



Governance in multi-academy trusts (MATs)

Evidence from the field

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by

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Abstract


There has been a fundamental shift in school governance in England, triggered by the rapid expansion of academies since 2010, which means nearly half the pupils in state-maintained schools no longer have a governing body as the legal decision making forum for their school. Instead, schools becoming academies have been formed into companies, limited by guarantee, working in a direct relationship with central government. Furthermore, the majority of academies are now in multi-academy trusts (MATs) which are multi-school organisations with one board of trustees. School governors typically now only have delegated tasks and responsibilities, with accountability having now been transferred to the trust which runs the MAT. The research reported here is drawn from interviews conducted with senior executives of MATs during the calendar years of 2017 and 2018. A key part of each interview was to examine the way in which governors were contributing across the trust. The data generally demonstrated schemes of delegation that allow individual schools to continue to have governance at the institutional level, albeit without the previous legitimatised power and accountability. The investigation did reveal some alarming aspects of school governance within trusts, however, which have the potential to allow behaviour that is illegitimate or immoral.

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Introduction

Until the policy shift towards academies following the 2010 general election each English state-maintained schools had their own governing body which was the legal decision making forum for the organisation. The composition of that body was normally between nine and 19 members, according to pupil numbers, and included representatives of the local authority nominees and officers, together with elected parents and teachers. The headteacher was part of the board (sometimes with full voting rights) which normally was serviced by a local authority officer acting as clerk. The articles and instruments of governance were defined by the 1986 Education Act (No. 2) and were considered to be part of the “*complex system of checks and balances inherent in the administration of public services that reflect the ability of English society to prevent fraud and misuse of resources*” (Male, 2006: 99). From 1986 each state-maintained school in England was thus required to have its own governing body which demonstrated a balance between local government, parents and the teacher workforce in a time when education was seen as a national system, delivered locally.

School governance was not separated from a more global approach to governance that manifested itself during the 1970s and 1980s, a political and economic movement which is generally referred to as ‘neoliberalism’ which oversaw the rise of market forces as the driving factor for decision making at national and local levels (Connell, 2013). The concept is highly contested and has many claimed origins, but was most enthusiastically endorsed during the 1980s by political leaders from the western world seeking a more liberal approach to the economy, notably Margaret Thatcher, UK Prime Minister from 1979-90. This period, suggest Courtney, McGinity and Gunter (2017: 3) was characterised “*by increased private-sector involvement in formerly public services; by the fetishisation of the market as a mechanism for regulating social and economic relations; and by the privileging of private-sector knowledge over professional knowledge*”.

School governing bodies created by the 1986 Act were not immune to these influences, as illustrated by Wilkins and Gobby (forthcoming) who provide two formulations of governance: *instrumental-rational* and *agonistic-political*. The first is a technical approach, which sees governing bodies established as a means to ensure certain

strategic and operational priorities are set and overseen to enhance the quality and standards of schools; the second is more political approach, designed to provide responsiveness to contextual situations and local autonomy. The conclusion to be drawn is that school governing bodies were encouraged to move away from apolitical to political activity during the Thatcher years, ostensibly to improve outcomes. In other words, school governing bodies were to be part of the neoliberal landscape that was emerging for public services.

The discussion that follows firstly reports a further shift in central government policy in England since 2010 which encouraged even greater independence and autonomy of state maintained schools. It then goes on to explore what has happened to school governance in practice for nearly half the school population of English state-maintained schools through the academisation process and concludes with an exploration of the implications, consequences and possible ramifications of this change.

Radical change to the English maintained school system

A desire to change the balance between central and local government control of education has been encouraged by successive state policies which have been promoting school autonomy since the 1988 Education Reform Act (ERA) which, inter-alia, provided almost complete financial devolution. This process has been seemingly underwritten by the political dogma of what Ball (2018: 220) describes as “*a market system of education or what we might call neoliberal education [...] driven by a factory-based model of performance management [...] predominantly defined publicly and politically by concerns about underperformance*”. This inexorable pressure culminated in a desire from central government, and especially from Prime Minister Margaret Thatcher in the 1980s, to suppress local democratic control of public funding and enhance decision making at the point of contact with the consumer (Male, forthcoming). This was part of a wider process of the ‘hollowing-out’ of the state whereby government should be small and “*concerned with guiding and ensuring services rather than necessarily directly providing them and that markets and business should be involved in the provision of public policy*” (Skelcher, 2000, p.7). In terms of change this process

led to a significant reduction in the power of local authorities, the prior conduit for central government policy enactment, to influence and manage practice at the school level.

The original establishment of a state-maintained school system in England was contained in the 1902 Education Act which gave responsibility for the school system to local councils who quickly established Local Education Authorities (LEAs) as a discreet agency within local government. In 2010, however, a government order redeemed the 1996 Education Act and removed the word 'education' from the title of LEA and required local authorities (LAs) to establish children's services. At the time of writing there are still 152 LAs overseeing state-maintained schools, although their role has changed significantly since ERA to become one that is largely scrutiny and support rather than control.

Attempts to transform the governance and management of maintained schools following the initial impact of ERA were exacerbated by the New Labour government of 1997 which sought to amplify a previous Conservative government initiative of City Technology Colleges, supported directly by business and commercial interests, into the creation of a series of 'Academies' which had independence from the local authority and direct accountability to the Secretary of State for Education. The Learning and Skills Act 2002 created the concept of City Academies, with three opening in that year. A further Education Act in 2002 allowed the word 'City' to be removed to allow schools in other areas to join the programme and by 2006 there were 46 academies, including some previous CTCs which had converted. Allegedly these academies were established to support education in underperforming areas of the country and enjoyed a substantial investment in terms of new buildings and enhanced resources. Another feature of the first set of academies was a requirement for a privately funded sponsor to be a key partner in a trust which had a legally binding contract agreement with the state, the Funding Agreement, which governed the way in which the academy was to operate.

At the time academies were a new feature in the English school system as they were established as charitable companies. Previously the only type of state maintained school that existed outside of the local authority structure were Grant Maintained

Schools (GMS) which were a feature of ERA. GMS had a direct relationship to central government and were funded directly by the DfE, rather than receiving their devolved funding through the LEA, as was the case schools operating under LMS governance and regulations. All state maintained schools were still required to have a governing body, but the establishment of academies changed the governance regulations for those schools. Now the structure was for the school to correspond to legislation relating to all companies in the UK which needs both an enabling power in its constitution and approval of shareholders. The key difference with a charitable company is that is limited by guarantees, rather than shares, and are non-profit organisations which can receive additional support from personal or corporate sponsors, either financially or in kind. Each academy was to governed by the Academy Agreement it made with the DfE. It should be noted, however, this was not the privatisation of state education, but rather was a move that separated academies from other state maintained schools to establish them as corporate entities with a direct relationship to central government.

Consequently, a governing structure had to be established which had members (the equivalent to shareholders) and trustees (equivalent to directors) who are legally, but not financially, accountable for the operation of the academy. Members act in a similar way to the shareholders of a company limited by shares and are invested with the power to change the name of the company or wind it up. It is the role of trust members to endorse and safeguard the trust's Memorandum of Association, to have an overview of the governance arrangements of the trust, to appoint other members and to add or remove trustees from the trust board. Trustee is the name given to a member of the trust board (of directors) with responsibility for directing the trust's affairs, for ensuring that it is solvent, well-run and delivering the trust's charitable outcomes. The trust thus serves as the legal entity of which the school is a part, with the trustees overseeing the running of the school and the option of delegating responsibility to any local governing body which they appoint. The day-to-day management of the academy continued to be conducted by the headteacher and their senior management team, as expected under relevant legislation, and subject to inspection by the Office for Standards in Education (Ofsted, the national inspection service for schools in England).

Commercial and business sponsors were not so forthcoming as the government had hoped, however, and the requirement was relaxed soon after 2006 following £1.3bn of

state funding having been spent with an average cost of £25m to set up each new academy. This allowed more organisations to become involved in the running of academies, but without the overt financial commitment expected from previous sponsors of 10 per cent of the new academy's capital costs. The concept of 'Sponsored Academies' was dropped, with schools being described merely as 'Academies'.

The growth of academies

Despite a concerted effort to promote this policy through three successive Labour governments, there were only 207 academies in England in 2010 at the time a new coalition government was elected. The incoming Secretary of State for Education, Michael Gove, was determined to end the latent power of local authorities in relation to schools and sanctioned academisation as a fundamental principle of state-maintained schooling, with conversion now being open to any school deemed 'outstanding' by the national inspection scheme. Such schools were to be called a 'Converter Academy'. The Academies Act 2010 further allowed for the Secretary of State to require the academisation of any school that was deemed to be underperforming, for which subsequently there were schools which were forced to become academies often against the will of governors, parents and teachers (Elton & Male, 2015). Such schools subsequently were to be known as a 'Sponsored Academy'.

Thus academies had become publicly funded independent schools which were only marginally linked to local authorities, normally through admission policies and special needs provision. The atomisation of the state's school system exhibited several high profile cases of financial impropriety, however, and public concerns about a disjointed, inequitable school system. A study by Wilson (2018), for example, showed 76 Financial Notices to Improve had been issued to academy trusts from the Education and Skills Funding Agency (ESFA) by August of that year. In addition, there were 16 ongoing investigations and 29 reviews of financial and governance in academy trusts at that time, with a further 201 letters to trusts issued by the DfE about poor or inadequate performance or weaknesses in safeguarding, governance or financial management (DfE, 2018a). Concerns of these nature undoubtedly had contributed to the appointment

of eight Regional School Commissioners (RSCs) in 2014 who were charged with the responsibility to bring coherence to the rapid growth of the academies (see Figure 1).

The focus of the RSCs work, overseen by a National Commissioner later appointed in 2016, was thus to seek rationalisation of the academisation process. As can be imagined this was a complex scenario with 628 academies being re-brokered into different trusts between 2013 and 2018 (Downs, 2018) and a large number of trusts having folded, closed or ceased operation since 2010 (Wilson, 2018: 7). In a briefing note issued by the Department for Education it was stated that:

RSCs, with the help of elected Headteacher Boards, will approve applications for new academies and free schools, approve and monitor sponsor capacity. They will also take intervention action where either performance [or governance] is poor. (cited in Durbin et al, 2015: 3)

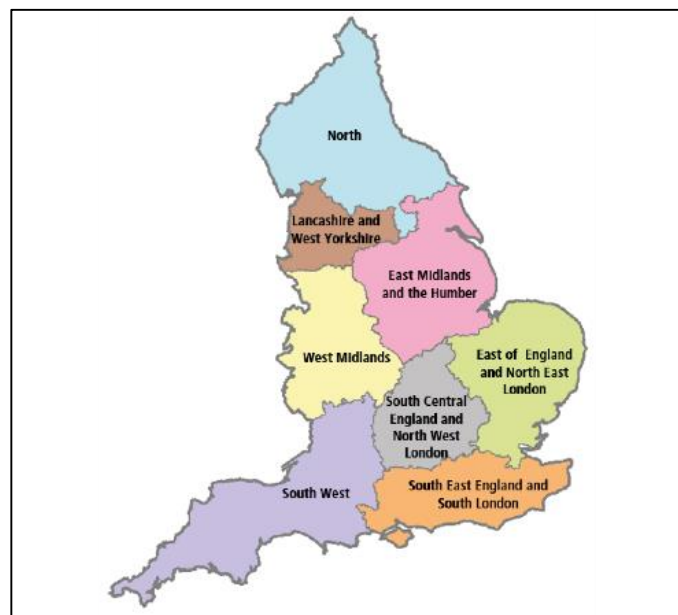


Figure 1 - The eight regions for school commissioners

RSCs quickly adopted the stance that the process of academisation would be strengthened by the formal federation of individual academies into multi-academy trusts (MATs). A MAT is formally led by one of the individual converter academies, typically the largest or most successful, and will run a central function for which costs are shared

across the trust. Typically, Chief Executive Officers (CEOs) or equivalent, are appointed to take responsibility for day to day leadership across the MAT and are frequently also appointed as a trustee. RSCs can then exert pressure on MATs to take on sponsor academies (i.e. those which are struggling or failing) as well as encourage other converter academies to join.

The urgency to increase the number of academies was accelerated by a statement in the 2016 budget statement by the newly appointed Conservative government that all schools would be forced into becoming academies and by 2020 schools must have started or be already undergoing the conversion process, with the process to be complete by 2022. At the time of that budget statement there were already 4515 academies with 62 per cent of all secondary schools and just 15 per cent of all primary schools having made the transition. The response was for many schools who had not previously considered academisation to act quickly and by July 2019 there was a total of 8728 academies in existence (75 per cent of secondary schools and, by now, 31 per cent of primary schools), with a further 687 in the process of conversion (DfE, 2019). The requirement to academise was subsequently dropped after the 2017 general election, but by that time the rapid expansion of academies was already evident, as was the growth of MATs and by July 2019 there were 1140 of between two and 20 academies (a total of 5714 schools) and only 45 of a larger size (a total of 2548 schools).

Schemes of delegation within MATs

In MATs the board of trustees is able to decide whether to appoint local governing bodies (LGBs) for individual schools within the trust, and which, if any, governance functions for which the LGBs would take responsibility (Wilkinson, 2017). A scheme of delegation is a systematic way of ensuring that the members, trustees, board committees, local governing bodies, executive leadership and academy head teachers and heads of school are all clear about their roles and responsibilities. Under these circumstances the LGB is actually a committee which the trust board has the power to appoint and remove at any time. As head teachers and heads of school are line managed by the CEO, the LGB no longer carries out the governance function of holding the head teacher to account.

Research methods

The research undertaken for this paper is drawn from interviews conducted during the calendar years of 2017-18 with the most senior executive available within 41 trusts to investigate how governance structures are being manifested in small to medium size MATs, which in this study are between two and 17 schools. 25 of the participants were women, mostly in the age range of 45-55, with all but one of them indicating their ethnicity as White-British. The male participants had a similar profile, being exclusively White-British and typically in the same age range as the women. Only two participants, both men, were under the age of 40. The most common job title was Chief Executive Officer (31), with others named Executive Headteacher/Principal (6), Headteacher (2), Deputy CEO and a Principal Officer (who was interim CEO at the time of interview). The majority (21) of the MATs were led by a designated Church of England academy (and thus corresponded to their Diocesan Board of Education as well as the RSC), whilst the remaining 20 were led by a community academy. The data presented in Table 1 are in date order of interview, with the first in January 2017 and the last completed in July 2018. Numbers of academies, members and trustees in the MAT were accurate at the time of the interview.

Table 1- information on participating MATs

Title	Region	Interview	Gender	Age	Created	Size	Designation	Members	Trustees
CEO	East Mids	<u>20/01/2017</u>	F	46-50	2013	13	Community	3	7
Interim CEO	South West	03/02/2017	F	46-50	2013	15	C of E	3	9
Principal Officer	South East	27/04/2017	F	51-55	2012	12	C of E	5	9
Exec HT	West Mids	03/05/2017	F	46-50	2012	12	C of E	7	8
Exec HT	West Mids	03/05/2017	M	36-40	2017	1	C of E	5	9
CEO	East Mids	04/05/2017	M	51-55	2014	9	C of E	4	8
CEO	South East	08/05/2017	M	46-50	2009	5	C of E	2	9
CEO	<u>East Mids</u>	<u>17/05/2017</u>	M	56+	2015	17	Community	3	5
CEO	<u>East Mids</u>	<u>17/05/2017</u>	M	51-55	2012	7	Community	6	12
CEO	<u>Lancs</u>	<u>22/05/2017</u>	F	46-50	2016	9	Community	4	8
CEO/HT	East Mids	24/05/2017	F	51-55	2016	7	C of E	4	7
CEO	East	08/06/2017	F	51-55	2015	17	C of E	5	7

CEO	East	08/06/2017	F	n/a	2016	8	C of E	3	5
CEO	West Mids	08/06/2017	F	51-55	2013	11	C of E	4	9
CEO	West Mids	08/06/2017	M	51-55	2013	15	C of E	4	10
CEO	<u>South East</u>	<u>15/06/2017</u>	M	46-50	2015	5	Community	5	8
HT	South West	16/06/2017	F	51-55	2016	6	C of E	5	8
Exec Principal	South West	21/06/2017	M	51-55	2012	6	C of E	5	9
CEO/Exec HT	South West	21/06/2017	F	51-55	2017	15	Community	5	10
CEO	<u>East Mids</u>	<u>22/06/2017</u>	F	56+	2014	7	Community	5	9
CEO	South West	23/06/2017	M	n/a	2012	19	C of E	4	14
CEO	South West	<u>26/06/2017</u>	F	46-50	2015	4	Community	3	9
CEO	South West	<u>29/06/2017</u>	F	41-45	2016	8	Community	3	6
Exec HT	West Mids	03/10/2017	F	46-50	2014	7	Community	6	9
CEO	East Mids	11/10/2017	F	46-50	2016	5	Community	4	7
Exec HT	South Est	11/10/2017	F	46-50	2014	5	Community	5	10
Exec Principal	South East	20/10/2017	M	56+	2013	2	Community	5	7
CEO	South East	03/11/2017	F	51-55	2015	3	Community	4	9
CEO	Lancs	15/03/2018	M	36-40	2014	4	C of E	5	9
CEO	Lancs	16/03/2018	F	41-45	2017	3	C of E	5	9
CEO	Lancs	16/03/2018	F	46-50	2016	3	C of E	4	12
HT	Lancs	16/03/2018	F	51-55	2017	3	C of E	5	9
Deputy CEO	South West	20/04/2018	F	51-55	2012	11	C of E	5	8
CEO	S Central	26/04/2018	F	46-50	2017	3	C of E	5	7
CEO	East Mids	02/05/2018	F	51-55	2013	14	C of E	4	9
CEO	South West	02/05/2018	M	56-60	2016	13	Community	3	12
CEO	South East	08/05/2018	F	56+	2013	12	Community	4	11
CEO	North	15/06/2018	M	46-50	2011	4	Community	5	6
CEO	West Mids	22/06/2018	M	35-40	2016	2	Community	5	7
CEO	North	05/07/2018	M	46-50	2014	6	Community	5	9
CEO	North	05/07/2018	M	56+	2016	5	Community	5	9

Semi-structured interviews lasting between 45 and 90 minutes were conducted by one of a team of three researchers, led by the author, mainly through individual face-to-face meetings at the trust headquarters, with a few conducted via telephone. Several areas were explored during these interviews, but only the theme of governance will be reported here.

Each interview was audio recorded (having agreed standard consent procedures) and subsequently transcribed by a professional service which was instructed to provide an edited version which removed repetition and hesitations. Analysis of transcripts was undertaken by the author using an open coding technique which allowed for emergent themes in addition to *a priori codes*. The data related to governance were further subjected to analysis, using textual review, to seek patterns and/or dissimilarities.

Findings

The three key elements of governance within MATs are the members, trustees and schemes of delegation to local governing bodies.

Members: There is a requirement for MATs to have a minimum of three members, although the DfE recommends five. As can be deduced from Table 1, the average number of members in this sample was four per trust. Further research is needed in this dimension, but at this stage it was noted from a preliminary review of several annual reports from trusts there appears to be a relatively high turnover of members. Clearly, more systematic examination of such data will be required, but it seems that in the early stages of establishing some academies too little thought was given to the role of a member. One typical response from the interviews came from a female CEO from the Lancashire and West Yorkshire Region who reported having members who had grown from being governors of an individual school, but had become “*a bit time-expired*”. A further issue was noted in CofE MATs who typically reported a strong diocesan presence in the members, typically involving the bishop and others from the Diocesan Board of Education.

Trustees: A similar pattern of turnover of trustees was evident, with a deliberate pattern of upskilling. This was perhaps most graphically demonstrated by a female CEO in the East Midlands and Humber Region who stated “*we started off with about five very lovely numpties, but we’ve now got a really good skillset*”. It was relatively common for participants to highlight a transitional stage whereby members of school governing bodies (usually the chair) became a trustee, but this pattern was typically being phased out as illustrated by a male CEO in the North region in describing how he was seeking

to set up local governing bodies “*with a director in there because our model isn’t to bring LGB chairs onto the board every time*”. A different male CEO from the same region summed up the move towards upskilling the board of trustees:

We did a skills gap of what was needed and through mutual intelligences we sourced people at the skills that we needed.

This process of “*head-hunting*” (female CEO- West Midlands Region) for trustees who matched the needs of a growing MAT was also matched by a determination to professionalise the board. The following description from a male CEO of a community led MAT in the East Midlands and Humber Region, which included C of E schools, summarises the typical pattern of board development:

We completely went away from a representative model so now everybody on the board is there because they've got a skills base or because they have a diocese perspective to look after the church schools. I am there as a CEO in a standing position. [...] We're planning that nobody will represent the local governors and everybody has to be just a trustee. We've said to people, because there are two colleagues that still are governors, by the end of this academic year, you're either in the local governing body or you're on the trust board. We'd had one or two incidents where people would start to fight the corner for individual schools within the trust and we said that that can't happen. If you're a trustee, you've got to have the big picture.

As can be seen from Table 1, the number of trustees across this sample of MATs ranged from five to 14, with an average of nine on the board. The same evidence taken from the annual reports, as used above when exploring members, indicate a relatively high turnover of trustees. In two of the MATs in this sample, one from the South West Region and one from the South East and South London Region, there had been a breakdown of the boards with trustees resigning, apparently not having understood the implications of their role. Consequently, the two CEOs involved had entered their role to find virtual chaos in the governance proceedings. Fortunately, it seems the majority of MATs in this sample have moved beyond such scenarios and often have used the Academy Ambassador Scheme, a not-for profit programme funded by the DfE which helps MATs to recruit high-calibre business candidates with skills in areas such as finance, law, audit, risk, change and growth management (Academy Ambassadors, n.d.). This, says a male CEO from the North Region allows him to recruit “*more like a modern trust board*”.

Local governing bodies: Polar views were exhibited towards the suitability of individual governing bodies for each school within the MAT. Two participants indicated, for example, that they saw no benefit accruing from the continuation of individual governing bodies and referred to them in one instance as a “*nuisance*” and in another as an entity they would disband, given the chance.

I don't want to be a trust that gets rid of them because they're a nuisance, but they are a nuisance. (female CEO – East Midlands and Humber Region)

If I had it my way again, I would have disbanded all local governing bodies. (male CEO – North Region)

Others were more reticent, however, recognising that some governing bodies have yet to realise they are no longer in the same legal position as before becoming a trust. This was most evident in converter academies, especially where virtually the same membership of previous governing body was sustained in the new trust. Entry to the MAT seemingly often resulted in a period of dawning realisation for such academy boards which, on occasion was met by resistance, incomprehension and resentment. Typical of such a scenario was the situation experienced when two successful standalone academies joined together:

The first six months was really about pulling together a proper working scheme of delegation. During that period, the local governing body [of the converter academy] suddenly realised that they'd just given away most of their power to the trust board. There was a bit of a tussle between the chairs, even though they were actually attending the trust board, in terms of working out where the responsibilities lay. [...] When you're encouraging schools to come in, you're effectively saying to the people that will make the decision “you're going to have less power”. Unless they really buy into why MATs are successful that can sometimes be a difficult conversation. (female CEO – South East England and South London Region)

The transition was seen to be easier with sponsor academies, with trusts frequently finding less resistance from schools that had been in Ofsted categories of ‘special measures’ or ‘requiring improvement’. In two instances, individual school governing bodies had been replaced by interim boards in much the same way as when a local authority or the RSC appoints an Interim Executive Board (IEB) where an existing governing board has been deemed ineffective (DfE, 2018c).

Normal practice, however, was for LGBs (councils, committees or advisory boards in some instances) to be established at individual school level and for these to be designed to maintain a focus on student performance and to work with the head of the school to sustain improvement in learning and teaching. It was also common for there to be fewer 'governors' than required by previous legislation. Of the participants investigated in this investigation the majority (28) indicated their trust had retained the title of 'Local Governing Board', even where such a denomination disguised a typical pattern of delegation which recognised the MAT was the accountable body, as graphically described by one CEO:

One of the greatest things that we've decided to do, is not to have local governing bodies. Fundamentally, it's disingenuous because the governance of the trust sits with the board of directors. (male CEO – East Midlands & Humber Region).

Senior officers from another seven MATs indicated they already had renamed their previous governing bodies to become 'Local Governing Committees' and four naming them 'Local Advisory Boards', with two CEOs describing how such boards were working across regional hubs within the MAT. Only two participants did not provide sufficient information to allow for the naming of their local school governance structures. The pattern was clear, however, in that previous governing bodies typically had been more or less stripped of decision making and were now operating in closely managed schemes of delegation.

I love them all, but one, they're a huge barrier, and two, why are we asking volunteers to do this? It's nonsense. Because governor recruitment is incredibly difficult, and I'm not surprised because it's a ridiculous job. So, we're not abolishing them, we're changing their purpose [...] We're going to call them local academy councils, and they will do the stuff that we can't do from the centre, all the stuff governors used to do. (female CEO – East Midlands and Humber Region)

Limitations

The 41 senior executives were all participants in a series of team leadership development programmes for small to medium size MATs in England which ran from November, 2016 until July 2018. There had been three cohorts engaged in a 9-month integrated programme which combined three residential modules, supplemented by

facilitated regional learning sets, a range of practical tasks and assignments and the opportunity for participants to engage in online and self-directed learning through use of a dedicated VLE site. Although it could be argued this was a representative sample, it needs to be borne in mind all participants were volunteers seeking to improve the structure and operating capacity of their MAT.

As can be seen from Table 1 just over half of the sample MATs (21) are aligned to the Church of England (C of E) through their lead academy (although many included community converter and sponsored academies), a relationship which carries with it expectations and a degree of control over the ethos these MATs. The Church of England was pioneer in establishing schools in England, particularly for children of the poor, and has a memorandum of understanding with the DfE which stipulates that the diocese owns its schools and has the first opportunity to show it is capable of providing a solution if a school is struggling. With 250 sponsored and over 650 converter academies, the Church is the biggest sponsor of academies in England (Church of England, 2017).

In some ways, therefore, the sample can be deemed to be representative of small-to medium size MATs in England, although with the provisos that the participants had similar motivation to enhance their trust and there were many factors pertaining to the church which perhaps affect views offered in this research.

Discussion

From this sample it can be demonstrated that there is no such thing as a typical MAT, with the only congruent feature being they are all charitable trusts who have an Academy Agreement with the DfE. What typically was witnessed here was 41 MATs seeking to scale up from their current size, mostly small (i.e. 2 to 5 academies), to medium size (15-30). As a consequence of loose management of academies between 2010 and 2017, when this research started, many different types of trusts have emerged with different features, purposes and intent. Hill (2015) identified three classifications:

- Long-established MATs that have chosen to grow at a slower more sustainable, rate;
- Newer academy groups which in some instances have grown quite quickly as groups of schools have converted together and in other cases the relatively rapid growth reflects the entrepreneurial nature of the MAT Board or CEO; and
- Diocesan Trusts which probably represents the largest and fastest growth in the MAT sector.

Whilst this classification does help, it is not exhaustive and there is a need to acknowledge that the government desire to rapidly expand the academies, even in 2016 to declare an intent for all schools to academise, created a number of anomalies. As illustrated above, within this sample there was evidence of idiosyncrasy with the attempt to formulate a MAT which combined independent and state maintained schools with a huge geographic footprint. There was also evidence of what Hill refers to as ‘manic MATs’, where groups of schools rushed “*to huddle together because they are frightened of being ‘done to’ or taken over by a ‘predatory’ MAT*” (Hill, 2016). One stark example from the South West Region saw the incoming CEO having to cope with schools where the governing bodies seemingly were oblivious to their membership of the MAT and with a trust board that had not realised the level of accountability to which they had committed when setting up the company. The original decision to establish the trust was clearly a defensive move, designed to ensure diocesan bodies retained control. The development of some CofE MATs could also be considered to fall into that category, although more frequently the religious ideal was a greater factor. In this sample, two MATs (one from the East Region and one from the East Midlands Region) were deliberately established, ostensibly to ensure adherence to the faith, but also with the concern to protect church property and land. When a school becomes an academy the trust subsequently owns the land and buildings on which the school(s) are placed; the Church of England is the biggest such land owner. Groupings of academies are also subject to apocryphal tales of ‘mates’ MATs, where one of the major reasons to join together is to avoid unwanted attention from Ofsted or RSCs. It would be a harsh judgement to label any MAT within this sample in such a way, but in two instances (both in the South East and South London Region) there was evidence of MATs being formed for economies of scale.

The 'looseness' in regard to the academisation process alluded to above refers both to the political desire to free schools from local authority control, manifested in the sanctioning of academies on a large-scale together with the emergence of Free Schools and University Technical Colleges (UTCs) following the Academies Act 2010, and inadequate regulations. In turn, this led to several high-profile cases of either financial concerns or the politicisation of schooling. Fuller details of financial concerns are addressed more fully below, but the possibility of politicisation was illustrated graphically in the 'Trojan Horse' case in Birmingham where it was alleged that for many schools, including some academies, there had been a concerted effort to take over governing bodies by those interested in promoting Islam in the curriculum. The final report on the subject, ordered by the House of Commons, concluded that was actually the case.

There has been co-ordinated, deliberate and sustained action, carried out by a number of associated individuals, to introduce an intolerant and aggressive Islamic ethos into a few schools in Birmingham. (Clarke, 2014: 14)

Whilst controversy was evident about this case, it is illustrative of the vulnerability of the governance structures which became more obvious when examining reports from the ESFA concerning governance and financial management. As shown by Wilson (2018), a large number of cases of notices to improve and ongoing investigations demonstrated laxity which could be exploited and often was. Partly this seemed related to previous Articles of Association which allowed trust employees to be members, whereas the current articles do not (ESFA, 2018a: 19). A substantial number of the Financial Notices to Improve, reviews and investigations related to academy trusts in which employees and/or directors of companies were allowed to act as both members and trustees, as was the case under the early model Articles of Association (Wilson, 2018: 44). In one instance, in a single academy trust, the ESFA investigation reported that no interests had been declared despite a trustee being the brother of the principal and a series of other familial ties between trustees, staff members and members of academy governing body (Wilson, 2018). In another financial management and governance review the ESFA described a trust in which the headteacher and school business manager were the founding members. Furthermore, the headteacher was also a trustee and the business manager acted as clerk to the board, whilst both were trust employees. Finally, the headteacher and business manager were the sole signatories at the bank and users

of the electronic banking system. The business manager was absent from work during the review, after which the headteacher was suspended. There were multiple other similar cases.

The amendment to the Articles of Association (ESFA, 2018a) has clearly limited the opportunity for such anomalies to exist, as has been the requirement for fully audited accounts to be filed annually. Nevertheless, 88 trusts were late on more than two occasions filing financial returns during financial year 2017-18 (ESFA, 2018b). It seems there is still too many opportunities and too few accountability measures to stop further governance and financial management irregularities, as can be seen within two documentaries aired on BBC TV in 2018 & 2019 which not only presented detailed evidence from the schools, but also showed how the DfE had been unable to control such actions (BBC Panorama, 2018 & 2019).

Conclusions

Fortunately, the 41 MATs investigated in this research did not resemble any of the features relating to governance and financial management illustrated in ESFA or BBC investigations. The vast majority were in steady growth mode and corresponding to RSC and DfE expectations. The core feature, however, was the removal of individual governing boards and their replacement, in most instances, with schemes of delegation to local governing bodies or councils, either within each school or for a regional hub. There was also evidence of trustees being independent and drawn from different sectors of the community, different backgrounds, different roles and professions in an attempt to upskill the board of directors. No such clarity was seen around members and there is more work to be undertaken in this regard.

In terms of their size all but a few of the MATs investigated here were corresponding to the government advice to avoid incongruous geographic footprints:

In its early enthusiasm for MATs, the Government encouraged trusts to expand too quickly over too large geographical regions. Schools which operate within close proximity to one another are best able to share resources and expertise and subsequently can most successfully take advantage of being part of a MAT. (House of Commons Education Committee, 2017: 17)

The stress has been on MATs having a coherent ambition to expand, “*in coherent geographical clusters with a shared sense of community, ethos and values, with most “most trusts [thinking] no more than one hour’s driving time between schools in a cluster was about right”* (DfE, 2016: 12). This was the most common pattern seen in this investigation and where there were differences it was either due to the type of provision (such as the MAT focusing on alternative provision) or because the MAT had established regional hubs.

The most alarming conclusion does not emerge from the data, however, but from analysis of the laxity of regulation and control that has been witnessed by the ESFA and demonstrated graphically through the BBC documentaries. The legitimacy of school governance pertaining to academy trusts seems more reliant on leaps of faith from government rather than effective accountability measures. Whilst none of the 41 MATs in this investigation were involved in illegal or immoral practice, the potential for this was always evident. Currently, for example, there is substantial debate around the alleged practice of ‘off-rolling’ (the process of removing difficult or challenging pupils from schools) by some MATs which has already resulted in both Ofsted (Bradbury, 2018) and the House of Commons Education Committee (2018) exhibiting concern. As discussed above the core purpose of school governance is to ensure legitimacy of action and intent and yet the move to academisation has increased the possibility of illegal and immoral behaviour by trust boards. Fortunately, none of this was evident in this investigation.

References

- Academy Ambassadors (n.d.). [Academy ambassadors: Building better trust boards](#), accessed 11 April 2019.
- Ball, S. (2018). The tragedy of state education in England: Reluctance, compromise and muddle - a system in disarray. *Journal of the British Academy*, 6, 207–238.
- BBC Panorama (2018). [The academies schools scandal](#), accessed 15 April 2019.
- BBC Panorama (2019). [Profits before pupils? The academies scandal](#), accessed 15 April 2019.

Bradbury, J. (2018). [Off-rolling: using data to see a fuller picture](#), accessed 23 April 2019.

Connell, (2013). The neoliberal cascade and education. An essay on the market agenda and its consequences. *Critical Studies in Education*, 54(2), 99-112.

Courtney, S., McGinity, R. and Gunter, H. (2017). 'Introduction: Theory and theorising in educational leadership' in S. Courtney, R. McGinity and H. Gunter *Educational leadership: theorising professional practice in neoliberal times*. London: Routledge, 1-11.

Church of England (2017). [Church school and academies information](#), accessed 26 February, 2017.

Clarke, P. (2014). *Report into allegations concerning Birmingham schools arising from the 'Trojan Horse' letter*. London: Department for Education.

Department for Education (2016). *Multi-academy trusts: Good practice guidance and expectations for growth*. London: Department for Education.

Department for Education (2018) [Academy trusts: Notices about poor performance](#), accessed 10 April 2019.

Department for Education (2019). [Open academies, free schools, studio schools and UTCs](#), accessed 2 September 2019.

Department for Education (2018c). [Schools causing concern: Statutory guidance](#), accessed 11 April 2019.

Downs, J. (2018). [2017/18 academy transfer costs omit figures once included. Schools Week 19 Jul 2018](#), accessed 10 April 2019)

Durbin, B., Wespieser, K., Bernardinelli, D. and Gee, G. (2015). *A guide to Regional Schools Commissioners*. Slough: NFER.

Education and Skills Funding Agency (2018a). *Model Articles of Association 2018*. London: HMSO.

Elton, J. and Male, T. (2015). The impact on a primary school community in England of failed inspection and subsequent academisation. *School Leadership and Management*, 35(40), 408-421.

Education and Skills Funding Agency (2018b). [ESFA update: Academies 7 November 2018](#), accessed 15 April, 2019.

Hill, R. (2015). [The rise and rise of multi-academy trusts – latest DfE data](#), accessed 22 February, 2017.

Hill, R. (2016). [Where is the MAT agenda going?](#) accessed 14 August, 2017.

House of Commons Education Committee (2018). *Forgotten children: alternative provision and the scandal of ever increasing exclusions*. London: The Stationery Office.

House of Commons Education Select Committee (2017). *Multi-Academy Trusts: Seventh report of session 2016–17*. London: The Stationery Office.

Male, T. (2006). *Being an effective headteacher*. London: Paul Chapman.

Male, T. (forthcoming). 'Towards school autonomy in England: A troubled and far from complete journey' in D.Pasch and C.Wiesner (Eds) *A handbook for principals on school autonomy*.

National Audit Office (2018): *Converting schools to academies*. London: National Audit Office.

Skelcher, C. (2000). Changing images of the state: Overloaded, hollowed-out, congested. *Public Policy and Administration*, 15 (3), 3-19.

Wilkins, A. and Gobby, B. (forthcoming). 'Governance and educational leadership: Studies in education policy and politics' in S. Courtney, H. Gunter, R. Niesche and T. Trujillo (eds) *Understanding educational leadership: Critical perspectives and approaches*. Bloomsbury: London.

Wilkinson, N. (2017). *School governance: Briefing Paper 08072*. London: House of Commons Library.

Wilson, M. (2018). *What do Education and Skills Funding Agency investigations, reviews and Notices to Improve published to August 2018 tell us about the effectiveness of arrangements for governance and financial oversight in academy trusts in England?* Unpublished MBA dissertation, UCL Institute of Education.

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