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23rd February 2009

Rt Hon Jim Knight MP
Minister of State for Schools and Learners
Department for Children, Schools and Families
Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3BT

Dear Minister

It is with growing dismay that those of us within the Academies movement have witnessed government's changing tack over the last eighteen months or so. It appears that with every consultation, each missive and even new legislation from the DCSF, there comes further erosion of the independent status of Academies. Academy Sponsors, Chairmen of Governors and Principals up and down the land are seriously questioning the long-term sustainability of the programme, when their efforts to positively impact on driving up educational standards and progress are being increasingly hampered by requirements to bow to the whims of quangos and to abide by additional regulations.

We are well aware of your personal commitment to the movement, given your willingness to meet with the board of directors of the Independent Academies Association on a regular basis and your speech to the IAA conference earlier this month. In light of our ongoing conversations, we feel sure that none of the issues raised here will come as a surprise to you.

We do not need to remind you the Academies programme was established in order to turn around endemic educational underperformance in the most challenging of contexts in respect of socio-economic deprivation. To do so, it was recognised that new organisations had to be established that would be freed from the constraints of Local Authority control, from the old governance arrangements and from the vagaries of local bureaucracy. Our success to date bears testimony to the fact that this brave departure was right and fitting. Those who have been sufficiently determined and driven to take up the challenge realised immediately that 'independence' represented not merely structural changes, but a whole new mindset. This is exactly what attracted some of the finest school leaders and sponsors into the movement and importantly it encouraged sponsors to give generously of their funds, time and energy. Their engagement has brought extremely beneficial expertise gained in the wider world along with guidance, support and challenge.

The importance of independent status becomes clear when one considers the requirement to respond rapidly to the specific needs of one's own Academy students and their immediate community. The freedom to innovate in respect of governance, curriculum, staffing and a wide range of other structural and resourcing issues has rapidly generated creative solutions that have led to transformational change. Critically, the governance and leadership of an academy are not founded on a culture of being 'allowed' or 'permitted' to change and to innovate but on a culture where initiative and creativity are the expected norms in bringing about deep and sustained improvement in the provision of education for young people. Consequently, an ethos of dynamism, with a 'can do' attitude, is readily established, as you will have witnessed in Academies that you yourself have visited.

With the right to independence, however, comes the responsibility: because the decision-making is the preserve of the individual institution, there is no hiding place. This is not a burden but a privilege. Take it away and you remove the very essence of our organisations.

How many of the predecessor schools were failing their communities because they had allowed themselves to enter into a culture of excuse and blame? Is that a situation to which government wishes to return? If so, then pursuing the current course is likely to lead our country back to its failures of several years ago. So much for 21st Century Schools and a 'World Class' education system.

Elements of your Apprenticeships, Skills, Children and Learning Bill are deeply disturbing in this regard. Of particular concern are the moves to extend greater powers to Local Authorities, the role of the YPLA in performance assessments (thus creating yet another regulatory framework) and the 'duty to cooperate' with Children's Trusts and Behaviour and Attendance Partnerships being placed on Academies. Let us be clear: our intention is not to write to you with an anti-LA diatribe. Far from it. Indeed, many Academies enjoy very good working relationships with their local Children's Services departments, relationships that lead to mutual benefit. However, the key point is that these arrangements are effective in large part because a conscious decision has been made by *both* parties to work in partnership. All good organisations do this: they identify need and then determine whether that need can be met most effectively purely by internal means or by engaging in alliances with external agencies. Forced collaboration, or partnership, is rarely successful.

You have openly stated that the new duty to cooperate with Children's Trusts will give Academies a 'seat at the table' when decisions are being made about commissioning children's services. However, how can we be assured that this seat will be a real one which means that Academies can influence decisions, engage meaningfully in commissioning student support services and hold these services to account for their performance?

Then there is the question of expertise and capacity. Discussions with a range of LA officers have signalled serious concerns about the ability and capacity to deliver on current demands, for example in respect of BSF and curriculum reform, let alone to take on a panoply of additional powers. Given the force of numbers likely to be brought to bear in many debates regarding Post-16 commissioning, particularly where the commissioning power rests with groups of LAs and/or there is a strong FE sector contingent, there is genuine anxiety that Academy Sixth Forms will lose out. Despite verbal assurances, there appears to be nothing in Part 3 Chapter 4 of the Bill that would suggest that the YPLA can safeguard an Academy's Post-16 funding should local agreements be to its detriment.

The presumption for Academy Sixth Forms is based on a sound rationale, namely that of raising student aspirations and being able to recruit the best teachers. New Academy Sixth Forms need time to build up and are critical to developing academic work throughout the Academy and thus to raising community aspirations and contributing to regeneration and community cohesion. Furthermore, Academies have a key responsibility to increase participation in post-16 provision in areas where it has traditionally been low. Make us vulnerable to the possible self-interest of other local organisations through legislation and we shall be powerless to deliver on the mission your government had us all sign up to.

Your proposals, and the concomitant encroachment on the independent status of Academies, seriously impact upon the ability of sponsors, governors and principals to lead and manage their institutions effectively and efficiently, placing at risk the transformational change in the education system the programme was designed to facilitate. We urge you, on their behalf, and on behalf of the young people and communities we all serve, to reconsider.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Butler', with a horizontal line underneath.

Mike Butler
Chairman, the Independent Academies Association

Signed on behalf of and approved by the Board of Directors of the Independent Academies Association

c.c.

The Rt Hon Ed Balls MP, Secretary of State for Children, Schools and Families
Michael Gove MP, Shadow Secretary of State for Children, Schools and Families
David Laws MP, Shadow Secretary of State for Children, Schools and Families