



Freedom from Failure

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FOREWORD

A BATTLE OF IDEAS has been fought in education over the last 20 years. Traditional or progressive teaching methods? Trust the parents or the 'education establishment'? Raise accountability through publishing league tables and rigorous inspection or leave everything to the experts? Encourage the private and voluntary sectors or rely on the state to do everything?

The Centre for Policy Studies has been at the heart of this battle, fighting consistently against the forces of the 'education establishment'. And it is most encouraging that policy makers from all parts of the political spectrum are now fighting on the same side. Politicians on both left and right accept that we need proper teaching methods; greater variety; accountability through the publication of exam results and a rigorous inspection system; less red tape and central interference; more independence for good headteachers; and more money going directly to schools

Yet while the battle of ideas may have been largely won, the pace, and impact, of reform is still painfully slow: 25% of eleven year old children can still not read or write properly – an improvement on the 35% five years ago, but still an unacceptably high proportion. The quality of vocational education is all too often dreadful. There are too many inadequate teachers. There are hundreds of bad schools.

What will make Conor Ryan's pamphlet influential is the important recognition that there is still much more to be done. In this respect, he addresses two separate issues: the failure of the education system as a whole; and the question of bad schools.

His radical proposals involve the promotion of synthetic phonics, in-class teacher training, the radical reform of vocational teaching, strong measures to deal with bad schools and a far greater involvement of the private sector – ideas that the Centre for Policy Studies has advocated over the last two decades or so.

What is interesting is that today they could be adopted by any – or perhaps all – of the political parties.

Tessa Keswick
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SUMMARY

- The reforms of the last 15 years have led to a gradual, but significant, improvement in state education. The introduction of the national curriculum and the literacy and numeracy strategies, the publication of league tables, the creation of Ofsted, the introduction of local management for schools and the promotion of diversity and choice for parents have changed much for the better.
- Yet progress has been far too slow. The education system is failing too many children. A quarter of 11 year olds still cannot read properly. It takes two and a half years to sack a bad teacher. And there are too many bad schools. Radical solutions are required to meet both the failures of the system, and the failures of individual schools.

Reforming the system

- Synthetic phonics is a more effective method of teaching reading than the approach adopted by the National Literacy Strategy. The Government must now actively encourage the use of intensive synthetic phonics.
- There is a big problem with much teacher training. Many headteachers complain that they have a poor choice of candidate. The Government must expand the Graduate Teaching Programme quickly so that in-school training becomes the norm, not the exception.

- Despite numerous attempts to reform, vocational education is still poor. New courses must be designed by employers and a new system of vocational qualifications developed to measure how well young people have acquired the skills sought by employers. Basic literacy and numeracy skills must be properly taught. Vocational training should become a serious option for all children from the age of fourteen.
- New 'value-added' data will help identify those schools which are coasting as well as those genuinely achieving against the odds. If presented clearly, this information will help to drive standards up across all schools.

Reforming bad schools

- Closing bad schools remains difficult. Any school not reaching its exam performance targets in 2004 and 2006 must be expected to close.
- Good schools must be allowed to expand. This would improve choice for parents seeking good secondary schools, particularly in London.
- Linking good schools and bad schools benefits both parties. Schools must be given the flexibility and the resources to form such partnerships, whether or not they have the support of the local education authority.
- It must be made easier for private and voluntary providers to take over bad schools. In particular, the Government should examine whether TUPE regulations are making it too hard for a new employer to remove poor staff.
- Experience in the US suggests that private companies can reform bad schools more effectively than local government. Where other measures have failed, the Government should experiment with letting the private or voluntary sector take over a city's or a borough's schools.

INTRODUCTION

UNTIL TEN YEARS AGO, the education establishment was in denial. There was no such thing, technically, as a 'failing school.' Local education authorities were sometimes forced to act when the incompetence of a school's leadership had become so blatant that it forced itself into the newspapers. But there was no systematic approach to identify and address failure.

Yet the problem was not limited to a certain number of bad schools.¹ Beyond the education establishment, most people realised that hundreds of thousands of children were not getting a good education. In primary schools, children were expected to learn reading by osmosis – looking at 'real books' – rather than being taught to read phonetically. Parents were left in the dark about all this. GCSE and A level results were not routinely published on a school-by-school basis. There were no national tests in primary schools. Her Majesty's Inspectorate of Schools may have been a fine body of people, but they rarely troubled most schools with an inspection. And because inadequacy and downright failure were not revealed, schools were not properly challenged to improve. This is not to say that none did so: rather that such improvement was haphazard and unsystematic. The failures of state education were apparent throughout the system, not just in a number of schools.

¹ A failing school is one which is placed in 'special measures' by Ofsted because its inspectors judge that it is 'failing to provide pupils with an acceptable standard of education'. There are 273 schools currently in that position (1.2% of schools in England). A further 5% of schools are defined as having serious weaknesses.

Measures which have reformed the system

The education reforms introduced by both Labour and Conservative Governments since the mid-1980s have changed much for the better. The national curriculum and daily literacy hour may occasionally be presented as heavy-handed, but both offer a guarantee of minimum standards that was not previously present. National testing and league tables may sometimes distort teaching practices, but their abolition (as in Wales) would return primary schools, in particular, to the Dark Ages. In any case, the rigorous six-yearly inspections by Ofsted offer the rounded picture of schools that critics of testing claim to want, though funnily enough, they rarely seem to see it that way.

Other important changes are occurring too: the principle of performance-related pay for teachers has been reluctantly accepted in schools. Its effective practice will demand more courage from headteachers and greater resilience by ministers. And there is the real prospect of greater practical choice for parents with the greater diversity offered by specialist schools. But to be effective, the Government will need to retain clarity and to avoid over-burdening the system with too many labels. And it will also need to expand more popular schools and close more of those that fail.

There has also been a revolution in the way that schools are run. The introduction of local management of schools in the 1988 Education Act – and its extension under Labour – has given headteachers control of more of the education budget, where before such control lay with the town or county hall. Governance has at the same time shifted from local education authorities to parents. In most schools, this has undoubtedly been a good thing. Whether in the guise of ‘free schools’ or ‘earned autonomy’, there is now a general acceptance that as much power as possible should be devolved to school level. With the framework of accountability provided by tests, tables, targets and inspections, there can also be greater trust of schools to get on with the job.

Yet this greater freedom can never be unqualified. There are children with special educational needs who need a more intensive, and so more expensive, education. With over 9,000 exclusions a year,² there is a need for co-ordinated provision which will not by definition be provided by the schools themselves. And there is the particular problem of schools which are clearly not of themselves delivering an adequate, let alone good, standard of education.

Measures for poor schools

We have known for some time the characteristics of a successful school. A recent study by the National Foundation for Educational Research confirmed these in relation to the most successful specialist schools as being interconnectedness; whole-school ethos; management styles; teachers going the extra mile; innovative use of staffing; active use of performance data; a focus on the individual; a broad and flexible curriculum and resources and status. Such schools effectively meet the different needs of every individual pupil by taking into account the whole school picture: in other words these factors need to come together for success.³

These factors are all shared by the most successful schools. And in an ideal world all schools might be left to get on with it for themselves. But here is the dilemma for policy makers in government and opposition. For while it is true that improvement must come from within schools to be effective, in some cases there may need to be some outside impetus for change to happen. And this is probably the case for as many as 1,000 primary and secondary schools at any one time. These go beyond the 273 ‘failing’ schools which Ofsted currently has in special measures.⁴ (The number of extreme cases is falling, with a combination of 138 closures since 1997 and active intervention in 778 other schools

² Statistical First Release 10/2002 (DfES, 23 May 2002).

³ P. Rudd, S. Aiston, D. Davies, M. Rickinson and L. Dartnall, *High Performing Specialist Schools: What Makes the Difference*, National Foundation for Educational Research, 2002.

⁴ Figures provided by DfES press office.

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reducing the total.) Failing schools will never be totally eliminated: mistaken changes in leadership can send a previously good school into decline. But the Government's insistence that a school be turned around within two years, or face closure, is having the desired effect on failing schools. Setting clear objectives – and following them through – has worked.

The more intractable problem rests with other schools, where the standard of education is clearly inadequate, even if not sufficiently poor to warrant 'special measures'. Using Ofsted terminology, around 5% of all schools have sufficiently poor teaching or leadership to be designated as having 'serious weaknesses'. While most make reasonable progress once identified, around one in ten do not, including around 40 schools which decline between inspections. A further 60 schools are defined by Ofsted as "underachieving" every year. This means that they perform poorly compared to other similar schools. Over 150 schools have been defined as such by Ofsted since this category was created.⁵ The Government has set itself a further challenge: by 2006, it has stated that no school should have fewer than 25% of its pupils with five A* to C grades at GCSE. This target has not been uncontroversial with headteachers and teaching unions, who argue that it is too challenging for some schools, particularly those with a secondary modern intake in selective areas. Ofsted reports that while most of those identified are likely to meet this target, around a sixth of schools are unlikely to do so.

⁵ *Schools requiring special measures* are those that 'fail to provide pupils with an acceptable standard of education'. They have a combination of low standards, poor leadership and a high proportion of unsatisfactory teaching; *schools with serious weaknesses* have deficiencies in standards in one or more key stages, poor leadership and up to 20% of lessons of unsatisfactory quality; and *underachieving schools* perform poorly in comparison with similar schools, fail to challenge particular groups of pupils, and have a small proportion of pupils achieving higher levels in national tests. See *Standards and Quality in Education 2000/01: the Annual Report of Her Majesty's Chief Inspector of Schools*, Ofsted, 2002, p 73-5.

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There are over 20,000 schools in England: so why does it matter if a relatively small minority are underperforming in this way? Even if just 5% of children are affected, that still represents 350,000 pupils. If they lose out on two or three years of their education, they may never properly recover and may be prevented from reaching their potential. Moreover their presence deters many parents from choosing state schools: and if parents feel they have 'no choice' but to go private, then that is an indictment of the education system.

The importance of the problem has been recognised by Ofsted and by ministers. The Education Act 2002 gives ministers the power to insist on radical changes in 'schools causing concern'. The 2002 Spending Review will provide an extra £12.8 billion for English education over three years, an average increase of 6% above inflation each year. With that the Government has set out a series of reforms.

But even more radical solutions are needed both in terms of the system as a whole and in terms of reforming bad schools. For there are a number of practical steps which could reduce the agreed failures more rapidly and more successfully. The experience of the last ten years suggests that a diverse range of solutions is needed rather than a single prescription. But it needs active encouragement: for example, to introduce private and voluntary alternatives to state provision. And for schools to address their problems, they need the information to do so. But such innovation can be near impossible if pupils do not understand the basics, which is why there is more that can be done to make the literacy hour more effective.

AN EARLY START

FAILURE IS NOT LIMITED to a number of failing schools. It affects whole cohorts of students too. Despite recent improvements, the Government has not met its literacy targets in 2002, which means that a quarter of children are unable to read and write adequately according to the Government's definition. In the jargon, they have not achieved level four in the Key Stage Two national tests. The Government has already announced more ambitious targets for 2004, to reduce that number by a further 10%, so that 85% are expected to achieve level four in English and Maths.⁶ Such targets are necessary if a failure to learn the basics in early primary school is not to be compounded in secondary school. But if improvements are to be sustained, then the National Literacy Strategy needs to be sharpened.

Since 1998, virtually every primary school in England and Wales has introduced the literacy hour. Based on experiments in London, it structures the teaching of reading and writing into an hour-long lesson, with a large amount of interactive whole class teaching. Few would dispute that it has improved teaching standards in primary schools; and this is borne out by Ofsted's lesson observations. Phonics has been an integral part of the teaching of reading. Children are also taught the rules of grammar and spelling much more systematically than before.

⁶ *Education and Skills: investment for reform*, DFES 2002, p 11.

The literacy hour has also largely ended the controversy about whether or not to use phonics. But there is a growing debate about whether the type of phonics recommended by the literacy hour is appropriate in the early years.

The debate on phonics boils down to the differences between 'synthetic phonics', where pupils learn the basic sounds of letters and the main word sounds before tackling words; and 'analytic phonics' where they start with a word and break it down into its constituent parts. The literacy hour blends both approaches with those responsible for the literacy hour arguing that analytic phonics is crucial for spelling. Nobody argues that attitudes to phonics among teachers have not changed, and the 'progressive' belief that reading can be acquired simply by staring at books long enough is no longer accepted in most schools. But the Key Stage Two English test results have stalled for the last two years, meaning that despite all the improvements, as many as 150,000 eleven year-olds are not reading and writing at the standard appropriate for their age. Even continued improvements at Key Stage One (where children are tested at seven) may still leave too many semi-literate youngsters by the end of their primary school experience. And there is growing evidence that a more focused spell of synthetic phonics in the early years could enable children to read and write at an earlier age, and that this could be more effective than the Government's range of intervention programmes and booster classes designed to help struggling pupils.

The literacy hour does not prevent teachers from using synthetic phonics. In fact, many schools have gone down this path, but the National Literacy Strategy does not actively encourage this approach either. There were good initial reasons for this. Having partially won an ideological war over teaching methods, the Government was reluctant to shift the goalposts again so quickly. However, with progress stalled, there is now an excellent opportunity to move from neutral tolerance to more active encouragement of more intensive synthetic phonics at the initial stages of children's reading lessons.

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Evidence suggests they would be wise to do so. Scotland may be an unlikely advocate of traditional teaching methods, given its initial reluctance to embrace education reform. Yet experiments in Edinburgh and Clackmannanshire point the way ahead. By using a scheme of 'synthetic phonics' some Scottish schools have not only seen pupils reading earlier, they appear to have eliminated the gap in standards between boys and girls. Even those who believe 'real books' can be a more effective way to enthuse pupils with reading believe that synthetic phonics is vital first. Dr Jonathan Solity of the University of Warwick argues that by using that approach to introduce pupils to 100 key words and 64 key phonemes, children can read 90% of all monosyllabic words in the English language. By contrast, the literacy hour relies on over 350 phonemes.⁷

About 17% of pupils only achieve Level 3 in the national English tests. (Those below that standard probably have special needs, where more focused strategies are needed.) This is this group that the Government must reach if it is to improve results. While there are catch-up programmes such as 'further literacy support' and booster classes, it must also consider providing far more intensive synthetic phonics programmes after Key Stage One, particularly for those still falling behind at reading (at present phonics is largely confined to Key Stage One).

The literacy hour has been one of the more successful educational reforms of recent years. It would be a mistake to move radically away from its structure for most children and it is doubtful that most schools would benefit from switching from the daily hour to several intensive reading sessions, as some including Dr Solity suggest. Indeed, the daily hour long lesson has changed the status of reading and writing in many schools, where such skills had been neglected. Far too often reading and writing were integrated into other subjects. In practice this meant the skills remained poorly taught. The literacy hour has transformed this greatly for the better.

⁷ 'A lesson from the swinging sixties', *Daily Telegraph*, 15 June 2002 and author's interview with Dr Solity August 2002.

AN EARLY START

But, the Government needs to be more open to the evidence that synthetic phonics could be more effective than its current approach. It argues that small-scale studies inevitably do better because of their size and resources. Yet there are growing numbers of schools already using synthetic phonics and their results can quite easily be compared by statisticians at the Department for Education and Skills (DfES) with those preferring a mixed approach as the literacy strategy recommends. And even a controlled experiment with equal resources applied to schools trying both approaches should be achievable. If the Government has any hope of reaching its 85% target, it should conduct such research urgently. If, as seems likely, the research points to a need for improving the literacy hour, it should make any necessary changes.

There is of course a dilemma here for reformers. Schools which have greater freedom cannot be compelled to go down this path. Indeed one worry for any Education Secretary must be that primary schools given 'earned autonomy' could return to the old ways. But the initial literacy hour was introduced without the force of law (though it has since been incorporated into the National Curriculum) and relied on the pressure of inspection. And that is precisely why if the DfES and Ofsted, having properly evaluated the evidence, decided officially to encourage synthetic phonics early on and more phonics at Key Stage Two, it will happen in most schools. That would be good for pupils and good for teachers.

IMPROVE TEACHING STANDARDS

THE QUALITY OF TEACHERS remains a problem for many schools. In some ways, arguments about teacher shortages in recent years have been a distraction from the debate about teacher quality. It has become taboo to criticise bad teachers any more. Yet while it is true that the quality of lessons observed by Ofsted has been improving, particularly in primary schools, and that it has become easier for headteachers formally to dismiss incompetent teachers than it used to be, that is not the whole story. A government-funded study by academics from Manchester Business School showed that formal procedures to remove an incompetent teacher average five months, a considerable improvement on before. However, most cases were still dealt with less formally and could involve up to two years of informal procedures before formal procedures were invoked.⁸

Moreover, there is still a problem with the quality of much teacher training. Teacher training colleges have often been caricatured as the places where those who cannot teach end up lecturing new teachers. In many cases, the jibe is unfair: Ofsted has reported that the proportion of poor training on well-established courses has been reduced from a quarter to 15%. As a result of the literacy and numeracy strategies, teacher training colleges are less likely now to subscribe to the damaging philosophies which blighted schools before recent reforms.

⁸ J. Earnshaw, E. Ritchie, L. Marchington, D. Torrington and S. Hardie, *Best Practice in Undertaking Teacher Capability Procedures*, DfES research report 2002.

Yet there is still a big problem with much teacher training. A third of new courses and a sixth of established courses show significant weaknesses, according to Ofsted.⁹ And many headteachers complain that they have a poor choice of candidates and often have to appoint the least bad teacher rather than one obviously suited to the job. Understandably, they want more say in the training of their teachers.

The Government has been expanding the number of places on the Graduate Teacher Programme (GTP), where 'mature trainees' (those aged 24 or more) can train in schools, and receive up to £13,000 a year salary while doing so. Although Ofsted has also been critical of the quality of training for some GTP trainees,¹⁰ particularly those in primary schools, many headteachers see the scheme as an ideal way to gain suitable candidates for vacancies in their schools. For all its teething problems, which can readily be corrected, the advantages of training teachers in situ, with an emphasis on the practical rather than the theoretical, outweigh the disadvantages. The development of 'training schools', with a distinct teacher training function alongside the mainstream curriculum, may address some of the concerns about Initial Teacher Training. There should be a particular emphasis on such developments in primary school, which will be particularly important if further radical reforms in the literacy hour are to be introduced. The GTP should be opened up to all graduates, regardless of whether they have passed the age of 24 or not.

Furthermore, the development of new technology should allow a reduction in the number of teacher training colleges matched by a substantial increase in in-school training. Schools should be able to mix their own in-the-classroom training with distance learning programmes. The Government has already promoted a virtual model for the training of headteachers, through its National

⁹ *The Annual Report of Her Majesty's Chief Inspector of Schools 2000/01*, Ofsted, 2002, p 82.

¹⁰ *The Graduate Teacher Programme*, Ofsted 2002.

College for School Leadership. There is no reason why teacher training should not develop in this way for postgraduate training. Teaching is increasingly becoming a graduate profession, particularly for secondary teaching. There is no reason why groups of schools should not have their Post Graduate Certificates of Education accredited by a local university, but students should substantially learn and earn while teaching for a year in school. With heads and senior teachers designing the curriculum, there could be more time learning how to teach and less time spent absorbing the theory of why it may be too difficult to do so. The Government should invest in a rapid expansion of the Graduate Teaching Programme so that in-school training becomes the norm, rather than the exception.

MAKE WORK A REAL OPTION

FOR YEARS, successive Governments have launched initiatives to expand vocational education in schools. The Conservatives had the Technical and Vocational Education Initiative. Labour has freed schools from the obligation to teach some national curriculum subjects to allow pupils to study work-based subjects at college or in the workplace for a day or two a week. The Government's 14-19 Green Paper, published in 2002, sets out plans to expand the number of vocational GCSEs.¹¹ Yet there is little sign as yet that the potential benefits or costs of a thorough-going work option for young people over 14 years old are being considered. And it will take enormous will to overcome the institutional resistance to vocational education within parts of the DfES, which has prevented governments being sufficiently radical in this area.

An effective programme of apprenticeships could cut truancy, greatly reduce indiscipline and give young people the opportunity to do something worthwhile. But for such a programme to work, apprenticeships would need to start at the age of 14. And that would mean saying that the school leaving age had been lowered, and the budgets for educating those young people were transferred to further education colleges and employers. Of course, those young people should continue to do English, Maths and IT. But they would no longer be attached to schools, so they would have 'left school at fourteen'. This may seem a technical issue, but it is the biggest obstacle to radical reform of vocational education.

¹¹ *14-19 extending opportunities, raising standards*, DfES, 2002.

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By the ages of 14 and 15, as many as a tenth of pupils truant every week,¹² and government statisticians have reported a strong correlation between truancy and poor exam results.¹³ Teachers find that their efforts to prepare students for GCSEs are hampered by a bored minority, who clearly have no interest in learning when they do turn up for class. In most cases, their behaviour is not of a level to warrant exclusion, but it is enough of a nuisance to disrupt classes. Many schools have been developing links with local colleges, where students do 'work-related learning', but such programmes typically take place for half a day, or at best, a day a week. Colleges are not responsible for issues like attendance, which remains with the school. The Government has 40,000 places on such programmes during 2002-3 at a cost of £38 million,¹⁴ but colleges reckon that this will need to be increased to £170m by 2005-6,¹⁵ though even that would not fund a more radical solution.

And why not be truly radical? Instead of sending teenagers to college every Friday, develop instead a system of real apprenticeships to mix two or three days practical work experience with an equivalent time learning skills in college. The programmes should be designed by employers with local colleges, be they engineers, plumbing firms, IT companies, hoteliers or hairdressers. A new system of vocational qualifications could be developed in parallel which measures how well young people have acquired the skills sought by employers, rather than simply trying to fit vocational qualifications into an unreliable 'parity of esteem' with academic qualifications. The only proviso should be that the basics must be properly taught. Funding and responsibility for the students should go to colleges and trainers, instead of schools, for those pupils involved. Inspectors should ensure that they are

¹² *Truancy and Social Exclusion*, Social Exclusion Unit, 1998.

¹³ *Statistics of Education: Pupil Absence and Truancy from Schools 2000/01*, DfES, December 2001.

¹⁴ Learning and Skills Council press release, 10 December 2001.

¹⁵ Association of Colleges, Spending Review submission 2002.

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teaching real skills. But they should have as little as possible to do with those officials (now largely at the Learning and Skills Council) who have effortlessly transformed failed youth opportunities and training schemes into the heavily criticised foundation modern apprenticeship.

This would not prevent students combining academic and vocational subjects. But it would recognise that for as many as 200,000 students who are currently studying for GCSEs and receiving no grades or low grades, their two GCSE years could be far better spent – and they would be more likely to keep training afterwards. For example, 13% of boys fail even to get 5 G grades at GCSE. And over 60% of boys do not even achieve Cs in English and Maths.¹⁶ Most teachers of GCSE students know this – and could identify the candidates who would benefit most from robust alternatives. Welfare officers privately recognise this too. And so long as the courses provided are rigorous (and that means making attendance compulsory too, which requires a culture change in some further education colleges) they should prove popular with students and parents.

¹⁶ *GCSE/GNVQ and GCE A/AS/VCE/AGNVQ Examination Results 2000/01 – England*, DfES Statistical Bulletin, May 2002.

USE DATA EFFECTIVELY

THE EXPLOSION IN DATA about education during the last decade has not only better informed us about our schools, it has also been a real spur for improvement. Without the shock effect of the first national literacy test results in 1995 (when over half of eleven year-olds failed to reach Level Four in English) there would not have been the subsequent improvements. Less well known to the wider public are the data provided by Ofsted and the DfES to schools, which gives teachers more information than that published in the league tables. The Autumn Package of Pupil Performance Information is intended to help schools set the right targets for improvement. It contains national summary results and value added information. It also benchmarks schools. This is intended to help schools understand what progress they are making, and to compare that progress individually between pupils as well as with similar schools.¹⁷

Parents should soon start to have access to such data. The Government has collected pupil-level data tracking the progress of 90% of pupils between the ages of 11 to 16. And where the raw league table data helped to spur improvements most among low achievers, such data will start to identify much more clearly which schools are coasting as well as those genuinely achieving against the odds. Similar data for 7 to 11 year olds should identify the same trends in primary schools.

¹⁷ The DfES Standards Site has an information page on this information at www.standards@dfes.gov.uk/performance/ap/index.html.

Professor David Jesson, of York University, has already used some of this information to track the progress of specialist schools compared to other comprehensives. There is no argument that specialist schools get higher grades than other state schools. In 2001 54% of specialist schools achieved at least five good GCSE passes, compared to only 45% in other schools. However, using the pupil level data, Jesson compared the performance of individual 16 year olds with their predicted performance given their achievements at the age of 11. While the intake was a little better in specialist schools, their pupils still retained a five percentage point advantage. The Technology Colleges Trust went on to rank all its schools according to the Jesson analysis.

In the 2002 league tables, the Government is planning to publish the first of its value-added data. But it may not prove so easy to understand or to compare as the Jesson figures. Because the Government uses a much more complex formula, Professor Jesson has not unreasonably concluded that schools are less likely to use the data for diagnostic purposes to improve their performance. He also points out that no differentiation has been made for boys' and girls' performance, which could prove misleading in mixed schools.¹⁸ Information has not only given more power to parents, it has also given teachers and schools far greater access to data which helps them to improve their lessons. It would be a big mistake if the extra information offered by value-added tables were not sufficiently understandable that it added to our knowledge of individual schools and could be used practically in the classroom.

The Government has been criticised for having too many targets. And there are too many goals imposed either by the Treasury or by other government departments, including Health, which are peripheral to the central objectives of schools. But the sensible use of school level targets has often been the greatest spur

¹⁸ D. Jesson, *Value Added and the Benefits of Specialism*, Technology Colleges Trust, 2002.

for improvement, particularly in specialist schools, where the practice has been a key part of their success since 1994. Some targets, such as the exclusions target, were a mistake and have been abandoned. And with new technology, individual targets should not be seen as excessively burdensome in schools. But with new data becoming available, it is crucial that the information it reveals is of real use in schools as well as offering extra columns in the newspaper league tables.

EXPAND THE GOOD, CLOSE THE BAD

THERE IS NOTHING MORE LIKELY to ignite local campaigning than the closure of a local school, however appalling its results and its teaching standards. Local unions unite in attacking whoever is doing the closing. And these days, decisions on closures have to be agreed by the local School Organisation Committee (SOC), made up of councillors and local headteachers. The SOC was designed to speed things up, since previously decisions were referred to the Secretary of State, and often took years to resolve. But closure remains difficult, often because nothing better seems to be offered in its place.

Some authorities ignore their responsibilities and continue to fund weak and failing schools long after they should have closed them. There are further pressures too: to have choice in the system, large schools need to be able to expand, but this can reduce demand in other schools which may need to remain for strong social reasons. It is also important to distinguish between surplus places that support choice and those which simply keep open poor schools. And the Government must be ready to use its powers of intervention to meet its commitment that 'where schools are not turned around quickly, they are closed.'¹⁹

So there are challenges here. The Government tried to address them in guidance on the removal of surplus places, suggesting that authorities prioritise poor schools. But inevitably other considerations, such as land sale values, play on the minds of local

¹⁹ *Education and Skills: investment for reform*, DfES 2002, p 19.

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planners. Schools are also given two years to come off special measures. After that, the school should have a fresh start or close. Some such schools can become Academies (independent non-fee paying specialist schools). But even so the system is not sufficiently flexible to allow more good schools to expand and more poor schools to close.

Despite the rhetoric of choice, such proposals are usually objected to within the DfES and the Treasury on cost grounds. Maintaining surplus places in moderately good schools is seen as poor value for money. But parents are less likely than ever to be satisfied with the school they are offered: according to government statistics there were 63,000 appeals in 2000, compared with 40,000 in 1996.²⁰ In other words, over one in ten parents are sufficiently dissatisfied with the secondary school their child has been offered to lodge an appeal. Yet fewer than one in four wins their appeal.

Both Conservative and Labour Governments have talked about choice. And to some extent the growth of specialist schools will expand the options available at eleven. But neither government has actively transformed the rhetoric of choice into the expansion of popular secondary schools. Yet ironically Labour has already successfully conducted a significant experiment in primary schools to promote choice. Popular primary schools were funded to expand: and their expansion coincided with improvements in primary school results. When infant class sizes were reduced from 1997-2001, the policy required more than employing extra teachers: it also needed significant capital investment in classrooms. But if it was to avoid any serious reduction in choice, the capital funding had to be targeted wherever possible at expanding over-subscribed primary and infant schools, which got much of the money for extra classrooms and teachers. An estimated 15,000 extra places were created in popular schools as a result. The results were not perfect: lower class sizes reduced choice for around 3,000

²⁰ DfES Statistical First Release 15/2002, 27 June 2002.

EXPAND THE GOOD, CLOSE THE BAD

children who could not be accommodated within their preferred school. But the net effect was to expand popular schools by 12,000 places.²¹ Such an experiment should be applied to popular secondary schools in places like London, without the constriction of class size targets and where expansion would be cheaper than building afresh. And some of the money could be raised by closing failing schools more rapidly. The Government should make a start by making clear that any school not reaching its exam performance targets in 2004 and 2006 will be expected to close and its resources will be applied to such an expansion.

²¹ DfEE Press Release 1999/0471, 27 October 1999.

LINK THE WEAK WITH THE STRONG

COMPLAINTS ABOUT OVER-CENTRALISATION often obstruct measures which could help weak schools from improving. But such concerns are less likely where schools help each other out. Increasingly, successful schools are working closely with their weaker neighbours to help them improve. There is some government money attached to such approaches, through the beacon schools programme and with the development of the 'advanced school'. The Government has also indicated its interest in introducing 'school federations' which might include partnering successful and failing schools, or enabling schools to merge governing bodies.²²

The number of local partnerships is growing, with small sums of money available to link grammar and independent schools with comprehensives. But there must be room for greater devolution of funds to help schools working together to find their own solutions. And if they are able to do so, they should not need to rely on the good will of the local education authority for such partnerships to develop.

One such partnership has been developed in Slough, Berkshire where Beechwood School became infamous in 2000 as the first school in the country to place its pupils on a 'four day week' because they could not find enough teachers to work at the school. While Slough is typical of the places surrounding London, where high housing costs created teaching shortages, the problems at

²² *Education and Skills: investment for reform*, DfES, 2002, p 19.

Beechwood may have had as much to do with its then reputation as a poor school than the shortage of teachers. Either way the problems saw the school's results dip so that only 6% of its pupils gained five good GCSEs in 2001. Then Slough Grammar School stepped in to help.

Not only has Slough Grammar helped to train teachers for Beechwood, it also provided classes for 30 Beechwood pupils to study for their GCSEs. Catch-up classes were provided before pupils came to the selective school and English, Maths and French teachers from the Grammar School have been filling staffing gaps in Beechwood. Classes over the Easter holidays were also run. The Grammar School stresses it was not just a one way street: its teachers gained from the greater challenge and Beechwood's drama teacher helped improve Slough Grammar School's lessons.²³ While some of the money came from a government scheme to encourage grammar schools and secondary moderns to work together, most of the costs were paid by Slough council. There is a case for enabling groups of schools to have some joint funding delegated from the centrally-held funds of the LEA to develop such programmes. And if the Government wants to develop this model, it should ensure that inspections and performance tables are able to identify the degree to which a school's achievements are the result of collective efforts.

Nor are such partnerships always about failing schools: they can help improve results more widely. Nowhere has this been better illustrated than in the partnership between Ripon Grammar School and Ripon College, a nearby non-selective specialist technology college. Their partnership was strengthened when they worked together to defeat the anti-selection ballot in 2000. Staff training is jointly organised, libraries are integrated, and sixth-formers benefit from a wider choice with the College specialising in technology and law A levels, while the Grammar School offers humanities, the classics and science.²⁴

²³ Author's interview with headteacher, 2002.

²⁴ Author's interviews with headteachers, 2002.

This blending of the traditional and the modern seems to have had its effect on the results. Ripon College is one of the fastest improving schools in the country. 31% of pupils gained five good GCSEs in 2002 compared to just 8% in 1998.²⁵ But if the Government wants such federations to go deeper, it must give schools the flexibility and resources to allow them to happen, whether or not they have the support of their local education authority. And that is something which should be urgently addressed as the Government moves towards splitting spending assessments into a schools and local authority pot.

²⁵ *Times Schools Report*, 22 November 2001 and figures from Technology Colleges Trust.

CUT THE RED TAPE FOR ALTERNATIVE PROVIDERS

WHEN THE GOVERNMENT'S White Paper, *Schools Achieving Success*, was published in 2001, there was much talk of private and voluntary bodies being able to take over weak and failing schools.²⁶ There has been progress, with the announcement of 33 Academies, including 25 in London.²⁷ The first three opened in September 2002. Like City Technology Colleges (CTCs) or American Charter Schools, Academies are independent non-fee paying schools. The typical academy has sponsorship of £2 million from a charitable foundation or philanthropist.

However, there has been less progress with outside bodies taking over poor schools. It must first be admitted that there is no single magic formula for turning around weak or failing schools. In many cases, a robust action plan following identification will work. Yet there are cases where more radical action is necessary. In its first term, Labour promoted the idea of a 'Fresh Start' for schools which showed little sign of recovering through conventional means. A new name, new headteacher and new staff were typically introduced to the school, though the pupils remained unchanged. The scheme had mixed results. Early high profile failures like the Islington Arts and Media College

²⁶ 'We also want to encourage schools to choose to establish new partnerships with other successful schools, the voluntary sector, faith groups, or the private sector, where they believe this will contribute to raising standards'. *Schools Achieving Success*, DfES, 2001.

²⁷ *Education and Skills: investment for reform*, DfES, 2002, p 17; *DfES Press Release 2002/0134*, 1 July 2002.

recovered once they left the media spotlight.²⁸ However, other Fresh Start schools closed, not least because there had been little clear definition of when fresh start was appropriate. In some LEAs, the scheme was simply a way of avoiding the unpopularity that comes from closing schools, however much they were failing. It continues to operate on a small scale, but it is clearly no longer seen by the government as an adequate solution in most cases.

Closure is another option. But where good alternative secondary schools are in short supply, another solution is required. To date, only three schools have introduced full-scale external management from the private and voluntary sectors. Hackney brought the Centre for British Teachers (CfBT) into run one of its local church schools without much obvious improvement.²⁹ More recently Surrey County Council invited 3Es, a CTC-led charity, to run one of its ailing schools, now called King's College in Guildford; and then awarded the private education company, Nord Anglia, the contract to run Abbeylands School in Addlestone. The early signs are more encouraging in Surrey, but both contracts were let under existing rules.³⁰ Such adherence to existing rules of governance can cause particular problems for a private contractor if they cannot reach agreement with the governors or the LEA, though there are examples in Doncaster and Westminster where, through co-operation, progress has been made.

Under the 2002 Education Act, Ministers have more powers to intervene where schools are judged to be failing, and can appoint an 'interim executive board' involving an outside partner to help a school improve. This measure may address one of the big

²⁸ The proportion of pupils gaining 5 A-Cs rose from 5% in 2000 to 22% in 2001. *Times Schools Report*, 22 November 2001.

²⁹ *Observer*, 6 February 2000.

³⁰ At Kings College, the school reports that almost 30% of pupils gained 5 A* to C grades in 2002, compared with 10% in 2000, the last year for the school it replaced. See www.kingscollege@digitalbrain.com. See also C. Ryan 'Business Behind the Blackboard', in *Public Finance*, 6 July 2001.

concerns of private education companies – that a school's governing body could block reform – as it would transfer power over the school budget and important aspects of the curriculum to the external partner.

But there remains as big a problem stemming from the Transfer of Undertakings (Protection of Employment) Regulations 1981, commonly known as the TUPE Regulations. These were intended to safeguard employees' rights where businesses change hands between employers. But they have made it harder to effect change when a failing school or education authority is contracted out, because the contractor has to take existing staff with him. According to the Department for Trade and Industry's guidance to employers, the regulations, which the DTI is planning to strengthen mean that:

The new employer takes over the contracts of employment of all employees who were employed in the undertaking immediately before the transfer, or who would have been so employed if they had not been unfairly dismissed for a reason connected with the transfer. An employer cannot just pick and choose which employees to take on.³¹

In some cases, a failing school will be performing badly because of poor leadership and poor teachers. Some staff will need to go if the school is to improve, and TUPE makes it difficult to achieve this. Research for the DfES shows that it typically takes over two years (including five months of formal proceedings) to remove just one incompetent teacher.³² Yet even this may be shorter than the time it would take if a school were transferring to new management, as the new manager could start such procedures only after all the legalities had been finalised. Where everyone – school, LEA and contractor – can agree a course of action, it is easier. But only the weakest LEA will readily give up its control over staffing and budgetary matters, and such agreement is not

³¹ *Employment Rights on the Transfer of an Undertaking* (PL699), DTI website.

³² Earnshaw, Ritchie, Marchington, Torrington and Hardie, *op. cit.*

universally forthcoming. It is a significant problem for anyone seeking speedy reform. The Government needs to re-examine the TUPE regulations (if necessary with our European partners) to ensure that while employees have reasonable protection, it is no harder for a new employer to remove those staff whose continuing presence is making progress harder.

Nor is this the only problem. The current Government has been friendlier towards the private sector in education than some of its predecessors. Under the 2002 Act, for example, it is easier for schools to trade their services jointly, an option previously open only to CTCs within the publicly funded sector.³³ That should enable good schools to provide curricular or management services, and these may become a growth area in the voluntary sector. However, the education market remains fragile and limited. There has been no large scale experiment with a group of schools and the private sector: the contracting out of Islington LEA to Cambridge Education Associates related to a number of specific functions of the LEA, but not the management of schools in the borough, which remains with the Head and governors. The Government should let a private or voluntary sector provider manage, for a fixed period, a group of schools which had failed to improve.

There have been some significant improvements in some parts of the country – such as Birmingham and East London, where there were too many failing schools – as a result of targets in inner city schools and the Excellence in Cities programme. But something more is clearly needed to effect change in other areas such as North London, and in other major cities like Manchester, Nottingham and Bristol, if the Government is to achieve its own

³³ The 2002 Education Act (Chapter 3 Part 1) provides that a school may become a member of a company for the purpose of purchasing goods and providing services for schools and to exercise the functions of an LEA where the LEA chooses to contract them out. It also enables the Secretary of State to form or participate in forming education companies.

targets, not only for Key Stage 3 and GCSE, but also for participation in Higher Education. While 51% of pupils nationally achieve five A*-C grades at GCSE, less than a third do so in those cities and in boroughs like Islington and Haringey. South London boroughs like Southwark and Greenwich fare little better.³⁴

Contracting out the management of a borough or city's schools will not be easy. For one thing, it can conflict with existing self-governance which has been promoted by both Labour and the Conservatives. By definition, the contractor must gain similar control to school management and governance as dioceses have of church schools. Yet though taking some flak from the unions for PFI building agreements for schools, the government has been less ready to link such agreements with wider school reforms.

It is true that even in the United States this has proved difficult to achieve. But experiments in Baltimore have shown that private companies can effectively introduce tried and tested pedagogical practices more efficiently than local government.³⁵ However, there will be much interest in the radical reform programme agreed in Philadelphia in July 2002. The five year contracts which affect 264 schools has enabled the city to develop a comprehensive plan which is intended to revitalise high schools and improve reading standards in the city's elementary schools.³⁶ If the private or voluntary sectors are ever to make much impact in English schools, the Government here should actively encourage similar borough or city-wide innovation to test its effectiveness. For those that have not seen much improvement under existing initiatives, it is clearly an experiment worth trying. Where other initiatives have

³⁴ *GCSE/GNVQ and GCE A/AS/VCE/Advanced GNVQ Examination Results 2000/2001 and 2001/2002 – England*, DfES, 2002.

³⁵ The Success for All Foundation is one such example. This was set up in 1987 in Baltimore, using math and reading programmes that had been developed at John Hopkins University throughout its inner city schools. It now operates in 1500 schools. See www.successforall.net

³⁶ *New York Times*, 1 August 2002; School District of Philadelphia news release, 31 July 2002.

failed, the Government should be bolder in encouraging private and voluntary sector involvement. And if that means freeing up of the rules which make it hard for them to get involved, then they should be ready to do so.

If Government is to address failure in the public sector, then it must have the levers to turn things around. But equally, where schools are performing well, ministers must be able to let go and leave as many decisions as possible to headteachers and the governing bodies, knowing that published exam results, improvement targets and inspections ensure an appropriate degree of accountability.

CONCLUSIONS

MANY SCHOOLS HAVE IMPROVED as a result of education reforms over the last decade. But there are two tendencies that are in danger of reopening the secret garden which was first unlocked by the 1988 Education Act and extended by subsequent reforms under successive governments.

The first is a re-emerging general anti-testing culture, which abhors league tables, thinks inspections cruel and sees targets as burdensome. The problems with the grade boundary-setting in this year's A levels have given added vigour to this lobby, supported on the left by the same teaching unions who boycotted national tests in the early nineties and on the right by those who think schools can manage perfectly well on their own. There have been real gains made as a result of the national curriculum, the literacy hour, tests and targets. And there are hundreds of thousands of pupils getting a better education as a result of those innovations. Indeed in the United States, where school reform is generally behind that of Britain, there is a growing acceptance of the need for central standards if results are to improve in public schools. President Bush has been as keen an advocate, if not more so, than President Clinton. Other countries in Europe and Australasia are recognising the need for such reforms, too. So, the challenge for policymakers is to strike the right balance. The literacy hour may need to become more intensive in the use of synthetic phonics in the early years. Increasing amounts of data need to be made available in practical and useful ways. There may

FREEDOM FROM FAILURE

well be room for reform of testing, particularly at A level, but the grumbles of teachers should not lead any government in England to follow the National Union of Teachers-inspired changes in Wales, where league tables have been scrapped and children will not have a single national test before eleven.

The second tendency is to assume that all schools can survive with minimum interference. The government has been expanding the option of 'earned autonomy', which allows variations in pay and curriculum. This is not unreasonable, so long as children retain a clear entitlement to learn the basics. However, some schools need more attention than others. The right mix of interventions needs to be in place so that whole areas can experiment with external management and federations, and are encouraged to do so. That may come from successful local schools or from private providers. Similarly, there should be a much greater willingness to allow good schools to expand and poor schools to close: the Government's 2004 and 2006 targets should be meaningful promises to pupils rather than threats to teachers. And one perennial problem remains: how to train good teachers and sack weak ones.

It is important not to exaggerate the extent of the problems in most secondary schools any more than one should not underestimate the challenge in the weakest schools. Most schools have benefited from greater responsibility matched by greater accountability. But as the system offers more diversity and choice for parents, it should not lose sight of the need to ensure that hundreds of thousands of children are not cast adrift. They cannot afford the freedom to fail. Addressing the failures of their schools requires radical reform and concrete change if they are to have genuine opportunity.

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