Equality and Inclusion in the Academies Programme: 2016

Literature review and analysis of written submissions to the Education Committee Inquiry on Multi-Academy Trusts

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Race on the Agenda
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Executive summary

The expansion of the Academies Schools Programme in England is exacerbating inequalities faced by many BAME pupils and their families. There is a failure of Multi-Academy Trusts to address issues of equality, inclusion and representation of BAME people in their governance, and a failure of academies to address educational disadvantage.

Equality and Inclusion in the Academies Programme: 2016 indicates that the democratic process, by which local communities have a say in what happens to their schools, could be in jeopardy and that BAME people in particular are under-represented on the governing bodies of Multi-Academy Trusts.

Closing the attainment gap between disadvantaged pupils and others has not been effectively addressed by some of the largest Multi-Academy Trusts in England. Furthermore, the assessment processes carried out by MATs appear to disproportionately exclude BAME pupils and fail to adequately support excluded pupils.

An analysis of written submissions to the Education Committee Inquiry on Multi-Academy Trusts indicated that:

- There is a general failure of academies to put in place measures to address educational disadvantage among particular groups of pupils, including those from BAME families.

- There are clear concerns about the governance of MATs in terms of equality, inclusion and representation. This includes the lack of BAME representation on the governing bodies of MATs.

- There are apprehensions that many MATs are failing to adopt inclusive practices, that there is ignorance about equality duties and legislation and that insufficient attention is paid to the need to eliminate discrimination, increase diversity and advance equality of opportunity.

- There are concerns about assessment practices in MATs which appear to discriminate against pupils not thought likely to achieve higher exam grades, through formal and informal exclusions.

- Academies have a higher rate of exclusion of some groups of BAME pupils than of other groups of pupils.

- The rate of exclusion of BAME pupils attending academies is higher than that of BAME exclusions in local authority schools.

Equality and Inclusion in the Academies Programme: 2016 notes that governance and assessment processes with a negative, or potentially negative impact upon BAME pupils and their families, are not being adequately addressed, either at Government policy level or by education service providers, including Multi-Academy Trusts.

Key Findings

1. There is emerging evidence that issues of equality, inclusion and representation in the governance of Multi-Academy Trusts are not being adequately addressed.

2. There are indications of failures in inclusive practice, ignorance about duties and responsibilities under the Equality Act 2010 and the Public Sector Equality Duty, a lack of due regard to the need to eliminate discrimination, increase diversity and advance equality of opportunity.

3. There is a general failure of academies to make sure they put in place measures to address disadvantage among some particular groups of pupils, including those from BAME families.

4. The websites of two of the largest Multi Academy Trusts in England appear to have minimal, or no information on equality policies or equality objectives. This may raise questions about their level of commitment to ensuring that schools within their Trusts are implementing practical and active measures to address inequality.

5. Within the academy system, there is evidence that the attainment gap is not being taken sufficiently seriously. This has implications for students from the poorest socio-economic backgrounds, including those from some BAME families, who continue to experience educational disadvantage.

6. There appear to be comparatively higher rates of exclusion of students, particularly BAME students, in academies compared with exclusion rates of students in local authority schools. This is of concern, given the increasing number of schools which have become or are becoming academies.

7. The right of parents to participate in the democratic process by which a school does, or does not, become an academy, is at risk of being closed off by the Government's stated intention that all schools will eventually become academies.

8. There is under-representation of parent governors from BAME communities in schools across all sectors. Representation of BAME parents as school governors is no better, and is frequently worse in schools outside local authority control.

9. There is a lack of ethnic minority representation on the governing bodies of Multi-Academy Trusts.

10. There is a risk that the effect of reducing or eliminating the role of parent governors in favour of professional advisers and other experts may result in a further weakening of the democratic process of local engagement in education and afford BAME parents even less opportunity to participate as governors of schools within Multi-Academy Trusts.

Key Recommendations

For Multi-Academy Trusts:

1. **To put in place measures to achieve better representation of BAME people on their governing bodies.** These might include: provision of equality training and support to governors, to raise awareness of the benefits of having a governing body which reflects the diversity and needs of the communities which it serves; consultation with BAME communities on the type of support that should be available to BAME people considering becoming members of governing bodies; development of policies, based on consultation with BAME communities, which aim to actively encourage BAME participation in the governance of MATs.

2. **To provide clear information on their websites on the degree to which equality is considered in the development and delivery of their education services.** This should include an equality policy or statement demonstrating that the MAT has specific and measurable objectives to help the schools it runs to practically and actively address inequality.

3. **To review assessment practices which may disproportionately exclude BAME pupils and which fail to support pupils who are excluded/at risk of exclusion.** MATs should ensure that schools within their Trusts record and analyse the number of pupil exclusions, including informal exclusions, by ethnic group, to see whether rates of exclusion appear higher for any particular pupil group in relation to other pupil groups; take steps to address any disproportionality in the exclusion of BAME pupils, such as increasing the level of support available to pupils at risk of exclusion; increase teacher awareness of ethnic and cultural factors that may lead to higher rates of exclusion among particular groups of BAME pupils.

For the Department of Education:

4. **To address the question of how parents can continue to exercise their democratic right over whether a school does, or does not become an academy, when it is the stated intention of the Government that all schools will become academies.**

5. **To consider the effect of replacing parent-governors in favour of professionals and other experts on governing bodies.** This is specifically in respect to parents from BAME communities, whose under-representation as governors is already of concern, and who may be more adversely affected by such a change than other groups of parents.

For further research:

6. **To examine the extent of BAME under-representation on the governing bodies of schools within MATs.**

7. **To gather information on the exclusion rates of BAME pupils in academies compared with other groups of pupils, and compared with the exclusion rates of pupils in local authority schools.**

Introduction

The Government White Paper on Education, *Education Excellence Everywhere* (March 2016) proposed an expansion of the Academies programme and the creation of more Multi-Academy Trusts (MATs).

In April 2016, the Education Committee Inquiry called for evidence on five topic areas, including the governance of MATs:

> *The balance of decision-making at the individual school level and at the chain level, and the appropriateness of formal governance structures employed.*

and assessment:

> *How the performance of MATs should be assessed.*

Because of concerns about the impact of the intended expansion of academies on BAME pupils and their families, ROTA submitted evidence to the Education Committee Inquiry on Multi-Academy Trusts in May 2016 on the following:

- under-representation of BAME people on the governing bodies of MATs
- assessment processes carried out by MATs which appear to disproportionately exclude BAME pupils and fail to adequately support those pupils who are excluded, or at risk of exclusion.

ROTA has previously shown that these issues are not being adequately addressed, either at Government policy level or by education service providers – including multi-academy trusts. (ROTA ,2012, 2014).

In a majority of free schools surveyed in 2014, ROTA found a lack of awareness of, and compliance with, the Equality Act 2010 and Public Sector Equality Duty. This was illustrated by less than a quarter of schools making reference to the Equality Act 2010 or the equality duty in their key policies and documents and only a tiny minority (fewer than 5 per cent) fully meeting the requirement to

publish equality information and measurable equality objectives.(ROTA, 2014). The composition of the governing bodies of many such schools did not adequately reflect the communities which they served. There was widespread failure to develop good equality measures.

ROTA also found evidence of assessment practices which discriminate against pupils thought less likely to attain the higher range of GCSE grades. 'Informal exclusion' of such pupils around exam time, which appears to disproportionately affect BAME pupils, is perceived as being more widespread in academies than in local authority schools.

Addressing the degree to which equality is considered in the development and delivery of education services provided by Multi-Academy Trusts is currently hindered by a lack of information, not least from MATs themselves. It is of concern that the websites of the MATs which we have examined in the course of our research provide minimum information in the way of equality policies, statements or objectives. This raises questions about the way in which MATs can work towards developing equality objectives that are specific and measurable and which help the schools they run to practically and actively address inequalities.

A number of concerns are emerging, from diverse educational practitioners and experts, about equality, inclusion and representation in the governance of MATs and a failure of academies to address disadvantage. Submissions to the Education Committee Inquiry on Multi-Academy Trusts appear to substantiate this.

Methodology

The project methodology included a desk-based literature review and an analysis of written submissions to the Education Select Committee Inquiry, published on the Education Committee website in April 2016, concerning the governance and assessment of Multi-Academy Trusts.

The literature review examined material concerning the Government's academisation programme, in relation to educational disadvantage of BAME pupils and participation of BAME communities as governors within multi academy trusts.

An analysis was made of the written submissions to the Education Select Committee Inquiry on the topic of **Governance** to see whether these made mention of equality, inclusion, representation of local communities or democratic accountability.

We also looked at submissions on the topic of **Assessment** to see whether these made mention of discriminatory/possible discriminatory practices.

Findings from the literature

We examined the literature and media commentary on academisation, in relation to educational disadvantage and democratic representation of communities. We also looked at literature concerning the quality of education and standards of teaching in free schools and academies.

ROTA's previous research (2014) reported that educational inequalities which disproportionately affect BAME communities in local authority maintained schools are also apparent in schools outside the control of local authorities. There was a particular issue regarding lower rates of attainment and higher rates of exclusion among BAME pupils. Current literature suggests that there are higher rates of exclusion within many free schools and academies. This is of concern, given the increase in the number of schools which have become, or are becoming academies. (Community Empowerment Network, 2015).

Another issue previously identified in the literature is that socio-economic and ethnic segregation may become exacerbated within the free schools and academies system. For example, it was found that the admissions systems in some free schools and academies can operate as a barrier to fair and inclusive

entry by testing, auditioning or selecting pupils on ability or aptitude in several subject areas. (ROTA 2012, 2014). A report by the Academies Commission in 2013 expressed concern that selective admissions systems operated by free schools and academies had the potential to 'entrench, rather than mitigate social inequality.' (TheRSA, 2013). Furthermore, the attainment gap between disadvantaged pupils and others is as evident in sponsored academies as it is in other schools - although converter academies have tended to perform better in this respect than local authority schools (Sutton Trust, 2015).

An issue newly identified from the literature, and from evidence to the Education Committee Inquiry of May 2016 is the 'democratic deficit' at the heart of the academisation programme. This essentially means that the right of parents and communities to participate in the process by which a school does, or does not, become an academy is at risk of being closed off. The Government White Paper (2016) proposed that all schools, whether judged as failing or not, should become academies by 2020. A lack of support from the Parliamentary parties, policy makers and others caused the then Secretary of State for Education, Nicky Morgan, to withdraw that part of the Bill which was intended to force through full academisation, but it is still the Government's stated intention that all schools will eventually convert to academies.

The expansion of the academies programme has given rise to concerns about what may happen to the quality of education and standards of teaching once the requirement for academies to employ teachers with Qualified Teacher Status (QTS) has been removed. This is of particular concern regarding pupils with SEND or other specific or complex learning needs. Their requirements for extra support may not be provided for by teachers who have no particular knowledge or qualifications in this area.

Educational disadvantage

Educational disadvantage within the UK school system persistently affects students from the poorest socio-economic backgrounds. The poorest students are half as likely to get good GCSE results and twice as likely to be permanently excluded from school (EHRC, 2010). This is exacerbated by a substantial

number of schools continuing to operate socially selective admissions systems, as identified by the Sutton Trust (2016) which surveyed 1,500 primary schools in England and reported that the proportion of pupils from the poorest socio-economic backgrounds admitted by these schools did not reflect the number of such pupils who live within the schools' catchment areas.

Within the academy system, recent evidence from Ofsted suggests that the attainment gap is not being taken sufficiently seriously. In a report from Ofsted to E-ACT, a multi-academy trust of 23 academies, it was noted that there was 'a lack of urgency in taking effective action to close the gap between disadvantaged pupils and others' (Ofsted, 2014). This was despite the Trust's published aim to work with educationally under-performing schools in disadvantaged socio-economic areas to raise student attainment.[1]

Evidence suggests that where free schools and their equivalents were set up in other countries, problems addressing educational disadvantage and the attainment gap have not been resolved. Neither Sweden's free school movement nor the United States' charter schools have succeeded in reducing educational inequalities and raising attainment levels among less advantaged students to the extent that was expected. In some respects, inequalities have been exacerbated.

In Sweden, educational and ethnic segregation has resulted from admissions policies which have seen the higher-achieving schools in certain areas admitting a predominantly white, middle class intake (Bunar,2008, 2009). In the United States, there are indications that some selection procedures can reduce the chances of children from less advantaged backgrounds gaining access to the more successful charter schools. Other practices in US charter schools appear to remove from the roll certain groups of students - predominantly those from disadvantaged backgrounds - who are not expected to achieve high grades, so that grade results within the school are kept artificially high (Brighouse and Swift 2010).

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[1] E-ACT. Values statement. Website accessed 19.08.2016.

http://www.e-act.org.uk/about-e-act/e-acts-mission-values-strategic-objectives/

Democratic representation of communities in the academies programme

Some schools may choose to convert to academies, following a period of consultation with parents, governors and the local authority. The Academies Act (2010) allowed the Department for Education to compel local schools to become academies under certain circumstances.[2] These circumstances include failure to comply with a warning notice issued by the local authority, or if 'significant improvement' is required by Ofsted or if placed in 'special measures'. By 2014, information from the National Association of Head Teachers suggested that such forced conversions had been successfully resisted by around sixty schools.[3]

An attempt was made to change the circumstances under which schools could become academies. The Education White Paper (2016) proposed that all schools should become academies by 2020, regardless of whether they were doing well or not. This calls into question whether the process by which local communities have a say in what happens to their schools, could be in jeopardy. The risk is well recognised, within and outside Parliament, by education service providers, parents, community groups and teachers' unions. Pressure placed upon the Secretary of State for Education to reconsider the legislation resulted in some revisions to the timetable, but not to the policy. The intention of Government to follow through with the academisation process remains, whether it receives full support from education service users or providers, or not.

The White Paper also proposed that the appointment of people with 'specific skills' to the governing bodies of schools, should be prioritised over the appointment of parents. Expanding the expertise-base of governing bodies was acknowledged in a report by the Institute for Leadership and Management, which referred to 'Developing specialist training interventions

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[2] http://www.legislation.gov.uk/ukpga/2010/32

[3] http://www.theguardian.com/teacher-network/teacher-blog/2014/feb/11/schools-resisting-academy-status-forced-conversion

for governing bodies that focus on legal responsibilities, governance and the similarities with corporate experience.' (ILM, 2015).

The 'professionalising' of governing bodies is not without its critics, from teachers and parents alike. The role of parent governors is thought valuable for a number of reasons, not least because they draw their experience directly from the communities whom they represent and are in a good position to advise on local, cultural and social issues. There is under-representation of parent governors from BAME communities in schools across all sectors. Research carried out by ROTA suggests that representation of BAME parents as school governors is no better, and is frequently worse, in schools outside local authority control. (ROTA, 2014). There is a risk that such appointments of professionals might further weaken the democratic process of local engagement in education and afford BAME parents even less opportunity to participate as governors.

It is widely acknowledged that parental participation as governors remains very much in favour at local level, although this is not necessarily reflected at trust-wide level. Any threat to parent-governor representation is strongly resisted, not least because 'the levels of political risk in not including parents on the Governing Body are high' (Reform, 2016). It is apparent from the literature and media commentary that within some of the larger MATs in particular, decisions are increasingly taken by the trustees of these organisations, with a diminishing role for parents, as governors or representatives of the communities which the Trusts serve. (See *Appendix 1 – The role of parent governors in the Governance of MATs*.)

The suspicion that there is an overall lack of 'democratic oversight' in the governance of multi-academy trusts also emerged in analysis of the written submissions to the Education Committee Inquiry. However, the lack of ethnic minority representation on governing bodies was not so apparent.

Quality of education

The development of the UK model for the free schools and academies programme was informed by the Charter Schools Movement in the United

States. Only a minority (17%) of US Charter schools are seen to have succeeded in their aim of providing superior education opportunities for their students. (CREDO study, 2009.) Nearly half of the charter schools across the United States have results that are 'no different' from the local public (state) school options and over a third, (37%), deliver learning results that are 'significantly worse' than their students would have realized had they remained in traditional public schools.

Furthermore, the study found students in poverty and English Language students (ELL) experience larger learning gains in charter schools. Other subgroups, however, including Black and Hispanic students as a whole, have learning gains that are significantly smaller than those of their [traditional public school] twins. (Credo Study 2009).

In the UK, Research from the the National Foundation for Educational Research (2013) found that 'no significant improvement is seen in the rate of improvement of GCSE results for academy schools over and above the rate of improvement in all schools'.

Ofsted's reports have not provided much evidence to suggest any significant performance gains in academies. In some instances, the opposite was found. For example, Ofsted's scrutiny of E-ACT Trust, which runs 23 academies across England, reported that for pupils attending academies in this chain, those from poor backgrounds did not perform as well as others. More than half of the schools run by E-ACT were assessed as 'not providing a good standard of education' and five were rated 'inadequate'. (Ofsted, 2014).

Ofsted's inspections of the Academy Enterprise Trust (AET) gave a 'less than good' rating to many of the schools visited: the quality of education provided to 40% of the children attending schools run by AET was found to be of an insufficiently high standard. (Ofsted, 2015).

Professional standards of teaching in free schools and academies

Since 2012, new academies, under similar terms and conditions as free schools, have been able to employ teachers who do not possess a teaching qualification. Academies with pre-existing agreements requiring the

recruitment of qualified staff have been able to apply to have the requirement removed. In 2015, the Department for Education reported that teachers working in free schools were less well qualified than those in local authority schools. The number of teachers without Qualified Teacher Status (QTS) in free schools represented 15.4 per cent of their workforce, compared with 4.5 per cent of teachers without QTS in state funded schools overall. (Department of Education, 2015).

Although no conclusions can be drawn from the DfE study specifically in relation to teaching standards in academies, it may raise questions about whether education providers outside the control of local authorities will require as high a standard of qualifications from teachers as those usually expected by schools within local authorities.

There appears to be no firm evidence to link an above-average percentage of unqualified/minimally-qualified teachers working in schools outside the control of local authorities, which include free schools and academies, with lower – or higher - pupil achievement. However, given the intended expansion of the academies programme and the expected growth of teachers recruited without specific teacher qualifications, it is an area that warrants further investigation.

Changes to the teacher qualification system proposed by the Government in March 2016 will give academies the freedom to employ 'scientists, engineers, musicians' and others with subject specific knowledge but not necessarily teaching accreditation. (*See Appendix 1*.Professional Qualifications of Teachers.) Although professionals might offer 'a wealth of knowledge and new skills' to schools, this may not be true for all learners. For example, it is hard to envisage how the needs of pupils with SEND, or other specific or complex learning requirements, would be met by teachers without the requisite qualifications to support such children.

With regard to BAME learners, newly qualified teachers (NQTs) in England will have had some initial teacher education in preparation for teaching children from diverse ethnic and cultural backgrounds – albeit of varying amounts and quality (Higher Education Academy, 2011). It is not known whether provision

e.g. through in-service courses or specific training, will be made for unqualified teachers who have not received this kind of training.

Conclusions from the literature

- There is little evidence to suggest that academies and free schools are addressing educational disadvantage amongst BAME students in the way which was expected of them when the programme was first initiated.
- The need to demonstrate higher levels of pupil achievement and examination results compared with those of local authority schools appears to have given rise to a higher rate of exclusions and a disproportionate number of exclusions amongst BAME pupils, in some free schools and academies.
- The free school equivalent model of education in Sweden and the United States, which pre-dated the free schools and academies programme in England, has been found wanting. It has been criticised for similar educational failings as those identified in academies and free schools in this country, particularly regarding pupils from lower socio-economic groups and from some BAME communities.
- Sponsored academies perform no better in closing the attainment gap between disadvantaged pupils and others than other types of school.
- Some of the methods used to implement academies and free schools are perceived as undemocratic and have become highly exclusive. For example, in some of the larger MATs, it appears that decisions are increasingly taken by the trustees of these organisations, with a diminishing role for parents, as governors or representatives of the communities which the trust serves.
- There is an above-average percentage of unqualified/minimally-qualified teachers working in schools outside the control of local authorities, including free schools and academies, compared with schools within local authority control. With the anticipated employment of more teachers without QTS by academies, it is unknown what effect this may

have of on standards and achievement, e.g for pupils with SEND or others who require specific learning support.

- There is a lack of information about provision to be made for teachers who have not received any formal training in preparation for teaching children from diverse ethnic and cultural backgrounds in academies.

Findings from the analysis of written submissions to the Education Committee Inquiry on Multi-Academy Trusts

A total of **46** submissions appeared on the website of the Education Committee Inquiry from individuals and organisations including the Department of Education, Ofsted, Teachers' Unions, the New Schools Network, headteachers, academics, education experts and Multi-Academy Trusts.

Governance of MATs

A high percentage (over 80%) of the total submissions which appeared on the website addressed the topic of governance. Over half (56%) made mention of equality, inclusion, representation e.g. of local community including BAME representation, parents, local and democratic accountability.

	Number (%)
Submissions on Governance	**38 (83%)**
Submissions on Governance addressing equality, inclusion or representation	**26 (56%)**

Table 1.   Number of submissions on the topic of Governance

Further analysis of the submissions identified seven main issues of concern around equality, inclusion or representation in the governance of MATS.

	Number (%)
A loss of a balance of expertise on governing bodies – cliques and interest groups taking control	**9 (19.5%)**
The 'democratic oversight' – lack of consultation with parents, communities, loss of democratic accountability	**8 (17.3%)**
Failures in inclusive practice	**4 (8.6%)**
Concerns that MAT boards are not aware of their legal duties and responsibilities including the Equality Act 2010 and PSED	**4 (8.6%)**
Lack of accountability to parents, communities	**4 (8.6%)**
Concerns that MATs may not demonstrate due regard to the need to eliminate discrimination, increase diversity and advance equality of opportunity **2**	**2 (4.3%)**
Lack of BAME representation on governing bodies	**1 (2.1%)**

Table 2.   Reference made to concerns about equality, inclusion or representation in the Governance of MATS

Issues most frequently referred to were a loss of balance of expertise on governing bodies and the 'democratic oversight'. There were also concerns about a lack of accountability to parents and communities and failures in inclusive practice. Concerns were expressed that MATs may not demonstrate

due regard to the need to eliminate discrimination, increase diversity and advance equality of opportunity and that MATs boards are not aware of their legal duties and responsibilities including the Equality Act 2010 and PSED.

Only one submission explicitly mentioned a lack of BAME representation on governing bodies. (*Table 2*) This could be explained by an underlying assumption that governing bodies do, as a matter of course, reflect diversity in the communities which they serve. This is not borne out in the literature, including ROTA's previous research (2014) nor could it be illustrated in the composition of the Boards of two of the larger MATs in England which we looked at.

ARK and Oasis have responsibility for running an increasing number of academies. ARK runs 34, Oasis runs 47. Their Boards of Governors do not appear to have any serving members of BAME communities.[4] It is also of interest that submissions to the Education Inquiry from these two MATs made no reference to BAME representation on governing bodies; parental consultation; the need for committees responsible to the MAT Boards to scrutinise equality policies and practice.

Furthermore, the website of Oasis contains an Equality and Diversity Statement which mentions the Equality Act 2010 but does not refer to the Public Sector Equality Duty (PSED). The Equality Policy refers only to students with disabilities and does not appear to have been updated since 2010. Coupled with the absence of any specific equality policy on the websites of either Oasis or ARK, these omissions may lead to speculation about their commitment to equality and inclusion.[5]

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[4] The Board members of ARK and OASIS are predominantly White British. ARK has nine men, one woman. OASIS eight men, one woman.

[5] The website of Oasis has an Equality and Diversity Statement mentioning the Equality Act 2010 but not the Public Sector Equality Duty (PSED). A link to an Equality Policy refers only to students with disabilities and does not appear to have been updated since 2010. ARK's website does not appear to contain any equality information, statements or links to policies.

Further explanation is needed for what appears to be a discrepancy between how diversity on governing bodies and Boards is perceived, and what is happening in practice.

Assessment of MATs

Almost a fifth (19.1%) of the total submissions which appeared on the website addressed the topic of assessment.

The most frequently mentioned issues were the persistence of educational disadvantage amongst BAME students attending academies and the higher exclusion rates of BAME students attending academies compared with local authority schools.

Specific mentions were made of assessment practices which appeared to discriminate against pupils not thought likely to achieve higher exam grades. These practices included formal and informal exclusions, which disproportionately exclude some groups of BAME pupils.

A failure of academies to address the needs of SEND students was also of concern.

	Number (%)
Educational disadvantage amongst BAME students persists with academies	**4 (8.6%)**
Higher exclusion rate for BAME students	**3 (6.5%)**
A failure of academies to adequately support SEND students	**2 (4.3%)**

Table 3. Reference made to concerns about discriminatory practises in Assessment

Submissions to the Education Committee voice concerns about MATs which are similar to those identified by ROTA about free schools (ROTA, 2012, 2014). That is to say, BAME students continue to experience educational disadvantage within the academies programme.[6]

This is despite the intention of many academies to address disadvantage, albeit in general terms, e.g. through website statements referring to inclusive or non-discriminatory policies. It is perhaps unsurprising that, of all the submissions to the Education Committee, there were no mentions of measures or initiatives that might be taken by MATs to deal with academies which are failing disadvantaged students.

The comparatively higher exclusions rates for pupils attending academies was mentioned, and appears to be a persistent problem, particularly with regard to BAME students.

Concerns were expressed about the capacity of MATs to make provision for students with specific educational needs (SEND). This apparent lack of provision for such groups of pupils may be linked to MATs focusing on higher GCSE and A-level grade attainment. There is considerable pressure on academy schools to perform as well as, if not better than other schools in the examination league tables.

Although fewer submissions addressed assessment practices in terms of discriminatory, or possibly discriminatory practices, those which did focused on a general failure of academies to make sure that they have measures in place to address disadvantage among some particular groups of pupils, including those from BAME families.

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[6] The experience of educational disadvantage and BAME students is a cause for concern in schools within the state education sector as a whole, but given the Government's intention that free schools and academies would help to narrow the attainment gap and address disadvantage, there is scant evidence that this is happening.

Conclusions from the analysis of written submissions on Governance and Assessment

Over half (56%) of the written submissions to the Education Committee on Multi-Academy Trusts on the subject of governance addressed issues of equality, inclusivity and representation. Most frequently mentioned were: a loss of balance of expertise on governing bodies, with cliques and interest groups taking control; a loss of democratic accountability; failures in inclusive practice; concerns that MAT Boards are not aware of their equality duties. Also mentioned were the lack of accountability to parents and communities, insufficient regard to the need to eliminate discrimination and a lack of ethnic minority representation on governing bodies.

The under-representation of BAME people on governing bodies was only referred to once. There may be an underlying assumption that governing bodies reflect diversity in the communities which they serve, but this is contradicted in the literature. Further explanations are needed for what appears to be a discrepancy between how diversity on governing bodies and Boards is perceived, and what is happening in practice.

Turning to the written submissions on assessment, the most frequently mentioned issues were the persistence of educational disadvantage amongst BAME students attending academies and the higher exclusion rates of BAME students attending academies compared with local authority schools.

The higher exclusion rates amongst certain groups of BAME pupils remains a serious concern. Historically there has been a lack of transparency around this issue, both in local authority schools and those outside the control of local authorities, but evidence is emerging that academies are even less successful in bringing down the exclusion rates than other schools. That only a small number of submissions to the Education Inquiry were prepared to raise this is troubling. It may indicate that unwillingness to acknowledge the problem is part of the problem itself. However, further investigation is required before conclusions can be drawn.

Appendix 1. Recent developments in education policy

Legislation on the academies programme

Prior to the presentation to Parliament of the White Paper *Education Excellence Everywhere* (March 2016) consultation was thought to have been inadequate. The White Paper was widely criticised by schools, parents, teachers, local authorities, education providers and many people in Government, both in the Conservative party and in Opposition. The Government subsequently withdrew some of the more controversial aspects, e.g. to compel all secondary schools to become Academies. These changes were set out in the Queen's Speech in May 2016. Whilst keeping broadly to its policy of full academisation, the Government has postponed legislation to the 2017-2018 parliamentary session – at the earliest – and this may cover several more, separate Bills. The new Bill, *Education for All*, announced in the Queen's Speech, removes the legal obligations upon all schools to convert - for the time being.

The Education Committee Inquiry appealed to Nicky Morgan, the then Secretary of State for Education, to circulate a draft of the next White Paper, *Education for All,* so that it can be scrutinised and consulted upon more widely than its predecessor.

A summary of the Government's revisions to the Education White Paper *Education Excellence Everywhere* can be found here:

http://www.teachwire.net/news/government-u-turns-over-forced-academisation-plans

Provision for excluded pupils

Education for All includes a new requirement for all schools to make provision for excluded pupils and to remain accountable for their educational needs. In

the light of evidence gathered by ROTA about exclusion practices which appear to discriminate against certain groups of pupils including those from BAME communities, more information will be needed about the way this will operate.

The content of the Bill, *Education for All,* presented in the Queen's Speech, is given here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524040/Queen_s_Speech_2016_background_notes_.pdf

Commentary on the proposed Bill can be read at:

http://www.lgiu.org.uk/2016/05/24/personal-comment-implementing-the-education-white-paper-and-the-education-for-all-bill-announced-in-the-queens-speech/

Professional qualifications of teachers

The Government White Paper, *Education Excellence Everywhere* (March 2016, p.13) proposed the replacement of the Qualified Teacher Status (QTS) system with a school-based accreditation process. The House of Lords (12th September 2016) questioned how it can be ensured that teachers at free schools and academies are fully qualified (Hansard, September 12th 2016.)

https://hansard.parliament.uk/lords/2016-09-12/debates/16091219000132/TeachersAcademiesAndFreeSchools

The role of parent governors in the governance of MATs

The Select Committee Inquiry on Multi-Academy Trusts took oral evidence on the governance of MATs on July 13th 2016. There was no clear consensus on the engagement or retention of parents as governors. There is a preference amongst some MATs for parents to take on an 'ambassadorial' role, with their responsibilities being restricted to a smaller sphere of activity than that of governors. Other MATs are keen to retain parents as governors, contributing

to issues such as teaching and learning, pupil outcomes and safeguarding. The session is documented here:

http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidenced ocument/education-committee/multiacademy-trusts/oral/35136.html

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