


# MATification: Plurality, turbulence and effective school governance in England

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## Introduction

School governance in England has seen considerable change over the last decade as ongoing structural reform has produced a range of models affecting composition and roles of individual schools and the middle tier. Governance is important as school governing bodies have considerable powers and responsibilities for young peoples' education (Young, 2017). There are some 300,000 governors in England, the largest group of volunteers in England, whose work is prominently hidden from view but make a significant contribution not only to their schools, but also the educational system as a whole (James et al., 2010). The changes in particular have seen a move from a stakeholder to a skills-based model (Connolly et al., 2017), and are aligned with changes in school and middle tier structures (Bubb et al., 2019).

We wish to argue that this turbulence, creating a series of crises which although centrally formed, are seemingly organic replicating differences across systems prohibits, or at least restricts, effective school governance. We argue this through an exploration of two vignette case studies of single Academy Trusts (SATs) and Multiple Academy Trusts (MATs), exploring changes in each and the vacillations in governance discourse.

## Historical context

In the second half of last century, following the 1944 Education Act, state funded schools in England were maintained by Local Authorities (LAs), originally Local Education Authorities, a middle tier between the national government and schools. Each school had its own Governing Board and school governance, particularly following the Taylor Report of 1977, was supposed to represent different interested groups. The 1988 Education Act transformed local government of schooling in England with one of many changes being the role and composition of governing boards. The stakeholder model, built largely on volunteers, postulated that school governance ought to be representatives of teachers, parents and local community; groups that have a high stake in the success of a

school ought to be responsible for its conduct (Connolly et al., 2017). This increase in volunteers resulted in the 'largest democratic experiment in voluntary public participation' (Ranson, 2016, 55) and as such is linked to peoples' perception of participative democracy more than other public institutions. By 2019 school governance in England was described as providing three core functions: clarity of vision, ethos and strategic direction; holding senior leaders to account and overseeing the financial performance of the school. Maintained school governing boards should consist of two elected parents, the headteacher, an elected staff member, LA representative and co-opted members (Wilkinson and Long, 2019). However, the purpose of the membership has recently changed with a shift from being representatives of the groups that elect them to ones who have skills that the governing body requires, government guidance stipulating that 'the governing body must only appoint someone they believe has the skills to contribute to the effective governance and success of the school' (DfE, 2017: 4).

At the beginning of the 21<sup>st</sup> Century new schools, not linked to the LA, Academies, were created and these schools had greater flexibility in their governance structure. Originally conceived as replacements for failing schools (there were only 203 in 2010), academies greatly increased in number following the 2010 Academies Act to the point where by 2019 a third of schools are now academies with half of all pupils in England attending them. However, there is a large difference in sector provision with over two-thirds of secondaries but around only a quarter of primaries being academy schools (Ofsted, 2019). Academies are not-for-profit companies, funded directly by the central government, and can operate as two types of trust, Single Academy Trusts (SATs) or Multiple Academy Trusts (MATs). Although the number of academies is increasing, the number of Trusts is declining (DfE, 2020a) as trusts fold and merge, a process known as

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re-brokering which is often organised or encouraged by the Regional School Commissioner's (RSC) office.

Both single academy trusts and multi-academy trusts, as charitable companies, have both Trustees and Members. A board of trustees consists of two elected parents, no more than a third from employees of the Trust and no more than 20% from an LA. Members of academy trusts have a similar role as shareholders in a company limited by shares (Wilkinson and Long, 2019). This now creates two modes of school governance maintained schools and trusts. However, within the freedom that applies to trusts a range of models occur, for example a MAT Board of Trustees may appoint a Local Governing Body for individual schools in an advisory capacity or not. This results in differences of distinct operating powers such as maintained schools being responsible for the appointment of their headteacher whilst this responsibility in a MAT will lay with the MAT Trust Board not the individual school.

Aligned with these changes has been discourse surrounding the composition of governing boards with a move from the stakeholder model to one of skill set; a concept that professes that such institutions are best governed by people who have the best skill set. Dobson et al. (2020) support, and report on a case, of Independent External Business based school governors and conclude that 'schools should include individuals with business expertise and the following skill-sets: knowledge of the legal sector in a number of different areas; the ability to manage processes; the experience and knowledge of running a business; and finance and leadership. Such skill-sets are often associated with the private sector' (Dobson et al., 2020, 534). Dobson et al. (2020) believe that work such as Young (2017) and Connolly et al. (2017), defending stakeholder models, perceive skill-based models as a threat. There is a lack of research into business volunteers' work in their role as school governors. Dobson et al. (2020) refer to boundary crossing of business based governors in terms of educational knowledge, how they recognised the requirement to gain educational based knowledge in order to cross borders.

By 2020 a position has arisen of varying models of school governance and roles. The demands on governors also result from a layer of accountability from Ofsted inspections, particularly since 2012 creating different understandings of governance from headteachers and inspectors resulting in what Baxter (2017) refers to, using Koppell's terms, as 'Multiple Accountabilities Disorder'. This situation has been further confused by the changes that have occurred in the middle tier of school administration during the same time frame.

### **The muddle in the middle**

The middle tier has been defined as 'that space in the system where the governance and administration of education are enacted locally, take account of local circumstances and need, and recognise that decisions in relation to one school have consequences for others' (Woods and Simkins, 2014) and in England Bubb et al. (2019)

categorise 'middle tier' roles in four broad areas: finance; accountability; access and the development of people. Following the 2010 Act, new actors have emerged in the middle tier system. MATS operate both regionally and nationally so a new layer of Regional School Commissioners (RSCs), civil servants who oversee the MATs and academies on behalf of the Secretary of State, were introduced in 2014. As part of a self-improving school system, Teaching School Alliances and National Leaders of Education (NLEs) were created, so that by March 2020 there were around 1500 government designated 'system leader' schools (Greany, 2020). Further to this the system now includes state funded schools of academies and their variants: Free Schools; Studio schools and University Technical Colleges in addition to maintained schools and faith schools, all of which can have differing governance models. This reform has been characterised as 'chaotic centralisation' (Greany and Higham, 2018) and a 'dysfunctional fragmentation of the local systems' resulting in the 'disappearance of (or change to) the middle-tier' (Crawford et al., 2020, 2). The role of the LA is becoming diminished, particular with secondary school education. The LA is perceived as primarily a champion of children, having the sole responsibility for ensuring all children are being educated as opposed to providing that education.

### **The governance of single academy trusts (SATs) and multi-academy trusts (MATs)**

Single Academy Trusts are sometimes also referred to as Stand Alone Trusts, either way these are single schools, usually secondaries, who have voluntarily converted to academy status following the Conservative-Lib Dem coalition's Academies Act, 2010. This legislation enabled schools that had been Ofsted rated as Good or Outstanding to become independent of their LA and be funded directly from central government. This gave the school an increased budget as they could choose which of their LA's services they wished to buy back into after academisation, rather than having to directly pay into these services. The issue of democratic accountability is potentially called into question here as the LA's traditionally provide services for all groups attending school – for example, those with additional needs, such as Special Educational Needs and Disabilities (SEND), and those with English as an Additional Language (EAL), for example. Schools in wealthier areas may be more likely to have had higher Ofsted ratings, and therefore have been more likely to 'opt-out' of their LA services, as they have not required them to the same extent as more deprived inner-city schools. This created a socio-economic division in provision, as wealthier geographic areas had wealthier schools (Hardman and Levačić, 1997).

As academy schools began to work with each other collaborative federations emerged and developed into chains and eventually what are now termed Multi-Academy Trusts (MATs). The MAT itself is the legal entity, not the individual schools themselves and the MAT is responsible

for the schools governance, in this way it differs from other groupings whether they be federations or LA maintained schools. There has been a rapid rise in MATs, which is the government preferred model of academy governance (Simkins et al., 2019). This MATification of schooling has included LA schools that are deemed 'failing' being mandated to join a MAT. MATs vary in size, the governments preferred number being at least 10 schools (DfE, 2020b) and are frequently led by a high performing school. By March 2020 in addition to the 152 LAs, there were around 1200 MATs operating 7600 academies (with each MAT responsible for between two and forty-plus academies) (Greany, 2020). The link previously with a local community has been structurally removed.

Although there are different governance models, the DfE (2020b) give a common organisation of a hierarchal structure with the Members Board sitting at the top of the apex whose role is to monitor the operations of the Trust Board including appointing and removing Trustees. In faith schools participants in the trust board are referred to generally as Directors but more commonly as Trustees in non-faith schools. The Trust Board is the decision-making body of the academy trust and is accountable and responsible for all the academies in the MAT. A variety of committees sit below the Trust Board to address issues such as finance and Local Governing Bodies (LGBs) are at this tier. LGBs are sometimes referred to as academy boards in some literature as they sit at each school level (although in some structures there are local groups rather than individual schools), the key here though, unlike maintained schools, they are not mandatory and are only advisory being not executive and the Trust sets their powers. This may become confusing for governors of a maintained school who join a Trust only to find that their powers are subsequently diluted. A Trust Board is required to have two elected parents, though of course this could be from up to 40 schools which may be geographically dispersed, so this becomes more of contributing a perspective as opposed to a direct link with the parents of a given school. Despite the DfE requiring that 'all trust boards should assure themselves that mechanisms are in place for their organisation to engage meaningfully with all parents and carers' (DfE, 2020b: 22), Baxter and Cornforth (2019) found in their sample that although some communication strategies existed, generally there was a failure to implement them creating a disconnect between communities and those that run their schools.

## Discussion

State funded schooling has two distinct types of schools and their governance, maintained LA schools and academies. However, the last decade has seen a plurality of governance models within the sector and some of the issues arising from this turbulence are now discussed. Whilst there are many arising issues that affect effective governance, we have concentrated on four: governors' roles; community disconnect; employee voice and governance accountability.

Many of the schools that have become SATs, in this last decade, are schools that have used previous legislation in order to 'opt-out' of their Local Authority control under previous Conservative government administrations such as the 1990s policy of Grant Maintained Schools (GMS), which had meant that many schools had become what was known as Foundation Schools (MacDonald, 2006). These SATs are usually secondary schools, and although some have gone on to form Multi-Academy Trusts many have remained as stand-alone institutions. This is problematic as the Governing Bodies of these Trusts often remain the same as when they converted to academy status, and for some of them this is now a decade ago. So, if the Members have been in place that long and the vast majority of their Governing Board have been in place for the same amount of time then a lack of challenge can exist between these tiers of governance. In some SATs, Members (or Directors) are also Trustees, and these roles are meant to hold each tier to account, if these roles are held simultaneously then the delegated powers invested in them starts to fall down.

What has become more apparent, through Ofsted inspections during the decade from 2010, is where schools previously designated as Outstanding have been placed into OFSTED categories because the boards have not had the degree of separation that is expected of them, as the DfE state, 'Members should not be involved in the day-to-day business of the academy trust and must ensure they do not assume the powers of the Academy Trustees' (DfE, 2020b: 9).

Despite this advice, SATs can have the same people as trustees, in both the member and governor role simultaneously. There are many anecdotal reports of such blurring of distinctions - including a school where the Chair of Governors has been in post for a decade, and is both a Member, and a Trustee, as well as having been on the governing body for more than 20 years. This is problematic for the DfE, who encourage whistle blowing in such cases, as the Member role has grown into a distinct role - that as the above quote makes clear - Members are meant to hold the Academy Trustees to account. The same blurring clearly cannot occur in MATs as easily, they have numerous Local Governing Bodies (depending on the number of schools in the Trust) and consequently a different set of Academy Trustees.

There are other issues with SATs, as these are mainly secondary schools, and instead of creating Multi-Academy Trusts with their feeder primary schools, they leave these to either become primary-only MATs, or not become academised at all. This has meant that many more secondaries have academised than primaries, and this has created other issues for the education system, where secondaries are not investing in their catchment areas, or their partner school creating further community disconnect.

SATS are being openly discouraged, initially with new funding arrangements and then overtly by the present Secretary of State who believes the MAT model is the preferred vision of school governance, even announcing a

'try before you buy' scheme for schools to try out being involved in a MAT (DfE, 2021). This is a deeply problematic idea when academisation involves the transfer of assets and new governance arrangements. Schools and those responsible for school buildings receive condition funding through different routes depending on their size and type. Local authorities, larger MATs and larger VA [Voluntary Aided] school bodies receive direct SCA to invest in priorities across the schools for which they are responsible. Smaller or stand-alone academy trusts, sixth form colleges and smaller or stand-alone VA school bodies are able to bid to the Conditional Improvement Fund (CIF) The latest eligibility criteria on size of trusts, including at least 3000 pupils on roll, appears to prohibit SATs to gain this funding. It appears SATs are not be phased out, such schools will need to either create a new MAT or become part of an existing one; further turbulence.

The community disconnect of MATs often with geographical displacement and subsequent democratic deficit of governors whose role not as a representative member, also extends to employees such as teachers. In LA schools each school board includes the headteacher plus at least one employee, in a MAT the government specifically advises against this option stating that, 'the department's strong preference is for no employees other than the CEO or principal to serve as an Academy Trustee' (DfE, 2020b: 19). There may be many individual academy school principals within the MAT that then find themselves serving on non-decision making LGBs at best and there is a lack of teacher and other employees voice directly within the Trust Board. These models of governance create mistrust and division. This flexibility in MAT governance has increased the range of models, whereby boards joining a MAT, that were responsible for a single school now find themselves in 'tiered and hierarchical multi-level governance structures' (Baxter and Floyd, 2019, 1051).

The RSCs role in the muddle in the middle appears be to increase MATification through re-brokering but we know little of this process in the research literature; although the number of academy schools are increasing the number of trusts are reducing (DfE, 2020a), this is particularly true for SATs. The re-brokering of schools changing MATs has increased dramatically, up 30% in 2017–18 from the previous year and 1114% from 2014 (Baxter and Floyd, 2019). This has led Greany and Higham (2018) to argue that MATs are best understood as *mergers and acquisitions*. The crisis of fluidity of structural governance is problematic in transparency with Simkins et al. (2019) noting that they 'have found no overall data on internal structure, phase composition, formation, or organisation' (Simkins et al., 2019, 337). Although referring to Free schools, Higham; (2014) query, 'who owns our schools?' has never been more apt.

Following public concern, the government's plans in 2015 to turn all state-funded schools into academies was abandoned, however Baxter and Floyd (2019) note that the government have continued to promote their rise, despite a lack of evidence that they are effective. The

House of Commons select committee report into MATs (Education Committee, 2017) advised the following for governmental action: a curb on the expansion of MATs; Ofsted inspections of MATs; clarification of the future role of LAs within the system; further accountability with local communities particularly parents and alignment between Ofsted and RSC roles and responsibilities. Of the 22 recommendations made by the committee none were fully accepted by the DfE who were generally dismissive of the report. There was to be no change of policy and at best the government's action was to provide more clarity of guidance in situations, such as schools who wish to become part of a MAT. It is also notable that the chief inspector of schools called for Ofsted inspections of MATs, stating that there was 'a lack of self-evaluation at MAT level [which] is mirrored by limited accountability of the MAT in the national system' (Spielman, 2019).

## Conclusions and recommendations

We raise these concerns, not as a lament for a previous golden age (maintained schools' governance did not always operate with the school at its focus with, for example, party political machinations preventing smooth governance), but rather a concern for effective school governance. The rate of change, creating several governance models, has created a turbulence in the system that makes it difficult for effective governance, particularly in a system based around volunteer membership. For governors to be not always representing their communities but rather only to have 'effective engagement' with stakeholders creates further democratic deficit. The stakeholder versus skill debate is to some extent a false dichotomy, the two are not mutually exclusive, in maintained schools co-opted governors are frequently from local business and the Stakeholder Plus model from Wales is something that needs further exploration. We raise these concerns as authors with considerable experience of school senior leadership and school governance in both maintained schools and trusts and recognise pragmatically, that academies are very much here to stay. However, this does not mean that the present situation and trajectory needs to remain, our concern is the disconnect between the average volunteer governor and the schools they wish to help. MATs are here to stay: we now need to work across the system to ensure that what is in place for school governance works across all Trusts - for all schools and their communities, and Trusts need to demonstrate how they are enabling that to happen.

Our recommendations are:

- for the commencement of Ofsted inspection of MATs, which we think it is no longer credible to go without in the current system, as the executive power in schools' rests at this tier within all academy structures
- for MATs to have clearly delegated schemes of authority - to keep individual school governing

bodies in place - and recognise the links that these keep with their communities

- for MATs that have local 'Hub' boards across an area, in place of such Local Governing Bodies, Ofsted should look at this explicitly as part of the MAT inspection process, and judge on whether these are individually fit for purpose.


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