

England

Statistics

1. Education is compulsory for all children aged 5 to 18. Schooling is compulsory until aged 16. At 16 education can take a number of forms, and may be academic or vocational.
2. There are 8.74 million students in the school system, 7.98 million in the state-funded system in June 2018. There are 24,316 schools, 16,766 of them primary schools, 3,436 state-funded secondary schools, 2,230 independent schools and 1,043 special schools in January 2018.¹ 93% of children between the ages of 3 and 18 are in state-funded schools.²
3. The average roll for a state-funded primary school is 281 students, for a state-funded secondary school is 948 students, for independent schools 251 and for special schools 114.
4. Nearly 3.8 million pupils now attend academies and free schools. Over 2.3 million of these are in secondary schools (72.3% of all secondary school pupils) and over 1.4 million in primary schools (29.7% of all primary school pupils). The remainder of the total academy population are in special and alternative provision academies.

The system

1. The Education Act 1996 governs education in England.
2. Education is overseen by the Department of Education and the Department for Energy and Industrial Strategy. Local authorities are responsible for implementing policy for public education and state-funded local authority maintained schools at a local level.
3. England has small number of independent private schools (public schools and prep schools). Seven per cent of children attend these schools. These are fee-paying schools. They do not have to follow the national curriculum and their teachers are not required to have teaching qualifications.
4. State-funded schools are categorised as grammar schools or comprehensive schools. Grammar schools can be selective or partially selective. These schools can select children based on their ability or aptitude. There are currently 164 grammar schools, less than 5% of the total number of secondary schools in England, and they do not exist in all local authorities.
5. Comprehensive schools are further subdivided by funding into:
 - Academies – start-up costs are typically funded by private means, with the running costs met by Central Government. Academies are not controlled by local authorities.
 - Community schools – local authority employs the schools' staff, own the schools' land and buildings, and has primary responsibility for admissions.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719226/Schools_Pupils_and_their_Characteristics_2018_Main_Text.pdf

² Department of Education website

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- Free schools – set up by parents’ teachers, charities or businesses where there is a perceived need for more schools. Funded by the taxpayers, are academically non-selective and free to attend. Not controlled by local authorities.
 - Foundation Schools – governing body employs the staff and has primary responsibility for admissions. School land and buildings are owned by the governing body or a charitable foundation.
 - Voluntary aided schools – linked to organisations. Includes faith schools (two thirds Church of England-affiliated, one-third Catholic Church-affiliated). The charitable foundation contributes towards the capital costs of the school (typically 10%) and appoints a majority of the school governors. The governing body employs the staff and has primary responsibility for admissions.
 - Voluntary controlled schools – faith schools, with the land and buildings owned by a charitable foundation. The local authority employs the schools’ staff and has primary responsibility for admissions.
6. All schools are subject to assessment and inspection by the Office for Standards in Education, Children’s services and skills (Ofsted).

Academies

7. An academy school is a state funded school and is independent of local authority control. Academy schools were introduced in 2000. They are self-governing non-profit charitable trusts. They may receive additional support from personal or corporate sponsors. They are independent of local authorities and have more freedoms – for example academies can set staff pay and conditions, and determine their own curriculum.
8. As of 31 January 2018 there were 7,472 academies (including free schools) in England. 6,996 are maintained schools that have converted and 476 were free schools. 35% of total spend on schools was provided to academies in 2016/7 year. 47% of students were being taught in academies. 72% of secondary schools and 275 of primary schools are academies.³
9. All academies are expected to follow a broad and balanced curriculum but many have a particular focus on, or formal specialism in, one or more areas such as science; arts; business and enterprise; computing; engineering; mathematics; modern foreign languages; performing arts; sport; or technology. Although academies are required to follow the National Curriculum in the core subjects of maths, English and science, they are otherwise free to innovate; however, as they participate in the same Key Stage 3 and GCSE exams as other English schools, they teach a curriculum very similar to maintained schools, with only small variations.
10. There are a number of types of academy:
- Sponsored academy: A formerly maintained school that has been transformed to academy status as part of a government intervention strategy. They are consequently run by a Government-approved sponsor. They are sometimes referred to as traditional academies.

³ <https://www.nao.org.uk/wp-content/uploads/2018/02/Converting-maintained-schools-to-academies.pdf>

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- Converter academy: A formerly maintained school that has voluntarily converted to academy status. It is not necessary for a converter academy to have a sponsor.
 - Free school: Free schools are new academies established since 2011 via the Free School Programme. From May 2015, usage of the term was also extended to new academies set up via a Local Authority competition. The majority of free schools are similar in size and shape to other types of academy. However, the following are distinctive sub-types of free school:
 - Studio school: A small free school, usually with around 300 pupils, using project-based learning
 - University Technical College: A free school for the 14-18 age group, specialising in practical, employment focused subjects, sponsored by a university, employer or further education college.
 - Faith academy: An academy with an official faith designation.
 - Co-operative academy: An academy that uses an alternative co-operative academy agreement.
11. Sponsored Academies typically replaced one or more existing schools, but some were newly established. They were intended to address the problem of entrenched failure within English schools with low academic achievement, or schools situated in communities with low academic aspirations. Often these schools had been placed in "special measure" after an Ofsted inspection, as has been the case for schools in the Co-op Academies Trust (one of the larger business-supported trusts). They were expected to be creative and innovative because of their financial and academic freedoms, in order to deal with the long-term issues they were intended to solve.
12. In reality most academies were previously good or outstanding maintained schools. Between 2010/11 and 2016/17, 4,674 schools, mainly those that Ofsted had rated as good or outstanding, became academies without a sponsor. Over the same period, 1,573 mainly underperforming schools converted with the support of a sponsor.⁴

Multi-academy trusts

13. An academy trust that operates more than one academy is known as an Academy Chain, although sometimes the terms Academy Group or Academy Federation are used instead. An Academy Chain is a group of schools working together under a shared academy structure that is either an Umbrella Trust or a Multi-Academy Trust. Multi –Academy Trusts are single legal entities and have one set of trustees, although Multi-Academy Trusts will often retain some mechanism for parent and community representation at school level, usually in the form of local governing bodies. There is a requirement for there to be at least two elected parent trustees or representatives, either on the board of the Multi-Academy Trust or on each of the local governing bodies. Multi-Academy Trust trustees can delegate governance functions to the local level and have complete discretion over what is delegated.
14. There are 1281 Multi-Academy Trusts consisting of two or more schools.⁵ Roughly two thirds of academies are part of a Multi-Academy Trust. Multi-Academy Trusts vary in size, and whilst the largest has over 60 schools the

⁴ <https://www.nao.org.uk/wp-content/uploads/2018/02/Converting-maintained-schools-to-academies.pdf>

⁵ Nov 2017 FOI (OIA equivalent) https://www.whatdotheyknow.com/request/list_of_multi_academy_trusts_2

majority have fewer than 10 schools. A number of factors are considered when deciding whether an academy can join a Multi-Academy Trust and this may include consideration of Multi-Academy Trust performance, geographical factors, the portfolio and capability of schools already in the Multi-Academy Trust.

Regional Schools Commissioners

15. There are eight Regional Schools Commissioners in place to oversee academies. RSCs typically have backgrounds as highly experienced academy head teachers, chief executives of Multi-Academy Trusts or leaders in education. Regional School Commissioners are unelected and are accountable to the National Schools Commissioner. They work closely with a number of partners, including education leaders, Ofsted, local authorities and local dioceses.
16. Regional School Commissioners take action where academies are underperforming and intervene in academies where governance is inadequate. They take decisions on applications from local-authority maintained schools to convert to academy status and take decisions on applications from Multi-Academy Trusts and academy sponsors to operate in a region. They take action to improve poorly performing academy sponsors and decide on applications to make significant changes to academies.
17. Rather than intervening directly, Regional School Commissioners commission teaching schools, national leaders in education, Multi-Academy Trusts and other education leaders to improve underperforming schools. School underperformance is identified by Ofsted.
18. Each Regional School Commissioner School Commissioners on the decisions they make by contributing their local knowledge and professional expertise.

2010 Reforms

19. The reforms in 2010 introduced “self-improving school-led system” policy. This included reforms on academies, the promotion of multi-academy trusts, the roll back of local authorities from school oversight and the development of new school-to-school support models, such as Teaching School Alliances. The reforms were aimed at moving away from central control and compliance to control at the school level.⁶
20. As part of these reforms the Department has recently strengthened the conversion process. Prior to 2010 the design and implementation of the conversion process has focused on supporting large numbers of schools to convert, rather than allowing only the strongest applications to proceed. Of 2,173 applications from schools to convert without a sponsor between September 2014 and August 2017, regional schools commissioners approved 1,964 (90.4%), deferred 196 (9.0%) and rejected just 13 (0.6%).⁴ Schools withdrew 183 applications before a decision was made.⁷
21. The reforms have improved Departmental scrutiny of applicants’ financial health, and in 2017 the Education and Skills Funding Agency developed new tools to summarise data on financial risk. The Department has also strengthened the

⁶ Greany, T. and Higham, R. (2018), *Hierarchy, Markets and Networks – Analysing the “self-improving school-led system” agenda in England and the implications for schools*. UCL Institute of Education Press

⁷ <https://www.nao.org.uk/wp-content/uploads/2018/02/Converting-maintained-schools-to-academies.pdf>

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standards of governance it expects from academy trusts. In addition the design of its assessment of prospective sponsors has been improved, covering trustees' capability in a range of areas including leadership, school improvement and finance.

22. Immediately after the academies programme expanded in 2010 it was common for schools to form standalone trusts, known as single-academy trusts. From August 2012, an increasing proportion of academies have formed or joined groups of schools, known as multi-academy trusts

Performance of academies

23. Supporters pointed to emerging data showing "striking improvements in GCSE results for academies compared to their predecessors, with early results showing that "GCSE results are improving twice as fast in academies as in state schools".⁸ However several academies have failed and the Education Department has had to intervene. A 2016 study by the Education Policy Institute found no significant differences in performance between Academies and local run council schools, and that multi-academy trusts running at least five schools performed worse than local council run schools.⁹
24. A 2018 study¹⁰ found no significant impact from multi-academy trusts status for pupils in either primary or secondary academies when compared to pupils in similar standalone academies. Pupils in primary academies in multi-academy trusts tended to perform better than pupils in comparable maintained primaries. The difference for pupils in secondary academies was not statistically significant.
25. Pupils in converter academies in multi-academy trusts were doing significantly better, statistically, than pupils in equivalent maintained schools at both primary and secondary level. However, pupils in converter academies in multi-academy trusts were not doing significantly better or worse than pupils in equivalent standalone academies. Pupils in sponsor-led academies in multi-academy trusts were not doing significantly better or worse than pupils in equivalent maintained schools or standalone academies, either at primary or secondary level.
26. Pupils in small and mid-sized multi-academy trusts tended to perform better, on average, over the three-year period than their peers in comparable standalone academies and maintained schools. Conversely, pupils in larger multi-academy trusts tended to do worse, on average. However, these differences were not always statistically significant, and there was some variability across phases of education.
27. Primary school pupils in multi-academy trusts with three schools tended to perform significantly better, statistically, than both equivalent maintained schools and equivalent standalone academies. This was also true of primary school pupils in medium-sized MATs (with 4–6 and 7–15 schools) in comparison with

⁸ Garner, R. (8 October 2008). "The Big Question: What are academy schools, and is their future under threat?". London: The Independent

⁹ Stone, J. (7 July 2016) "Academy trust schools among the worst at raising pupil performance, new research shows" The Independent

¹⁰ Bernardinelli, D., Rutt, S., Greany, T. and Higham, R. (May 2018) *Multi-academy Trusts – do they make a difference to pupil outcomes?* UCL Institute of Education Press.

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equivalent maintained schools, but not in comparison with standalone academies.

Educational Attainment

28. In the PISA results for England (and OECD average)¹¹

Subject	2006	2009	2012	2015
Science	516 (498)	515 (501)	516 (501)	512 (493)
Mathematics	495 (494)	493 (495)	495 (494)	493 (490)
Reading	496 (492)	495 (494)	500 (496)	500 (493)

29. The PISA 2015 results the average score for science, mathematics and reading of students in England have not changed since 2006. Students continue to perform significantly above the OECD average in science and at the OECD average for mathematics. In 2015 students performed significantly above the OECD average for reading, but this is a result of the average reducing. The England result is the same as the previous survey.¹²

30. There is a relatively large gap in England between high and low performers; larger than most OECD countries. Socio-economic background explains some of the variation. It also varies according to immigrant status.¹³

31. There is a difference in performance of students from different types of schools. The top performing schools are independents. The next is converter academies, who are around a year of schooling ahead of voluntary-aided and controlled schools. Performance is lowest in sponsored academies, where the average science score is 480 points.¹⁴

National Curriculum

32. The national curriculum was introduced in 1988. This provides a framework for education between the ages of 5-18. All local authority state schools must follow it.

33. The National Curriculum is constructed in five key stages:

- Key stage 1 – Foundation year and Years 1 to 2 – for pupils aged between 5 and 7 years old

¹¹ PISA 2015 database

¹² Jerrim, J. and Shure, N. (December 2016) *Achievement of 15-Year Olds in England: PISA 2015 National Report*. Department of Education

¹³ Jerrim, J. and Shure, N. (December 2016) *Achievement of 15-Year Olds in England: PISA 2015 National Report*. Department of Education

¹⁴ Jerrim, J. and Shure, N. (December 2016) *Achievement of 15-Year Olds in England: PISA 2015 National Report*. Department of Education

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- Key stage 2 – Years 3 to 6 – for pupils aged between 8 and 11 years old
 - Key stage 3 – Years 7 to 9 – for pupils aged between 12 and 14 years old
 - Key stage 4 – Years 10 to 11 – for pupils aged between 15 and 16 years old
 - Key stage 5 – Years 12 to 13 – for pupils aged between 17 and 18 years old.
34. In state schools each year that a pupil studies is given a number. Primary education starts in Year 1¹⁵. Most pupils begin their secondary education at the age of 11 (Year 7), but in some schools pupils join the school at 13+ (Year 9). At the age of 16 (the end of Key stage 4 and Year 11), all pupils take a series of exams called the General Certificate of Secondary Education (GCSE), usually in about eight to ten subjects, which must include English and Mathematics. Key Stage 5 is for pupils aged 16-18 (sometimes 19) and most schools take Advanced Level exams after a two-year course

School Choice

35. Parents can choose to educate their child at state or private schools or at home.
36. A private school will usually make an applicant sit an entrance exam (even at primary level) and may require that you are of the relevant faith. Underachievers are often nudged out of the school.
37. The Department of Education has an Admissions Code that governs admission arrangements of state-funded schools. Compliance with the Code is part of the funding agreements with schools. Local authorities or schools (where they are the admission authority) must report on their compliance with the Code.
38. The Code is to ensure that all Government funded schools allocate all school places in an open and fair way. Objections to admission arrangements, and individual admission decisions, can be made to the Schools adjudicator. The decision of adjudicator is binding.
39. Schools must provide admission arrangements that clearly set out how children will be admitted, including the criteria to be used if there are more applications than places. The school must consult on these arrangements to allow parents, other schools, religious authorities and the local community to raise concerns.
40. Families apply to the local authority in which they live for places at their preferred schools. Parents can nominate a ranked list of at least three preferred schools. The application can include any state-funded school in any area. If the school is undersubscribed the child must be offered a place.
41. If a school is oversubscribed, then other criteria come into play, but the parents' choices remain an important input into the assignment. When oversubscribed, a school's admission authority (see below) ranks the applications against the agreed criteria and sends the list back to the local authority. All preferences are

¹⁵ The first year of compulsory schooling is reception (age 4-5) which is in the early years foundation stage

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collated and the parents receive an offer from the local authority at the highest preference school that has a place available.

42. All children with special education needs must be given places in schools named in their education plan. Schools must give highest preference to a child in care of a local authority, or previously in the care of a local authority, or living in local authority accommodation.
43. Oversubscription criteria must be reasonable, clear, objective, and fair. Admission authorities must ensure that the arrangements will not disadvantage a child from a particular social or racial group or a child with a disability or special educational needs. This includes non-direct barriers such as uniform and school trips. The Code includes a set of detailed requirements around possible discrimination.
44. The table below sets out the admission authority for each type of school in England.¹⁶

Type of School	Who is the admission authority?	Who deals with complaints about arrangements?	Who is responsible for arranging/providing for an appeal against refusal of a place at a school?
Academies	Academy Trust	Schools Adjudicator	Academy Trust
Community Schools	Local authority	Schools adjudicator	Local authority
Foundation Schools	Governing body	Schools adjudicator	Governing body
Voluntary aided schools	Governing body	Schools adjudicator	Governing body
Voluntary controlled schools	Local authority	Schools adjudicator	Local authority

45. The proximity rule provides a catchment area where children will be offered places in preference to those outside the area. Admission authorities can also nominate feeder schools.
46. To ensure that where a school was Government funded catered to local demand, including the broader local community, a 50% rule was introduced in 2010 for English Faith School admissions. It stipulates that where newly established Academies with a religious character are oversubscribed, at least 50% of their places must be open places, i.e. allocated without reference to faith. The rule is sometimes referred to as the Faith Cap on admissions. However, as the open places are just as accessible to faith applicants as non-faith applicants, in practice the rule does not explicitly prevent such schools from having more than 50% of students with a faith affiliation.

¹⁶ Department of Education. (December 2014) *Schools Admissions Code – Statutory guidance for admission authorities, governing bodies, local authorities, school adjudicators and admission appeal panels.*

Equity Outcomes

47. Social stratification of schools is an issue. Children from socially disadvantaged backgrounds are distributed unevenly across schools. This school segregation feeds into unequal educational; quality between schools.
48. Those who oppose the introduction of academies believe it led to school's choosing students rather than parents choosing schools.
49. There is concern that the academies are achieving their results by excluding harder to teach children. This appears to be driven by current policies on admissions and fair access.
50. A 2018 review found "While the LAs in our localities were working in different ways to secure equity and ensure that the needs of the most vulnerable students were addressed, these efforts did not address the structural reproduction of unequal and segregated student intakes. Rather, the placing of students could work to exacerbate choice patterns, where local authority staff, under pressure to place a child and faced with resistance from over-subscribed schools, went back time and again 'to the [schools] where [students] get a better welcome ... that did a good job ... because they knew that would be easy'. In this context, one head teacher argued, fair access panels were welcome but too often meant going to defend the school over individual cases rather than working to change the wider culture."¹⁷

¹⁷ Greany, T. and Higham, R. (2018), *Hierarchy, Markets and Networks – Analysing the "self-improving school-led system" agenda in England and the implications for schools*. UCL Institute of Education Press