best supply the relevant data drove the choice of research methods. A quantitative approach dependent on fixed variables would not have been commensurate with an inquiry seeking to understand a concept as open to interpretation as democratic values. The project did not seek to establish any comparative measurement of values. In this way, while interviewees may refer to values like equality or fairness, there is no reliable way of measuring how strongly such values are held or where they might sit in a broader hierarchy of values. It was not the measurement but the impact of values on policy that was perceived to be important. In fact, as the findings of the desk research suggested, and as the analysis in the empirical chapters will go on to suggest, it was the very variance and asymmetry of the democratic values revealed, and the presence of other values less directly connected to democracy, that influenced the development and the

contestation of the academies policy. It seems valid to point out that values are personally constructed and deeply felt. If people feel values like equality and liberty are important, it is not so much that they have been directly instructed to believe in such values but that their own personal histories and the society and culture in which they are situated combine to point them in a particular direction. The empirical chapters will demonstrate that the academies policy divided people at this fundamental level of values and while psychologists may suggest that human change is possible at the level of behaviour, shifting opinion when it is formed through values and beliefs is far more challenging. Democratic values like honesty, honour and fair play may be variously influenced by background and upbringing. It must be pointed out though that such values lie in close proximity to the values of the British Constitution and the idea of human rights.

In describing the benefits of qualitative interviewing, Mason (2002: 1) referred to 'the strategic significance of context and of the particular, in the development of our understandings and explanations of the social world'. Yin believed that a qualitative interview could extract the full complexity of a person's perspective:

> Structured interviews follow directly the word usage, phrases and hence meaning of the researcher's, whereas qualitative interviews aim at understanding participants 'on their own terms and how they make meaning of their own lives, experiences and cognitive processes' (Brenner, 2006: 357). This aim suits one of the fundamental objectives of qualitative research, which is to depict a complex world from a participant's perspective.
> (Yin, 2010: 132 and 135)

The choice to use qualitative interviewing was influenced by the nature of the interviewee population. A structured interview would have been more efficient from the perspectives of project administration, data gathering and data analysis though its disadvantages – the danger of an appearance of an overly mechanistic process, the lack of opportunity to allow for variation or unexpected developments in the interview and the potential inhibiting effect on the researcher-interviewee relationship – made the advantages of qualitative

interviewing compelling. Mason (2002: 64) presents a fair summary of the reasoning behind the decision to opt for qualitative interviewing for this group.

> If you chose qualitative interviewing it may be because your ontological position suggests that people's knowledge, views, understandings, interpretations, experiences and interactions are meaningful properties of the social reality, which your research questions are designed to expose.

Another key reason for selecting qualitative interviewing as the primary research method was the importance of 'individual agency' (McPherson and Raab, 1988: 55) in the development of education policy. In chapter 3 the argument was put forward that the development and implementation of academies policy had become increasingly the domain of the executive. This constitutional realignment meant that a small number of individuals close to or at the top of government deployed a larger share of power and influence. It therefore followed that, in examining the academies policy, what these individuals thought about the academies idea mattered and that the twists and turns of the programme can often be put down to a named person.

For those interviewees who had a direct influence in developing the academies policy, there was a paucity of data available in the public realm describing their thinking and motivations. Mason (2002: 62 – 63) believed that, 'Knowledge is situated and contextual' and that, 'The job of the interview is to ensure that the relevant contexts are brought into focus so that situated knowledge can be produced; there's an element of construction and co-production'. In her view, this would maximise the likelihood of generating a 'fairer and fuller representation of the interviewees' perspectives'. In selecting interviewing as their main research tool in an inquiry of education policy-making in Scotland, McPherson and Raab (1988: 53 - 55) concluded that interviewing was the only method subtle enough to track with exactness:

> [The] intermingled beliefs, perceptions, evaluations and intentions that comprise policy-makers' understanding of the policy milieu [and that] few primary sources were able to show how these understandings operated in the inner workings of the policy machine.

The use of a questionnaire rather than an interview could have been considered as the main inquiry method but this would have implied a standardised approach to a non-standard sample population and presented a waste of an opportunity when compared to the value of a face-to-face engagement. In addition, given the seniority and professionalism of the individuals concerned, a positive response to a request to complete a questionnaire may not have been forthcoming. For these reasons it was considered that a qualitative approach best served the research aim of seeking illumination in such a complex area of policy.

In planning the research project, the following three challenges were discussed with the supervisors:

1. The difficulty of finding interviewees who would be prepared to speak on the record as the policy was evolving and controversial.

This particularly pertained to those who supported the policy, as it was expected that those against it might more willingly accept the invitation to be interviewed. It was vital to the veracity of the inquiry that a proper coverage and full range of opinion was sought. Access did not prove to be as difficult as initially feared, perhaps confirming the experience of Fitz and Halpin (1994: 225) who, in their research on grant-maintained schools, managed to find willing interviewees without any prior contacts or connections. From this experience, they concluded that:

> The belief that access to the powerful is difficult has a myth-like character to it, and it may provide researchers with a convenient excuse for not trying.

2. How to ensure that the ethical aspects were properly covered, particularly given the wider responsibilities of the interviewees to their own political parties, organisations or groups.

The recollections contained in Walford (1994a) of some of the methodological challenges experienced by researchers of education policy from the mid 1970s to the mid 1990s (e.g. Kogan; Fitz and Halpin; Whitty and Edwards; and, Ozga and Girwirtz) helped in this respect. In managing the process of research, the ethical guidelines laid down by the Institute for Learning at the University of Hull were adhered to and the recommendations for ethical standards of conduct in research from the British Sociological Association and the British Educational Research Association were also consulted and followed.

3. How far such research could be applied across the generality.

Though the research area focussed on the academies policy, it also needed placing within the broader social policy and educational context otherwise the findings of the research would lack useful transferability. While recognising that definitive scientific generalisation might not be a realistic outcome in social research if qualitative methods were used, Mason (2002: 195) urged that those using such approaches should 'work hard to establish a wider resonance'. Bassey (2001: 6 & 9), originally a physical scientist, concluded that:

> It is only recently that I have recognised that scientific generalisation is but one form of empirical generalisation, and while the physical sciences are well served by the scientific generalisation, other forms are needed in the social sciences.

Inspired by Fourali (1997), Bassey (2001) urged the adoption of 'fuzzy logic' techniques in social science where 'particular events may lead to particular consequences' rather than the more definitive scientific logic where a generalisation can be made that 'particular events do lead to particular consequences'. For Bassey (ibid: 10):

> A fuzzy generalisation is one that is neither likely to be true in every case, nor likely to be untrue in every case: it is something that may be true. In consequence it is important to the researcher who enunciates a fuzzy generalisation to endeavour to explore the conditions under which it may, or may not, be true.

Section 3: Managing the interview process and analysing the data

Requests for interview were sent to 24 people and acceptances were received back from 18 of this number. The acceptance list comprised a group of 12 with a national profile and a further group of six people who played leading roles at a community level in proposals to place academies in Islington and Barrow-in-Furness. The 'national' interviewees were:

Francis Beckett – Investigative journalist, political biographer of Blair and Brown and author of *The Great Academy Fraud*

Melissa Benn – Journalist covering education and social policy and member of the steering committee of the educational pressure group Comprehensive Future

The Rt Hon David Blunkett – Secretary of State for the DfEE from 1997 to 2001

The Rt Hon Vernon Coaker, Parliamentary Private Secretary (PPS) to Estelle Morris in the DfEE, 2001 – 2002 and Minister of State for Schools and Learners in the DCSF, 2009 – 2010

Fiona Millar – Educational journalist, chair of the steering committee of the educational pressure group Comprehensive Future and adviser to Cherie Blair in Downing Street from 1997 to 2003

The Rt Hon the Lady Morris (Estelle Morris) – Minister for Schools in the DfEE, 1997 to 2001 and Secretary of State for the DfES, 2001 – 2002

Elizabeth Reid – Chief Executive of the SSAT

Alasdair Smith – National Secretary of the Anti-Academies Alliance

Sir Cyril Taylor – Adviser to ten successive education secretaries and four prime ministers including Margaret Thatcher and Tony Blair and Chair of the Specialist Schools and Academies Trust until 2007

David Wolfe – Public Lawyer and member of Matrix Chambers who conducted cases for individuals in many of the judicial reviews concerning academies

Patrick Wright – Deputy General Secretary of the National Association of Schoolmasters/ Union of Women Teachers (NASUWT), a non-aligned union representing headteachers and teachers

A sponsor who contributed information to the national analysis in chapter 5 but requested not to be named in the thesis

The community case study interviewees were:

Simon Asquith – Associate Head of School and Partnerships at the University of Cumbria, a sponsor of Furness Academy

Anne Attwood – Principal of Furness College, one of the co-sponsors of Furness Academy

A sponsor, who contributed information to the case study in chapter 8 but requested not to be named in the thesis.

Councillor Duncan Fairbairn – Cabinet Member for Children's Services, Cumbria county council (CCC)

Lisa Hammond - Independent member of Barrow District Council

Ken Muller – Head of History and the NUT representative at Islington Green School who led the campaign to attempt to stop the school's closure to make way for an academy

(Two of the 'national' interviewees, Alasdair Smith and Melissa Benn, also contributed to the Islington case study)

In drawing up a list of suitable interviewees, there were a number of considerations. It was important to capture the academies policy in 'Phase 1' under Tony Blair and Andrew Adonis and the 'modified' Phase 2 under Gordon Brown and Ed Balls and this explains the list of politicians and advisors. Other choices were because of longevity of professional experience that spanned the political era from 1979 to 2010. Sir Cyril Taylor, Elizabeth Reid and Francis Beckett were in this category. Others held leadership positions in unions and campaign groups. Some possessed a mix of expertise and experience that could not be found anywhere else - for instance, David Wolfe, whose contribution as a specialist was included in the preceding chapter, acted in many of the judicial reviews concerning academies and therefore possessed an unmatched depth of legal knowledge in this area. The sponsors and local councillors who contributed to the case study interviews were chosen on the grounds that they had first hand knowledge of the decision-making and the local circumstances.

Of those who were invited to participate as 'national' interviewees but did not reply in the affirmative, Michael Gove and Sir Michael Barber both declined because of pressing work commitments. Lord Adonis did not respond to either the initial letter or a follow-up email. The fact that 2010 was a general election year proved a two-edged sword. For some like Michael Gove it was plainly bad timing but for the Labour politicians it may have provided a moment to reflect on what was likely to remain a dynamic and controversial area of policy.

Of those who did not wish to participate in the case study interviews, the Director of Children's Services at Cumbria county council declined to participate in the Barrow case study and had recently announced her intention to resign from the role. Two other potential interviewees who campaigned against the placing of an academy in Barrow also declined the invitation. This case was still active and was receiving a fair degree of media attention and this may have explained these refusals.

All except one of the interviews were conducted face-to-face and recorded by prior agreement. The interviews lasted from 55 minutes and one hour and 15 minutes; the longer interviews caused by halts in recording when interviewees provided confidential background. David Blunkett was unable to commit to a face-to-face interview because of his involvement in running the Labour Party's general election campaign but a telephone interview was arranged instead and recorded with his consent. The interviews took place from January to July 2010 with the exception of the Rt Hon Vernon Coaker who was interviewed in April 2011. Vernon Coaker kindly stepped in when Ed Balls, who originally accepted the invitation for interview, was appointed shadow chancellor.

While the positive return rate was higher than anticipated, the lack of success in persuading Lord Adonis to be an interviewee was a particular blow. He was a central figure in the development of the academies policy. Seldon (2007: xi), a close observer of Downing Street, considered that Adonis: 'more than any other person helped formulate [Blair's] domestic policy agenda' and his crucial role was mentioned in the recollections of many of those interviewed. *Academies and Educational Reform* (2010), written by education researchers Elizabeth Leo and David Galloway and the executive director of a large all-age academy in the North East, Phil Hearne, contains interview material from Adonis. Otherwise, speeches, parliamentary records and press and media reports have been used to gain insight into his motivations and values.

The interviewees were all articulate and experienced people used to exerting - to varying degrees – power and influence and some researchers have noted the particular challenges involved in, what they have characterised as 'elite interviewing'. The presence of elites within government circles has been tracked by Ozga (2000: 123) who found that an 'elite of elites' operated in the civil service and, in chapter 2, the argument was put forward that the main political reformers of the secondary education system had a similarly elite background.

In conducting research interviews with senior civil servants, Ozga (ibid: 127) noted a high need for control on the part of this type of interviewee and Neal (1995) has also noted the effects of power differentials in the interviewing of elites. The list of those interviewed for this research project placed them in this elite category. This did not make them a typical population in social science research terms. As Cookson (1994: 129) indicates in the following passage, the research preoccupation of social scientists is often concerned with those without power:

> Since its inception social science has had a social problems orientation that has focused on the weak and not on the strong. The victims of sociology are often treated as if they were pathological. To my way of thinking, social pathology is structural and the most productive kind of research is that which examines and uncovers the processes of social reproduction and the pathology of power. I have examined the power discourses in more depth because it shapes the world-view of not only the powerful but of those who wish to study the powerful.

Walford (1994a: 2) put forward the view that the bulk of educational research activity took place within school environments - where a certain cultural requirement to co-operate, especially in the case of children and teachers - shifted the 'balance of power' in favour of the interviewer. Walford described this scenario, in rather blunt terms, as 'researching down'. When it came to examining educational policy, he believed that the balance of power was sometimes reversed and that this amounted to 'researching up'. As editor of *Interviewing the Powerful,* Walford invited researchers who conducted inquiries into the Conservative flagship school policies to think reflexively about their experiences. Their thoughts are relevant because, as was the case later with New Labour's introduction of the academies, these policies were viewed as 'overtly politicised interventions into an educational system regarded by the government as too homogeneous' (ibid: 4). For instance, Whitty and Edwards (1994: 15 – 16) thought that these policies:

> Had conspicuous architects and promoters, and attracted strong opposition from quite clearly identifiable interest groups. Each was seen at the time as heralding a more radical and far-reaching reform … and as significant steps in the government's strategy of 'creating a new framework for schools' through the enhancing of choice and diversity.

In working with the interviewees, preparation and communication were key requirements and the following two approaches were deployed:

1. Standardisation of administrative arrangements

With the methodological emphasis placed on creating the optimum interview environment to achieve focussed but flexible dialogue, the administrative arrangements depended on structure and precision. The correspondence requesting an interview followed a similar pattern. In all letters, contact details of the supervisors of the researcher were supplied and the subject area for the thesis clearly outlined. In addition, the University of Hull ethical research safeguards, including the interviewees' right to withdraw at any time from the project if they wished, were explained. A request to record the interview was included, although the option of a non-recorded interview was also made clear. Please see appendix 1 on pages 247 – 248 for an example of the paperwork issued to the interviewees.

2. Ensuring interviewee involvement in viewing the proposed material and giving permission for its use in this thesis

All the interviewees agreed to a recorded interview and were sent a full transcript to check and amend if necessary. The few alterations made at this stage were corrections of fact not of opinion. After the interview data had been analysed, the interviewees were contacted again with a request for permission to use certain passages from their transcripts in the thesis. The working title of the thesis and its chapter headings were given. In addition, in order to give some indication of context, the intended text to introduce each extract was provided.

The excerpt below is an example:

> The introductory text:
>
> The sponsor communicated a profound level of frustration about the extent of the problem in schools and considered that citizens should

expect that a responsible government should take action on their behalf.

The interviewee's response:

You are allowing 50 per cent of children to leave school effectively uneducated. ... Would I regard it as good enough for my child? No, and I don't see why anybody else should be prepared to accept that. That's the overwhelmingly urgent task and again, if I'm thinking of myself as a citizen, what do I want to know? I want to know that they can do that job well and I would want somebody to be acting to see that that happened and act if it wasn't.

Interviewees were asked to check each introductory text and their response and indicate whether (a) they were prepared to give permission and (b) that they considered that the interpretations in the introductory texts were accurate.

The work involved in interviewee communications was demanding and time consuming but the experience of interviewing proved an extremely rewarding aspect of the research experience and, as mentioned in the acknowledgements, the writer of this thesis remains immensely appreciative of the courteous and professional participation of all the interviewees and the opportunity to engage in thought-provoking discussion in this important area of education policy.

In analysing the interview material, it was decided not to apply any discourse analysis tool to the interview transcripts taking the view that it would have been intrusive and, from an ethical standpoint, would have required agreement in advance from each interviewee. For ease of reading, in the interview excerpts presented in chapters 5 - 8, no notations of pauses and hesitations were placed in the text of the thesis though these were noted in the transcripts. This is not to say that such things were unimportant in the interview process itself; the hesitations and circumlocutions present in some parts of the interviews provided opportunities for the interviewer to ask follow-up questions or push for more precision.

While the use of SPSS software was considered to deal with the interview data, a less immediately convergent process seemed more appropriate. Manual sorting methods were used following Yin's (2010: 178) recommended five-stage data management process: compiling, disassembling, reassembling, interpreting

and arriving at conclusions. In the disassembling stage, reference back to the research questions served as the prompt to group the data though some unexpected themes cropped up and these were included. For example, the presence of a moral 'democratic duty' argument made by some supporters of the academies policy in order to ensure pupils could access high standards of education overrode an emphasis on choice and diversity was not anticipated.

As Yin (ibid: 179) predicted in his five-stage process of inquiry, a researcher can go back and forth between the phases, which have 'recursive and iterative relationships'. In the months-long process of dealing with the data – starting with interviewing, then transcribing and so on - time for reflection played an important part. Relying on these slower methods also allowed for a more considered approach to the gathering of evidence for the purpose of triangulation.

From the perspective of data validity, Maxwell (1992: 280 - 283) thought that existing categories of validation were based on the 'positivist assumptions that underlie quantitative and experimental research design'. In considering an alternative approach to validation for qualitative research; an approach based on 'the way qualitative researchers think about and deal with validity in their actual practice', he argued for a realist approach that:

> Bases validity on the kinds of understanding we have of the phenomena we study, and is more consistent and productive than prevailing positivist typologies on research procedures.

For Maxwell (ibid: 291), the idea of validity did not need to correspond to the 'existence of some absolute truth' – 'a mirror or isomorphism between account and reality'. Instead he advocated an approach to validity that, 'Refers primarily to accounts, not data or methods'.

Maxwell suggested a typology of research validity appropriate to qualitative research:

1. Descriptive: that the research was factually accurate
2. Interpretive: that the researcher had accurately captured the meaning
3. Theoretical: that the account functions as an explanation as well as a description or interpretation of events
4. Generalizability: that any theory generated might be applied to similar situations

Maxwell had most concern for what he called 'internal generalizability' – the ability to make comparisons with informants from the same community, group, institution, setting or event studied, that such people in the same field would, if interviewed, produce similar findings:

> Interviewing poses some special problems for internal generalizability because the researcher usually is in the presence of the person interviewed only briefly, and must necessarily draw inferences during that brief period to the rest of the informant's life, including his or her own actions and perspectives. An account based on interviews may be descriptively, interpretively and theoretically valid. … but may miss other aspects of the person's perspectives that were not expressed in the interview…
> (Ibid: 294 – 295)

Another issue when analysing the interview material was dealing with variations in levels of disclosure. There was no doubt that some interviewees were in a more secure place from which to comment on the academies policy; others were directly involved in its inception or implementation and it would be unrealistic to expect unrestrained openness in this controversial and current area of policy. Bourdieu (1999) suggested that the option of discarding interview material should be considered when, as researchers Yanos and Hopper (2008: 229) describe the experience, the interviewer is 'alerted by some discordant note during the encounter or mounting unease upon reading the transcript – that an interview is too good to be true'. Rather than using such censorship, if traces of defensiveness or avoidance influenced some responses, readers can be given the context and arrive at their own conclusions.

Section 3: Methodology – the case studies

The case studies presented in chapters 7 and 8 added a vital dimension to the analysis of the interviews in chapters 5 and 6 and the desk research conducted in chapters 1 - 3. Some of the findings in these chapters made more sense, and stood out in clearer relief, when digested alongside the case studies that provided 'an intense focus on a single phenomenon within its real life context' (Yin, 1992: 121).

The popularity of case studies using qualitative approaches to inquiry has waxed and waned since their introduction to the social sciences in the early 1920s. In a survey of the use of case studies in social science in the USA, Plant (1992: 34 - 35) pointed to the Second World War as the catalyst for its decline as increasing numbers of researchers were employed by government, allowing access to large samples and populations and thus 'making impressionistic work less attractive'. Plant (ibid: 25) rejected the conventional idea projected by some members of the academic community from the 1930s to the 1950s, that case studies 'were nearer to being a type of data than a complete method', useful only in the exploratory stage of an inquiry. Her view was that case study techniques could be holistically applied across all stages of the research process. Plant (ibid: 22) identified two problems with the case study method:

> How to describe the contents of case studies in a sufficiently objective way for the results to be replicable and comparable with those from other case studies, and how to generalize from case studies to a wider population.

Yin (1992: 125) is helpful in both these regards. In his extensive work on case study methodology he has emphasised the need for extreme rigour in conducting case studies in a way that is fully transparent and replicable. In considering the challenge of generalisation from single or multiples case studies, Yin thought that, in case study work, the quest for generalisation needed to be applied to concepts, not populations. Further, he distinguished case study practice from ethnography, which he saw as focussed on 'theory building rather than theory testing'. On this latter point, Plant (1992: 46 – 47)

believed that Yin was one of the first to achieve 'conceptual clarity' by so clearly 'dissociating' case study methods from fieldwork or participant observation.

In managing the volume of work involved in the empirical research phase, a compromise solution needed to be found and this was to limit the number of case studies to two and to be modest in setting the research aims. A larger number of case studies would have allowed cross-comparison but the two case studies developed were included to be illustrative of some of the themes discussed in the previous chapters. The writer of this thesis makes no claim that what took place in Islington and Barrow-in-Furness was necessarily typical, though a reading of case study research conducted by Hatcher and Jones (2006) and Hatcher (2008, 2009) on academy campaigns suggest some similarities in themes.

The two case studies undertaken utilised a mixture of research methods in rather different ways and in varying proportions. The case study in Islington was more dependent on public records and secondary resources, though there is one interview with Ken Muller who was a senior teacher and union organiser at Islington Green School, as well as interview extracts from two of the national interviewees who had something relevant to add concerning the campaign (Alasdair Smith) and the wider educational scene in London (Melissa Benn). The Barrow-in-Furness case study was more dependent on primary interview material to establish the views of three of the co-sponsors of Furness Academy and a cabinet member of Cumbria county council who supported the academy proposition, while just one interview was conducted with a borough councillor who was against the idea. The remaining data on the Barrow-in-Furness case was gathered from material already in the common realm including local government official records, press and TV reports, and campaigners.

To ensure the best conditions for the case study work, the following two protocols were adhered to: firstly, that data-gathering drew on multiple sources and 'subjects' through interviews with different types of stakeholders, analysis of press and other media reports and examination of websites, public web-

based discussion groups, government, local authority and school and Ofsted records, pressure group and union communications; secondly, to follow Yin's (1992:121) advice and aim to 'amass converging evidence and triangulate over a given fact'. Yin (2010: 81) defined triangulation in the following way:

> In research, the principle pertains to the goal of seeking at least three ways of verifying or collaborating a particular event, description of fact being reported by a study.

He suggested that this is made most effective when 'collecting converging evidence from different sources' (ibid: 79). The case studies made a particular contribution in providing triangulation for the findings from the desk research and the national interviews. For example:

1. Constitutional experts and political biographers noted the growing influence of Downing Street in the New Labour years on education policy. Several interviewees close to policy making confirmed this and the case studies included reference to the close personal interest shown by Tony Blair and Andrew Adonis in the establishment of particular academies.

2. The attraction of BSF funding as a factor in persuading local authorities to establish academies was noted in select committee proceedings, by local government records of minutes of meetings and by the recollections of interviewees in the Islington and Barrow-in-Furness cases.

3. The motivations of sponsors were not always entirely congruent with those in Downing Street and the interviews with ministers also suggested a different configuration of political values to Downing Street. This cropped up in a number of interviews of sponsors, local authority records emphasised other factors that motivated them to agree to an academy proposal and press reports also made mention of these other factors.

Standing alone, the two case studies cannot be considered to offer a complete picture but when combined with the desk research and the national interviews, they brought a more distilled, a more vital glimpse of how democratic values and constitutional practice influenced people's attitudes to the establishment of an academy in their community.

Summary to chapter 4

Writing in the late 1970s, Kogan (1975: 118) thought that education policy was 'the product of conflicting claims, painfully and painstakingly resolved'. Kogan's views and underlying assumptions were more typical of an age of consensus when pluralist debate played a greater part in the policy-making process. As he put it, policy was produced through 'the educational values ... continuously sustained … and reinforced by a fabric of consensual relationships between the DES, the local authority and the teaching associations'.

In the four chapters that follow, a range of interviewees, all of whom had direct experience of developing, delivering or contesting the academies policy, reveal a policy atmosphere that is less consensual and more organisationally complex than the one that Kogan described in the mid-1970s. It is intended that the voices of the interviewees who contributed to this research project be given the space to describe, in their own words, their values, decisions and actions. In so doing, they provide a rich account of an important aspect of the schools policy landscape of 21st century England.

As the bulk of this chapter on the research methodology was written in April 2011, it is useful, several months later, to reflect on the actual experience of conducting the research project, particularly those areas that have presented the greatest opportunity to apply new learning to future research work.

It is easy to underestimate the amount of time it takes to arrange, execute and follow up on qualitative interviews. The amount of time spent on these activities and the time allocated in the original project plan had little resemblance. In retrospect, it took approximately six days of work for each interviewee, half of which concerned the administrative tasks of arranging and then transcribing the interviews and half dedicated to ensuring adequate research on the interviewee, assembling the questions and then conducting the interview. Given the nature of interviewing 'elites', advance research was

essential and ensuring that the literature review chapters had been assembled in draft form before any interviewing started did help this process. What is difficult to assess though is how far the 'traditional' route of conducting the desk research before the empirical research helps or hinders the level of open-mindedness required in qualitative interviewing. The answer is probably that it both helps and hinders. In practice, a fair amount of redrafting of the literature review chapters occurred after the interviews had taken place because some unexpected themes emerged. As Yin (2010) would argue in his work on case studies, an amount of iterative activity takes place between different types of data and this may apply dynamically in a broader sense to the whole way a PhD is produced.

CHAPTER 5: INTERVIEW ANALYSIS - THE DEVELOPMENT OF THE ACADEMIES POLICY

Introduction and chapter outline

The material analysed in this chapter is intended to shed light on the following research question connected to this thesis: What do the discourses of those who supported the academies policy reveal about democratic values and constitutional practice in policy making? The six individuals interviewed to explore this question were: The Rt Hon David Blunkett, Secretary of State for Education and Employment, 1997 – 2001; the Rt Hon Vernon Coaker, Parliamentary Private Secretary to Estelle Morris in 2002 and Minister of State for Schools and Learners in the DCSF, 2009 – 2010; the Rt Hon the Lady Morris (Estelle Morris), Minister of State in the DfEE, 1998 - 2001 and then Secretary of State for Education and Skills, 2001 – 2002; Elizabeth Reid, Chief Executive of the SSAT; Sir Cyril Taylor, Chair of the SSAT (and its predecessor organisations) until 2007 and finally, an experienced academy sponsor who asked not to be named though agreed for extracts from their interview to be presented in this thesis.

The views presented by these six interviewees and their interpretations of the thinking emanating from Downing Street suggest a wide variation of opinion concerning the aims and purpose of the academies programme. For instance, some saw the policy possessing clear social democratic credentials targeted at a specific category of struggling school; others saw the policy as having future possibilities system-wide where self-managing schools would exist outside the local authority. These interviewees all conveyed, to various degrees, a deep-seated sense of moral unease and indignation that nothing substantial had been done to tackle the rump of failing schools in the secondary system and this discourse included a critique of some local education authorities in contributing to this dysfunctional state of affairs.

This interview group confirmed the operational reality of Tony Blair's claim, made on his ascension to power, that, 'We will run from the centre and govern from the centre'. The common view was that Blair and his advisers maintained a close involvement in the implementation of the academies policy, especially in the recruitment of sponsors. Some mentioned the palpable sense of urgency in government and acknowledged that over-enthusiasm may have caused some early misjudgements in sponsor selection.

The sponsor who was interviewed was more focussed on a pragmatic desire to make a difference to the lives of pupils. For this sponsor, pupils had the right to a decent education and that right needed to be supported by all the adults around them. In some pointed contributions in this chapter, the sponsor took issue with political discourses on both right and left concerning the problems of state education, did not view academies as antagonistic to the local authority-run schools and saw the role of the academy sponsor in terms of stewardship not ownership.

On the subject of accountability, some of the interviewees suggested that schools in the maintained sector were not adequately held to account whatever the formal statutory requirements and governance arrangements, given the number of failing schools that had been allowed to continue. Some considered that the funding agreements for the academies and the business-like ethos that the sponsors would bring to bear were enough to secure measures of accountability. Others expressed doubt about the current capability of the civil service to secure proper accountability because of their lack of expertise in commissioning and contracting. Some thought that securing accountability would become a more urgent challenge if the programme expanded, as was expected, after the general election of 2010.

This chapter presents the analysis of the interview under six headings: the origins of the academies policy; differing policy ambitions; the sponsor model; prime ministerial influence; policy drift and realignment; and, accountability and the future of the academies policy.

Section 1: Data analysis - the origins of the academies policy

Sir Cyril Taylor held an unpaid advisory position to an unbroken chain of Secretaries of State for Education from 1987 to 2007. He was given charge of the development of the CTCs by Kenneth Baker and later added the development of specialist schools to his portfolio. As far as Sir Cyril Taylor was concerned, something had to be done about failing schools and their accompanying culture of low expectations and underachievement, not just from the perspective of wasted pupil potential but also for the sake of the future prosperity of the country. He outlined the extent of the challenge:

> Well David Blunkett, when he went to a school for the blind they told him that he should train to be a piano tuner because that was the only thing that he would be able to do but he said: No, taught himself A levels and got to university. I think somebody like that realised that failing schools, you need to do something pretty drastic to them. Because even now that progress is being made, there are about 300 - about ten per cent of the 3,000 secondary schools - that are genuinely low attaining schools with value added progress going down and all that. That's 300,000 children and if you look at the economic impact of those …

In placing the development of the academies idea in context, the Chief Executive of the SSAT, Elizabeth Reid, identified the ingredients she considered necessary to address underachievement in failing schools:

> So the academies schools policy was about saying: We've done all this with specialist schools and that policy will go on but it's about returning to the fullest exposition of that policy with a strong role for a sponsor and a greater change and it seemed, and was, relevant because there was such stubborn difficulty in underachievement in some schools in some parts of the country and so, I think Charles Clarke used the term about the policy, that it was a 'bazooka against educational failure' in the inner cities. But it was about bringing new kinds of experience and saying: Of course we need educational expertise but we can add to that other kinds of experience that helps enable change, rapid change, sustainable change. I think it was like that and it was about saying, you know, we have, in a sense, waited long enough for education to produce the solutions.

From David Blunkett's perspective as Secretary of State for Education and Employment from 1997 to 2001, the democratic values that attracted him to the academies policy was that it would enhance equality of opportunity for

school populations in the most deprived urban areas of the country. As he explained:

> The values are very old ones really of equality of opportunity. You are trying to even out some of the inherent inequalities that exist, that a government can't wave a magic wand to remove, in terms of asset wealth, in terms of parental and educational achievement, in terms of the economic and social circumstances of a child. You can't just wave a magic wand but nor can you ignore it.

David Blunkett thought that access to social mobility was partly about the expectations and aspirations of a child's family and their capacity to identify assets. This made early intervention (e.g. Sure Start) of crucial importance. He made reference to studies from Dorling (2009) and Hills (2010) that established that the longer you leave such interventions, the harder it becomes to bring improvement.

> So, social mobility isn't simply about do you do slightly better than your parents, which is a fairly crude judgment on it, but, actually, do you start to make progress at a very early stage? John Hills's evidence tomorrow (28 January 2010) will show that there are very small steps that then grow wider and wider. So if you can help at the very earliest period of a child's life to make those steps into real stepping stones, there is a chance that they'll succeed. As the steps get further and further apart the leap becomes greater. He doesn't quite put it that way, but I've seen a summary of his work that's coming out tomorrow on inequality because we contributed to it with the Danny Dorling (2009) study from Sheffield University and he's trying to give me a foresight of it. He is, in part, saying that the steps get more difficult as time goes on.

Interviewed in 2010 and looking back at the education reforms of the Labour government since 1997, David Blunkett provided an insight into the challenges for policy makers in addressing inequality in an educational environment porous to a range of socio-economic factors that caused disadvantage. Also, that intervention in the early years of education took time to work through to the secondary system:

> So, there's a two-way street here. You're trying to do two things at once. You're trying to use education as a ladder out of disadvantage whilst at the same time you're trying to remove the inherent disadvantage - and the two get caught up. I mean, take Sure Start or nursery education - there's no child over the age of eleven who has experienced Sure Start at all. There are very few children over the age

of nine who have experienced nursery education because it virtually didn't exist.

It's hard to get these things across. When they are debated in the media, you would think we were judging 17 and 18-year olds and we're not – we're still in the realm of saying: Will the eleven plus generation actually have benefited somewhat from what we have tried to do? It also affected secondary education profoundly, because whilst we were doing the Early Years programmes, the lower class sizes and the literacy and numeracy strategy, we were also trying to improve some schools at the transition, where there was a whole generation who we weren't touching with those policies, and we were having to touch with more dramatic intervention at secondary school level.

David Blunkett was concerned that in tackling the pressing problem of struggling schools, it was vital that the community was still able to hold on to the asset of a school:

The conclusion we'd come to was that there were some schools in some localities which were in such deep malaise that it would have to take a revolution to get them out of it, and whilst the Fresh Start had worked in some of the schools, it clearly hadn't in others. We had an alternative, which was to close the school. This would leave a locality not only without a school, but would also create a drift outwards from cities, most clearly exemplified in cities like Bristol, which was not acceptable. So our values ensured it was unacceptable on those grounds, but it was also not acceptable to take the asset and the heart out of a community. For many communities, the secondary school was the major building and community facility and the driving force and therefore it wasn't acceptable on those grounds either.

In recalling the early formation of the academies policy, David Blunkett cited the influence from the US and the idea that schools benefited from external partnerships:

The question was: What do you do? And the concept had been put to us that in some parts of the US and elsewhere, there had been a drive to get a whole range of partners involved so that there was something entirely new being created with the driving force of leadership and management outside as well as within the school. And that's when we came up with the concept of academies.

The Sponsor (a member of this interview group who asked not to be named and will therefore be referred to as 'the Sponsor') communicated a profound level of frustration about the extent of the problem in schools and considered that citizens should expect, in the context of a failing school, that a responsible government would take action on their behalf:

> You are allowing 50 per cent of children to leave school effectively uneducated. … Would I regard it as good enough for my child? No, and I don't see why anybody else should be prepared to accept that. That's the overwhelmingly urgent task and again, if I'm thinking of myself as a citizen, what do I want to know? I want to know that they can do that job well and I would want somebody to be acting to see that that happened and act if it wasn't.

Sir Cyril Taylor reflected the view held in common by this interviewee group that the need to 'preserve' democratic principles could not be, in all circumstances, held as a higher value than the need to offer pupils a good standard of education. For this group, school education was one of the keys to full participation in a democratic society and leaving failing schools to fester was in itself an action that was anti-democratic. For Sir Cyril Taylor, this did not mean that freeing schools came without supervision and, like David Blunkett, he thought that accountability was important and that prompt action needed to be taken if any academy failed to deliver on improvement:

> The cost of failure is horrific. We have the highest of the OECD countries of NEETS – 20 per cent. Think of the cost to the country of that? So, I think you could almost reverse that argument to say it's a democratic failure.   I mean, I was speaking in the States at a conference and they have terrible problems of their own in schools. I got huge applause from the audience when I said: Maybe the United States' constitution could include a clause that every child has the constitutional right to attend a good school. So, I think this democratic thing can be turned right round. Now, I do think that you have to have accountability and if an academy is not delivering an improvement, you do something about it.

David Blunkett felt that inaction in the case of struggling schools was not an option. As a member of the government, he felt he had a moral obligation to act if nobody else was prepared to. At the close of the interview, he stated:

> And that 'nobody else is going to', I think I'll leave you on that really because if there is no one else, then we have an obligation to make the world a better place - to do something about it rather than stand on the sidelines wringing our hands.

The Sponsor spoke in some depth about the problems connected to the low expectations and general level of inertia within some parts of the education establishment and was critical of left and right discourses concerning the difficulty of raising standards in schools:

> I had been taken aback by the extent to which, it seems to me, the education establishment has an investment in the status quo. If you are on the left you say: What can we do? It's the class system and we're fighting this huge battle? If you are on the right, you take the Charles Murray line: What can we do? Some people are just stupid, [a line] that specifically says that it is unrealistic to expect every child to attain five GCSEs, including English and maths.
>
> Of course, there are a very small number of children who may, by reason of real learning disabilities, be unable to but actually, we essentially start from the point of view of saying that every child should be able to achieve that and it's the role of the adults around them to make that possible and to provide the support to do that.

Though supportive of the role of local government, this interviewee provided an insight into the organisational culture of some local authorities where educational professionals are hemmed in by the requirements of local politicians and by their own reluctance to fully deploy their statutory powers to assist failing schools:

> I'm pro local authorities, I have got a lot of time for them but I think it's a very hard, one: the context of local politics where quite good education people get driven hither and thither by the even more quixotic requirements of local politicians, as opposed to national ones.
>
> The sense of not being able to discuss the elephant in the room, that you can never address failure directly. You are very tied by a mud of consensus that means that, you know: If we improve this school, it's going to be bad for that one, and, actually, above everything else, an unwillingness to say: This is crap, this isn't good enough.

Section 2: Data analysis – differing policy ambitions

In reflecting on her ministerial experience in the DfEE and the DfES, Estelle Morris stated that, 'Since 1997 we'd been massively motivated by trying to raise standards of education in the cities of children from less affluent backgrounds'. She felt that there was a duality of policy intention in operation in the relationship between the Department and Downing Street. In her opinion, the Department viewed the programme as a specifically targeted social justice initiative whereas Tony Blair and his advisers carried broader ambitions for the academies policy, viewing it as a possible generic model for more extensive reform of the secondary school sector:

> [We were] motivated more by the social justice argument and Downing
> Street, equally motivated by social justice but very much committed to
> the choice and diversity and freedom for schools argument. So I think,
> in fairness, we didn't see it as the driver for educational reform in the
> way Downing Street did.

Despite shared agreement on some of the desired outcomes, Estelle Morris, reflected Marquand's (1999) assessment that Tony Blair challenged the traditional collectivist instincts of the Labour Party by introducing a more individualistic notion of society. For Morris, the attraction of the academies policy was that funding and professional energy would be directed at school populations in the most deprived urban areas of the country. For Blair, social justice was part of the story but this came with an enthusiastic emphasis on independence and choice as a route to school improvement.

In elaborating on this, Estelle Morris felt that Downing Street emphasised the idea that allowing greater levels of freedom and independence to schools would, of itself, lead to the raising of standards. This is certainly the baton that Michael Gove has carried from Tony Blair in his interpretation of the policy. Elizabeth Reid also identified this trend when discussing the direction in which Michael Gove, if elected, would take the policy:

> Now Gove's version is different in the sense that the independence is
> prioritised and he's asking the question: If independence is good for
> educational achievement – if it creates the conditions for success - why
> not let our outstanding schools just be independent forthwith?

There was some variation in opinion in government about the levers necessary to secure the success of the academies programme. Tony Blair emphasised that more freedom would bring an improvement in standards in schools while Estelle Morris's view was that the key to success was the standard of teaching and the professionalism of school leaders. Morris thought that Downing Street's belief that the academy model would bring improvement to any school was flawed; that, applied generally, the academy structure wasn't an automatic guarantee of success:

> Yes, if you talked to Tony Blair now, his analysis of what worked would
> be – that independence did make a difference [and that] it freed the
> academies up … to be true to themselves … I think there is an element

of truth in that but I don't think it's the big idea. They would say that the freedom made them better teachers. I don't think they would argue that the quality of teaching wasn't a key thing. Our difference of opinion would be on whether the academy structure was essential to bringing that about.

Although Estelle Morris felt that the Labour government of 1997 entered office with a thought-through set of policies concerning primary education with class size reductions featuring as one of the five election manifesto promises, she suggested that less time had been set aside to consider secondary school reform:

> And we knew in our heart that we needed to further develop our secondary reform strategy. … We didn't have what the prime minister would have called a narrative for secondary school reform whereas we did for primary through the Strategies.

Estelle Morris listed a number of school improvement initiatives that had been launched in the early stages of the Labour administration but she felt that policies to help close the social class gap needed to be more fully developed:

> Since 1997 we tried a whole host of things and closing that social class gap was pretty close to the top of our agenda and we did try some things but I don't think, in all honesty, we thought we'd changed the world. We inherited a secondary school system, which was fragmented and disparate. Schools didn't co-operate with each other or work together. Many of our early initiatives – Education Action Zones, Excellence in Cities – were designed to build school partnerships in the secondary sector. These have in many ways become the basis for Federations and Families of Schools. We still didn't think we'd found the answer in terms of closing the social class gap. So, that was that – we were still looking for a solution, we were still looking for a peg to hang the secondary school strategy on.

Sir Cyril Taylor considered that he provided the inspiration for the academies idea to Tony Blair and the Department by proposing that the principles of sponsorship, greater freedom and extra funding already established by the CTCs and specialist schools, be extended and applied to failing schools:

> Then there was this famous train journey where I was invited to join Tony Blair going up to Darlington to open a Catholic specialist school close to his constituency and we got talking about specialist schools. And then to cut a long story short, the other key person was David Blunkett's adviser, Conor Ryan, so we got talking together. He said: What do you do about the two or three hundred schools that are simply not capable of putting in an acceptable bid for specialist status because they are so poor - in their leadership or whatever. So that's when David

> Blunkett said: All right - let's go back to the original CTCs initiative and rename that 'Academies'.

Elizabeth Reid viewed the development of the CTCs and the specialist schools as the route to the '21st Century School' where headteachers developed an outward facing and collaborative view and adopted some of the managerial and leadership habits of private enterprise. She was convinced by the idea of the necessity of partnership with external people who understood change management. She expanded on this point:

> Well it was about opening up the school system to new ideas and new influences and it's a mark of how far we've come that nowadays people – it trips off their tongues - anyone in the secondary school system - they will talk about the 21st Century School being an outward-facing school and that wasn't so in the 1990s.
>
> Schools expect to deal with the community, with business and the vast range of partners. And that was really what being an academy was, and is, about – it is about facing out [and] about the interaction between educationalists and other kinds of life experience, very often the business experience.
>
> But that wasn't, in a sense, as radical as people wanted to portray it because the CTCs – there were 15 of them – existed with that business sponsor relationship. All the way through, from the inception of specialist schools – specialist schools had that sponsor relationship because specialist schools were essentially, a model - if you like, a reduced model - of the city technology colleges – it was more easily brought to scale.
>
> So the academies schools policy was about saying we've done all this with specialist schools and that policy will go on but it's about returning to the fullest exposition of that policy with a strong role for a sponsor and a greater change. …
>
> But it was about bringing new kinds of experience and saying: Of course we need educational expertise but we can add to that other kinds of experience that helps enable change, raid change, sustainable change.

In recalling the early days of the emergence of the academies policy, Vernon Coaker, PPS to Estelle Morris in 2002 (and later, Minister of State for Schools and Learners in the DCSF, 2009 – 2010), thought that she viewed the introduction of the policy as a solution to raising standards rather than a move to challenge the comprehensive education system as a whole:

Yes, well it goes back really to the age old question – how do you create opportunity and raise standards? If you go back to Estelle Morris's time – I mean Estelle was a big believer in comprehensive education, fairly obviously: that the comprehensive system had, in fact, achieved a great deal. She didn't start from the fact that the system was failing and therefore we need to reform and change. So from that perspective, that's quite an important starting point really for us.

As with a number of other interviewees, Vernon Coaker indicated that Downing Street projected a more radical view of the extent of the pace of the change required to address failures in the school system and a less forgiving view of the role of the local authorities, though he seemed, in the response below, to suggest that Tony Blair and Andrew Adonis also had broader ambitions connected to social justice. Reflecting on the Coalition government's approach to the policy, Vernon Coaker considered there was a key difference between the parties: Labour managed the reform, the Coalition relied on the market.

I think they were very committed to it and I think they saw themselves as people striking fire ... and Andrew continued with that. … But I still think that they retained more of a sense of which – although they would have driven it faster and they did question the role of the local authorities - they were still much more concerned when I spoke to them about what this actually means. You see, at the end of the day, the status quo was such that it was still failing in a number of ways; that despite the fact that the system was improving in a number of ways, there was still this sense in which some kids in some areas were still not getting a quality of education that they were entitled to and probably still true now.

And to be fair, even the Tories accept this, what do you do about it? They say: Let the market rip and it will pull the others up. I'd say: You can't defend the status quo, you have to manage change otherwise you just entrench privilege and advantage and that's been the consistent dilemma for decades. But I actually thought we were getting somewhere. I think they've stopped that by inverting it and that creates a real problem.

The Sponsor also thought that the status quo was unacceptable and, like David Blunkett and Estelle Morris, directly tied the idea of educational opportunity to social justice and the importance of focussing on those most in need:

It was as simple as that – the motivation. … It was scandalous, that in this county, 50 per cent of children are leaving school without the basic passport of the five GCSEs including English and maths. … It is still straightforwardly scandalous that you can map educational attainment against class pretty much as a straight line. So, that's what drove us in; it was about providing educational opportunity.

In the following extract from her interview, Estelle Morris painted a picture of a complex policy landscape with competing demands where social justice ambitions needed to be achieved whilst still keeping the middle class parents motivated and on board:

> There was always parallel lines with Downing Street - we were always going into the same place, having come from the same place, and talking to each other but we were on slightly parallel lines. So, the overall ambition was about the social class gap, to raise standards, to deliver schools for the skilled workforce the nation needed. That was the overall aim, but underneath that there was an ambition about meeting parental choice and there was knowledge that we didn't want a solution to the education challenges that squeezed the middle class parents out.

Estelle Morris's apprehension was that the push to attract middle class parents to the new academies and their possible leveraging of school admissions procedures might impede resources being targeted at pupils from deprived backgrounds. In an effort to reduce such risks, she inserted safeguards on admissions rules into the legislation supporting the introduction of academies:

> Our fear always about academies was that they would become selective schools - as I believe the CTCs were. That was a big concern, that unless you hemmed in the legislation very, very clearly they would become, not schools for the middle classes but schools for the children with motivated parents. …
>
> What we were very keen to avoid - that these schools would become boltholes for the middle classes. And if that was to happen you had to have something in the legislation that controlled admissions and brought them into the admissions framework and that was really important. It would not have been a successful policy if less affluent pupils couldn't get a place at a new academy whereas they had attended the predecessor school.

Estelle Morris thought that loyalties in government sometimes separated along class lines:

> We all wanted to deliver for children right across the social class spectrum. I always felt that Downing Street would come down on the side of the middle class and I would come down on the side of the working class if there were a conflict. It's very, very crude but it's where essentially your heart is – as well as your mind.

It is rare to find a serving politician ready to explain the pressures faced by decision-makers in government with deep honesty and clarity but Estelle Morris summed up the great dilemma of the academies programme, a policy that had social justice credentials but, at the same time, also raised questions of democratic process and decision-making. For Estelle Morris, the great responsibilities of office could sometimes come into conflict with democratic principles; the question was: if you believe something is wrong, is democratic principle a big enough reason to do nothing about it? In this extended passage from her interview, Morris refers to the wide variation in opinion in government circles about the capacity for the local authorities to secure school improvement and the idea of ultimate accountability - that citizens could pass judgement on her through the ballot box:

> When I was young I think I would have made the argument that of course it is vital to maintain the democratic links with schools. As I've got older, I'm less likely to make that my priority because I'm more likely to make my priority – what to do for the kids. Years ago, I would have probably defended mediocre local authorities because of their democratic link. … I think I would even have made the argument that if the local authority is doing a poor job, it is not for us to say, and it is for the electorate to remove them from power.

> But when you see what a good local authority can do for its schools, and then talk to headteachers who are in local authorities where they can't deliver a service, as a democratically elected politician at national level, you have got to do something about it because why should kids suffer? That's not what principles are meant to be about. … I believe in local democracy - but I'm really hard-edged in dealing with underperforming local authorities. I've seen too many schools struggling because of the failure of the local authority and the thing that makes me even more furious is that I've seen so many schools succeed because of the good local authority. So, I'm not one of those who would say: Get rid of local authorities – I'd sooner make them work.

> In terms of the school, I do like community involvement in the school. I do think that the voice of the community must be heard in the school. I'm also conscious that sometimes it means you end up with schools with parents who haven't got the skills and the connections and the experience to be as forceful leaders of the schools as in other areas. We shouldn't settle for that but add people with the necessary skills to support the people from the local community.

> I would hate it if there were no parent representatives or no local representatives. I would think that was giving up on democracy. But, I think I've got to the position where I would want to be sure that there were strong links to the local community and there were the skills

needed to support the school as well. The backstop is that there's always someone at national level who is democratically elected who is out there saying that. The number of speeches I have made justifying dealing with poor local authorities, I've stood up there, taken the criticism and the brickbats and been counted and people have been able to shout at me or not vote for me or campaign against it. So, there's still been that democratic accountability.

Before 2007 Vernon Coaker thought that the emphasis was on the need for radical change, that the programme was still in its infancy in terms of numbers but the planned expansion concentrated the mind on resource management issues and the target population who should benefit:

> Well, I think initially they were used as a catalyst for change, and drive and dynamism in the system but of course when you look at '05, '06, '07, the numbers are very small.

> But if you're looking to expand quite considerably over two or three years – where did we get to – 250 or something by the time of the general election and many more in the pipeline – you say that we're going to have this expansion. … You have to say to yourself, where is this taking you, what is it you want to achieve because, if you just expand, where are the schools going to come from to expand? So if you're not careful, you're going to get the excellent schools to expand and is that where you want to use your limited capital, your limited resources, your limited ability to manage – is that where you want it to go – and the honest answer is, probably not. Of course you want the programme to expand – and this is where I think the Academies Act has gone wrong – but you want to expand it from the bottom up not the top down.

Section 3: Data analysis – the sponsor model

One of the issues explored in the next chapter is a concern about sponsorship power and the type of sponsor selected to run academies in the early days of the programme's development. In Vernon Coaker's view, the link between external business dynamism and school improvement was not clear cut and the move away from sponsors and towards accredited school providers in the later stages of the programme was a more appropriate model:

> I think there was suspicion of the sponsors. I mean the sponsors were supposed to inject into this – I don't, know, really – a different set of values. I don't know what it is – I suppose it's this idea that we bring people from business, we bring in people from the outside, they will somehow be able to be inspirational and dynamic in a way that the system can't be. … I mean I understand that it looks attractive but a) it

doesn't always work and b) what's dynamic outside isn't always dynamic inside. …

[This] is why in the end we moved away from sponsors, why in the end, which would have been a great success, we moved to the accredited school groups and accredited school providers, where you've got people who aren't necessarily outside the system but they're outside that area or outside that school to bring that enthusiasm and experience and dynamism in. Also, to be able to verify that they have the things you need them to have to improve that school, where there was a belief that if someone could stump up £2M they must be good – bloody ludicrous!

Estelle Morris felt that this lack of emphasis on the central importance of professional knowledge showed in the choice of the early cohort of sponsors who primarily came from non-educational backgrounds:

What academies did was to take it a step further and I have no problems if [sponsors] put money in. If they put money into universities, why couldn't they put money into schools? My concern was that the control of the governing body was essentially in the hands of the sponsor. I saw them as partners, I saw them as having something to bring but they weren't educationalists and I worried about that – and I think you can see the evidence of that in some of the early schools that went wrong.

Sir Cyril Taylor confirmed Estelle Morris's view that the role of school leaders in establishing and developing academies was a key ingredient for success:

So, leadership is crucial. If you ask me one of the crucial things in turning a school around, it's the ability to have chosen a fantastic headteacher who can motivate people and that headteacher's ability to recruit and retain good teachers.

Estelle Morris did not question the good intent of the early sponsors, whom she thought possessed high levels of entrepreneurialism and loyalty to their home areas driven, in some instances, by a background of negative memories of their own schooling and a determination to do better by the current generation of young people:

And this group of people were like that and it's partly anger about what happened to their childhoods. I think it is pride in being able to do it. They're not usually Labour, they're usually Tories but they are as motivated by children not having their talents wasted as any left wing politician.

She had some doubts about how their individualistic leadership style would work in a school environment:

> I'm full of admiration and I am thankful to them but they are used to ruling their own roost. Many of them are not team players.

Reflecting on the occupational composition of the New Labour leadership, the Sponsor thought the group was overawed by the managerial prowess of the entrepreneurs who they thought would inject dynamism into the new academies. In the Sponsor's view, this created problems in the early stages of the programme:

> Well, I think there were lots of problems with the way the programme began and, again, if I were speaking personally, I would say: I wouldn't have started from here. It was characterised by New Labour optimism about the managerial powers of the very wealthy, for a start, and I think there was this very strong New Labour thing because none of them had every done it they had an exaggerated respect for people who had made money! And, again, it's an easy thing – if you make an extraordinary amount of money - it's very difficult not to believe that you had something to do with it.

In recalling Andrew Adonis's enthusiastic approach to sourcing sponsors in the early years of the development of the academies policy, the Sponsor considered that he conveyed an overly optimistic impression of the work involved:

> Well I think it fair to say that, to some extent, the policy was – I'm not sure what the expression would be: 'knowingly undersold' but, certainly, Number 10 and it was Andrew Adonis, who we hold in very high regard, a passionate advocate for the programme. I think we were left with the impression that this would be - not easy - but certainly all you would need to do is appoint one person to manage things for you but that everything else would be done, that you would have a project manager appointed by the then DCSF who would hire the staff in the schools and that was it. The answer is, on the whole, that if it were as easy as they said, if it were easy to run good schools, everybody would be doing it. … It is extremely tough and very demanding of time, energy and resources.

The Sponsor made a strong point about the wide variation in attitude among sponsors and the crucial difference between a sense of ownership and a sense of stewardship:

I think there is a lack of clarity. Part of the difficulty is that sponsors do tend to talk about this as though it were about ownership and that was exacerbated by the sponsorship money that was put in, in the first place. I don't think particularly that that's an appropriate model and it has now obviously shifted. …

My view would be – the optimistic one – that I think, on the whole, I find it hard to imagine any political regime that is going to want to take away a school from somebody who is doing a good job with it. So I don't worry too much about funding agreements and I think it's entirely appropriate that it's much more a sense that you're a school operator on licence.

The Sponsor thought that Tony Blair and Andrew Adonis's initial preoccupation with locating lone corporate sponsors who could offer their entrepreneurial flair to failing schools ignored issues around management sustainability and culture:

I think the same would apply for many corporate sponsors. Again, there are people doing a great and committed job but it's not their metier and - long-term - one also has to question, are they really going to stay involved long term? Like most business, you don't really reach steady state; there's always the next year's intake. They're quite fragile organisations and you have to keep on at it and set the right expectations.

In the early stages of the development of the academies programme, there was an urgent need to source suitable sponsors and Estelle Morris thought that there were times when availability took precedence over establishing the optimum fit between sponsor and school community:

In the beginning, you got the sponsors and they went around looking for schools. They went round looking for schools to sponsor and that took some time.

The Sponsor thought the Department did not think clearly enough at the start about the type of sponsor best fitted to run academies and that this was partly because of the political pressure exerted to source sponsors to short order:

And, equally, education is an area where, as everybody has gone to school, they are … expert in it [and] so you have lots of expertise longing to come in! So the general sense that this was going to be something you just take on easily was exaggerated. I think, as a result … they brought in people – you know, the lone millionaires, the corporate types and particularly outside of London where they had a tougher time to find them, I think they took on people who, with the benefit of hindsight, you could say you wouldn't necessarily have chosen to do that - and there was that drive always to get the numbers.

Section 4: Data analysis – Prime ministerial influence

There was no doubting Downing Street's intense interest in ensuring the successful launch of the academies programme. Estelle Morris stated, 'But let us also be clear that, without Downing Street, I don't think academies would have ever got off the ground' and that, 'The policy was very much driven from Number 10 and that remained so - well on into the second term'. Estelle Morris also noted Downing Street's involvement in the legislative process relating to the introduction of the academies:

> But they came from it much more from the angle of giving schools freedom and freeing schools to raise standards and the push in the early legislation for CTCs to be extended came from Downing Street … and then we put it in the last piece of legislation, if my memory serves me right, before the election. … And I wouldn't say there was any tension but I think without the push from Downing Street that the legislation wouldn't have been changed. That's my view - Downing Street owned the legislation.

Sir Cyril Taylor confirmed a number of interviewees' opinions that Downing Street played a pivotal and active part in backing the academies policy:

> Certainly Tony Blair used to have dinners with sponsors. … There is no question that Tony Blair was very important - and Andrew Adonis – both of those are extraordinary people.

Elizabeth Reid also confirmed the influence of Downing Street in determining the development of the academies policy: 'The policy was very much driven from No. 10 and that remained so - well on into the second term.' Although some of the interviewees identified the importance of the headteacher role in making the programme a success, Elizabeth Reid was the only one to expressly suggest that headteachers also played a vital part in developing the policy in the first place. This view is supported by Seldon (2007: 108) who describes Adonis, with his ideas as yet not fully formed, 'talking to a group of successful heads of secondary schools: from these conversations came the idea of giving schools greater autonomy and self-governance'. As Elizabeth Reid stated:

> Well I think the key thing to understand about the emergence of the academies policy was that it was the coming together, really, of two strands and I think what people didn't understand at the time - and are

still underestimating the importance of - was the contribution of serving headteachers, including the principals of the city technology colleges. And what changed during the run up to the general election in 1997 and thereafter was the willingness of the Labour Party and then the Labour government to listen directly and to act on the voice of headteachers – and so they had a powerful part in shaping policy and that coincided with the desire of the incoming government to re-think public service provision. So for me, that's the most important thing to say about it.

Estelle Morris presented a picture of the effort that Downing Street put into the policy to ensure its promulgation and, from a change and project management perspective, showed what such intense focus could achieve:

> If you look at how quickly the policy has developed, since 1999, it has been very rapid. The whole government system was focussed on it. The civil servants who were put in charge of the academies division … the finest minds were put together in the academies division at civil service level and there is no doubt that Tony put Andrew [Adonis] in the … DfES … to run and really support the academies programme. So, I think the first lesson it shows is what can be done when the political machinery is behind an idea.

In Estelle Morris's view, the emphasis on attracting sponsors and potential academy principals directly involved the personal commitment and time of the prime minister:

> Tony Blair put in an enormous amount of personal energy, time and commitment. He believed in academies and sponsors knew this. It was like building an elite club – and the beneficiaries were some of the poorest children in the country.

Estelle Morris described a government setting a fast pace for school reform. She conveyed a sense of a department working at high octane with a legislative programme accompanied by an intense level of interest from Downing Street. She was prescient in her analysis of where this emphasis on freedom would take the academies model if the Conservatives won the 2010 election:

> Well, if the Tories win they are, even more than Downing Street, of the belief that it's the freedom that's made them successful. And, if they use the academies model to let parents start schools – and follow the Charter Schools model – I think the biggest risk is that they, far more, far more than us, that they will take their eye off the ball that it is the quality of teaching that matters.

David Blunkett gave a sense of the fast-moving political atmosphere and the challenge of communication of new policy in the early stages of the Labour government:

> My struggle when I was Education Secretary was the speed at which I felt we had to move. It doesn't look bad now but, at the time, it felt like doing a 150 mph drive down the motorway. The speed of doing things, the ability to carry people with you whilst you're doing it, and knowing when not to intervene – that balance was sometimes hard to strike in terms of intervention, but then we would revert back and the plateau would come again.

Section 5: Data analysis – policy drift and realignment

There was the sense that the policy lost its early focus when some of the interviewees reflected on the progress of the academies policy in its middle stages. For instance, David Blunkett suggested that those promoting the policy had a worldview and discourse of failed schools which was over-influenced by the peculiarities of the metropolis and accepted by much of the London media:

> And so we went for it but of course the debate got skewed somewhat, and by 2005 we were in the desperate situation of trying to sort the lead up to the White Paper and then the Education Act, so it all got a little out of hand. I think partly because quite a lot of secondary education policy has been a bit London-centric. The driving force from the media and policy makers had been to engage in what happens in London where there is a very large private sector.

In David Blunkett's opinion, the original starting point and criteria had been lost and that the policy was being applied beyond those boundaries:

> Well, it started to move away from: We've got to replace failing schools in the most disadvantaged areas. This is a concept that has legs in its own right and I've always been in favour of diversity but I wanted diversity on a reasonably level playing field, which is why we removed grant-maintained status.

For different reasons, Sir Cyril Taylor also considered that the policy model had deteriorated over time because of political pressures and changes:

> So that is basically the story and it's lost its way a bit. Ed Balls - because I think of pressures from local authorities and whatever.

Expanding on this view, Sir Cyril Taylor thought that the increased involvement of the local authorities, especially those with a poor record on school standards, was a retrograde step:

> They haven't lost their way entirely but the local authorities play a much greater role now in whether there should be an academy. We think that's wrong because if you look at the 300 failing schools. I've got some 2008 data of failing schools we prepared for Michael Gove. They are heavily concentrated in 20 or 30 local education authorities and these are the local education authorities that created the problem in the first place. Anyway, you can see from this that the same local authority comes up again and again. And if you've got a bad local authority that has a lot of low attaining schools, to have them involved in setting up an academy, it doesn't make sense.

Sir Cyril Taylor thought that progress on school improvement had been hampered somewhat by the high proportion of the Department's budget sunk into creating new bureaucratic structures and expensive building projects:

> Then the other extraordinary thing is in advising Michael Gove on the … schools budget, I couldn't believe my eyes when doing the research that just over half goes directly into schools. Now it's true [a proportion of that] is pensions for teachers – they could retire at 50 – now moved to 60 - but the amount spent on quangos, all these strange contracts given [out] – School Leadership, Learning and Skills Council, Building Schools for the Future and there are literally tens of thousands of civil servants – very highly paid.

He also thought that the complexity and higher than necessary building costs of academies funded by the BSF programme did sometimes impede progress:

> Well, Building Schools for the Future, you're talking about ridiculous delays and huge increases in costs. The average academy is now supposed to cost £35M to build a new school. Mercers could do it for £20M. So, why are we paying £50M or more? The idea of Rogers or Foster building a school – they haven't got a clue about how to build schools. Some of the academies they are involved in – the Bexley one – is a catastrophe – with one side of the classroom empty. Or, not to have a library built in a school – mad, completely mad.

Adding another perspective to the view shared by David Blunkett and Sir Cyril Taylor, who both thought that the academies policy started with social justice credentials though then lost some of that focus, Vernon Coaker considered that the emphasis on academies as a solution to underperforming schools in deprived areas only came into serious focus during Ed Balls' period in the DCSF.

In Vernon Coaker's view, this was the only viable route if the policy were to reflect the political and social aims of the Labour Party:

> So, all the way through the New Labour period we freed up the system a bit within a comprehensive education system but how do we do that in a way that drives change, drives attainment and drives improvement without letting the market rip in a way which may benefit some but does so at the disadvantage of others? ...

> How do you reconcile that with the Labour Party's political and social objectives of equality of opportunity? Which is then when you come particularly to look at underperformance and using the academies to drive that underperformance and linking that with social deprivation and trying to raise attainment in some of the most difficult and challenging areas. ...

> When Ed Balls comes in, in 2007, then a real sense that we've got the academies programme and we will now put an emphasis on ensuring that the academies are put into the poorest areas and the weakest performing schools and we use that to drive change.

At the political changeover in Downing Street in 2007, Vernon Coaker provided his view of the differences in style and approach between Tony Blair and Gordon Brown on the matter of the academies policy and the influence exerted by the PLP on the development of that policy:

> I think therefore as time moved on, the policy change, or the slight re-emphasis towards deprivation and educational underperformance. Not only was it educationally and socially right to do, it also became more of a political necessity to ensure that the Parliamentary Labour Party stayed true to it [and], of course, in 2007 Gordon took over from Tony and Tony had pushed it more towards – you know, there's always a tension – he would have been: Let's free the system up a bit, Gordon would have been more cautious and measured about it.

A key turning point in the development of the academies policy was the backbench controversy over the Education and Inspections Bill when concerns about the direction of the policy were aired. As David Blunkett explained:

> So that's where the emphasis was in the Green Paper and where I was at, which is to say that this is not an anti-local authority move but nor should the local authorities be against diversity and greater independence for academies. And, therefore, the local authorities' role was to try and ensure that what happened wasn't a cuckoo in the nest, wasn't a damaging experience for other schools and other pupils, and to make the process of collaboration between academies and other schools as sensible and rational as possible.

In Blunkett's view the White Paper reflected misaligned sets of concerns emanating from Number 10 and from Ruth Kelly, then secretary of state; concerns that stemmed from the social democratic attitudes of the pre-New Labour days – vying with the necessity of reform:

> The White Paper was schizophrenic. It was written in two halves, you just have to read it to see. There has been that divide in Labour thinking from the time I took over the brief in 1994 and we have struggled to get the balance right.

As the academies policy progressed and the first few were opened, there were signs of a split between Tony Blair and his advisers and the Treasury. This primarily concerned the high level of expenditure attached to the academies programme with a NAO report in 2007 posing questions about value for money and the building delays connected to BSF. Matters came to a head when Tony Blair announced a doubling of the target to 400 academies, despite reservations from the Treasury. In reflecting on the growth of the academies programme, Estelle Morris thought the decision to double the target, taken by Blair a short while before his departure from office, was a premature move at a time when more evidence about the effectiveness of the programme was required:

> I think the target for 400 was wrong … I don't think the evaluation had been done and I think we should have done a proper evaluation.

She was also convinced that Gordon Brown and Ed Balls were uncomfortable with the forward direction of the academies policy:

> I think they were not in favour of them. I think Gordon was not in favour of them for the same reasons I was worried about them. I mean, the risk of them becoming selective.

She indicated that the academies policy was one of a number of issues that divided Blair and Brown in the changeover negotiations (also see Blair, 2010; Rawnsley, 2010) and that Balls set about making some adjustments to the policy in a rather low-key manner:

> I think Gordon worried about it in the same way I would have worried about it and anyway there was the ongoing row between the two. I think that when Ed came in, he made some very quiet changes. I didn't understand why they were quiet. If you want to make a political point, I would have made a big announcement.

She conjectured that Ed Balls, though initially lukewarm on academies, was persuaded of their worth once he had visited a few of them in his new role as secretary of state in the DCSF:

> But I do think also – and I haven't had a conversation with anyone about this – I think Ed visited them and thought they were good schools and my reading is that he was really impressed with them and he's a sensible man, he cares about kids and he thought: Why would I want to stop these schools? That's been the story, really – we've all come from it with a philosophy but when we've seen the schools, it's been slightly different than what we'd thought.

As the academies programme expanded, Vernon Coaker emphasised the need to gain local agreement:

> It was the 'quicker expansionists', the 'hurry it up' versus those who wanted a full stop and, in the middle, there were loads of us saying: There must be a way of expanding but concentrating where appropriate - and you get local agreement. I mean I think it is important – most of the academies weren't foisted on people. I mean there were some examples where that was not the case but, generally, it would have been by local agreement.

Elizabeth Reid acknowledged some differences in approach brought about by the varying success levels of academies though, as far as she was concerned, at the level of policy implementation, the resources and the commitment remained unaffected by the changeover at Downing Street:

> Now, have there been some differences – yes. Did Ed Balls, as secretary of state, put some constraints on academy freedoms – the answer to that is 'Yes' but it's also true, that by that stage, we knew a lot more about how well academies were working out and it's well known that there were, and are, some cases of failure.
>
> The question now is why was that? Why didn't it invariably work? It didn't invariably work because the difficulties were very real and very intractable, whatever kinds of governance or buildings you put round the people.
>
> And so I think that Ed Balls reacted in some ways to that. But was there any difference in terms of support for the programme and the resources available to it – absolutely not. It's evolution in the way it comes to all policies and programmes as the surrounding circumstances change and knowledge is acquired.

The Sponsor had another interpretation of the policy shifts that took place in this period and questioned the wisdom of the decision of Ed Balls to entrust some poorly performing local authorities with the co-sponsorship of academies:

> I think one of the depressing things about the shift in policy with Ed Balls, where the impression - I believe he does care personally about social justice – from our perspective, read like somebody playing this time to *The Daily Mirror* rather than to *The Daily Mail* and playing to the local authorities. So, completely backing off from the independence piece, allowing local authorities that had done a bad job, to be co-sponsors or to run the thing.

In predicting the direction of the academies policy, had Labour remained in power after the 2010 general election, Vernon Coaker assessed the impact of the programme and outlined the likely route:

> So, therefore, in the same way as in comprehensive education, there was an educational and a social objective. The academies programme was I think both of those as well and has - and is - making a considerable difference. I mean the interesting thing to me is where we would have gone because we would have expanded without a shadow of a doubt. … An increasingly accelerated expansion of academies concentrating on the most deprived areas and the most underperforming schools …

Section 6: Data analysis – accountability and the future of the academies policy

The Sponsor questioned what the word 'accountability' actually meant when comparing academies run through funding agreements with those schools still under the control of the local authorities. In the Sponsor's view, the academies were quite heavily scrutinised when compared with other schools. The Sponsor did feel that civil servants – with the amount of data available to them concerning the performance of academies – should take prompt action if an academy was failing:

> Academies in practice arguably have been more accountable than their predecessors because the degree of monitoring and engagement by the DCSF (now DfE) and Ofsted has been pretty intense. They are highly regulated and observed but one of the things that seems rich to me is this somehow suggests that elsewhere there is this body of accountable schools that are all doing fantastic things and responding to the needs of their community. …

> I think that the academies – I'm not sure that the accountability has always been well used by the Department because I think they should have been tougher in some instances. One of the things I hope they will do is to be brisker about moving people on. … This is not just about even taxpayers' money – it's about children's lives. You have an obligation to do the best for them and - if you're not – you should be brisker about that.

Sir Cyril Taylor had the view that unnecessary levels of government oversight and the onerous inspection and league table practices applied to schools were detrimental to school improvement and that headteachers needed more freedom to exercise their judgement and communicate more directly with parents:

> New initiatives, micromanagement by the Department, I mean I think there should be a complete revolution in the schools. … The headteacher of an academy, because it's a private foundation directly funded by the state, has control over its own budget, control over hiring and firing. We should have the very best headteachers working for our schools, give them the maximum freedom, and hold them accountable. I'm suggesting in my article in *The Sunday Times* this week that instead of all this wretched - I mean, just publish the league tables in February almost the last summer. … Require schools to put on their own website all the information that a prospective parent would like to see and then have Ofsted check once in a while to see that the numbers are accurate. So, in effect you would have the schools providing the information themselves. It would have to be required it wouldn't be voluntary.

Sir Cyril Taylor painted a portrait of Sir Phil Harris, one of the early entrepreneurial sponsors who had established a federation of academies. As a trustee experiencing the management and accountability practices of the federation at first hand, Sir Cyril Taylor considered that the idea and practice of accountability was embedded in the organisational culture without the need for any intervention from government:

> If you take somebody like Sir Phil Harris, he was an orphan at 16. He inherited one carpet shop. He couldn't even sign a cheque and he had to have a lawyer sign it. He now has 600 carpet shops. He's severely dyslexic. He sponsored initially the Sylvan School, it was actually a failing school, it's in Croydon. I think it was getting 10 percent 5 A – Cs or something. It was closed, reopened as a CTC, an independent charitable foundation. He had a passion that everybody should have a good education; he was very concerned about dyslexic children so a large proportion of the children – 15 per cent of 180 coming in each year are dyslexic. He's set up a specialist unit there and the school now gets a 100 per cent five A – Cs. It's one of the best schools in the country and they are oversubscribed ten times.

He now has a federation of nine academies and I'm one of the trustees and the accountability – the internal accountability - each chair of governors is a member of the centre of trustees. … We're not using the government to motivate the schools - we're using the Trust. Each quarter when we have a Trust meeting, there's a sheet of paper with finance, attendance, exam results, whatever and woe betide a school that is letting the group down. The other eight are after them!

Sir Cyril Taylor spoke with some feeling about the difficulties of achieving consistent progress in such a complex area as school improvement, given the frequent turnover (with some exceptions to the rule) not just of education ministers who have a short time to prove they have made an impact but also senior civil servants whose career and salary progression depends on frequent movement around the departments of state. In this way expertise is not able to develop fully and knowledge and experience of previous initiatives is lost; an issue also noticed by Bangs et al (2010) in their recent exploration of strategy development in the DCSF and its predecessor departments during the New Labour period. Sir Cyril considered that his level of influence as an advisor to secretaries of state depended in part on a knowledge base built up at a consistent level over many years:

I think that the whole civil service structure needs fundamental reform. I was special advisor to five Conservative Secretaries of Education and five Labour (Secretaries of Education) from 1987 to 2007. If you remove long-serving people like David Blunkett and Kenneth Baker, the average stay as secretary of state was about a year and a half – or less. Such a complicated education department – just to even learn the basics, it would take a year.

But that's only the start of it. You then look at the way that the civil service is run. You can't be promoted or have an increase in your salary (other than the annual inflation rate) if you stay in the same job. So not only were the ministers changing, but in ten years I probably had six permanent secretaries and six Director Generals of Schools and, at the lower level, you would be lucky if they stayed a year, so it's the blind leading the blind. One of the reasons that I did develop so much influence is that I was there for twenty-two years. My files in the room there are probably better than a permanent secretary's files. …

And then with the constant change – every time there is a new secretary of state, he or she wants to make their name and so they come out with a whole new bunch of new initiatives. Last year, headteachers received new initiatives and regulations totalling 3,000 pages - completely ridiculous.

The utilisation of organisations and agencies outside the traditional public sector to deliver public services raised key questions about the new capabilities that are required of the civil service in the identification of suitable suppliers and the management of contracts, especially where there is poor performance. The Sponsor articulated the following concerns:

> For me, perhaps the crucial ingredient, and the same would be true for the role of central government and local government: that the key things are now going to be about commissioning and accountability and both of those are something that government finds extremely hard. On commissioning – this is now, on the language of commissioning - this is what the local authority should be doing – the commissioning role. The problem is that what government naturally wants is a kind of tick box. They want a process that can be followed so they can say: Well, if I've done this, then I've done it right. I've often seen the civil service definition of risk – completely different from the way you'd see it out in the rest of the world because it's simply about saying: I've followed this process, I'm aware of this. It's not: Have I mitigated that risk? It's just: This is what I've done.

> Similarly with commissioning, it's not about the rights of the would-be providers; it's about the rights of the children to have a decent education. As commissioner, you have to have a very clear sense of what your criteria for selection are but then it's an art and not a science. You're making judgments about things, so you can't just do the 'tick, tick, tick' stuff. You have to decide and you also have to recognise that you acknowledge you are taking a risk and some aren't going to work out. … There's no system that will eliminate risk but if you acknowledge it at least then it allows you to get properly rigorous about accountability.

Giving advice later echoed in the NAO report on academies published in September 2010, Sir Cyril Taylor recommended that clearer rules should apply to ensure that sponsors' private business interests should be kept well away from the running of academies:

> But you talk about the democratic thing … the criticism is: Oh, they're not subject to electoral control and they're anti-democratic and why should an individual sponsor be given all that money from the taxpayers to run a school the way he wants.

> Well, I actually didn't agree with Andrew Adonis abolishing the initial upfront payment. He probably did it because of the economic crisis but 98 per cent I would say of the sponsors are dedicated philanthropists. They are doing it for public good and to raise standards. So, the idea that they are doing this because they want to make money is ridiculous.

I think it is absolutely essential that they are non-profit institutions – that's really fundamental.

In considering the further development of the academies policy, Sir Cyril Taylor foresaw a renewed emphasis on the critical role of the headteacher, a realignment of funding towards the front-line and a reduction in bureaucratic constraints:

It depends on who takes over but I think if the Conservatives do become the next government, I think you will find that a lot of these quangos will just be shut down. Michael Gove strongly supports the principle of hire fantastic headteachers, empower them to get on with it, and give them the maximum possible share of the funding. And then have accountability that is fair and transparent and consistent – and don't keep changing it. Stop the changes - no new rules for five years.

David Blunkett considered that the routes to accountability in a diverse school system had yet to be fully addressed and that this would become more urgent if further diversity was introduced if the Conservatives came to power after the 2010 election:

Yes, there is and I think we need to have it and that will be particularly true if we have even more float-offs of 'anybody can start a school' because there will be accountability for performance, there will be accountability for resources, there will be accountability for what they do for other bits of the service – which is probably the one that will get the most attention. Because, obviously, the actions of one set of people have an impact on the others – not least the resources foregone or resources taken away.

In looking ahead to the direction of the academies policy under the direction of the Coalition government, the Sponsor's analysis of the initiative to allow 'outstanding' schools to transfer to academy status was as follows:

The outstanding academies are a distraction, a way to kill off the local authorities. We'll see what happens on that. It's not germane, I don't think it is particularly helpful and I think it's certainly a distraction from the business of dealing with the underperforming schools.

Looking ahead to the development of the academies policy after the 2010 general election, Elizabeth Reid envisaged a strong shift of the whole school system towards the academies model and that this would be achieved without any great fuss:

> Well, I think that is important. If there is a period of two to three years, I think, in that time, a very significant proportion of secondary schools will opt to become academies – unless they were manifestly unsatisfactory - and those would have to be approved by the secretary of state. And I think a significant proportion of the strongest primaries will become academies and I don't think actually that this is going to be accompanied by any great level of outrage or public dispute or difficulty with the trade unions - because I think the world has really changed.

Summary to chapter 5

In returning to the research question at the start of this chapter that asks what the discourses of those who supported the academies policy revealed about democratic values and constitutional practice in policy-making, the following reflections and conclusions come to mind:

Firstly, the presence of varying personal values and priorities that motivated the individual interviewees to support the academies policy. For example, in Estelle Morris's case it was a commitment to social democratic principles, while for Sir Cyril Taylor, it was a conviction that greater independence of action for schools and sponsorship from outside would improve standards.

Secondly, despite the varying political philosophies present in this group, there was a single 'value' that united them and this was a deep sense of moral obligation to address the problem of failing schools. For most, this duty was placed in a pre-eminent position. The variation came with the outcomes they sought and the policy methodology. For the government ministers interviewed it was about closing the social class gap whilst maintaining some connection to the local authority, albeit at a distance. For Sir Cyril Taylor and Elizabeth Reid, it was about national and individual development and an enthusiasm for the use of private enterprise in public service and the crucial role of the headteacher.

Thirdly, in terms of decision making, it was apparent that the intermittent presence of the local authorities in Phase 1 and Phase 2 when they moved from disempowerment to re-engagement (with limitations), the invisibility of the teaching profession below the level of 'super-head' status and the lack of

involvement of the wider PLP in the initial stages all contributed to a further concentration of policy decision making within Downing Street.

Fourthly, some aspects of the programme were not as successful as anticipated. Some members of this interview group had concerns about the sponsorship model and what it contributed to the success, or otherwise, of particular academies. Estelle Morris thought that there was not enough evidence to justify expansion when Blair decided to do so in 2006 and, in the next chapter, the lack of evidence infuriated those who opposed all or some aspects of the academies programme.

Fifthly, in terms of constitutional practice, the interviewees mirror the findings of the literature review in confirming the involvement of Tony Blair in launching the programme and ensuring that it became a priority in the work of the DfEE and then the DfES and they convey a sense of the great intensity of effort at Downing Street. Their recollections confirm that changes to the academies policy were still made at the top of government once Blair left office. When Brown took over from Blair as Prime Minister, Ed Balls demanded a rapid curtailment of aspects of the academies policy that those opposing academies found most objectionable. It is also interesting to note, given that most of these interviews were conducted shortly before or after the general election of 2010, that some of the interviewees were quietly confident in predicting a further readjustment and acceleration of the policy if Labour were removed from power.

In this present chapter, the differences in motivations and values among those who were interviewed were at times significant. In the next chapter there is more of a sense of a single voice speaking with social democratic and constitutional values held in common. The interviews with those who contested and campaigned against the academies policy and the reaction of some sections of the general public revealed in the case studies in chapters 7 and 8, indicated that the articulation of democratic values and the belief in the link between schools and democracy was in vivid evidence.

CHAPTER 6: INTERVIEW ANALYSIS: THE OPPOSITION TO THE ACADEMIES POLICY

Introduction and chapter outline

When interviewing the previous group who had been directly concerned with the development or implementation of the academies policy in the New Labour years, the message that emerged was that the drive to do something about failing schools was founded on the belief that introducing further choice and diversity into the secondary school system was the best route to improve the life chances of pupils. As far as the interviewees who opposed the academies policy were concerned, their analysis was that deploying such mechanisms to schooling harmed the prospects of those pupils and families who, for a variety of reasons, were unable to leverage such market tools to their own advantage.

The interviewees noted their fear of the creation of a two-tier arrangement of advantaged and disadvantaged schools. This concern stemmed from a commitment to the ideals of comprehensive education and they saw the academies policy as directly impeding its principles and values. It is worth noting that the politicians and sponsor interviewed in the previous chapter and the sponsors of Furness Academy interviewed in chapter 8 also communicated a commitment to the principles of comprehensive education and would not have thought their actions were in contradiction to that purpose.

For the interviewees who contested Labour's academies policy, the connection they made between schooling and democracy and the value they placed on that connection, was central to their argument. Later in this chapter, Melissa Benn notes the common difficulty of establishing organisational cohesion within and between left-leaning wings of the Labour Party, unions and educational interest groups but their shared values in contesting the academies policy resulted in a focussed campaign. In the following analysis, the interviewees put forward their rationale for maintaining the ties between schools, local authorities and the system of representative school governance at community level.

The interviewees in this group were:

Francis Beckett - An investigative journalist and author with a long-time interest in Labour Party politics. He has produced three publications relevant to some of the themes in this thesis: *The Blairs and their Court* (2004), *The Great Academies Fraud* (2007), and *Gordon Brown: Past, Present and Future* (2007).

Melissa Benn - A journalist and writer on education and other areas of social policy. She is on the steering group for Comprehensive Future, a campaigning organisation dedicated to securing fair school admissions. In 2004 she co-edited with Professor Clyde Chitty *A Tribute to Caroline Benn: Education and Democracy* and, in 2006, co-wrote a pamphlet with Fiona Millar for the campaigning group Compass entitled, *A Comprehensive Future: quality and equality for all our children*.

Fiona Millar – An educational journalist and school governor, chair of the steering committee of Comprehensive Future, a regular columnist for *The Guardian* and co-writer of the pamphlet on comprehensive education mentioned above. In 2004 she researched and presented a documentary for Channel 4 on school admissions and parental choice, *The Best For My Child*. She was adviser to Cherie Blair in Downing Street from 1997 to 2003.

Patrick Roach – Deputy General Secretary of NASUWT, the largest non-aligned trade union for teachers, deputies and heads. The union is formally opposed to the academies policy though actively engages with government and sponsors in representing the interests of its members employed by academies.

Alasdair Smith – A secondary school teacher in north London for fifteen years and now senior lecturer in education at London Metropolitan University. He is national secretary of the Anti-Academies Alliance and was active in a number of community campaigns against the placing of academies, including the Islington Green School campaign described in chapter 7. He organised the informal Committee of Inquiry on academies held at the House of Commons in June 2007.

This chapter presents the analysis of the interviews under six headings: democratic values and the comprehensive ideal; the impact of the levers of choice and diversity on social justice; school governance and local democracy; prime ministerial influence; the role and status of the local authorities; and finally, the role of Parliament. The material aims to shed light on the following research question connected to this thesis: What do the discourses of those who opposed the academies policy reveal about democratic values and constitutional practice in policy making?

Section 1: Data analysis - democratic values and the comprehensive ideal

Alasdair Smith, the national secretary of the Anti-Academies Alliance, saw democracy as a guarantor of certain rights of access. For him these rights were implicit in the country's constitutional values. Taking democracy out of the picture left society open to the indiscriminate forces of the market place. In his opinion, private education had already had a negative impact on the notion of equal access but the remaining resources should be equally distributed:

> Well, I suppose it goes back to my fundamental basic tenets of equality, really. Every child is born equal – we don't have a constitution that says that – but they are – and every child should have access to the best possible education available and that means a good local school for every child. And democracy is the only guarantor of that.
>
> Interviewer: And why is it the only guarantor?
>
> Why is it the only guarantor? Because if you don't have democracy you have privilege and you have people who have power getting a large slice of the cake. You know, we haven't discussed genuine private education, which is still a fundamental problem with our education system. Seven to ten percent of the population go private. So we are already skewed but where we have finite resources, the distribution of those resources has to be democratically used and if we don't have a democratic mechanism, people will pilfer a bigger share and that's what will happen - they will corner a better share.

Thinking along similar lines and extending the argument further, investigative journalist and author, Francis Beckett considered that democratic control of

schools was the method by which citizens could gain an assurance of protection and fulfil a natural parental ambition of a better life for succeeding generations:

> Democracy is the only way that people have to protect themselves. To protect yourself against government you have to have a vote. If you don't have a vote, you have no protection. If you have a vote, you don't have very much but it's better than nothing. Most people vote out of self-interest and some political scientists say that's dreadful – people voting out of their own self-interest - but I say that's good, that's how it should be – and there should be more of it. If you're very poor and unemployed and you live in the city, if you have been able to think about it at all, you think in terms of somebody who can help you provide for your children a slightly better life than the one you think you can give them now.

The requirement that citizens be assured of democratic control of their schools held a wider meaning for Francis Beckett. He linked what was happening in schools to the way the country had, he thought, slipped its moorings in terms of democratic values:

> So, it's the only sort of protection that we've got. I think that we are under huge attack at the moment. All the things that we take for granted, it sounds dramatic but all the things we fought the Second World War for, all the things we have taken for granted I think are under threat in a way that we haven't seen before. I'm talking about the idea of replacing voting with consumerism.

For Francis Beckett, the beliefs that underpinned purchasing behaviours and consumer choice in a commercial context had no place in decisions concerning access to the social resource of state education:

> The point is that you're removing the traditional idea of how you control schools. You are taking that away and replacing it with a consumerist view of how you control schools. Now if my local branch of Tesco spends a million pounds on décor and on price cutting and so on and my local branch of Waitrose does not, I would probably go to Tesco … I don't mind that principle operating when it's supermarkets but I do really very much mind it if it's the local school.

Francis Beckett argued that the shift in government expectations regarding the role citizens should play within a neo-liberal state - away from being political decision maker and voter and towards being a consumer of services - made it easier for democratic values to be compromised:

> The idea that we are losing – sinking deeper into losing everything that we just took for granted - extends beyond that. Once you get rid of the

idea of voting, you can get rid of all sorts of other ideas like, for example, torture. Everybody's taking notice of the Chilcot Inquiry but no one is taking much notice of the Binyam Mohamed case. Very interesting - what did we do? We went and tortured people. … Once we – you know there are a few things that you can't let go of like we don't actually torture people, it doesn't matter who they are. If we had Adolf Hitler locked in the basement downstairs, we would be saying: Well, give him three meals a day and don't touch him before we can bring him before a court.

Francis Beckett questioned the practical reality of government claims about parental choice of secondary school, especially in areas where there was often no choice at all, making it even more vital, from a democratic perspective, that any changes in provision carried the support of the local community. He illustrated this point using the example of a community under pressure to agree to an undesirable option:

But in a rural area you very seldom have a choice … your secondary school is your secondary school … well you want to have some say in how it is run … The government was saying: We will withhold BSF money unless you go down the road advocated by [sponsor's name] who controls large parts of education in [region's name]. And, well they [the campaigners] said: We don't mind, we'll do without your wretched money – we're not having it. … Eventually, if you kick people around enough – they rebel.

For Blair and his advisers, the discourse on the academies was that a new building, a different culture within the school, a dynamic sponsor, preferably a new school principal and greater freedom over finance and the curriculum would all combine to improve standards and remedy disadvantage. On the other side of the argument there was more recognition of external socio-economic factors outside the schools that impeded scholastic achievement. As the deputy general secretary of NASUWT, Patrick Roach, stated:

You know, we have got to apply new ways of thinking about public service delivery if we are going to address this issue of educational disadvantage, which is inter-generational. But we also took the view that fixing that problem didn't simply lie in terms of what happens within the perimeters of the school, it actually required … a wider ranging strategy involving schools, educational providers, involving local authorities, involving other parts of the state in making a difference and transforming the lives of those children and young people. So it's not just about the diet that you are fed in terms of the curriculum that's on offer in the school, it's about the life you lead beyond the school, it's about the quality of life at home; about your parents' ability to access employment and access well paid employment.

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Some of the interviewees in this group explicitly challenged what they saw to be an instrumental view of the purpose of schooling held by governments. For them, schooling in its broadest sense was about preparation for citizenship not just a mechanism to create the future workforce or ensure economic competitiveness in a global market. For them, schools needed to be truly comprehensive in nature in order that children were brought up in an inclusive society, starting a journey towards citizenship together. As Alasdair Smith noted:

> I also think there is something fundamentally progressive about the notion that whatever your class, you are educated together. I think it is good for middle class kids and I think it is good for working class kids to be educated together. … I think children have got to grow up in the community they come from – whatever that community is. It's a complicated, difficult world we live in and our children have got to experience all the different facets of that and grow up in it.

Melissa Benn made a direct link between the comprehensive ideal and democratic values. She argued against an instrumental view of education in favour of the development of community cohesion and citizenship. For her 'anyone' might manage an instrumental system of schooling but a school system based around citizenship required something more:

> Well we start from the point of view of talking about the importance of state education. As education for the individual in the sense of entitlement of the individual citizen to realise their full potential in life, to have equality of entitlement to access educational opportunity. We think that's really important. But also, in the context of how young people develop and mature, it's really important that they are doing so and are able to contribute to a cohesive society.
>
> So if education is reduced to a mechanism, an instrumental mechanism to passport young people into the labour market - well anyone frankly can do that. If education is about the whole person, and the person's place in wider society, then education has a different role to play and a different responsibility in terms of ensuring that it is accessible to all, that young people are able to meet other people from diverse backgrounds: backgrounds different to themselves, where young people gain a wider world view, a wider sense of their civic responsibilities, their wider social responsibilities and how to carry over those responsibilities into their daily lives.

Melissa Benn contested the view that those seeing the academies as an inhibitor to the comprehensive ideal were not themselves also deeply concerned

with pushing for high standards of achievement in schools. This was certainly a critique communicated in the previous chapter from those involved with initiating or supporting the academies policy. Recognising that some academies had been successful, Melissa Benn argued that the same attention paid to existing state schools might have achieved similar levels of success:

> We mustn't be allowed to be put in the corner - that we are standing for mediocrity and a sort of controlled chaos while our political opponents are standing for military discipline and high results. It's important to keep on articulating what we all stand for. The academies that are failing are easier to dismiss obviously but there are academies that are doing incredibly well and I suppose the argument there is that there is no reason why comprehensives couldn't do well.

Section 2: Data analysis – the impact of choice and diversity on social justice outcomes

For Francis Beckett, the academies policy had nothing to do with social justice. Using as evidence the deviation of the policy from the original criteria concerning failing schools in deprived urban areas, he stated:

> Because it was never about that at all [social justice] - actually, essentially, I don't think there is much pretence any longer that it is. When you've got private fee-charging schools being able to turn themselves into academies … these are parents who were obviously able to afford to pay fees. Parents who are able to afford to pay fees are – to put it mildly – not the parents we thought that the academies programme was aimed at in the first place.

Alasdair Smith made the direct link between school diversity and class. For him it was a straightforward mathematical connection:

> I would think that where you have a diversity of type of school, you're more likely to get social segregation. So, the direction of travel is more likely to lead us to social segregation.

Fiona Millar was one of the few journalists who investigated schools' admissions practice during this period. She produced a documentary for Channel 4 on the issue as well as discussing the topic in a regular column for *Education Guardian* and believed that this coverage ultimately contributed to legislative changes to rules on school admissions:

> I made that film for Channel 4 about school choice and that may have been the first time that anyone had done a big journalistic programme about schools admissions particularly. I got the column in *The Guardian* - I remember then finding the piece incredibly hard to write because it was such a complex area and nobody had actually articulated this bigger argument about different admissions policies. Parents knew it was happening on the ground but nobody had ever said that it was incredibly unfair and that culminated in the campaign leading up to the 2006 Act and that did lead to the tightening up of the Admissions Code.

In the early days of policy development, Fiona Millar thought that the Department was not fully cognisant of the negative implications of the link between admissions practices and the contract nature of the academy arrangements that lay outside any statutory control:

> So I wasn't really aware of academies until about 2002 and I remember a discussion with somebody in Number 10, one of the policy advisers that I got on very well with, about academies and querying their admissions arrangements because I'd always been very interested in school admissions and he said: Oh, they'll be absolutely fine - and I actually think I even had a very brief word with Estelle Morris at the time of the 2002 Education Act. She said: Oh no, it'll be fine - they'll have to abide by the same admissions as all other schools. Of course that wasn't the case because the law that covers maintained schools didn't cover academies and they weren't bound by the Admissions Code for maintained schools in the same way but I don't think anyone really understood that.

Fiona Millar recognised that the Admissions Code was difficult to apply if a school chose not to cooperate:

> There was this big issue about the London Oratory School because the then Code of Practice said that you had to pay 'due regard to the guidance' but that it wasn't obligatory to follow what the Code of Practice said. So The Oratory had looked at the Code, which said it was best practice not to interview pupils and they said: We have had a look at it and decided to ignore it. They got taken to court and they won in the High Court. That became a really key issue because it was totemic of what schools could do under the Code of Practice at the time if they were given control of their own admissions.

Part of the new market environment included a lack of enthusiasm for the presence of unions in schools. Once academies were established, the contract between teachers and employers often included gagging clauses and it was difficult for unions to find a way of bringing their views to bear in any collective sense. As a politically non-aligned union, NASUWT opposed academies in

principle though still needed to maintain an active interest in protecting the interests of their members who had moved into these schools. As Patrick Roach stated:

> So our twin track was really: a campaign of opposition to them being established but, where these academies were established, to re-engage as constructively as possible within those academy schools.

In Patrick Roach's opinion this was easier said than done:

> That itself was extremely difficult because part of the new rules of engagement that were set by the government at that time were not only that [national] pay and conditions were out of the window but that trade union recognition was also out of the window. So with some of those early academies … it was an extremely difficult task that we encountered in trying to get sponsors to recognise us beyond the issues of individual representation of members in those schools. But for collective bargaining purposes and to have meaningful consultation and engagement and negotiation with those sponsors, trying to get through … the school gates was extremely difficult.

On being asked to look to the future to predict where schools policy might go after the 2010 general election, Melissa Benn thought that a Labour victory might serve to bring academies closer to the fold of state schools while a Conservative victory would seek to finish off the comprehensive movement. She offered a theory of 'two competing revolutions':

> In my mind I see two school revolutions that are still battling in our national life. There's the original comprehensive movement which I think was a revolution – I think it was one of the most radical ideas ever that you bridge this class gap and you educate our children together and it was never allowed to flourish by any government - and then this new revolution, which is really about finishing it off for good.
>
> That's my analysis. And the academies are a little hinge in that, which, if the Tories win, will be a footnote and if Labour wins, it will be very interesting to see. It could be that if Labour win with enough support that they bring the academies with all their good elements – good quality education for the urban poor – back into the local family of schools. And that could be done with a few more bits of legislation. It's not the end of the story yet.

Patrick Roach held the view that the social justice aims contained in the Coalition government's plan published in the summer of 2010 to allow schools

rated 'excellent' by Ofsted to become academies was window dressing and that the remaining schools would be left disadvantaged:

> This is privatisation pure and simple; nothing to do with educational disadvantage although, again, the Coalition government will often drop in the suggestion that this is going to be about tackling disadvantage but, you know, fast-tracking outstanding schools to academy status is not about tackling disadvantage. Some of those schools are in some of the most affluent areas: they will cream off the lion's share of resources from both the DfE and from local authorities by being in the first cohort of these new academies and the rest will have to cope with whatever is left.

> They've decided that academies are the answer and free schools are the answer as well. ... There are no limits to their ambitions in this regard. There's a fundamental belief that state schooling is a mark of failure and that privatisation is the route to delivering world-class education. … We are seeing a Coalition government, which, whilst it claims [in the Conservative Manifesto] to want to engage the people of Britain in 'joining the government' … what they're actually saying is, by dint of the way in which this policy on academies has been formulated and the [Academies] Bill that has been drafted, is to exclude the people of Britain.

Section 3: Data analysis – school governance and local democracy

For Fiona Millar community-sourced school governance was an essential ingredient in a democracy:

> I do think that the principal objection – and the one that must be made consistently - is about governance and how we make our public services accountable.

It was not just the issue of losing the involvement of the local authority as a conduit for accountability and ensuring 'entitlement of access' to schooling, Fiona Millar made a case for the preservation of representative school governance and thought that even some headteachers failed to appreciate the democratic role such bodies played in decisions affecting the schools they represented:

> Too few people understand governance – that includes many politicians. No one ever talks about school governance. I noticed there was a letter in *The Telegraph* earlier this week from 31 headteachers about how they were all going to become academies when the Conservatives won the election – as if they didn't have governing bodies! That decision would have to be taken by the governing bodies – not by them – unless Gove is going to do something really radical with

the law and give the power to one single individual to make that decision. But nobody questions that. I mean headteachers think they are very, very powerful but actually they are answerable to their governing bodies. They know that and the governors know that but the wider community and politicians don't understand that.

One of the issues was the lack of redress in a school system that was controlled centrally. As Francis Becket stated:

> The local authority is an elected body itself nominating governors and that's broadly what makes up the old style governing body. Not perfect but it does mean that if you're a member of the local community you have a say through your local council. If you are a parent, you have a say - you can elect a parent-governor. If that parent-governor doesn't do what you want them to do, you can elect somebody else or you can stand for the job yourself.

For Fiona Millar, the prospect of an acceleration of schools leaving the fold of the local authorities and the potential relaxation in some of the admissions rules in the academy funding agreements meant the death of a locally accountable schools service:

> But if they encourage a lot of existing schools to opt out, and then rewrite the funding agreements, they could create absolute chaos and if they pare down the [Admissions] Code and undo all the improvements to the Code that have been made which a lot of these autonomous state schools feel quite angry about, it will be a nightmare for parents – and if the schools governing bodies don't in fact include parents, and are run by private companies and so on, the parents will find that they actually have got no leverage at all and that the local authorities have got no leverage.

Fiona Millar was frustrated by the attitude shown in some local authorities that, in accepting or 'sponsoring' academies for their areas, they would in some way maintain control:

> I mean I find it very annoying that so many Labour and Liberal local authorities in particular have gone along with this academies project creating the impression that they will be able to control these schools. They have, in fact, legally no control on them at all. I think Westminster [Council] has brought out a report where they pointed this out completely. … They produced a report to say that they haven't got any community schools left in Westminster now. Having created all these academies, two of them have been through difficult times but the local authority has no control.

Section 4: Data analysis – Prime ministerial influence

As with most of the interviewees, Melissa Benn clearly identified Blair with the start of the programme, though noted that very little was said about the academies idea in the first New Labour administration. Once the academies proposal started to register, she noted the 'cleverness' of putting a policy together that merged market ideology with social justice outcomes:

> Yes, I was trying to think about that. It was actually quite late within the New Labour project. I mean, if you go back to the '97 period … it was pretty much no selection, it was putting money into schools, it was 'education, education, education' but there was pretty much nothing about academies then. Labour, in fact, had been known for opposing city technology colleges, the Harris schools and all those places. It's a good point actually, I mean I was trying to remember - academies suddenly came over the horizon and I suppose that was at the point where Blair and Adonis decided that this was the way forward. And, you see, I had always thought that there was something quite clever – and you see it in the Tory policy now – it's part of this new 'market plus caring about the poor' equation. …
>
> I mean, in a way, the more I found out about academies the more I loathed them but there were moments where I could understand why, improperly projected as I think they have been, they seem rather appealing. It's saying: Let's put these beautiful new schools into inner cities which need them – no-one can argue with that – let's drive up standards – who could disagree with that? It's really – I mean we may be coming on to that – but it's the way that it's done, it's the effect it has on the other schools.

Melissa Benn, in describing how she first became aware of academies, tied the policy in with the wider context of Tony Blair's political zealotry. She already had deep concerns about the difficulties created by school diversity policies on the comprehensive system. Her concerns about the academies at that point were that they were perceived as 'schools for the poor', vulnerable to the requirements of local employers and counter to the comprehensive ideal:

> Well, yes, when did I first come aware of it? It was all part of the post-Iraq, Blairite messianic: I haven't got long to go and I'm going to make a change in public service reform. … It [the academies policy] was all introduced rather quickly and it's amazing the amount of schools they have rebuilt with BSF money.
>
> So, then I became aware of it – but it always has been a slightly separate thing from the question of comprehensives, selection, and faith schools. I mean, partly out of personal experience, faith schools

play quite a big role in creaming off the middle classes in areas like this. So I felt quite passionately about that. Whereas the academies – I know this isn't the case everywhere – but on the whole I do think they are seen as schools more for the poor. I mean, I'm putting lots of things into it but one of the things that really worries me is the impoverishment of their philosophy, the impoverishment of their curriculum, the impoverishment of their aims.

And also the connection between academies and local employers - I mean we talk about the involvement of the private sector and it horrifies me, absolutely horrifies me that employers will buy a school, in effect, in order to have apprentices they can draw from. I just think that is utterly against what education should be, which is an independent institution … a period in a child's life where they develop themselves quite separate from employment. So I think that connection to the academies is utterly wrong.

The interviewees opposing the academies policy supplied their interpretation on the thinking, motivation and actions of the Labour government as the policy was developed and then implemented. The interviewees considered that Blair and his advisers dominated the inception and the implementation of the policy and their main criticisms were aimed at Blair and Adonis's 'version' of the academies programme (Phase 1). The modifications instigated by Ed Balls during Gordon Brown's premiership reduced some of what they viewed to be the policy's less acceptable aspects (Phase 2).

The interviewees revealed their thoughts on the constitutional practices at play during the passing of the original enabling legislation for the academies, especially the role of parliamentarians in scrutinising the proposals. Three had direct experience of advocating their opposition to academies, in formal and informal capacities, in Parliament. Despite criticisms of constitutional experts about the capacity for Parliament to play an effective role in scrutinising the executive (discussed in chapter 3), some of those interviewed thought that they were able – through Parliament - to exert some influence in pushing for changes to legislation concerning academies. Two interviewees had contributed as witnesses to a select committee investigation into academies and found some reason for hope in the potential democratic value of the process.

In the Blair period, many in this interview group considered that politics and ideology were the prime drivers for school reform, rather than any arguments

founded on educational grounds. For instance, Francis Beckett's assessment was that Blair was driven by a belief in the superiority of the private sector as an essential key to ensure the efficient implementation of public service reform:

> It is not about education, it's about politics. It is a political theory. The essential ideological driving force is the absolute conviction – the absolute ideological conviction – that there is nothing that the public sector can do that the private sector cannot do better.

Patrick Roach considered that Blair, in wanting to copy what he most admired about corporate life, missed an essential ingredient: that the success of the best organisations depended on some shared sense of values. Blair, he thought, focussed on novelty and change, not values:

> This is the issue about trying to organise public services without any sense of [values]. If you talk to many CEOs [in the private sector] they'll either talk about or they will reflect, in terms of how they're speaking, a clear values framework. And other than the objective - the policy aspiration – to reduce, if not eliminate educational disadvantage - what was the framework of values that underpinned how you got there? You know, if 'by any means necessary' is your values framework, if it is dog eat dog, if it is, you know, the law of the market, then frankly this is the consequence, unintended or otherwise, that's where it will take you.

> And that was the problem, you see, with regard to Tony Blair. He often spoke about The Third Way but actually the Third Way was devoid of value, it seemed to us … It wasn't necessarily about protecting individuals and building on the values of the welfare state, it was about challenging orthodoxy in all its forms, challenging traditionalism, innovation at all costs - you know, doing something new.

Melissa Benn thought that Blair's approach to foreign policy and the backlash it provoked in some segments of society influenced the progress of his domestic policy. In talking about the Iraq War, she stated:

> I think the War did it, actually – and after that, Blair really never had the credibility. And he was moving so fast. I mean the academies is quite an interesting example of how foreign policy failure detonated domestic policy radicalism but in a way that was a little bit sneaky and covert. He'd lost his democratic mandate, really.

The difficulty the interviewees in this group experienced in communicating a complex argument about the long-term impact of schools being taken out of local authority control - and the changes to the composition of governing bodies

to the advantage of the sponsor to a wider audience - was a particular frustration for Fiona Millar.

> There's a huge democratic deficit in the academy model, which will become more pronounced when you get more and more of these schools. That's the principal objection to it for me - and quite a lot of people - but it is complicated to explain because most people don't understand how governance, local democracy and management of schools work in practice.
>
> It's not an opposition at all to creating new schools, to creating better schools or bringing outside expertise into schools. I would applaud all those things – putting money into deprived areas - it's actually the model they are using to do it. It will all rebound big time in somebody's face somewhere down the line because people will suddenly realise that they have no control or say over their local schools at all. And that's what's happening already in some areas but the press aren't interested in covering that.

Melissa Benn, as with other interviewees who contested the academies policy, recognised how the level of detail needed to grasp fully the complicated secondary school environment in England made it difficult to articulate the issues in a political environment more prone to soundbites than in-depth discussion:

> I mean I think the accountability argument is quite a complicated one for most people to grasp because it is all quite fine print stuff and that benefits the government and the sponsors because they'll say… I mean, once you start talking about funding agreements and the maintained sector and teachers' pay. I mean, we are not a very sophisticated political culture and people start to tune out.

An area of great frustration within this interview group was the view that little substantial or conclusive research had been made on the academies by the government before Blair decided on expansion. Alasdair Smith expressed his frustration about the lack of governmental interest in presenting evidence, mentioning the communications habit deployed by New Labour to justify policy decisions through the constant repetition of assertions of success:

> So, nowhere, anywhere has anybody been able to show me a single piece of evidence about why it is that a private sponsor has something. I mean Lord Adonis keeps on going on about the 'DNA of privatisation'. Well, where's the evidence? I've seen nothing, nothing. You know you have Lord Harris at Southwark, the carpet man – it's just such old-fashioned nonsense about private business being more dynamic than

the public sector. It's just pure ideology and it's so simply exposed. I mean, why do we have very successful authorities like Camden? They are not a private company but yet they thrive and all their secondary schools are doing very well.

Melissa Benn also noted the lack of evidence to support the academies policy:

What evidence is there that a carpet manufacturer or a creationist or even a university can run a school better than the pooled knowledge of the local authority? There is no evidence – they just start all over again – and, also, we've seen how unstable private capital can be with the Crash. The whole nature of private capital is that it waxes and wanes and their interest will decline unless probably employers have a direct interest in the workforce coming out of the school, which is back to the thing of it being a lesser educational institution.

Patrick Roach believed that the lack of conclusive evidence influenced the changes to the academies policy instigated by Ed Balls:

I also think that the … inconclusive nature of the government's own evaluations of the academies programme was also beginning to have some impact on the way in which government ministers were thinking about the future direction of the programme. The PwC report was effectively concluding – the final report concluding - that: Well, some of these schools are bad, some of these schools are good and some are indifferent and, you know, is that an effect of these schools being academies or is it an effect of just throwing more money at the problem of educational underachievement?

Alasdair Smith judged that his mission was not to say that all academies were failures but to suggest that similar attention dedicated to existing state schools might get the same results. This was a view shared by the other interviewees in this group:

PwC said there was insufficient evidence to demonstrate that academies are a model for school improvement and that's been my task to point out. The truth of the matter is that some academies have been very successful [and] you can't knock a school's success. How they have created that success is an interesting issue but some academies are clearly changing their intake. We can prove that. There is not enough research into all of that, but you know, a new school, £30M, new management, a new philosophy, lots of public accolades, ministers coming to visit you. Christ, hell, if you did that with a community or maintained school, if you set it up in that way, that sort of celebration and gave it all that backing – I am pretty sure that other schools would [improve] as well.

Section 5: Data analysis – the role and status of the local authorities

Melissa Benn thought that one of the reasons for Blair's interest in the academies policy was that it could act as a vehicle to eliminate the need for local authority involvement in education:

> Well you see I think Blair hated the local authorities. It's not personal but I think New Labour was founded on the Thatcherite principal that the local authorities needed to be destroyed and the market brought in.

Melissa Benn considered that New Labour continued Conservative attempts to dilute the influence of the local authorities on schools, supported, she thought, by a negative government discourse of failing authorities reinforced in turn by a largely unquestioning media:

> It's quite tragic what has happened to that whole language of local democracy. If you think, we are old enough to remember the period of Ken Livingstone and a vital Greater London Council and I remember the Inner London Education Authority and actually, it's tragic. … It is particularly tragic that a Labour government has continued to run down local organs of democracy. And people have no awareness of it – people think that the local authority and local representatives are totally third class. They think that they are taking their money, they are encouraged by the other organs of power, which is, of course, the media, that they are taking their money to not run services well - not realising that local authorities have been starved of resources and given this slimmer and slimmer role in relation to schools.

For Alasdair Smith the discourse against local authorities crossed party lines and applied to other parts of the public sector, not just schooling, where an impression of local authority incompetence was cultivated by those in central government:

> It's the neo-liberal consensus that runs right across society, isn't it? They believe it in the health service, they believe it in housing. I mean the market – this is what they think is the solution to capitalist stagnation. The story runs that the state sector is inefficient. Where do you want to go back to – '79 when everyone went on strike, or the '80s when councils were allegedly overspending and when they introduced rate-capping? There is this sort of story spun that public money spent on public councils is inefficient, corrupt, not best value – whatever phrase you want and that story lingers on and has been taken up and accepted by New Labour.

Patrick Roach also saw the New Labour policy on schools emerging directly from Thatcher's strategic mission to reduce substantially the power of the local authorities. In his opinion, the Coalition government that assumed office in 2010 was set on a drive to circumvent further the influence of the local authorities over school education:

> I mean the assault on local authorities has a history, which extends beyond New Labour. I mean you go back to Thatcher's assault on local authorities, particularly on Labour-dominated authorities, for example, in education, the abolition of the Inner London Education Authority. … That was part of the centralising narrative of the Tories in the 1980s and 90s, which regrettably was carried forward by New Labour and now, on education, certainly writing local authorities totally out of the script in terms of academies, and is now being jacked-up even further by the Coalition government.

Reflecting a 'de-skilling' narrative already conveyed by some of the pro-academy interviewees, Patrick Roach considered that the campaign against local authorities resulted in political and professional groups on councils adopting a passive and compliant stance when dealing with central government:

> And local authorities were seemingly sitting back and saying: Well whatever will be, will be [and] we'll deal with whatever emerges at the other end.

In applying this passivity to the management of schools at local level, he thought that local authorities had opted to invest their energies in such activities that they could control but that this retreat made it more likely that questions would arise regarding their role in the delivery of any public service:

> Some local authorities – many local authorities perhaps – began to say: Well what's the point, we can't control how these schools set their priorities … so maybe we should turn our attention to other areas of service that we do have control over. And one can understand, in a sense, part of the logic of that but actually ceding control over state education meant that wider questions, more fundamental questions were being asked about: Well what is the local authorities' role anyway in regard to anything in terms of public service delivery in a democratic system?

In considering the academies policy, Patrick Roach raised fundamental questions about the relationship between central and local government. For

him, the alteration in the balance of power in favour of the Secretary of State for Education was unprecedented:

> It's an assault on the democratic process, it's about central government being able to control the provision and scale of local services and have greater control over people's lives. … So, even on a policy like academies, to write local authorities out of the script, no engagement, no consultation required with local authorities. It means that the secretary of state has unprecedented powers, not only over the shape of education provision in any area of the country but over, clearly, the lives of children and young people.

Fiona Millar was one of several interviewees who felt that Andrew Adonis's strategic intention was to extract local authority influence from state schools; not an opinion shared by some other of his colleagues in government. She thought that Ed Balls went some way to ameliorate some of the more glaring differences:

> I think Andrew Adonis understood it [the legal distinctions between state schools and academies] and that's what he wanted but I don't think other people in the government did. I remember when Gordon Brown took over, I went to see Ed Balls about it and I didn't think he understood then the legal distinction although over time he clearly did and gradually tried to close some of these loopholes.

All the interviewees noted a difference in approach to the academies policy when Gordon Brown became prime minister, though there was some variation of opinion on how profound the changes were. Some interviewees argued that Brown, his confidence hampered by the long wait for power, lacked a passionate sense of commitment to the academies project. This, they thought was driven by the following factors: fiscal concerns when he was Chancellor of the Exchequer about the escalating costs of the programme, the doubts about the robustness of the evaluation of the success of academies and the increasing unease from a group of influential Labour backbenchers about the programme's planned expansion and what that would mean for the wider school system.

Melissa Benn highlighted Brown's lack of any personally sourced educational vision for education and his long-established tendency to caution and opaqueness (also see Rawnsley, 2010):

> I mean it's such a fine art and Blair was very good at conveying what he was trying to do. Brown and Balls are less talented [at communication]. I mean if you were to ask Brown: What are you really trying to do in education? I think he would splutter because he's carrying on what Blair did, whilst modifying it. But as happens so often with Brown, covertly modifying it, trying to be too clever by half.

Patrick Roach held a more positive view, seeing some substantive changes in the funding agreements that drew the academies closer to the local authority community of schools and to the rules concerning admissions:

> When Gordon Brown took office as prime minister, the policy did begin to shift. For example, the funding agreements of the newer academies began to reflect a desire on behalf of government to see these academies providing a broad and balanced curriculum and requiring academies to participate in behaviour partnerships and collaborate with other schools on 14-19 education … tying academies into the local family of provision, and academies were also becoming subject to the Admissions Code.

Though NASUWT continued to challenge the academies policy on principle, Patrick Roach could see some concrete improvements to the original model:

> So we still had, therefore, a position as a union that we were opposed to academy schools but we could see the structural arrangements governing these schools as being far more palatable than the ones that had existed at the outset of the programme. It was one of the reasons why so few new sponsors along the lines of the original set of sponsors were prepared to be identified with the programme.

Patrick Roach also detected a shift in government attitude to the applicability of the academies model across the school system, not as the panacea for solving the problems of educational disadvantage but as one possible solution among others:

> In discussions we were having with ministers – with Ed Balls for example – ministers were very, very clear that at the end of New Labour's period in office, academies were a solution, not the solution to educational disadvantage, whereas I think when we were listening to Tony Blair and Andrew Adonis, at the start, academies were the solution to educational disadvantage.

Section 6: Data analysis – the role of Parliament

Melissa Benn thought that the lack of thorough parliamentary scrutiny concerning the legislation that underpinned the introduction of the academies policy reflected the constitutional point made by Bogdanor (2003) that the status of Parliament had diminished at the expense of an increasingly powerful executive. She thought that although the parliamentary system of debate still presided in formal terms, its output gained very little editorial attention from the media, thus limiting the capacity for serious discussion and scrutiny in the broader society:

> I mean the thing about parliamentary scrutiny of the academies is that it all connects to the decline of the status and authority of Parliament. I suspect that in terms of the way Bills go through Parliament and the checks and balances – that's not changed much. You still have your first reading, then the second reading – you still have the debate and you can read it in Hansard. What has changed is how much opinion makers [pay attention]. I mean there would have been a time when the editor of *The Times* or the BBC would have put a lot of attention [on the legislative process]. I mean the elite in the media world would have focussed on the elite in that world. But Parliament is downgraded and the debate has been moved to a forum of the media where they have less knowledge.

Fiona Millar foresaw the danger of funding agreements ultimately providing a useful platform from which a fundamental policy shift could be launched if a new administration decided to change the terms of such agreements:

> If another government comes in and wants to change the model funding agreement again and pare it back to the original funding agreement, which was a very basic one that gave academies a lot of freedom … that would be very easy to do. They could even tear up and rewrite all the existing funding agreements over time if they wanted to.

In Alasdair Smith's view, the convergence of party political opinion at leadership level concerning public services, marked by Labour's acceptance of much of the Conservative reforms of 1979 to 1997, did nothing to improve the quality of democratic debate:

> You know, often the state does feel very undemocratic. Now it's not because the state is ineffectual, it's because the current democratic arrangements we have are not fit for purpose – that's my view. We could have a much more democratic state, we could have much more

effective elections if the parties actually disagreed rather than standing on the same policies.

Building on Alasdair Smith's comments, Francis Beckett also noted the difficulties in achieving a meaningful democratic dialogue in a political environment in Westminster where there was little to differentiate the attitudes and policies of the main parties when it came to the organisation of school education:

> Now of course the forces pitted against democracy are very powerful indeed which means that, by and large, these battles, even when they do involve parents, are lost. Because if you have a policy which is supported by both major political parties – in the days of the CTCs, one of the reasons they failed was that there wasn't a cosy consensus at Westminster.

Despite this generally negative opinion of the capacity of parliamentarians to consider fully the legislation connected with academies, other activities in Parliament gained a more positive response from those interviewees who had some direct involvement with the institution, either in a lobbying capacity or as participants in, or observers of, select committee investigations. The lobbying activities included a meeting of Labour backbenchers, peers and others on the future of comprehensive education in January 2006 and an informal committee of inquiry into academies at the House of Commons in June 2007.

For three interviewees who submitted their opinions on this area of research, a potentially positive outcome was that the select committee system enabled both sides of the academies argument to engage in direct discussion and, in so doing, some of the interviewees gained an insight into the wide variation in thinking and approach of the sponsors. In part, this may have perhaps consolidated their dim view of the early entrepreneurial-type sponsors so favoured by Blair and Adonis, though it also gave them some appreciation of other types of sponsors who held a different worldview.

In responding to a question about the select committee scrutiny of the academies programme, Fiona Millar raised the point made by several other interviewees that, in attending one of the sessions as a witness, she noticed a

lack of homogeneity to the sponsor group in terms of their desired motivations and outcomes. The basic divide was whether there was an emphasis on freedom or an emphasis on social cohesion:

> Yes, well I thought it got to the heart of some of the issues. I thought some of the people [other witnesses] on the academies' side were actually quite muddled in their thinking. They definitely didn't have a united position. Some of them were trying to argue that they didn't want and weren't using their freedoms. Others were basically fighting to keep their freedoms and I think this is a big conflict for them. Some of them don't want to be seen as selective and only for rich children and manipulating things to their advantage and the other ones definitely want to manipulate things, especially the ones that were previously city technology colleges.

> One of the witnesses had been head of a CTC - a very highly achieving school, always very covertly selective whereas [sponsor name] from [organisation], on the whole, does use the community admissions criteria, was coming from a very different perspective. So I think that helped me to make the argument that I always wanted to make that if you create these schools and give them extra freedoms, you create an uneven playing field or you say that every school should have all these freedoms. At the moment they seem very muddled about whether they want their freedoms or they don't want their freedoms. If they don't want their freedoms, why don't they just become community schools? They can't have it both ways.

For Alasdair Smith, the education select committee provided an opportunity to communicate some key messages:

> What I felt was that the majority of the panel saw the logic of both Fiona's and my arguments. I went to the select committee with one purpose which was to say that there is no silver bullet for academies, to say to them: Look some academies do well, some academies do badly. Some community schools do well, some community schools do badly and some maintained schools do well, some maintained schools do badly - You are making all this fuss over academies and yet they have all the same problems as normal schools. Why invest all this hype, all this taxpayer's money in a scheme that is unproven?

A meeting in the House of Commons in January 2006 to mark the publication of a pamphlet *A Comprehensive Future: quality and equality for all our children* co-written by Melissa Benn and Fiona Millar, turned into a more cathartic experience than expected. In their interviews, both authors presented an account of the event where Neil Kinnock, for the first time, criticised a New Labour policy in public. Melissa Benn thought that the pamphlet provided a catalyst for some Labour MPs to air their concerns:

But this is politics – there's a lot of non—communication – somehow we haven't always mobilised a broad movement and I think that pamphlet was one thing where we did mobilise. And, I've never seen such a huge meeting in the House of Commons, it was in Room 14, it was huge. It was the first time Neil Kinnock spoke against Blair. A lot of people wanted to defend comprehensives, they were uneasy about what was going on, they wanted someone else to articulate it for them and it was just a big, big moment – I could see that. It was a very big political moment.

In speaking of the same experience, Fiona Millar stated:

We arranged to have this meeting at the House of Commons, which I asked Neil Kinnock to chair. … At the time we just thought it would be to do with the launch of the pamphlet – we didn't know that it was going to turn out to be an absolutely pivotal moment. … It turned out to be a very, very highly charged moment and I think there was a great momentum then built in the Labour Party and the PLP in opposition to what the government was proposing. That's why they had to make all the concessions, one of which was about admissions. And that was my main interest in campaigning against the Bill because it was my concern that it would create a lot of schools with freedom over admissions [and that] a) it would be chaotic for parents [and] b) it would mean that the most disadvantaged kids would lose out.

Fiona Millar thought that Neil Kinnock's influence 'gave a lot of people the courage to stand up against what was being proposed' and, in the controversy surrounding the Education and Inspections Bill, she considered that Blair had over-reached himself and exaggerated his intentions:

Well, I suppose the White Paper appeared to be a step too far for a lot of people, I think. It really was a step too far because the spin, and the introduction, talked about making every school an independent state school. Actually, that wasn't quite the intention. I mean it was a massive error of propaganda on the part of the government to spin it in that way because the trust schools were not independent state schools, they were always going to be maintained state schools. …

But then they created the impression that every school would become an independent state school and I think the Labour backbenchers just stood up and said: Enough is enough – it will end up with chaos, which is what the Tories are proposing: lots of tiny little independent entities operating as little islands on their own with no community 'glue' binding them together and so I think that's why you got the alternative White Paper group with a hundred or so Labour MPs and that got whittled down and 30-something rebelled, didn't they? They had to rely on Tory support to get the Bill through.

Alasdair Smith, in recalling his memory of Estelle Morris's contribution to this meeting thought her main message was that the Labour Party was reaching a point of no return regarding the direction of schools policy in England and the future involvement of the local authorities. He thought that David Blunkett and Estelle Morris saw the academies programme in its original form as a social justice solution:

> Estelle made an important speech about: Is this the right direction of travel - that was her phrase. She said, this points to a certain direction of travel and the 2006 Act was all about changing the role of local authorities into commissioners rather than providers and that the direction of travel which we are now seeing and will see under the next government is taking it to its logical conclusion, which is that there will be no local authority provision. …
>
> I think she was still sympathetic to the idea of academies. I think David Blunkett who set it up was. They all believed that this was a social justice measure.

Melissa Benn, Fiona Millar and Alasdair Smith also participated in an informal House of Commons Committee of Inquiry into the academies policy coordinated by the Anti-Academies Alliance. Alasdair Smith pointed out that the local nature of the anti-academy campaigns made it difficult to establish a national platform. He gave the following account of the impact of this event:

> Although we were fighting a local campaign – there was no way this was a local issue. It wasn't a local issue - it was a national, political strategy [that] we had to try and debate on a national level, which is when we came up with the idea of a Committee of Inquiry at the Houses of Parliament …
>
> We were gobsmacked at the response, we didn't realise that so many people would want to get involved. From all over, people came to give evidence and then we realised this is a big issue because it's also about the direction [of schools' policy] – it also got caught up to some extent with the campaign around the 2006 Education [and Inspections] Act.

Summary to chapter 6

In returning to the research question at the start of this chapter that asks what the discourses of those who opposed the academies policy reveal about democratic values and constitutional practice in policy-making, the following points seem important.

Firstly, as with the interview group who backed the academies policy, the arguments of these interviewees were underpinned by a deeply felt connection to the values they saw to be important to the education of children and young people. They were intellectually convinced that comprehensive education worked best in its fullest expression when children from all classes in society were educated together but also felt that such arrangements were the fairest in a democratic society.

Secondly, this group understood the argument made about failing schools and failing local authorities presented by those who supported the inception of the academies programme but thought that their solution based on choice and diversity as contrary to the democratic values they held to be important – social justice based on the collective common good, equal opportunity, fair allocation of resources and local accountability. While the group in the preceding chapter tended to concentrate on issues relating to the academies programme and the need to do something about failing schools, this group saw larger political implications for society. For them, the policy demonstrated symptoms of a general decline in the connection between social democratic ideals in public service reform; a connection seen as so important in the aftermath of the Second World War and, later, in the comprehensive schooling movement.

Thirdly, this group shared in common explicit values concerning state education in a democratic society expressed through their commitment to the principles of comprehensive education. Given this cohesion, it is perhaps surprising that the campaign against academies took a few years to develop. The discourses from campaigners in this chapter suggest this is a reflection of the more opaque and

iterative approach to policy development in modern governmental practice; the fact that what can be seen as a low-key intervention to improve educational opportunity can then proceed to something far more significant. For instance, this can be seen in the prime ministerial decision to double the target of academies, which was announced to Parliament as an operational matter. Once campaigners started to organise themselves, they were successful in providing informal opportunities for Labour Members of Parliament to express their concerns outside the debating chamber with its accompanying pressure from the Whips' office. While this approach produced benefits for the campaigners in forcing Blair to modify the legislation contained in the Education and Inspections Act of 2006 - especially in the area of admissions - it seems far removed from the constitutional ideal that ministers should clearly explain policy proposals to Parliament and provide adequate time for consultation, debate and scrutiny.

Fourthly, this interview group shared in common democratic values and a vision of the societal benefits of a comprehensive system of education coordinated at local government level. In this, they can be contrasted with the interview group in the preceding chapter who backed the idea of academies though did so from a far more heterogeneous set of values. Despite variances in political philosophy and different interpretations about what 'democratic' meant in a school policy context, what they did share in common was a sense of moral purpose and this drove their actions – as politicians, advisors, leaders involved with educational charities and sponsors - to challenge the status quo. Because of their differences in political philosophy and compounded by the lack of precise evidence and a failure to stick to the criteria, they were not able to produce a compelling view of the place and purpose of academies. While those who opposed academies had a common language, those who supported the academies had a far more complex task, not least because of the differences between policy aspiration and policy implementation and this will form the discussion of the next two chapters.

CHAPTER 7: THE CIRCUMSTANCES SURROUNDING THE CLOSURE OF ISLINGTON GREEN SCHOOL TO MAKE WAY FOR A NEW ACADEMY

Introduction and chapter outline

This is the first of two case studies exploring the events surrounding the closure of a school or schools to make way for a new academy. The purpose of each of the studies is to investigate the reality on the ground when the academies policy moved to implementation with particular reference to democratic values and constitutional practice. While the interview material in chapters 5 and 6 has been presented within the parameters of the research questions pertaining to this thesis, the case studies structure, which combines multiple data sources, has a more organic structure and, while a great deal of the data presented will shed light on the research questions, additional insights also emerged. This is because of the methodological differences between relying on qualitative interview data alone, where a researcher can (partially) control the direction of inquiry, and a case study with its own narrative drive and access to pre-existing material generated without the influence of a researcher.

Although the reader will notice that themes resonate across the two cases, there is no attempt in these two chapters to present the case studies in a comparative fashion. Any attempt to do this would necessitate a refashioning of the narrative for the purposes of comparison. As explained in the methodology section of this thesis (chapter 4) time constraints made it unrealistic to research more than two cases and this low number makes comparison problematic. Stake (1995: 5) considers that making generalisations from small numbers of case studies is 'difficult to defend' and his views about the purpose of case studies are helpful here:

> The real business of case study is particularization, not generalization. We take a particular case and come to know it well, not primarily as to how it is different from others but what it is, what it does. … The first emphasis is on understanding the case itself.
> (Ibid: 8)

At a meta-level, Ball (2008) described the academies programme as the 'condensate of New Labour's education policy' and, at a micro-level, the case of Islington Green School is an example of this policy condensate in action. The events that concern this school's journey from community comprehensive to academy occurred over a protracted period, spanning the entirety of Tony Blair's premiership and, in the terms set in this thesis, Phase 1 of the academies policy. The narrative reveals the impact of Downing Street and senior civil servants, the Chief Inspector of Ofsted, the sponsors and Cambridge Education Association (CEA), the private company that had been contracted to replace a failing LEA, in determining the fate of a single school. It reveals the level of effort at senior level that the government and its agencies were prepared to dedicate to the academies project, the comparatively weaker position of the headteacher in negotiations with a potential sponsor and the nature of the campaign that was organised when a proposal was made to close the school and replace it with a new academy.

Some qualitative interview material is used in this case study. Alasdair Smith was involved in the Islington Green campaign and contributes some useful background on the local education scene and Melissa Benn also supplies a viewpoint on the issue of middle-class 'flight' from local schools at secondary level. Ken Muller was Head of History and NUT representative at the school in the period covered in this case study and his account outlines the key events of the case.

The case study is organised in three sections:

Section 1 sets the socio-economic context, gives some useful background into the local management of education and explains the issue of middle class 'flight' from secondary education in the borough of Islington.

Section 2 gives an account of an Ofsted inspection that started the chain of events that resulted in the closure of Islington Green School. It covers the

complex relationships between the headteacher, an organisation who expressed interest in sponsoring a replacement academy and Downing Street.

Section 3 covers the politics of the public consultation process from the perspective of the campaigners and the local authority.

Section 1: Islington - the socio-economic and educational context

An initial view of statistics relating to employment, education and income presents Islington as scoring better than the average for the UK but this hides an enormous and widening gap in opportunity and living standards between rich and poor that has resulted in Islington being the 8th most deprived borough council in the country (Islington borough council, 2011). 'Supergentrification' has taken place in some locales in Islington while poor, overcrowded housing conditions exist as the norm in other areas. A report commissioned by the Cripplegate Foundation (2008: 3) to examine the implications of the increasing 'intensification of poverty and wealth' that had occurred in Islington, stated in its introduction that:

> Islington is a borough of striking extremes: London's richest and poorest residents live side-by-side, living entirely different lives. … The report paints a picture of a divided borough in a divided city, where those living in poverty inhabit an invisible bubble – able to see but not to reach the economic and social opportunities enjoyed by their neighbours.

The situation for many children resident in Islington is challenging: 43 per cent do not have English as their first language - the national average is eight per cent. 40 per cent of pupils are eligible for free school meals - the national average is 15 per cent. Close to 33 per cent of pupils in Islington schools have identifiable special educational needs. In terms of education, 95 per cent of resident children go to primary schools in Islington but at secondary level this drops to 75 per cent. Using the experience of the Blair family who had lived in Islington as an example, Adonis and Pollard (1997: 53) noted the trend for a

sizeable minority of parents opting to place their children outside the borough for secondary education.

> There is, as Tony and Cherie Blair spotted, one 'get out of jail free card' for parents who want to ensure a decent state education for their children: the remaining 161 grammar schools, and the top Church secondary schools that have managed to cling on to their old ethos and standards.

It is a trend common to some other parts of the metropolis. For instance, Melissa Benn, in her interview, described how 'class sorting' occurred at secondary level in her community in another London borough:

> I feel very strongly that a modern, thoughtful, democratic society must offer all its citizens pretty much the same education. … I'm coming from an absolute visceral hatred of the sorting out into social class by schooling of children around the age of secondary transfer.
>
> And I think it was my own experience – starting out with a rather utopian view of the local primary school where you looked around the class. I mean, this is an unusual area where I live, but there would be the TV director's daughter, the journalist's daughter - I mean it's not the rich that are there but the media-rich but you would have black children, white children - refugees all in the class.
>
> By the time they got to twelve, they were all in these different institutions – the middle class without money but who were no way going to go to the comprehensive but would go to the Christian schools, the very rich had gone to the Harley Street schools, the rich but with more intellectual ambition were at the top private schools – and it outraged me, it absolutely outraged me and to me it was so obviously about class.

In Islington, after a similar 'sorting' process, the remaining population left in the secondary schools comprised a cadre of white working class pupils and pupils of immigrant parents struggling on without the benefit of a diverse school population in education environments in a poor state of physical repair. Adonis and Pollard (ibid: 25) summed up the educational attainment in Islington secondary schools in the mid-1990s:

> At the bottom of the scale in 1994, inner-London Islington's state secondary schools, from which the borough's ABs have largely decamped, secured five or more good GCSE passes for barely one in four of their 1,300 sixteen-year-old pupils. In the same year they

entered 79 pupils for two or more A-levels, which was fewer than the numbers of pupils Eton alone sent to Oxbridge.

Blair and Adonis were Islington residents in the 1990s and it could be surmised that this might have flavoured their view of the state of the local secondary schools. Despite Adonis and Pollard's (ibid: 53) recognition of the political danger of 'argument by anecdote' - that the picture of secondary schooling 'in provincial England may be different' - it would seem possible that the experience of their home territory might have informed government policy concerning secondary schools.

Case study work on the introduction of academies conducted by Hatcher and Jones (2006: 330) highlighted the long-standing problematic history of the relationship between government and the running of schools in Islington and the adjoining borough of Hackney:

> Successive governments have regarded Hackney and Islington as problematic not only in terms of the extent of social disadvantage in the two boroughs, but also in terms of the quality of provision. At the behest of government and its agencies, the management of both LEAs has been outsourced … and their secondary schools have experienced the force of policies that claim to address educational underperformance. …
>
> [The] present plans to introduce academies are thus the latest stage in a considerable history of institutional reorganisation, whose underlying feature is the belief of government that these are areas of London where educational providers must – with the assistance of the private sector – be rescued from themselves.

In interview, Alasdair Smith, national secretary of the Anti-Academies Alliance, laid out the prior history of privatisation in Islington's education authority that he considered had already politicised certain community groups:

> In fact we had a bit of an experience of this in Islington - because Islington Education Authority is run by a private company called Cambridge Education Associates - and CEA have run Islington as a loss leader. I don't know whether it's still a loss leader but it started out as a loss leader and they've built an international reputation – not just on what they have done in Islington. …
>
> We also thought about campaigning in Islington on Education Action Zones, which was another attempt to shoe in business influence, particularly in IT in schools – REM I think it was who were involved in

the Action Zones. I think it must have been in '96, my ex-partner stood as a candidate for Parents Against Privatisation and we were campaigning against the privatisation of the local authority. So there had been a back-story of protest against privatisation anyway in Islington and once we saw the academies and once we started realising the extent of it, then we campaigned.

Section 2: The proposal to close Islington Green School

When Roy Hattersley visited Islington Green School, the school at the centre of this case study in 1996, his description was as follows:

> The low esteem of some London comprehensive schools has … complicated causes. Islington Green illustrates most of them. The liabilities begin with the first impression that the school creates. Islington Green Comprehensive School looks awful … the main building is six stories of glass and concrete. … Two lift towers, windowless and weather stained, dominated one side of the façade [and] the lifts within them are used only by staff and handicapped students. Islington Council cannot afford the cost of constant repair and renovation. … There are no playing fields at Islington Green.
> (*The Mail on Sunday*, 18/2/1996)

On the eve of the general election of 1997, a team of Ofsted inspectors had left Islington Green School after what the headteacher and staff thought was a successful inspection of an improving school but contrary to all expectations, the school was then placed in special measures. Several years later, in 2005, on the passing of the Freedom of Information Act, Ken Muller, head of history at Islington Green, approached Ofsted to ask for documentation relating to the 1997 inspection. This generated the release of a single memo and an accompanying note indicating that all other paperwork relating to the inspection has been destroyed under Ofsted's 'retention and destruction policies' (Smithers, 2005).

The Times Educational Supplement continues the narrative:

> Attached was a memo, dated November 1997, from HMI Barry Jones to the then chief inspector Chris Woodhead, making clear that the HMI team, of which Jones was a member, had disagreed with [Woodhead's] judgment, and noting that they were 'of the unanimous view that the school was not failing'. 'I could not believe what I was seeing', says Ken

Muller, 'I sat there for five minutes, looking at it. I felt a tremendous sense of vindication not just for me but for everyone'.
(Wallace, 2005)

The memo sent by Barry Jones to Chris Woodhead - effectively a letter of protest - stated:

> As with all inner city schools, [Islington Green] had a number of clearly identifiable weaknesses. However, the HMI team were of the unanimous view that the school was not failing. … I fully accept that HMCI can review all the evidence and reach a different conclusion to that reached by the HMI team. …
>
> However, I also feel that unless we are to be further demotivated that we should be given the basic reasons for reaching an alternative decision. … I also accept that attainment is not the only criteria, but as I remember, the percentages of satisfactory lessons for teaching, response and progress observed by HMI were high.
> (Ibid)

Summarising the whole affair of the school's 'special measures' experience and its damaging impact, Ken Muller set the context from his perspective and explained how the school managed to recover its confidence, coming out of special measures in 2004:

> There was also – I don't know if you know the other thing about Islington Green School is how we failed Ofsted in 1997 and I'd [later] used the Freedom of Information Act and I got a memo from Chris Woodhead where he'd over-ruled the HMIs. The HMIs said we weren't failing and we were doing well under difficult circumstances and he over-ruled it, against their better judgement, and he failed the school and the school went down the drain for several years as a result of Woodhead's judgement on it but that actually wasn't the view of the HM inspectors. …
>
> Islington Green was an improving school. After we failed Ofsted and gone down the drain, our results were improving. In the week, virtually, before the school reorganisation committee agreed to close the school down so that it would become an academy, we were placed on the London Challenge tube map of London's most improved schools and Terry [Professor Terry Wigley from Edinburgh University] did an analysis of our GCSE results and showed that our GCSE results were better than all but one academy in the country and that one equalled ours so we were effectively better than any academy.

The view of Wallace (ibid) was that the motivation behind the Woodhead action was 'to prove that New Labour would be tough on failing schools' and this certainly matched the political narrative communicated by Blair and Blunkett

before and after the 1997 general election. Woodhead also had a prior reputation for such interventions. Tomlinson (2005: 83) opined that 'he was well known … for rewriting research and inspection reports' and citied the following example:

> A report on the teaching of reading in three inner London boroughs, produced by Ofsted in May 1996, was 'amended' by Chris Woodhead, the Chief Inspector of Schools, who deleted sections noting that factors outside school control – poverty, bilingualism, high staff turnover – affected pupil progress, but left in criticisms of teachers and their methods.

Why did Chris Woodhead downgrade his inspecting team's rating of Islington Green School? No one can know, as he has never publicly discussed the matter. It is possible that a combination of the charged political atmosphere of the time, the focus on doing something radical about failing schools and regime change in Westminster may well have been enough to encourage Woodhead's actions. Blair's backing of Chris Woodhead in his role of Chief Inspector of Schools and his placing of Adonis as special advisor, and then later as under-secretary of state for schools, were indicators of how assertively he took command of education policy. New Labour's skilful use of the media matched Woodhead's own buccaneering communication style and this set the tone in which the agenda for tackling failing schools developed.

Blunkett's biographer, Pollard, stated baldly that Blunkett had been 'saddled with Woodhead by Downing Street' (2005:241) and explained the political dynamics behind Blair's decision to allow Woodhead to remain in post:

> Blunkett knew that Blair was determined that Woodhead should stay on, since if he had left it would have sent out the worst possible signal – that Labour did not want to, or was simply unable to, work with a man whose public profile was as the main force in the country pushing for high standards and identifying failure. This would have neutered the claim that Blair and Blunkett had been making since 1994, that Labour was the party of high standards. Woodhead in post was a critical symbol to that end.
> (Ibid: 240)

The following year, again without consulting Blunkett, Woodhead's contract was renewed. Pollard viewed this as:

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The only clear Whitehall defeat for Blunkett in his time at the DfEE. Adonis, via Blair, won, the prime minister ordering Blunkett to keep Woodhead.
(Ibid: 243).

In 2001, a new headteacher, Trevor Averre-Beeson, arrived at Islington Green School and, over the next three years, the GCSE results for five A* - Cs leapt from 20 per cent to 37 per cent. Subsequently he was praised in the press for turning the school around (Slater, 2003). The following summer, Islington Green achieved the second best GCSE results (38 per cent achieving five GCSE A* – Cs, including English and maths) in the borough of Islington (Wallace, 2005). In 2004 the school was removed from the Ofsted list of failing schools where it had languished since the inspection of 1997 (Born, 2004).

In this period, CEA, the company running education in Islington, together with the political leaders of Islington Council were working to attract BSF money to refurbish many of the borough's schools. Those involved in the Islington bid expected to be successful in the first wave of BSF funding. As Hyman (2005: 304 – 305) explained after the bid refusal came through:

CEA were confident the bid would be accepted. Trevor was equally sure … Islington was also the borough with the most political baggage. The borough with the schools that Tony Blair rejected for his own children, the borough that many opinion formers and Labour figures believed had schools just too bad to send their children to.

After the failure to attract money for rebuilding, Islington Green School's headteacher, Averre-Beeson, decided that opting for academy status would be the best solution and tasked a new arrival at the school with interesting connections, Peter Hyman, 'to find out more about what was possible' (ibid: 306). Peter Hyman, who had served as chief speechwriter and strategist to Tony Blair, resigned from his role in Number 10, 'after ten exhilarating years in politics' (ibid, 2005: ix), in order to take up a position as a teaching assistant at Islington Green School for the spring and summer terms of 2004. He later gave an account of this experience in *1 out of 10: From Downing Street Vision to Classroom Reality.* Hyman visited Sir Bruce Liddington, head of the academies

division in the DfES, who was initially unenthusiastic and quoted the original criteria for the decision to replace a failing school with an academy:

> Academies, he said, were aimed at schools well under 25 per cent five A* – Cs: those on their last legs. Our school was in a different position, as it had a good head and was on its way up.
> (Ibid: 313)

Ken Muller described the arrival of Peter Hyman at Islington Green School and, in the first paragraph of the extract below, gave his opinion of the reasons for his presence. In the second paragraph of the extract, he provides an example of Hyman's role in facilitating contact between the headmaster and Downing Street:

> Anyway, he finally turned up as a teaching assistant but was put on the senior management team of the school and it became clear that his job was to facilitate this setting up of an academy. And what we didn't know at the time was that he was writing a book, which was *1 out of 10* and in that he describes … quite well the situation in Islington Green School, some of the difficulties in teaching there…
>
> He [Peter Hyman] wasn't unsympathetic and I became quite friendly with him in the end on a personal level but he was facilitating the headteacher being invited up to Downing Street.

Hyman presented a different interpretation citing bad timing rather than premeditated intent:

> The academy process was also putting me in a vulnerable position … I was starting to look like a man with an agenda. It almost seemed as if I had come to the school with a deliberate plan to turn it into an academy [and] this wasn't, in fact, the case, it had been pure chance; but I was becoming a controversial figure in the school.
> (Ibid: 335)

Despite his initial reservations about whether Islington Green School 'qualified' for academy status, Sir Bruce Liddington at the DfES, produced a sponsor who had expressed some interest and a meeting between sponsor and the headteacher was quickly arranged. The school's experience of dealing with this potential sponsor made Hyman reflect on the gap between policy development in a Westminster context and the actuality on the ground and particularly the power that a sponsor could potentially exert in an academies context:

> What I was realising, in a way that had not struck me in government, was just what immense power a sponsor has, simply by contributing £2M out of £30M. For £2M, small change for some very wealthy individuals, the sponsor was effectively buying the school.
> (Ibid: 322)

Hyman also raised an important point about the comparatively weakened position of the headteacher in negotiations. Averre-Beeson found it 'particularly galling' to see power in the hands of non-educationalists:

> Despite government policy wanting to put more power in the hands of the head, the academy documentation involved DfES, sponsor and LEA rather than the school. The sponsor would have total power over the process from the moment the deal was signed. I was brought face-to-face with the reality of the policy. What looked exciting and creative from Westminster seemed like a lot bigger gamble at school level.
> (Ibid: 335)

Hyman reported that the headteacher felt under pressure from the sponsor: 'For Trevor, the academy process was causing a lot of anxiety. He was beginning to realise quite how much the sponsor called the shots.' For instance, he claimed that the sponsor suggested that we 'should get rid of most of the staff and start again' (ibid: 334). The power differential between sponsor and headteacher and the tension that created may have been one of the contributing reasons for the high attrition rate of academy heads in the early stages of the programme. In an evaluation of the first 27 academies opened from 2002 to 2005, PwC noted that a change of leadership had occurred, within a year of opening, in 11 of the academies (PwC, 2008: 16).

In 2005, before an important governors' meeting convened at Islington Green School to discuss the possibility of academy status, the headteacher sent a letter to staff that made certain guarantees that he really would not have had the power to exercise. At this point Hyman indicated that Averre-Beeson appeared not to realise that, on transfer to academy status, the sponsors would have a majority holding on the academy's governing body. In fact, Hyman had to ring DfES's Sir Bruce Liddington, at that time on holiday in Italy, to confirm this was the case. Persuaded by their headteacher that 'this is all about getting resources. It is pragmatic not political' (Hyman, 2005: 336 – 337), the governors' meeting approved a decision to proceed to the feasibility stage.

In 2006, after protracted negotiations, the original sponsor pulled out after the local council leaders and CEA concluded that their proposal to have an all-through academy was too ambitious. The headteacher, Averre-Beeson, left half way through the summer term of that year. The circumstances of his departure were not made public though it is thought that the tensions of the negotiations may have been a contributing factor. Hyman's conclusion on the whole experience highlighted the problems and confusion caused when post-policy implementation, a programme deviates from its original criteria:

> I was realising that the academy model had a flaw when applied to improving schools with good heads. The original point of academies was to replace failed schools where the head and most of the staff were leaving. … From the beginning the school and the headteacher were on the back foot.
> (Ibid: 334 – 335).

Hyman left unstated the long-term policy implications if an important publicly funded project shifts from its professed intentions. Smithers and Taylor (2006) suggested a possible reason for the shift:

> Exactly why the DfES has overlooked these loopholes is a mystery, though opponents of academies believe ministers and officials are hell-bent on pushing through the programme, even if the original criteria are not being met.

Hatcher and Jones (2006: 334), in their casework on anti-academy campaigns, highlighted the disconnection between 'high policy' and local circumstances as a common theme:

> The government's general rationale for academies is presented in terms of the need for innovation that the combination of an external sponsor and extra funding is claimed to meet. However, on the ground, this sort of rational recedes and another kind of case, more local and specific, is advanced.

In considering the future of the academies model in the hands of the Coalition government, Ken Muller reflected on the differences in approach to the place and purpose of academies shown by Labour politicians and their leadership:

> I think - what's the term - before we knew what Michael Gove was going to do, when the New Labour programme was in its early phase.

… I think, possibly one or two people around Lord Adonis and Tony Blair himself actually did see a future of privatised education and the complete break up of the local authority and the system of community schools. But I think, probably for most Labour politicians, they did think they would have a minority of schools that would become academies and that possibly they would provide decent facilities for the children and maybe they would be a spur for other schools to improve. But I don't think that they probably wanted every school to become an academy, or primary schools to become academies – I don't think that was the project for most Labour politicians.

Part 3: The public consultation process

The 'accelerant' for the campaign against the closure of Islington Green School and its replacement by an academy was the perception that the consultation process was undemocratic. That a private company ran the LEA made things more problematic. In examining a number of campaigns against the establishment of academies in Hackney and Islington, Hatcher and Jones (ibid: 342) detected frustration over the consultation processes caused by the difficulties of accessing early information in the privatised culture of a 'farmed-out' LEA. They concluded that:

> The outsourcing of the education authority to private management – and the consequent migration of educational decision-making …meant that the opportunity for public attendance at crucial meetings had seriously diminished.

Additionally, in their case study work, Hatcher and Jones noticed that the local authorities, in their management of the consultation process, had a negative impact with campaigners feeling their approach was undemocratic:

> The consequences of attempts to control and manage consultation processes in all the campaigns (Sheppey, Hackney and Islington) backfired: it simply fuelled further opposition and the issue of democracy became a central issue in the campaigns.
> (Ibid: 346)

Ken Muller explained how he became involved in the Islington campaign:

> Well, what got me going was going into school in early 2005, being asked to go to a staff meeting and being told that the headteacher was considering making the school into an academy. I didn't know very much about what academies were at the time and I made it my business to find out. … I looked at some of the NUT materials on

academies that were fairly rudimentary at the time, to see what they were. I decided that I didn't like what they were and I didn't like the fact that they seemed to be unaccountable, democratically unaccountable to the local community …

Alasdair Smith considered that the potential availability of BSF funding was the single reason for the council's support for an academy to replace Islington Green School:

And the interesting thing was that when we went to the council and said: Why on earth are you doing this? They were against it privately. They said: We're only doing this because it's the only way to get BSF money.

For those organising the opposition to the academy proposal for Islington Green School, a key difficulty was explaining to the local community the complicated story of a school closure and a new form of schooling in the shape of the proposed academy. The Islington Green School campaign had a number of challenges to face. As Alasdair Smith, in reflecting on the situation, noted:

One of the things we found really hard in the early days was explaining the whole story because there was such a lot of back-story to it. I remember, we started out doing petitioning on the streets and sometimes it would take 15 – 20 minutes to get someone to sign because you had to explain so much. But, once they understood they could see it – but it was a complicated issue.

So it was hard to get the issues [across] – but we found that if you patiently explained … and I come back to the point I was making about stakeholders, we really found we had to address all the stakeholders. That was why I was saying that we became known as 'The Alliance' because we realised that you had to convince governors, councillors, parents, teachers and the local community. So, ever since we sussed that, we've made a particular effort to focus on each of the different constituencies – what I call the civil society of education. And that's how we campaigned.

Ken Muller described an unpromising start to the campaign to prevent the closing of Islington Green School at an inaugural meeting that was poorly attended by vital interested parties:

We set up a public meeting, which Mike Rosen spoke at and Steven Sinnott, who was the NUT General Secretary at the time, and it was in the central library quite a long way from the school on a cold winter's night and it wasn't very successful. I mean, there were a few teachers there, hardly any parents and we then realised that the key to fighting

this campaign wasn't really the teachers - it was more the parents - so we started concentrating on trying to convince the parents.

Ken Muller's analysis of how they got through to parents was based on a multi-pronged argument invoking: parental trust that teachers spoke for the best interests of the community, the potential problems caused by the absence of local authority support and a restatement of the reasons for comprehensive education, which appealed to class loyalty.

> I think there were lots of factors with parents. Lots of parents respected their teachers, what the teachers said. When they realised that their teachers were against something, they were inclined to believe their teachers rather than … believe the government or the local council.
>
> I mean we had arguments about how having an academy would affect teachers, children and parents in the school and the fact that we wouldn't be part of the local authority system, that they wouldn't be able to appeal to the local authority for support if they needed it, if they were unhappy about what was going on in the school, for instance - all those sorts of things.
>
> But we also appealed to parents on the basis of comprehensive education. We appealed on a class basis to a large extent … and the idea that comprehensive schools, despite all the bad press they got and the disparagement about 'bog-standard comprehensives' and the rest of it, that they'd been an enormous success.

Alasdair Smith also referred to the problem of a centralised school education system:

> If you're not happy with what's going on, you've got no-one on the council to go to, if your kids have special needs or something like that and they're not being dealt with properly, there's no good going to the council, you maybe go to the governors or the sponsors or complain to the Department of Education - but you haven't got any local accountability - and I think that was also quite a powerful thing.

Central to some people's concerns was the worry about the idea of bringing privatisation into schools. As Alasdair Smith stated:

> I suppose the key – if there's one word that motivated the parents, it was the concept that there was privatisation involved. The way we presented the argument is that this is a form of privatisation, de-regulation and privatisation is how we put it. And we found that, because of people's general knowledge about privatisations elsewhere: on the railways, on the buses or whatever - there is a sort of baseline

awareness that privatisation is an issue and parents could see that –
and that's what motivated them, that's certainly my opinion.

Ken Muller explained what happened when they were campaigning on the
streets:

> We were standing there trying to get people to sign the petition and if
> we said: Stop them from privatising our school, people would come
> over: What's this about? We would explain to them and they would say:
> Oh no, I'm not in favour of that, and they would sign. People do not
> like the idea of private business running their schools.

Before the publication of the consultation document, Alasdair Smith stated that
he thought the Anti-Academies Alliance and its community and union partners
ran an effective campaign in Islington:

> Well, we had big public meetings, we had a high profile in the local
> papers, and we had lobbies of the local council. You had a real sense
> that there was pressure on the council – that we were applying real
> pressure – and I don't know what the leader of the council would say
> about that but we certainly thought that for a while we had the school
> governors and the school management and the sponsors under real
> pressure. In fact, the first sponsors pulled out and we saw that as a
> direct result of us campaigning.

On 17 May a consultation document was published by Islington borough council
and the academy sponsors (2006) and sent to Islington residents. A deadline
of 14 June was set for responses to the planning proposals. The document's
contents reflected a common criticism of the consultation processes relating to
academies raised by Hatcher (2008: 24) in case study work: that the
consultation process was nothing to do with conducting a discussion
surrounding the *principle* of having an academy. The Islington document
revealed the following:

1. On the first page and throughout the document, the idea of a new
   academy was presented in the assumptive mode: 'We have designed this
   brochure to give you an insight into what we hope to achieve with the
   academy to spark debate and discussion as well as to consult you on the
   proposed closure of Islington Green School so that the academy can be
   established.'

2. The council claimed they wanted to consult on the closure of Islington Green though the emphasis throughout was primarily focussed on encouraging parents to 'help shape' the new academy. It was not until the penultimate page that two sentences referred to consulting about the actual closure of Islington Green School. The only other specific reference was that the planning proposal was available for inspection at four locations including the library and the council offices.

3. Using a revisionist version of the 'failing school' argument, the council and the sponsors admitted that Islington Green 'has some strengths' but suggested how much better it could be. No factual material was proffered to identify the particular strengths or weaknesses of the current school. No alternative to an academy was offered.

4. The literature review in chapter 3 included a critique of the rather loose use of evidence to promote the idea of academies. Typical here, on page 3 of the consultation document, was the anecdotal suggestion that the presence of a successful academy in a neighbouring area in London proved that the model worked. No other evidence concerning the success or otherwise of academies was referenced.

In reflecting on the consultation process, Alasdair Smith concluded that it was a diversion and that the sting in the tail was that, no matter how far they had got, no matter how much the 'democratic process' appeared to facilitate consultation, the council, in partnership with central government, was determined to press ahead regardless. He saw this pattern replicated in other campaigns:

> In terms of campaigning and involvement? It was successful but the truth of the matter was that the democratic process behind it meant that the council just ignored it. They didn't care what local people said. The decision just went ahead and that was it. And you got a sense actually, quite early on … after the first big meetings and lobbies of the Town Hall, after the discussions with the council, [that] the council was just saying: Whatever, we don't care, this is going through – the decision has already been made.

> Because really the decisions were between the local council and the secretary of state and the sponsor and really all that was going on with the consultation was them finding a way to shut us up and palm us off.
>
> … That experience in Islington Green tended to shape our attitudes in the national campaign. Because you realised then that consultations were just a sham everywhere, the whole process was a sham and that you had to do much more serious political campaigning and that's what we've been trying to do ever since.

Ken Muller's view was more upbeat - that the campaign in Islington had served to modify the less desirable aspects of the original proposal:

> Well I think what they did is they forced the government - I mean, academies today – the late New Labour academies – were better than the original ones in terms of admissions. …I think that, if you look at Islington Green - the academy - it's a far better school than it would have been if we hadn't fought it because in terms of the admissions [and] in terms of the teachers' pay and conditions, it's pretty much like what a local authority school would be - apart from the fact that it's not accountable to the local authority.

Following the consultation process, the overview committee of Islington Council, after a reportedly stormy meeting, split 4 – 4 on the decision concerning the academy. The Chair's casting vote determined that the academy proposals should be passed. Islington Green School was closed on 31 August 2008 and the new academy opened a day later in the old premises, with rebuilding planned in phases over the following two years.

Summary to chapter 7

From a political perspective, the narrative of this case as it unfolded through the Blair years revealed evidence of the strong degree of central government influence in determining a school's future and the facilitating role played by a network of individuals and organisations connected to that locus of power. The case also supported the view outlined in chapter 3 of this thesis that New Labour overrode its own policy rules in applying the academy model to an improving school, although it is noticeable in Blair's recent memoirs that he persisted in the belief that the academies 'in every case, replaced schools that were failing chronically' (Blair, 2010: 578).

From a constitutional perspective, this case raises the important role of the Freedom of Information Act. Ken Muller had to wait several years, until the passing of the Act, to establish that Chris Woodhead had over-ridden the original positive judgment of the Ofsted inspection team. In his memoirs, Blair said that he deeply regretted the Labour government's role in passing the Freedom of Information Act:

> Freedom of Information. Three harmless words. I look at those words as I write them, and feel like shaking my head till it drops off my shoulders. You idiot. You naïve, foolish, irresponsible nincompoop.
> (Blair, 2010: 516)

As far as Blair was concerned the Act was a weapon mainly used by journalists. He considered that those in government needed the freedom to be able to discuss policy issues in confidence and that the Act impeded that process. He omitted to mention that the legislation contained a number of clauses that prevented the release of information concerning policy advice. This negative view is somewhat removed from his own words contained in the introduction to the 1997 White Paper on open government:

> The traditional culture of secrecy will only be broken down by giving people in the United Kingdom the legal right to know. This fundamental and vital change in the relationship between government and the governed is at the heart of this White Paper.
> (Your Right to Know: The Government's Proposals for Freedom of Information Act, Cm 3818, 1997)

In terms of local campaigning, Islington Green did involve people at grassroots level, particularly parents, and the level of parental campaigning across the country on a matter related to schooling was without precedent during the New Labour period in office. In 2006, Sarah Teather, now Minister for Children and Families in the Coalition's DfE, predicted that:

> Ministers pay lip service to the idea of 'parent power', but in reality they are only interested in parents who want what the government wants. They don't like parents who speak up and ask for something different. As more academies are rolled out, we're likely to see more of these parent-led campaigns.
> (*The Guardian*, 13/6/06)

Islington Green was a high-profile case, which gained political attention from MPs, the teaching unions and a number of campaigning journalists. Alongside

other anti-academy campaigns elsewhere in the country, the slowly unfolding case of Islington Green School served to feed the doubts of a number of parliamentarians.

Despite a backdrop of declining faith in politicians and the political process, citizens objecting to the academy proposals still, in this case study and the case study in the following chapter, by and large, opted to use the democratic mechanisms of public demonstration, petition, voting for candidates in local elections, canvassing their representatives in Parliament and recourse to law to put their points of view across. A perceived lack of power and an inability to participate in the decision-making process on matters that affected their local communities incensed campaigners who thought that the bond of trust between government and citizen had broken down.

CHAPTER 8: SPONSOR MOTIVATIONS & COMMUNITY RESPONSES CONCERNING THE ESTABLISHMENT OF AN ACADEMY IN BARROW-IN-FURNESS

Introduction

The fundamentals of the Barrow-in-Furness[1] case concern the proposal in 2007 to close three long-established community secondary schools and to merge their pupil populations into one new academy. After a consultation period and a campaign (before and after the consultation) protesting against this proposal, the schools were closed and Furness Academy opened at the start of the autumn term of 2009.

While the interview material for the first case study on Islington Green School reflected the views of the campaigners, the emphasis here will be on the motivations and values of the education professionals who became the sponsors, and a senior elected member of Cumbria county council (CCC) who supported, the academy project for Barrow. In this case study the 'opposition' perspective is extracted from campaign, newspaper and media reports and the viewpoint of a local borough councillor who had recently been elected on a platform of fighting the proposed school closures. Two other campaigners were asked for an interview but both refused, as did Moira Swann, then Corporate Director of Children's Services for Cumbria county council and a supporter of the academy proposal, who had recently announced her resignation. Unlike Islington, Barrow was a 'live' case and the final decision on the proposal had not been made at the time of the request for interviews. This presents one of the dilemmas of case study construction: do you wait for time to elapse and gain a sense of interviewees' views in retrospect or can you access more vivid and 'true' data from an event still unfurling in its raw form? The ideal would be to interview twice to cover actual and retrospective views but this did not fit with the thesis timetable.

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[1] Shortened to 'Barrow' for the rest of this chapter

There are a number of reasons for the choice of Barrow as a case study:

Firstly, while the events surrounding the Islington case study covered the Tony Blair period of Labour government and 'Phase 1' of the academies policy, Barrow reflected the shift of policy emphasis in 'Phase 2' that marked the arrival of Gordon Brown as prime minister and Ed Balls as secretary of state in the DCSF. This policy shift to 'Phase 2' entailed a new emphasis on sourcing sponsors with prior experience in education and the drawing of the local authorities back into the decision-making process.

Secondly, in comparison to other campaigns associated with academies across England, Barrow's carried a unique political profile in that four anti-academy campaigners were elected as independents to Barrow borough council in 2008. It therefore carried a democratic imprimatur: some measurable evidence of citizen concern.

Thirdly, and partly as a result of the above point, the case gained national and local media attention and this produced extensive material on which this case study could draw.

The case study is partly based on one-hour qualitative interviews that took place between February and July 2010, with the following:

Simon Asquith - Associate Director, Partnership and Enterprise at the University of Cumbria, a co-sponsor of Furness Academy.

Ann Attwood - Principal of Furness College and a co-sponsor of Furness Academy.

'Sponsor A' - Another sponsor who requested not to be named though gave permission for their contribution to be published in this thesis.

Duncan Fairbairn - Cabinet Member for Schools and Learning, Cumbria county council, who supported the proposal to establish an academy in Barrow.

Lisa Hammond - A campaigner against the proposal to close three local schools in order to establish an academy and elected to Barrow borough council as an independent in 2008.

The case study is divided into three sections:

Section 1 explores the values and motivations of the sponsors that informed the proposal to re-organise secondary schooling in Barrow by closing three schools and opening an academy.

Section 2 examines the consultation process run in Barrow in the autumn of 2007 concerning the proposed schools' reorganisation. As with the first case study, the process of formal consultation proved to be an aggravating factor for those in the community who campaigned against the proposal.

Section 3 focuses on the perspective of those who campaigned against the proposal before and during the formal consultation stage.

Section 1: Barrow - the case study

The second largest town in Cumbria, Barrow has a population of 70,000 and is situated on the far edge of the South Lakeland peninsula. The town, in recent decades, has had to contend with significant economic challenges. An isolated fishing community until the 1840s, Barrow became a thriving industrial centre with the advent of the railway and the development of iron and steel production and shipbuilding. In terms of public education, Barrow was one of the first areas to use the school board system and historical records demonstrate a serious effort to provide basic schooling for the influx of families coming into the area during this period of dynamic growth (Horn, 1999). Just over a century later, industrial decline began with the closure of the iron works in the 1960s and of steel production in the 1980s. The end of the Cold War prompted the loss of 10,000 jobs relating to submarine manufacture and maintenance at Vickers, the town's main employer. In Barrow, 68 per cent of the working age population is employed compared to a county average of 72 per cent. At a household level, car ownership in the town is comparatively low at 36 per cent and this has inhibited labour mobility. Close to 33 per cent of the population

aged between 16 and 74 have no formal academic, vocational or professional qualifications (NWRIU, 2009).

In terms of social indicators, Barrow's long-term illness rates are higher than the county average (ibid) and the male life expectancy rate in the town is one of the lowest in Cumbria at 70 years (*BBC News*, 2008). Industrial decline, poor levels of health, low educational achievement and limited and low-paying employment choices have all had a negative effect on social mobility and the town is now rated the 31st most deprived district borough area in the country where 1 is the most deprived nationally and 326, the least deprived (Barrow borough council, 2011).

In 2007 the Furness Education Consortium, comprising local headteachers and heads of two colleges of further education, following a two-year strategic review of the secondary school arrangements in Barrow, concluded that a reorganisation was required. There were two reasons given for this conclusion: (i) the urgent need to respond to the predicted fall of 25 per cent in the secondary school population by 2017 and (ii) a concern that the overall educational attainment was not adequate to provide the right level of future opportunity for the young people of Barrow.

At the time of this strategic review, Barrow had five secondary schools: St Bernard's, a Catholic High School and four 11 – 16 mixed comprehensives: Walney School located 'across the bridge' on Walney Island and the three schools that faced possible closure in the proposed reorganisation: Parkview, Thorncliffe and Alfred Barrow.

Parkview was originally the local grammar school and it converted to comprehensive status in the 1970s. In the 1990s, it was awarded specialist school status in technology. The Ofsted report on Parkview for 2007 described its progress as a 'satisfactory and improving school with some good features'. In that year, pupils achieved a 39 per cent GCSE pass rate of five A* – Cs, including English and maths. In 2008 this rose to 49 per cent and in 2009 it dipped very slightly to 46 per cent.

Thorncliffe was a specialist sports school that had been identified by Ofsted in 2006 as a failing school but, with the advent of a new headteacher, it improved and was taken out of special measures in 2008 when an Ofsted inspection gave the school a 'satisfactory' rating. In that year, its GCSE pass rate was 28 per cent for five A* – Cs, including English and maths. In 2009 the pass rate had climbed to 40 per cent.

Alfred Barrow had the weakest academic reputation of the three schools faced with closure. It scored highly when 'added value' measures were applied and had the greater challenge with higher proportions of pupils with SEN needs and 43 per cent of the student body eligible for free school meals – double the rate of Parkview's and Thorncliffe's. The school population came from the most deprived wards in the city centre: 'the socially disadvantaged streets of back-to-back terraced houses that surround the shipyards' (Stanford, 2008). It was the school most vulnerable to falling rolls and at the time of the review had a population of 300 pupils (Mansell, 2009). Although rated 'effective' by Ofsted in 2004, it went into special measures in 2007, coming out of this status in the spring of 2009 when the school was described as 'satisfactory'. In 2007, the GCSE overall pass rate for five A* – Cs, including English and maths, was 12 per cent. In 2008 it was 16 per cent and in 2009, it was 19 per cent.

In the county league tables of forty-three secondary schools, Parkview was rated twenty-sixth, Thorncliffe thirty-fourth and Alfred Barrow forty-first (Stanford, 2008).

Only Alfred Barrow, sited in a deprived area and with GCSE results well below the 30 per cent benchmark for pupils attaining five grades A* – C, including English and maths, fully fitted central government's original criteria for funding academies.

As far as the sponsors who were interviewed were concerned, they shared Cumbria county council's strongly held view that, despite opposition in some parts of the community, the school reorganisation proposals were in the best

interests of pupils. In their interviews, the representative from Cumbria county council and the three sponsors communicated a commitment to create better levels of attainment and opportunity for pupils. The weight of the discourse was towards the sponsors using their judgement to do the right thing to solve a pressing problem.

Simon Asquith, who represented the University of Cumbria's strategic interests in co-sponsoring the academy project, provided the background to the decision to propose the establishment of an academy in Barrow:

> You've got a southwest Cumbrian town with known socio-economic challenges, education progression challenges, low take-up of even FE, never mind HE and, again, a town with a spiralling downwards demography. With the population falling, educational school structural change was absolutely essential because there were too many schools with too many places for the children remaining and there were quality issues in some of those schools. So, an academy became a quite early notion of the Furness Partnership Group and, indeed, the headteachers in Furness quite quickly came to accept that it was a likely way ahead.

Sponsor A laid out the specific background to the proposal to close three schools and establish Furness Academy:

> The context of the Furness Academy is three schools into one. The situation was that we had really two very poorly performing schools. One, the Alfred Barrow School, although the Contextual Added Value at Alfred Barrow was actually quite good but the performances for A* to Cs GCSEs were probably less than 20 per cent. The other school – Thorncliffe School had been in and out of special measures and again its performance for five A* - Cs GCSEs, including English and maths, was, I think, below the 30 per cent threshold. The other school, Parkview School, although performing reasonably well, wasn't doing brilliantly and probably should have been performing a lot better than it had been. So, those three schools were those proposed to close, with the new academy to open from September 2009.

For Duncan Fairbairn, Cabinet Member for Schools and Learning at Cumbria county council, there was scope for improvement in the provision of secondary education in Barrow:

> In Barrow, there was Thorncliffe School, which was in special measures – in and out – the Alfred Barrow was a failing school and had dropped back into special measures. The only one that was doing anything at all was Parkview, which was the ex-grammar school. So, again we got

money from a source down there to pay for moving towards an academy.

Those proposing the academy believed that a new building and a new start would improve educational opportunity in the town and were also keenly aware of the need to enhance skills and education levels to meet the requirements of local employers. Typical of this view was the comment in interview from Duncan Fairbairn:

> It was realised many years ago by the employers in Barrow that ... the young people coming forward for employment weren't skilled enough, they hadn't enough knowledge; they hadn't enough GCSEs and A levels. So, the future workforce had to be upgraded.

Duncan Fairbairn also thought that young people should have a better chance to develop themselves:

> Ideally, we want to see our young people achieving whatever they feel they want to achieve. If they want to go off to university; if they want to finish at GCSE level and go off down the road and be a shop assistant – but having had a very good education in the process and achieving the goals they want to achieve.

The sponsors interviewed for this case all thought that the school reorganisation proposal would prove challenging for the Barrow population. The schools due for closure, nick-named locally 'Parkies', 'Thornies' and 'Alfs', had educated several generations of Barrovians and consequently they played a central role in the community in providing a sense of history, identity and continuity. Simon Asquith drew the following pen-portrait of a self-contained town perhaps not best positioned to readily contemplate the removal of three local secondary schools for the untried idea of an academy:

> Barrow is one of those communities that is very tight ... and although the industrial geography of Barrow, of course, rightly so, has changed enormously over the years, there's still that feel within the town and also, just it's pure geography, a peninsula town stuck out a long way from anywhere, really. And its schools are important to it and perhaps it's a bit more inward looking … than some other urban communities would be.

Reflecting a point made at interview by David Blunkett in chapter 5 about the centrality of the presence of schools in their local communities, Anne Attwood, Principal of Furness College, pointed out that, within Barrow, the town split into

smaller enclaves and had particular loyalties to particular schools, their histories and their staff. Of one of the schools, she stated:

> You say it's Barrow but Barrow is broken down into smaller communities. One sub-section, for example, had a great allegiance to the old grammar school and that was understandable – a real history, a real legacy that was going to be lost.

Looking through hundreds of contributions to an on-line discussion facilitated by *The North West Evening Mail*, it appeared that, for some members of the local community, their affection for the secondary schools faced with potential closure outweighed the more ephemeral promise of raising academic standards at some later date. Despite the promise of better facilities, some of the parents opposing the academy idea saw the proposal, and its perceived disruption, as a threat to existing standards. Instead, they thought that any extra money coming from government should be used to improve the existing schools.

Anne Attwood thought that school standards could be higher in Barrow and she expressed frustration at not being able to communicate the positive nature of the proposed reorganisation. She made the pertinent point, common to many multi-agency projects, that attempting to get all parties to agree to joint communication was a complex matter and proved an aggravating factor for parents with children at the affected schools who wanted concrete information delivered in a timely fashion:

> One of the big problems that we had … was getting permission from everyone before we could make a statement. The time delay caused problems. We were also sensitive to people's feelings. At the same time you needed to get the message across that things were going to be all right, everything is being done in everybody's best interests … we are trying to get the best possible school.

Anne Attwood considered that Furness College's involvement in sponsoring an academy in Barrow would bring benefits all round:

> It can only help us and that was the attitude that the whole staff had to the academy: This is going to give the children in Barrow a better start because we'll be involved in it as well.

Simon Asquith made it clear that the University of Cumbria's decision to sponsor Furness Academy developed in an incremental way:

> I think, like many institutions, we slipped into a little bit of involvement, rather than some hard and fast decision that might have happened more at board level at least in certain other types of institution.

Sponsor A understood that the sense of community loss over the potential closure of three secondary schools to make way for a new academy was a negative factor and that people would inevitably view the sponsor group as outsiders:

> I think the opposition was a result of losing the schools, the community [thinking]: Who are these people to come in and upset our lives and change things? They had quite a narrow view from my perspective – they didn't want change and maybe, after a while, they'll actually see that it's benefiting their young people.

The sponsors saw their actions as congruent with the underlying educational values of their own institutions. For instance, Sponsor A stated:

> I think the values underpinning it are the interest in children and young people's welfare and progression and wellbeing and addressing inequalities that exist within the education system … in the county of Cumbria … the Barrow area is very much deprived …

Those interviewed who initiated or backed the proposal for a school reorganisation in Barrow indicated that their choice of an academy solution was based on the pragmatic view that it would be the fastest route to funding rather than on any set of strong beliefs supporting the academies model itself. Indeed Anne Attwood indicated that she was initially against an academy due to her own prior professional knowledge concerning some of the early versions of the model. At the start of this illustrative extract, she also confirmed that a significant attraction was the availability of BSF funding:

> We were told that the only funding available to us by John Hutton [Labour MP for Barrow] would be through an academy. This was discussed for quite a while before any agreement was reached. I was very anti-academy, as I had seen some disastrous results in Teesside where I had worked previously.

Practical funding considerations played a part in determining the decision to opt for an academy in Barrow (and elsewhere in Cumbria). For the county council,

the potential availability of BSF money was a particular attraction. The first academy to be placed in Cumbria occurred after the floods in Carlisle and Duncan Fairbairn made it clear that an academy was part of a solution to a very immediate issue:

> The floods came along and then we had a problem – where do we put all these pupils? So, suddenly, the academy became a big attraction and with a government offer of a lot of money as well, it became a very good attraction to resolve the problem.

Barrow borough councillor, Lisa Hammond saw the availability of BSF funding as a decisive factor in the academy decision and recalled that a colleague had told her that no other funding would be made available by government in the medium term:

> Yes, Building Schools for the Future money. Somebody did sit me down and said: If we hadn't applied for this money now, we would have to wait until 2023 by which time all our secondary schools would have been failing. … So they said: If we hadn't taken it now, we would have had to wait until 2023 … another ten years down the line and I personally (not me but the person telling me) wasn't prepared to take that risk with this generation.

It was not just funding that was the pull, the DCSF was active in directing resources at the would-be sponsors and facilitating the whole process. As Anne Attwood indicated:

> The Department were extremely helpful and solid and strong and, you know, you have somebody that leads you through it and it was her first academy and she was absolutely brilliant. We were supported all the way through. They were the liaison point between the Department and us, and she solved the problems and sat in the wings all the time. She led us through and told us what we could do and what we couldn't do.

A hallmark of the academies policy, as far as the Department was concerned, was the notion that creativity and innovation would be released if such schools were given greater independence and more control of their own curriculum. As Leo et al., (2010: 125) stated:

> In the beginning was innovation. The DCSF always saw innovation as a key driver of the academy programme's key objective of raising standards. Academies themselves being innovative, they were expected to be innovative in their governance, leadership and curriculum. Innovation was part of the landscape. When discussing the curriculum plans for the new academy in interview, the sponsors echoed some of the findings of the PwC evaluations: that creativity was

not to the fore and, in a focus on raising standards, a more traditional approach appeared to dominate.

The sponsors interviewed in the Barrow case emphasised traditional values rather more than any radical alteration to the curriculum. This reflected findings in many of the academies (see ibid). For instance, Anne Attwood stated:

> Well, we wanted a good old-fashioned headteacher, we wanted discipline and we wanted an academy with respect. Our College values are Respect, Equality, Diversity and Excellence and that was the kind of thing that we wanted for the school. We didn't want airy-fairy-ness, we wanted focus on let's get back to being strong on behaviour, strong on focus as to why people are learning and we stuck to that.

In the planning stages, Anne Attwood indicated that the early discussions on the curriculum centred on a sense that 'old-fashioned values' were the rock bed with 'modern approaches' restricted to teaching delivery:

> We were all originally teachers and that helped a lot as we came to terms with developments really and also – I think we started off as three of us talking about what we wanted, what we felt our boards would want, what we felt was needed and we found that the three of us were all on exactly the same wavelength, which helped. To a certain extent, it was going back to a lot of old-fashioned values … but with modern approaches to be able to take those values and do something with them.

And this exchange with Sponsor A, when the interviewer inquired about the opportunity to deviate from the national curriculum:

> Yes, [but] we haven't necessarily done so. We haven't – no – I mean you've got to focus on those core areas and you can't get too creative and innovative. You can't take too many risks I don't think with the curriculum when you've got that core focus to deliver and targets. I mean if you were to look at it, it wouldn't be that dissimilar to a local authority-controlled school, really.

Sponsor A made the extremely valid observation that, although the government aims for academies highlighted innovation and creativity, the inspection regime and focus on GCSE results were not geared up to measure these qualities.

> But the immediate challenge for sponsors and the principal and the senior leadership team is really hitting these – and I hate it just as much as everybody does – but it is how they measure us, how they measure our performance.

In discussing how accountability at local level could happen in the academies in Cumbria, Duncan Fairbairn indicated that a shift in jurisdiction would not prevent the county council from taking an active interest in achievement levels in the academies. In the eventuality of things going wrong, Duncan Fairbairn thought that pressure at county council level as well as media attention would shine a light on any deficiency and force the governing bodies to take the necessary steps towards improvement.

> Duncan Fairbairn: Now obviously for public opinion, if the school isn't achieving good results, public opinion will drive achievement, won't it? And, if it means parents coming to [the] council and saying that this school isn't doing anything good for us - which hasn't happened yet - but if it does, I would say that most councillors will go knocking on the door and say: Look, I've got an electorate here saying, I don't think you're achieving, I think you better speak to them. That's where we would influence it, we couldn't influence them directly but indirectly we could.

> Interviewer: I mean, going down that particular route, if things did decline, and you got into a position where the management of the academy basically said, 'Back off', it doesn't sound as if they probably would, but if they did do that, what would be your next step?

> Duncan Fairbairn: Well, we haven't got any jurisdiction in the academies at all but the external building up of tensions would drive the governing body of that academy to change, I would imagine. We haven't reached that point at all yet but I would imagine that they would take note because not only you but also a separate council may be knocking at the door and the press would be involved as well, wouldn't they?

Duncan Fairbairn thought that the presence of local councillors on some of the governing bodies of the academies would supply an incentive to keep on track. If necessary, the Director of Education at the county council would intervene. Given the lack of formal jurisdiction parents voting with their feet by taking their children away would deliver the ultimate verdict.

> Duncan Fairbairn: Well, I mean quite a few of those schools will have councillors of whatever description, on their governing bodies and it's the governors, really that need to sharpen up their processes.

> Interviewer: So, if you want to know what is going on, how do you find out at the moment?

Duncan Fairbairn: Well, we haven't had to find out yet. I suppose if we did have to find out, then the problem wouldn't arise unless a whole load of parents thought that the school was failing. … At that point, really I suppose the Director of Education might get on the phone and say: We seem to be getting a bit of flack here, what's going on? But we would have no jurisdiction on them, they would live and die by their own results, wouldn't they? If people started to slide away to other schools, then there is a message there.

Duncan Fairbairn made the point that the county council did not control all services supplied to the locality but this did not mean that they would not become involved if local people had issues:

Councillors don't only take on matters that are in their primary role, i.e. people come to me and say: I don't know what you are going to do about the Environment Agency's drainage systems – that's an example just at the moment – and I can't turn round and say: Tough luck, go to the Environment Agency – they want me to go along and explain the problem to the Environment Agency.

It's another voice standing up for them, isn't it? Well, it's the same with academies; you would indirectly get involved and just make sure that those who are running it hear those voices.

In responding to a question about accountability, Sponsor A indicated that accountability would take place at two levels: at the level of parental and community disapproval and the associated potential for direct action and at the level of the supervision and interest of ministers in the DCSF.

Sponsor A: Well local accountability is obviously there. It is massive scrutiny really, isn't it, in terms of how that academy is going to perform.

Interviewer: From whom?

Sponsor A: The community more than anybody else -

Interviewer: And how does that occur?

[Sponsor A digresses for a minute of the transcript to provide some background information]

Interviewer: Can I just take you a little bit back? Your view is that scrutiny exists in the community and that view is very much shared by another interviewee. When I asked him the question about his point of view concerning accountability and scrutiny, he felt that the community would speak out.

Sponsor A: Well, I just think you would have protests on the street again. I mean, if the academy was to produce say 30-odd per cent

GCSEs A* - Cs, including English and maths in the summer, they would be on the streets. In Barrow they would be on the streets, they would be demonstrating outside both of the sites of the school. They would be ratchetting up the website. … So, the accountability is definitely to the local community and yes, there is the accountability to ministers too because they want to see it succeed and the current Coalition really wants to see it succeed too.

Simon Asquith, speaking in his broader role as an educationalist, questioned the onward maintenance of checks and balances in an area of public service increasingly disconnected from local government influence and supervision:

I'm really interested in how you get a system where there is freedom and autonomy, power, ownership and self-belief and all those positive things that the system can deliver but that actually doesn't short-change people in that particular area and the worry as you see local government increasingly deconstructed or disempowered and the worry as maybe the other checks and balances might be dissolving away.

Taking a wider perspective in replying to a question concerning Michael Gove's invitation for schools rated 'excellent' by Ofsted to apply for transfer to academy status, Anne Attwood, in the following exchange with the research interviewer, made some strong points about the potential danger to the cohesion of local provision across the education system. In talking through the practical organisational difficulties surrounding provision, she reflected many of the constitutional issues already raised in this thesis concerning the increasingly diffuse and complex nature of the education system. In her vision, she saw academies as part of the family of schools.

Anne Attwood: I am worried about a fragmented approach to education. There are schools that wish to move away from their local authority because relationships have broken down and they want to escape. Academies also seem to have more freedoms. It worries me what can happen within these schools as they play with their new freedoms e.g. teachers' salaries and conditions.

Interviewer: And what will that do, a fragmentary secondary education system?

Anne Attwood: There is no overall strategic direction, a sharp focus on the educational pathways that are needed within an area. That was one of the reasons that we wanted to have a local input into the academy so that it remained within the Furness Education Consortium.

Our academy is very much a part of the local consortium – and that is not happening everywhere, schools opting out to become an academy don't need to join in.

As the new academies were opening in Cumbria and leaving the formal jurisdiction of the county council, a new statutory responsibly for ensuring curriculum entitlement across the 14 – 19 age group was placed on the council. Given that academies had greater control of their curriculum, Duncan Fairbairn was asked about the likely challenges involved in dealing with this new duty.

Duncan Fairbairn: Well, I would imagine as a move forward from here that if an academy is not giving as full a range in the curriculum as schools had in the past, that parent power would be very important here. They would be saying to the governors and the staff: Hang on a minute - before we were an academy, we had one set of arrangements for the curriculum, now we seem to have a rather thinner one, what's going on? You know, parent power will be very strong in keeping academies on track.

But, I mean, do the academies want to fail? I have to ask that. Does an academy want to be a failing school? I wouldn't have thought so because the sponsors want to be seen to be with an achieving school, don't they? They wouldn't want to be with a failing school – so, everything sharpens up, I would have thought. We might find that one or two might not go that way but it seems that - not only here but also nationally - that's how it has happened.

Interviewer: I think they're going both ways. For many academies the curriculum is very rich and exciting and covers all the bases but I think for some other academies, there appears to be some evidence of a narrowing of the curriculum and there is this thing of single GVNQs counting for a number of GCSE A to C grades – so, some academics would call that the industrialisation of the curriculum, giving people less academic subjects but still appearing as if they are producing good standards. So, I suppose my question would be: how do you find out?

Duncan Fairbairn: Well, in my area [Allerdale] we don't have any academies. Like every other county council we get the figures from the secondary schools and the primary schools – the results, right? Now in Carlisle they won't get the results from the academies, at least not officially in the local committee.

Unofficially, of course they might. If I were a councillor with a lot of parents with pupils at one or other of the academies, I would be saying to the academy: I want to see how you're doing? How they would react to that, I'm not quite sure, not being in that position myself. I suppose you really need to ask some of the councillors who are in Carlisle or in the Whitehaven/ Copeland bit - that question. Because I must say I haven't asked them how that happens.

Barrow is a bit different because they're just getting off the ground down there. But I would have imagined that [mentions name of another councillor] would have known – in fact I think she is one of the academy's governors. I think this is where the councillors, there will be one or more on their governing body and they would be monitoring what the effects were but it wouldn't come in front of the local committee – it is not in their purview now.

Section 2: The public consultation period

In October 2007 Cumbria county council, following the normal statutory requirement to consult in the case of any proposal to close schools, published and distributed 11,500 copies of a 36-page consultation brochure to all interested parties in the Barrow community (CCC, 2007). This was accompanied by the arrangement of more than 40 consultation meetings in schools and other centres. The document made the proposition that falling school rolls and the need to improve standards were the motivating factors for a school reorganisation. They asked respondents to reply to the broad proposition that, 'The Local Schools Partnership Group decided that there was a need for change in the organisation of schools in Barrow. After reading this document do you agree?' The possible response options were: Yes, No, Don't Know. Secondly the document (ibid, 2007:3) asked readers to select between options for the way forward, though one of these options was to do nothing:

Option 1 - Make the existing schools smaller

Option 2 - Close Walney School and enlarge the other schools

Option 3 - An academy to replace Parkview and to be used by the Parkview and Alfred Barrow school populations, leaving Thorncliffe and Walney schools with reducing populations

Option 4 - The 'do it now' option - closing Thorncliffe, Alfred Barrow and Parkview and establish a new academy

Option 5 - Stick with the status quo and do nothing

When the local authority sent out the consultation document, Lisa Hammond thought that the choices presented were not concerned with agreeing to the fundamental idea of an academy as a replacement for community schools:

There were four choices but none of the choices were: Not an academy at all, whatsoever. There was a one site, there was a two site, there was a spilt site and these were all really questions that unless, you know, you understood and unless you were educationally-minded, really, you wouldn't have understood …

The document clearly indicated the route most favoured by the promoters was the option that carried immediate funding:

We are now confident that there is a very good chance of being able to fund one of the options within the next four or five years, though others would have to wait longer for resources to become available (Swann, 2007).

The option in question was option 4, described as 'the most radical' as it involved change for all five secondary schools. At first sight this wording suggested that the change would affect all the schools in an equally significant way though in fact the only change for St Bernard's and Walney School would be an improvement in facilities and an increase in pupil population. In contrast, the three remaining schools faced closure and a merging of three pupil populations into the proposed new academy.

Stating clearly that there would be a significant delay of at least eight to ten years for Options 1 - 3, the document revealed that, 'The new schools … could only be funded through resources from the BSF initiative. We do not feel that they are likely to be available until 2015 - 2017 or later' (ibid: 24). The document indicated that an advantage to the fourth option was that the statutory rules for academy placement meant that there would be no requirement for the usual open competition when a new school was proposed (ibid: 9).

Cumbria county council supported the academy proposal in the consultation document and indicated central government's backing for the project as part of its school diversity strategy that must have appeared odd to parents feeling they were being asked to exchange three schools for one:

The establishment of academies is a key part of the government's educational agenda for improvement. Local authorities are expected to consider promoting the setting up of academies as part of their

strategic planning in order to increase diversity in secondary education and improve educational opportunity.

As part of its strategic approach to school organisation … the county council is in the process of helping to develop two new academies in Carlisle and one in north Copeland.

Discussions have taken place with Government officials on the possibility of the establishment of an 11-16 academy in Barrow. The Government has indicated it will support this.
(Ibid: 18).

On 4 December 2007, in a written response to Cumbria county council regarding the consultation document, John Hutton, the local Member of Parliament, stated that, in his opinion, there was support for the project but also that concern had been expressed by some of his constituents. He gave his backing to Option 4 on the grounds that he supported the professional view of the educationalists involved in creating the proposal. He stipulated that admissions and other arrangements should be same as at other state schools and that the academy should be part of the family of schools.

CN Research, a market research company, was commissioned to manage and analyse the results of the Barrow consultation. Its analysis was based on a 4.7% (542) return to the circulation of 11,500 documents (CN Research, 2008). Responding to the overall consultation question regarding the need for change in secondary school provision in Barrow, 67 per cent agreed with that statement. The results were more revealing when the responses to the options were analysed. Of the 490 people that completed the questions relating to the options, 39 per cent preferred Option 1, 20 per cent supported the idea of taking no action, Option 5, and 27 per cent preferred Option 4. Put in raw figures, Option 4 attracted 130 positive responses (ibid: 4 and 6).

On 8 February 2008, Cumbria county council cabinet met and agreed to go ahead with Option 4. In a background paper sent to councillors to support the decision-making process, Moira Swann, Corporate Director of Children's Services, argued that while members might require some information on academies, they were charged only with deciding on the closure of three schools, not the consequent opening of an academy:

> Ultimately the decision on whether to establish an academy is one for the sponsors and the secretary of state and any decision of cabinet to approve the proposals set out in this report would be conditional upon the establishment of an academy.
>
> Nevertheless, members may wish to have background information on academies when considering the proposal.
> (Swann, 2008: 7)

In this briefing document, Moira Swann presented Option 4 as 'the second most preferred option', though she did acknowledge that parents had expressed concern about the idea of an academy:

> After considering the analysis of the consultation outcome, [council] cabinet agreed a way forward based on Option 4 in the consultation document. … This was the second most preferred option of the five included in the consultation document. Option 4 was supported by key players from the local education community, the University of Cumbria, the Learning and Skills Council, the local MP [and] almost all members of the council's Local Committee for Barrow and the Furness Strategic Partnership.
>
> The consultation did, however, reveal concerns on the part of parents and others about the establishment of an academy in the town, which was an integral part of Option 4.
> (Ibid: 5)

Of the Council's decision to go for Option 4, Mansell (2009) reported that:

> This was despite it not proving the most popular option among respondents to consultation, the council having suggested five options in which only the academy plan was presented without disadvantages.

On 19 July 2008, Nina Hill, Chair of the local pressure group Our Schools Are Not For Sale (OSANFS), reported that John Hutton had told her that while he thought that academies were the way forward, he had to consider local opinion and that the retention of Parkview and Thorncliffe would be a viable alternative. She also confirmed that Lord Adonis had admitted, on a recent official visit to Barrow, that Parkview and Thorncliffe were viable schools (*North West Evening Mail*, 2008).

Section 3. The campaign against the academy proposal

The proposal to close the three secondary schools and open an academy generated some negative response from parents, pupils and others in the community. Sponsor A provided a glimpse of the impact of legal events outside Cumbria in the shape of a judicial review in Camden which slowed down the progress towards the signing of the funding agreement for Furness Academy. The general uncertainty this caused provided a space for a campaign to develop against the proposed academy. Sponsor A thought that those opposing the idea of the establishment of an academy in Barrow were a vocal minority in the community:

> Further background to it all was that we had a lot of difficulty trying to get the funding agreements signed because of the test case concerning Camden Academy in London, which I think was being sponsored by UCL. We had to wait until last summer for the UCL case to go to the High Court before the Furness Academy funding agreement could be signed off and that was a very difficult time for us.
>
> I mean we had a big anti-academy movement in Barrow. You probably saw it in the local, and indeed, national press – the opposition to it all and, of course, there were the political drivers around it as well with John Hutton being the Labour MP and I think, at that time, he may have still been Secretary of State for Defence. So it was a bit of a political hot potato in Barrow and in fact the Barrovians set up their own anti-academy political movement in opposition to it. So feelings ran high although I think it was a minority rather than a majority of the public in Barrow that were opposed to it.

Of course, in any situation of controversy, those people in the community in favour of a proposal suggested by their county council are generally unlikely to feel the need to register support in a public sense; they think it is a good idea and so leave the council to get on with it. Campaigning activities in Barrow included the running of an election campaign in the local borough elections, petitions, demonstrations and lobbying as well as use of Facebook and Bebo social networking and participation in an on-line discussion forum facilitated by *The North West Evening Mail*. Pupils also became involved in the controversy and 950 pupils walked out of Parkview School on 1 June 2009 to protest its proposed closure, attracting the attention of the national media (BBC, 2009; Lightfoot, 2009).

In responding to a question about the motivation for her involvement in the campaign, Barrow borough councillor, Lisa Hammond stated her doubts about privatisation and the possible influence of sponsors:

> Well, I think the big thing for me was the privatisation of education. It takes away - not the personality of the school but the personalisation of it – knowing your teachers, knowing that my children are going to a school with teachers still there who taught me and having them be called names – not numbers.
>
> The fact that as well - that the scariest thing for me was that we were tried to be won over by: This is the first academy (in Cumbria) where we have three educational sponsors - whereas before that, through our research, we'd obviously heard horror stories that in the future [Company name omitted] could be sponsoring them and what sort of curriculum would they be proposing?

Lisa Hammond described the ups and downs of the campaign:

> I mean, at one point, the campaign was on such a roll that we could have achieved anything. We thought we were at our peak – we were at our peak - when we got 6,000 signatures on a petition and then we held a rally outside the town hall and it was a washout, it was an absolute washout. People were very vociferous about it but to get them off their sofas to attend any event was just - because people got that sick of it – it was flashed on the papers every day and people were absolutely sick of it.

In recounting the events surrounding the campaign, Lisa Hammond talked about the organisation of the steering group and contacts she had with a county councillor. In so doing, she supplied an insight into the realities of party discipline at local government level:

> A steering group was set up, we met weekly and things changed from week to week. I mean, it did – there were lots of angles we were going for and, you know, we were talking to lots of people and local politicians as well and I think that the one that struck me – a Labour person [a county councillor] - just privately me and her - she said that in her heart she just didn't believe in them but in her head she was basically doing what she was told. And that to me struck a chord because I thought to myself: Well, how do you sleep at night then? If you're doing something that you don't feel is right, why are you going ahead? … But then I think that's politicians all over – the party whips – whether they believe it or not, that is their job - and their boss tells them to crack on with that and so they will go ahead regardless of what's actually in there [Lisa points to her heart]. Politicians these days aren't as true to themselves as they should be, which is very harsh but it's reality in my opinion.

In section 1 of this chapter, a sponsor had raised the difficulty of conveying information about the academy plan to the public because of the complications of working with multiple sponsors, all of whom needed to gain approval for the release of details from their parent organisations, this also proved a real frustration for the campaigners. As Lisa Hammond stated:

> We were trying to receive the information to give to the people but we weren't getting it from anywhere.

One of the issues that disturbed the campaigners was the level of control that the sponsors of the academy would have on admissions. As Lisa Hammond stated:

> It's the fact that they could set their own admissions policies – so, yes, they only will take the cream of the crop; they're not going to take the lower attainers.

The issue of admissions became more critical when Lisa Hammond realised that there would not be room for all the potential pupil populations of the three closing schools in the new academy and that this would particularly affect the most vulnerable of the schools:

> Further down the line, perhaps after we got elected – you know, when it was all still sort of up in the air, we realised that they were giving numbers out and figures of how many people would be at this super-academy and then when you worked out how many children were actually in the three schools that were threatened with closure, they didn't tally up.
>
> So what was happening was that these lower attaining, town centre children who went to this school who could give them the best possible care and education, were actually going to be sent across the bridge to an island school.

On 29 May 2009, *The North West Evening Mail* had reported that OSANFS, the local anti-academy pressure group considered that the new academy's admissions policy was unfairly based on 'distance to home from nearest school.' This meant that future pupils 'from some of the poorest areas of Barrow will fill extra places at Walney School, rather than get a place at the £45 million academy.'

Summary to chapter 8

In analysing the interviews and desk research data, the Barrow case study reveals, from the perspective of central and local government and sponsors, a shared narrative about concern for declining educational standards and the urgent need to find a remedy. Expediency rather than ideology played a central role in the decision to have an academy. Put simply, it was made plain that funding from central government would not be forthcoming in the foreseeable future for a new community state school or for improvements to the existing three schools. As in the Islington case, access to BSF funding drove the decision-making process.

The interview data reviewed for this case suggests that the sponsors showed a great commitment to improving school standards in order to improve the future career opportunities for young people in Barrow. This sense of commitment appeared to be more important to them than opting for a particular school structure. In interviews, the sponsors did not emphasise some of the main selling points for the academy model made by its governmental promoters. For example the DCSF aspiration that the academy model would enable greater innovation and freedom did not reflect the reality on the ground for two of the sponsors interviewed. They instead emphasised the need to build a learning environment that would support traditional values. For them, the academy solution was the practical means to achieve a positive end.

The evidence presented in this case study indicates that there were very different attitudes displayed between the opposing sides of the argument concerning the academy proposal and the link to democracy. While those parents and campaigners who objected to the academy proposal made a strong and direct link between schooling, democracy and accountability, the concerns of the sponsors and Cumbria county council who backed the project, were far more connected to the urgent need to help raise standards and to access whatever tools were most conveniently available – the academy model and BSF funding. Stanford (2008) interviewed some of the headteachers of the closing schools who had agreed with the council's decision to re-organise and identified the conflict in thinking this caused:

> The heads' support for the academy is pragmatic. They recognise that change needs to happen and that the academy route is the only one that will deliver the necessary funds in the short-term. The voters in Barrow, however, currently seem to have taken a stance against the whole proposal on principle. This makes the task of reconciling the two, for local and national politicians, a challenging one to say the least.

One of the important findings of this case is that although Gordon Brown and Ed Balls placed greater emphasis on attracting sponsors from the charity and education sectors, rather than the early preoccupation with corporate sponsors displayed by Tony Blair and Andrew Adonis, this did not appear to ameliorate the views of the campaigners. As far as they were concerned, it was enough that the proposed academy would be removed from local authority supervision. Whether the sponsor came from a commercial business or a charity or an education body, the view of the campaigners was that the new academy would be in private not public hands.

Those officials promoting the academy utilised the tool of consultation and, though conscientiously following the letter of this requirement, the spirit of the consultation process was less than ideal. There seemed to be a disconnection between citizens' expectations of what 'consultation' should mean in a democratic society and the authorities' view. A growing sense of cynicism and disillusion developed among campaigners about the integrity of the democratic process at central and local level with parents expressing concern, in some of the on-line discussion on *The North West Evening Mail* website, that their children may gather negative impressions of the workings of the democratic system. In 2010, Furness Academy's first year of examination results saw 33 per cent of pupils achieving five A* - Cs passes, including English and maths. In 2011, the pass rate was 48 per cent. A first monitoring inspection by Ofsted on 2 – 3 March 2011 concluded that:

> [Furness] Academy has made satisfactory progress towards raising standards. The recent improvements in English results, attendance and behaviour, broadly accurate self-evaluation and steady improvements in teaching show that the academy has satisfactory capacity to improve.

CONCLUSION TO THE THESIS

The literature review process and the accompanying empirical research has sought to find answers to questions regarding what the development of the academies programme reveals about the connection between democratic values and secondary education policy formation, how constitutional practice has influenced the development and scrutiny of the academies policy and what the discourses of those who supported or contested the academies programme reveal about democratic values and constitutional practice in policy-making. This conclusion will reflect on the findings pertinent to these questions and will also discuss the central issues arising from the research and suggest areas for further inquiry.

Section 1: Assessment of main findings

First research question: What does the development of the academies programme reveal about the connection between democratic values and secondary education policy formation?

The literature review (chapters 1 – 3) in this thesis has explored how social democratic values connected to schools policy in England underwent a metamorphosis in the 1970s when the political hierarchy of the Conservative Party became convinced that a radical reinterpretation of the liberal democratic state was urgently required. Later, Tony Blair co-opted many of these views into his creation of New Labour. In parallel, the long-standing decline of parliamentary influence and the rise in the power of the executive became an accelerating trend and the political policy discourses turned more to matters of obligation and urgency when it came to school reform. When seen through the lens of the academies policy, these changes in the dominant political philosophy among the leadership cadres of the main political parties pose important questions about the present nature of the connection between democratic values and state schooling and the future constitutional implications if, as is likely, a significant number of schools convert to academies.

The evidence collected suggests that a wide spectrum of values was present in the formation of the academies policy. At one end of this spectrum, Tony Blair and Andrew Adonis presided. Both these figures were (and remain) convinced that allowing further choice and diversity into the secondary school system raises standards and their unrestrained enthusiasm for the academy model was apparent in its spread outside the original criteria for the establishment of such schools. At the other end of the Labour spectrum in government were ministers like Estelle Morris with social democratic instincts accompanied by a sense of a moral obligation to take action to help those pupils from disadvantaged backgrounds who attended poorly performing schools inadequately supported by their local authorities.

The empirical research has presented a number of different arguments concerning the way that secondary schooling should be run in England. For those against the academies, this is the social democratic comprehensive school model. For those of a social democratic persuasion who participated at government level in the academies programme it is the moral duty to remedy real deficiencies and to close the gap of achievement. For those committed to radical, systemic reform of the public sector, the conviction presided, particularly during 'Phase 1' of the policy's development, that organisations with experience gathered outside the confines of state education had the necessary business and entrepreneurial skills to generate the radical change and improvement required.

It would be an elegant academic solution to conjecture that these different views founded on different values reflect an age-old democratic tension between liberty and equality and to a degree this is true but the idea of the place of liberty in a democracy is not just the preserve of the advocates; it was also present in the critics' language and in the case studies of the campaigns in Islington and Barrow. It was a sense of liberty more connected to the idea of a citizen's right to be free to participate in the decisions that governments make that affect them.

Despite these differences in political philosophy, there was common agreement that no child's life should be blighted by substandard education and it is highly unlikely that any of the interviewees would object to the UN Charter of the Rights of the Child with its inclusion of access to education as a right. The crux of the matter though is to ask how such a 'right' is delivered in a democratic state without undue favour, no matter how unintended, to particular advantaged sections of society. The academies policy was originally put in place to come to the aid of pupils from disadvantaged communities who attended schools that were seen to be failing and, as such, it was a move to address the urgent needs of a group of pupils whose 'right' to education was seriously impaired. As the policy developed some of the interviewees on both sides of the argument identified that it had deviated from its founding principles and started to lose some focus in Blair's final term in office when government commitment to expansion and the consequent pressure of finding schools and matching them with appropriate sponsors compromised the ideal.

In chapters 3 and 4, the place of evidence in school policy development was discussed from both a political and methodological perspective and it commands a less than ideal position. Nowhere was this more pronounced than the reply to a select committee report mentioned in chapter 3 when the DfES stated it could not wait five years for the full PwC evaluation into the academies because they were not prepared to 'let down' pupils in the interim. From the constitutional perspective of an ascendant executive and a diminished parliament, it would seem even more vital that governments should demonstrate success in pilot schemes before proceeding to a systemic change.

The academies policy could well have been improved if opportunities for full consultation and scrutiny had been provided before implementation. Restricted to its original intention as a specific intervention to raise standards of attainment in deprived areas rather than, as seems to be occurring, a generic structural answer to the future shape of England's schools - and evaluated with more rigour - it could have built more credibility, even among some of its critics. There is no question that some academy schools have been successful

and that some disadvantaged pupils have been helped to achieve their full potential. Neither is there any doubt, based on the interviews conducted, concerning the positive intention of government ministers and their advisers and civil servants, quango leaders, sponsors and academy principals to tackle the problem of 'failing schools.' Their enthusiasm for progress, however, has come into collision with some citizens, campaigners and parliamentarians who felt troubled by what they perceived to be a deficit in democratic process.

Those interviewees who supported the ideal of comprehensive education believed that all classes should be educated together in fairly resourced schools formally answerable in a democratic sense to the local authority. For them the academies programme represented the start of a disconnected, atomised system of schooling that worked at the level of the individual rather than the citizen. Those interviewees supporting the idea of the academies saw them as a necessary intervention to salvage the futures of pupils attending failing schools. Both these philosophies of education are built on strong values and beliefs but how does the democratic state determine which path is the right one?

Second research question: How has constitutional practice influenced the development and scrutiny of the academies policy?

It would be misleading to hark back to a point of perfect policy production in the area of secondary education but the more deliberate pace of consultation that typified the negotiations that led up to the passing of the Education Act of 1944 could be seen as the exemplar of a period of maximum mutual engagement on schools policy between the government, a professional civil service, the teaching profession and the local education authorities.

From a constitutional practice perspective, this thesis has argued that, increasingly, policy concerning the structure of secondary schools is decided and administered at the top of government and is then 'examined' by a largely undiscerning media, a more politicised civil service, a weakened Parliament, a deprofessionalised teaching workforce and, increasingly, an absent local

government. It is difficult to escape the conclusion that changes in constitutional practice have muddied the prior connection between democratic values and schools policy. Instead, a more complex scenario has developed at the top of government where a mix of moral obligation and certitude and political radicalism presides, impatient of those existing democratic mechanisms (e.g. the local authorities) that have failed to deliver an adequate level of secondary education for some young people.

In relating secondary education policy-making to constitutional practice in the case of the academies programme, the assessment is mixed though the overall conclusion lies somewhat more to the negative side. While an ascendant executive was able to produce and implement the academies programme to short order due to a less pluralistic approach to policy development and also a less than exacting and impatient attitude to the matter of evaluation, this has produced an increase in expensive policy experimentation. Though not an exhaustive list the questionable judgments concerning the choice of some sponsors (in the early stages of 'Phase 1'), the over-spending and design problems through BSF, the inadequate attention to ensuring a strict code for financial and auditing practice and the early difficulties with admissions, exclusions and SEN are all symptoms of 'fast' policy. In these circumstances, it is more important than ever that a neutral, experienced civil service play its part in offering advice to prime ministers and ministers to guide them through the minefields of policy formation and implementation. The critiques of two of the interviewees on the opposing wings of the academies controversy – Sir Cyril Taylor and Francis Beckett – both considered that the senior civil service was not fully fit for the task, hampered by over-active career mobility, a consequent lack of continuity of experience and a tendency (in Francis Beckett's view) towards politicisation. The increase in the employment of political advisers to inform policy decision-making during the New Labour period may also have created extra complexities and hindrances in the relationship between civil servants and ministers.

Against this set of 'hindrances', what constitutional practices have helped? The fact that the academies policy evolved from 'Phase 1' to 'Phase 2' suggests that the executive has had some constraints placed upon it. Within Parliament, galvanised through the efforts of the PLP and interest group activity, legislation concerning the academies has been altered at Bill stage particularly in the contentious area of admissions.

The select committee inquiries, while hampered by systemic barriers to effectiveness have, through their tenacity, added to pressure on the government to make changes. In addition, community groups, unions, educational interest groups and public lawyers, whether through campaigning in the first three instances or through legal representation in the last instance, have made some difference and, even where they failed, a cumulative pressure did build that in turn placed pressure on MPs.

Third research question: What do the discourses of those who supported or contested the academies programme reveal about democratic values and constitutional practice in policy-making?

The empirical research has sought to provide a deeper insight into the values that underpinned the actions of those who supported or contested the academies policy and to explore what that means for the future of the link between democracy and schools policy in England. These discourses on democratic values and constitutional practice examined in chapters 5 – 8 presented a more subtle, more complex picture than it is possible to achieve through a 'textbook' analysis of secondary education reforms, democratic values and constitutional practice in the period under question.

Of interest in the discourses of the three sponsors from the Barrow case study in chapter 8 was the presence of education professionals whose values were directed at achieving social justice and greater opportunity and where there was no discernable commitment to the ideological aims of the academies policy. Rather the academies programme and BSF funding presented a practical means

to a positive end and there was no sense that the academy they sponsored would depart from the family of schools in the locality.

The experience of policy implementation also brought out some of the contradictions and difficulties. Blair (2010) was convinced that 'in every case' all the schools that were closed to make way for an academy were failing but, as the two case studies in chapter 7 and 8 indicate, this was not correct. As the Islington case study demonstrated, Peter Hyman, in his move from speechwriter to Blair at Number 10 to teaching, was uniquely positioned at Islington Green School to pronounce on the chasm between policy aspiration and policy implementation. In his remarks captured in chapter 7, he presented an informed view of how differently a radical and exciting policy developed in Number 10 looked on the ground in the real-life circumstances of a school faced with closure.

Vernon Coaker also thought that in 'Phase 2' of the academies policy, communities did not generally have academies 'foisted on them'. The reality on the ground – certainly for these two case studies – was somewhat different. Securing the availability of BSF funding and the absence of any alternative solution from government drove the decision-making process at local government level.

While formal consultation served to modify some of the terms of engagement concerning the establishment of particular academies, some campaigners in communities found the experience far removed from their mental map of what democracy should signify. Campaigners had little sympathy for the local politicians and the sponsors, though many of these, as with the ministers interviewed, were convinced that they were carrying out their democratic duty to protect the interests of children and young people.

Section 2: Looking forward – key themes and recommendations for further research

The speed of policy development in this area has further accelerated with the coming to power of an assertive and proactive Coalition government that has offered financial incentives to those schools it deems eligible for transfer to academy status. It is difficult to think of any reason, other than pecuniary, why highly respected and successful schools, already released through more than two decades of legislation from many of the former constraints placed upon them by their local authority and assessed as outstanding by Ofsted, should consider such a change of status. As discovered in research conducted during the period of grant-maintained schools (see Feintuck, 1994 and Bottery, 1998) headteachers' motivations to transfer to a new status tended towards pragmatism and concern for their own particular school. Bottery (2000: 229), believed such an approach would ultimately create a sense of impoverishment that 'atrophies personal and social responsibility' and so limit activity 'to an economic, market-based agenda.' This based on the acceptance that:

> … The assumption that choice, autonomy and personal freedom are overriding personal, social and political values. However, such freedoms are not possible unless sustained by a society healthy and stable enough to grant them – and this requires the nurturance of social and fraternal responsibilities, which Grace advocates, and which are qualities normally omitted from the neo-liberal lexicon.
> (Ibid: 228).

The Coalition government, through the Secretary of State for Education, Michael Gove, is following the trajectory set by Tony Blair and Andrew Adonis in their expanded version of the academies policy in linking freedom and independence in the school system to a relaxation in 'bureaucratic' systems of accountability. The NAO (2010) and the Public Accounts Committee (2011) have clearly highlighted the potential dangers in controlling a large number of schools from the centre without putting in place appropriately robust controls. The DfE website currently describes academies as 'independent' of local and central government'. Academies may well have been decoupled from the local

authorities but how can they be deemed 'independent' of government if they are publicly funded? The constitutional duty of the secretary of state is to find a way to support expansion with appropriate mechanisms of control in order to make proper account to Parliament. This issue of democratic accountability carries a wider resonance for the country as the Coalition builds on many of the reforms of public services initiated by their Labour predecessors.

The expansion of the academies policy raises questions of sustainability. One of the academy sponsors interviewed for this research, Simon Asquith, urged that some political energy, despite the pressing issues of the economy, needed to be put into ensuring that rapid change in school structures did not dilute the 'national responsibility' to ensure that the system delivered 'the best start in life' to each child:

> What I do think is that – I mean, clearly, the only show in town, at the moment, if you are David Cameron or Nick Clegg or Michael Gove is doing your bit to hack into this national financial deficit and I don't think there are any of us who wouldn't acknowledge that has to be the key massive national agenda at the moment because that's about our national security and everything else.

> But you can act quickly and then repent at your leisure. I look at this from a societal point of view. As a society, as a whole, I think we have to be very careful about what we are doing with the national responsibility to challenge kids and give kids a great education and a great start in life and there have got to be concerns when, at every level in the system, there's wholesale change taking place. I think it's quite easy to take away the local and national managerial ties to schools. It's a lot more difficult, once you've created free standing schools to put those ties back in again and put those systems back in place again. Nationalised schools would be a fairly major government top-down action, wouldn't it, in the future?

In looking ahead, Simon Asquith supported the idea that schools should be allowed more freedom and that decision-making should happen at local level but he was concerned with the problem of geographical variability of pupil opportunity if inadequate attention were paid to ensuring that the proper checks and balances were put in place:

> I'm just as much a futurologist as you are and anyone else but I'm just as much, in reality, unsure what's going to happen! But I think the logic is that, over a number of years – at least twenty years – we've seen a general trend of improving significantly the management and

leadership of schools. Probably, if you look at the absolute history of it, even longer than that. We are in a position now where – and this does chime with the present Coalition government's soundbites around bringing decision-making down to the local level and all the rest of it - the direction of travel seems to be one where government nationally is keen to see the decisions made around education taken much more locally with ownership and responsibility of that [to be conducted] more locally.

I think that's great so long as the checks and balances are always in place and so long as – I mean, I'm a geographer by background and I'm always interested in postcode lotteries and the geographical variability over children's opportunity really does interest me and I would hope most of us would sign up to this – all of us, I would hope – that every child, wherever they are in this country should be exposed to the same opportunity as any other.

Simon Asquith also raised the issue of leadership sustainability in a policy environment that laid emphasis on highly evolved management teams:

How many schools are there nationally – 23,000 or 24,000? Well, we can have a significantly higher proportion of those schools that are effectively, using old parlance, 'opting out.' Well, that's OK so long as we've got 24,000 or however many thousand, crack management teams that can really drive their schools forward. And, don't assume that I mean that the counter-argument to that is that leadership and management in schools is brilliant at the moment and that their support mechanisms are good at the moment.

In considering the future of the academies policy in 'Phase 3', the following issues seem important. The crucial matter of a young person's right to education: it seems that absolutely key is a fair and transparent admissions system, an idea that was strongly articulated by Fiona Millar in her interview for this research. Logic suggests that increasing the number of schools acting as their own admissions authorities has to increase the opportunity for unfair admissions through an academy's own practices and the 'buying' prowess of some already advantaged families. It is too early to gain a proper perspective of the Coalition government's acceleration of the academies programme but the infrastructure for the proper supervision of thousands of individual admissions authorities has not been developed and research is necessary to plot admissions practice. The question will be how far this admissions system based on the principles of independence and freedom helps or hampers the fair distribution of educational rights to pupils. It could be argued that there is nothing new about this admissions phenomenon but it is the impact of the

rapidity of the increase in 'individuated' school admissions authorities that is at issue here.

Looking more broadly at the Coalition's overall secondary education strategy, it will also be important to examine whether the Coalition government's introduction of the pupil premium policy will contribute to the closing of the achievement gap for pupils from disadvantaged areas. The payments may reward those schools already fully engaged with significant proportions of such pupils on their roll but will it persuade schools with more privileged intakes to take on such pupils? These successful schools may decide not to risk investing their time in such altruistic gestures given the present secretary of state's introduction of the English Baccalaureate (Ebacc) that requires the passing at A* to C grade of the following academic subjects: English, maths, a foreign language, two sciences and history or geography. A recent education select committee inquiry noted that the evidence they uncovered 'does not suggest a link … between the prescribed study of certain academic subjects and improved attainment and prospects for poorer students' and that there was a fear that teachers might concentrate more on pupils likely to achieve these challenging new targets and thus have 'a negative impact on the most vulnerable or disadvantaged young people' (Shepherd, 2011).

It would be remiss, in the month following the English riots, not to note that the role of state schools in producing well-rounded citizens will again be put under the spotlight. In *The Observer* on 14 August 2011, Henry Porter, in his commentary on the riots, posed a simple question for English society – 'How do we define ourselves?' Schools play a vital part in inculcating a sense of personal and national values, in helping young people establish a sense of worth and respect for others. Will it matter if, by the end of this parliamentary term, the majority of schools exist outside the system of local government in England? Will there be any effect on the social fabric of society if academies are run as individual entities? These are the big questions that should preoccupy all those in government, the teaching profession, the wider educational establishment and citizens.

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Appendix 1: Typical letter sent to interviewees

[Date]

[Name and address]

Dear [Name]

Re: research on the nature of the relationship between democratic and constitutional values and the academy schools policy

I am delighted that you have kindly agreed to participate as an interviewee for the above and I greatly look forward to meeting you at your office at 11.00 a.m. on Thursday 1 July, 2010.

This letter briefly summarises the procedures and safeguards relevant to this project. I would be most grateful if you could read and, if you feel it appropriate, sign the attached consent form, which I can collect at our meeting.

To ensure absolute accuracy, I would like to ask your permission to record the interview and, if you agree to this, a full written transcript will be sent to you within two weeks of the interview. If you would prefer not to have the interview recorded, then I will ask if I can take notes and will send you a written summary. Once the data is analysed, I will formally seek your permission to include material originating from your interview and will send you the exact proposed drafts.

This planned research project carries the approval of the Institute for Learning's Ethics Committee at the University of Hull. Should you ever have any concerns about the conduct of this research project, please contact the Secretary, Institute for Learning Ethics Committee, University of Hull, Cottingham Rd, Hull, HU6 7RX; Tel No 01482-465988; fax 01482 466137. In addition, I can be contacted by email at [email address] and my supervisors [names] can be contacted at [email addresses].

Many thanks for your co-operation and I look forward to our meeting on [date].

Yours sincerely

Rosalind Stevens

The IFL ETHICS COMMITTEE
CONSENT FORM: INTERVIEWS

I, [Name of interviewee]

Hereby agree to participate in this study to be undertaken by Rosalind Stevens of the University of Hull

I understand that:

The purpose of the research is to explore the relationship between democratic and constitutional values and the academy schools policy.

Any planned content arising from my interview intended for use in the final PhD thesis will be sent to me in advance and my formal authorisation sought.

Data and findings from my interview will be used for research purposes for this PhD specifically and will not be reported in any other way (e.g. academic journals) without my express permission.

I am free to withdraw my consent at any time during the study in which event my participation in the research study will immediately cease and any information obtained from me will not be used.

Signature: Date: