The middle tier: a view from the profession

Introduction

The Department for Education (DfE) website includes a list of the statutory duties and powers of local authorities (LAs) relevant to children and schools in England. The March 2012 version has 202 items. Further, the 2010 White Paper *The Importance of Teaching* stated that "local authorities will have a strong strategic role as champions for parents and families, for vulnerable pupils and of educational excellence".[1]

On the face of it, it would seem odd that in such circumstances the future of LAs seems to be more in question than at any time since their creation. According to a prominent advocate for LAs, they are "shell-shocked" and "on the back foot".[2] Yet over a few months in 2012 an intense debate developed on what has become known as 'the middle tier'.

The obvious reason is the widespread feeling that current education ministers not only believe England's schools are failing, but that LAs are part of the problem, not the solution. Ministers' stated ambition is for every school to become an academy. They have deployed a considerable proportion of their diminishing departmental workforce to encourage new players from the private and 'charitable' sectors to provide services to academies.

Academies are run on the basis of a funding agreement (individual to each academy) between the school and the government, so that the DfE is directly responsible for each academy and democratic accountability is founded on the Secretary of State reporting to Parliament. In reality, civil servants make no pretence of any form of supervision. Former Secretary of State Ed Balls effectively conceded the impossibility of this when he replied to a question from the Education Select Committee about 'academies which are not working': "Carlisle is quite a long way from London… we cannot micro-manage school improvement, or school turnaround, from the centre."[3]

The middle-tier debate starts from two assumptions: that schools need external support, in contrast to the rhetoric of independence; and that central government is not best placed to provide it. The next step in much of the debate is to assume the days of LAs are over and to seek new, more local support structures. This paper represents the contribution of ATL to the debate.

It's the wrong debate

The middle-tier debate illustrates the now traditional obsession of national politicians with secondary school structures. There are two problems with this. The first is that it ignores the needs of 85% of English schools — primaries, which are generally small or very small organisations with very different needs from larger secondary schools. The second is that it ignores overwhelming research evidence suggesting the key to improving pupil performance lies with teachers in classrooms. Policy debates ought to centre on measures to improve average teacher effectiveness.

Politicians, including current ministers, now frequently nod in that direction. Michael Gove often repeats a sentiment that "our schools White Paper was called *The Importance of Teaching* because nothing matters more in improving education than giving every child access to the best possible teaching and ensuring that every moment of interaction between teacher and student yields results".[4] The recent report of the Education Select Committee, *Great Teachers*[5], is a useful contribution, even if its recommendations do not always match its evidence.

There is an obvious overlap between enabling teachers and the middle tier, since school improvement is one of the middle tier's essential functions. However, ATL advocates more direct measures to support teacher effectiveness.

Academy failure

In a case of believing too much in their own propaganda, successive governments have been taken by surprise at instances of academies being unsuccessful. There is no mechanism for identifying problems in academies other than Ofsted inspections, and not even those in academies labelled 'outstanding'. In reality, amongst secondary schools, it is now unrealistic to believe there is any substantial difference between the generality of academies and maintained schools, including each type of school's propensity to get into difficulties.

1 *The Importance of Teaching*, DfE (2010), p.61.
2 *The Future Role of the Local Authority in Education*, Crossley-Holland, J., Association of Directors of Children's Services (2012), p.4, quoting Russell Hobby, general secretary of NAHT.
3 *From Baker to Balls: the foundations of the education system*, House of Commons Children, Schools and Families Committee (2010), p.Ev27.
4 Speech to the Education World Forum (11 January 2011).
5 *Great Teachers: attracting, training and retaining the best*, Education Select Committee (2012).

There are a number of reasons for this. The policy of allowing any school to convert in a simple process, and providing generous financial inducements to do so (up to the next financial year), has led to the conversion of many schools that had no strong commitment to some academy ideal.[6] Secondly, the proportion of secondary schools that are academies (almost half) makes it increasingly unlikely that the two groups are strongly distinct, and any differential in pupil performance is likely to continue to reduce.

There is as yet no evidence regarding the relative success of school improvement practice in academies. There *cannot* be any as yet because academies are almost entirely new institutions without the five-year experience required for a rounded picture of effectiveness. Proponents and opponents of the policy are prone to producing statistics relating to pupil performance but none can yet have validity, not least because generally such statistics do not account for intake factors such as social background, and prior achievement. The main justification for the supposition that academies are in principle better equipped to improve is that they have a superior quality of governance, but it is quite clear that schools often need external support to improve.

High-profile failures of financial accountability are found in both academy and maintained sectors, though the former may be more spectacular. The Public Accounts Committee of the House of Commons has shown quite clearly that neither central government nor the current middle tier provide sufficient safeguards in this respect.[7] While the government waits for the market to solve the problem, it is clear that inappropriate sponsors have been insufficiently screened. ATL has called for a 'fit and proper person test' for sponsors, without response from government.

Academy status is not insurance against falling into a negative Ofsted category either. Having accepted the reality of academy failure, ministers seem to take a relaxed view on intervention mechanisms, waiting to see what the market will provide. The difficulty in this position is that the government might be seen to be saying, in effect, 'it's not up to us to ensure that a cohort or two of pupils are not deprived of proper opportunities'. Indeed, this is an inherent weakness of the market approach to the provision of schools: in its own language, if strong new providers enter the market, the process of the weak failing to the point of closure is long enough to damage the prospects of a number of cohorts of pupils. The market is too uncertain a mechanism to be the basis of a school improvement programme.

The roles of a middle tier

There is a high degree of consensus within the current debate on the functions which necessitate a layer of organisation between the school and central government. This paper focuses on the current context of this debate but ATL believes a review from first principles could have led to radically different solutions.

From an international perspective, England's state schools are amongst the most administratively autonomous in the world. This is not itself necessarily an indicator of error but should give pause for thought. English politicians constantly misrepresent international evidence on the positive effect of school autonomy on pupil performance. The evidence does not support autonomy of management and administration. The areas of autonomy that are important seem to be within the realm of teachers' professional knowledge and skill: curriculum, pedagogy and assessment.[8] This is consistent with the assertion that direct focus on supporting the improvement of the quality of teaching would be a more productive policy direction. Another (admittedly far less authoritative) international analysis, by McKinsey, also concludes that "the best school systems seemed to have relied increasingly on a middle tier".[9]

The principle of subsidiarity is that roles should be devolved to the lowest level consistent with efficient and effective working — but not beyond that. A review of the evidence and application of subsidiarity could lead us to question whether the school autonomy granted by the Education Reform Act 1988 and since is quite appropriate. It might suggest that we should rejoin the mainstream of successful school systems by reallocating some roles back from schools to a middle tier, leaving them to real autonomy on the things that matter most, eg teaching in classrooms. However, ATL recognises the current debate does not ask such questions and will not press this line of argument.

The following figure in most current descriptions of middle-tier roles.

Planning for an appropriate supply of school places

This role must be shared with central government. Until recently LAs worked in compliance with a long-standing national policy that surplus places were economically inefficient. The implication of current policy, and in particular the free schools policy, is that surplus places are to be welcomed as a support to the operation of a schools

6 *Plan A+ Unleashing the potential of academies*, Bassett et al, Reform and the Schools Network (2012), p.4: "78 per cent of schools chose to become an academy in part because of a perception that they would receive additional funding."
7 *Department for Education: accountability and oversight of education and children's services*, Public Accounts Committee (May 2012).
8 *Preparing Teachers and Developing School Leaders for the 21st Century*, Schleicher, A. (ed), OECD (2012), p.19: "PISA also finds that high-performing and equitable school systems tend to grant greater autonomy to schools in formulating and using curricula and assessments."
9 *How the World's Most Improved School Systems Keep Getting Better*, Mourhsed, M., Chijioke, C. and Barber, M., McKinsey and Company (2010).

market. It is the responsibility of central government to be transparent in this regard, and to provide funding in line with policy. The new mainstream school funding system from April 2013 increases the extent to which funding is based on pupils and not on places. And the government is not yet providing capital funding to enable those LAs with insufficient places to increase capacity; this already constitutes a low-profile crisis in a number of locations.

That caveat aside, it is widely agreed that this role cannot be devolved to school level and cannot be undertaken from Whitehall. So any provision enabling schools unilaterally to close, open, expand or contract is poor policy, although of course schools and the community should be consulted by the responsible middle-tier body on any of its school places plans.

In itself, this does not rule out the promotion of new schools by groups such as parents; it does mean that such promotion would only be possible where the planning body determines the need for a new school in line with the national policy on places and funding. This was the policy position for some years before the 2010 election.

Currently schools can do those things unilaterally. Such decisions impact on surrounding schools and the community, particularly parents and prospective parents. If one school causes the decline of another, children suffer.

Fair access to schools

Central government's role in fair access is to set national frameworks. In the case of admissions, this is represented by the School Admissions Code and the compliance role of the schools adjudicator. The middle tier has important responsibilities to coordinate the admissions process for the area, including schools which are their own admissions authority. There could be a debate about which tier — middle or schools — is appropriate for the admissions authority role.

Permanent exclusions are also an aspect of fair access. The prime responsibility for this must rest with schools because schools can best judge when a pupil's needs cannot be met. However, the middle tier has a role to monitor and moderate, since schools vary in the standards they apply with regard to unacceptable conduct.

Fair access may also be concerned with transport to school, mainly for vulnerable pupils or in rural areas. There is a strong case for this to be a middle-tier responsibility, but again central government must decide a policy context with funding to match.

School improvement

There is broad agreement that a middle tier must play a role in school improvement. Sometimes the importance of *self*-improving schools is expressed in a way that casts doubt on the need for a middle tier, but not all schools have the capacity for self-improvement. While many self-evaluate rigorously, some schools fail to notice when things are going wrong — or more accurately, their leaderships may be the last to know. So some mechanism above the level of the school is needed to pick up these cases, or indeed where self-generated improvement programmes are proving ineffective.

It is necessary to add that it is about 20 years since LA staff have been able to work in a top-down manner on school improvement. The advent of local management of schools led to LA teams being outsourced or financed on the basis of a buy-in from individual schools, thus creating a provider-client relationship. Since then there has been steady growth of a market for school improvement services.

The improvement role must have a number of features, as follows.

- Monitoring performance — while comparative performance data from external tests is a necessary element, it is insufficient because of the lag between a problem occurring and its reflection in test results. Ofsted inspections have the same weakness. Some soft review mechanism is essential to pick up problems; schools must have a sense of ownership of the mechanism but it has to be external.

- Brokering and support — with the welcome growth in recognition that collaboration between schools is a vital element of improvement comes the conclusion that a middle tier needs to encourage and lead it. Brokering clusters of schools is already commonplace but they need nurturing. The middle tier also needs to ensure that the support procured by schools is appropriate; in the unregulated school improvement market there are too many inadequate providers.

- Direct provision of traded improvement services — this may be a solution to the quality control problem.

Accountability

In addition to a middle tier overseeing improvement, some suggest that schools should be accountable to a middle tier in other ways. For example, parents are seen by some as a group which should be represented by a middle tier.[10]

10 *Devolving Power in Education: school freedom and accountability*, Labour Party policy review consultation (2012), p.5.

Services to schools

This role does not feature highly in current debate but, from the point of view of schools, is very important. Schools need external support and advice on a range of issues and rely on a middle tier for direct provision or brokerage of such services. These range from routine payroll and HR to occasional support on legal or PR problems, and some kind of quality control of providers of services such as building maintenance or equipment. Indeed, organisations representing academies have complained to the DfE that they cannot get advice from the Department in the way they used to from their LAs; this, of course, is called autonomy.

The absent heart

There is a hole in the debate on the middle tier; indeed, it is the hole in much education policy discourse over the past 15 years, in which 'performativity'[11] has been at the heart. By 'performativity' we mean that system of interrelated pupil performance targets and outcomes, and surveillance of professionals, which distorts the aims of education and throttles professional creativity. Performativity has produced highly managerialist discourse and practice. An accompaniment to performativity is credentialism, a narrowing of the aims of education to the acquisition of qualifications, which sort young people for the further and higher education and employment markets. What is missing?

In modern societies the aims of education are much more wide-ranging and complex than as defined by most current debate. There is universal commitment, not least within the profession, to the aim of equipping school-leavers with essential literacy, numeracy and personal skills. But that is not all. Other aims of education:

- are contested, indeed subject to eternal philosophical debate
- refer in part to collective rather than individual needs
- may not be amenable to standardised measurement.

These features set education apart from public services in which the aims are relatively unproblematic.

So what schools are about, as well as what they achieve, is (or should be) a matter of ongoing public concern. The public is also the funder. For those reasons, our schools should not be seen as being in the ownership of the government; nor are they 'owned' only by parents, who have a passing interest in a school and then usually their child's part in it. Neither should the professionals alone be left to determine the aims of a school system. No, our state schools are a *public good* within communities. That is the absent heart of this debate.

This has significant implications for the accountability of schools. One of schools' areas of accountability must be to their local communities. It is difficult to think of an effective mechanism for this accountability that is not a responsibility of a middle tier or which does not have a democratic basis. Governing bodies have a part to play, but need reform to deal with current circumstances. Through local engagement the middle tier must develop and promulgate a vision of a shared purpose for schools, one which can bind and inspire schools and their communities.

To summarise thus far, the number and geography of England's schools precludes central oversight and requires a middle tier. There is high consensus on some of the roles of this tier, but there is also insufficient notice being paid to the middle tier's requirement to exercise democratic accountability over the public good.

Current propositions for a middle tier

The brief but intense policy debate during 2012 has thrown up a range of propositions for the structure of a middle tier. Below ATL assesses them against the necessary roles described above.

Amongst the interconnected but separate factors underlying the debate are:

- the large number of freestanding academies
- the rise of the chains
- the rapid development of school-to-school collaboration brokered in a variety of ways.

The following figures must be placed in the context of the size of England's school system, with 21,000 maintained schools. March 2012 research by the National College for School Leadership[12] found that 1,334 academies were freestanding. Of 100 identified chain sponsors, 52 actually consisted of pairs of schools and only 20 had more than four schools. So chains, even within the very wide definition adopted by Hill in the research, organise only a quarter of academies.

The widespread misconception that chains are now dominating the landscape is created by the nine big players with more than 10 schools each, between them controlling 182 schools. These organisations have a variety of legal

11 One example of the literature on this is *Creative and Performativity Policies in Primary Schools*, Jeffrey, B., Troman, G. and Zezlina-Phillips, E., British Educational Research Association (2008).

12 *The Growth of Academy Chains: implications for leaders and leadership*, Hill R. et al, National College for School Leadership (2012). All figures are for March 2012.

statuses, including charities and PLCs, but most in reality are commercial organisations with sufficient collective capacity and contacts to mount an effective PR assault on the policy world. There is no doubt the pace of change is so great that the figures were out of date before the report was published, but there is at least a degree of uncertainty as to future trends.

As Crossley-Holland points out[13] chains are capable of carrying out a number of the roles identified above, but not all. The larger chains provide central services such as payroll, HR, buildings maintenance and equipment procurement. However, their major role is currently in school improvement.

School improvement

Schools in England are now labouring under the most oppressive load of performativity mechanisms in history. The pressure on schools for increased productivity, in the sense of ever-improving pupil achievement as measured by national tests, is unprecedented. In that sense, most schools are self-improving although 'school improvement' as practised is not about better schools at all, but about these very narrow measures which distort and actually reduce real learning. And yet, despite all that pressure, some schools go into decline. Many of these schools are unaware they are underperforming until prodded by Ofsted or by a middle-tier organisation. So, although much rhetoric suggests we are moving towards a system of 'self-improving schools', there is no evidence to support the concept unless the phrase is meant to apply to a whole system. There will always be a need for a middle tier that can get to know schools, spot early signs which lead to concern, and intervene.

Since the majority of chains consist of groups of between two and four schools, their school improvement work is no more or less than the kind of school-to-school collaboration which is now commonplace across the system, but with a formal structure. Such groups do not generate the economies of scale to enable a middle-tier structure that could monitor and lead improvement.

On the other hand, the practice of some larger chains is quite contrary to the rationale for school-to-school collaboration. They are highly centralised and directive. Schools are not only required to conform to the chain's ethos and policies, but also to the chain's curriculum, assessment and pedagogy models, down to the circulation of standard lesson plans and teaching materials in some cases. The contrast with ministerial rhetoric is breathtaking; some chain schools are more tightly controlled than any in English schools' modern history.

While imposed teaching practices may appear to result in short-term gains, it is clear this does not provide a long-term basis for improvement. The globally supported policy of professional autonomy is derived from consensus on this point. In England, the official evaluation of the national strategies is a strong example.[14]

The essence of effective collaboration is its mutuality. Political narratives of school improvement miss this point. Politicians fail to understand that 'outstanding' schools are outstanding within a particular context, which includes their intake, but also have areas of weakness; and 'failing' schools have areas of strength. That is not to suggest that every coupling must have equal transfer of skills, but that every school has something to offer, and no school should lack the humility to learn. And successful learning depends on the commitment of both partners. There must be buy-in from the recipient of support.

Imaginative formal collaborative structures are developing amongst groups of schools. Some are LA-wide and LA-sponsored. The Southend Education Trust, for example, is already a well-established charitable company with all schools and the LA as members.

In an analysis of the current strengths and weaknesses of LAs as agents of school improvement, Pritchard lists 13 characteristics of successful LAs.[15] According to Pritchard, most LAs have some of them but the key is the consistent application of all of them. In principle, a number can be employed by chains, including:

- good use of data, hard and soft
- good knowledge of schools, frequent visits
- early intervention and swift action
- challenging conversations with heads and governors
- good quality of staff making the interventions
- grow your own leaders
- thinking forward strategically.

Two conditions for the capacity of chains to perform these roles are as follows:

13 Op cit.
14 *Watching and Learning 3: OISE/UT evaluation of England's national literacy and numeracy strategies*, 3rd and final report, Earle, L. et al, Ontario Institute for Studies in Education, University of Toronto (2003).
15 *Schools Causing Concern*, Pritchard, D., Association of Directors of Children's Services (2012).

- they must be large enough to support quality central staff sufficient to monitor and intervene as above

- such staff can only be effective, as implied by the National College report, if the chain's schools are geographically close, since frequent visits are necessary.

These conditions are not met in the case of the large majority of organisations described as chains by the National College report, most being too small and some of the larger ones being geographically dispersed.

A further key problem for chains lies in another of Pritchard's key characteristics of successful improvement: 'good partnerships with schools, strong collaborative approaches'. Chains can rely only on a few schools, or maybe one, to partner a weaker school. Most stand-alone academies continue to work as part of a local family of schools, thus having access to a range of partners, although they are hampered by the refusal of the DfE to allow academies to enter more formal partnerships with schools which are not academies. Other roles which cannot easily be undertaken by chains are:

- informing schools of key developments locally and nationally since, with their limited coverage, they may be unaware of local issues

- a brokerage role with other providers

- an holistic approach using other key services for children

- good quality research, beyond the resources of almost all chains.

The most dramatic example of the success of an improvement initiative based on persuasion and trust-building was the London Challenge. It is not hyperbole to describe a programme as dramatic when it moved the London region from the lowest performing to the highest performing region in the country within five years. London may thus be unique amongst the capitals of the world. London Challenge was built by means of a very small team within the (former) Department for Children, Schools and Families (DCSF) gaining the support of LA leaders, both political and professional, and moving on to broker small scale school-to-school interventions, often across LAs, on a voluntary basis.

Despite government rhetoric to the contrary, it is possible for some of the new mechanisms for collaboration to exhibit mutual buy-in. National Leaders in Education now number 650, although there has been comparative lack of enthusiasm for Teaching School Alliances, perhaps connected to the rather limited start-up funding. These formal school-to-school arrangements are aimed primarily at school improvement, and while it is early days for both policies, it is difficult to see them either being the basis for a complete middle-tier solution, or for the performance of the range of roles required of the middle tier.

Place planning and fair access

There are some significant question marks about reliance on chains for middle-tier roles. The first is that there can be no pretence of their ability to perform *all* the roles identified above. Clearly, the very important roles of place planning and fair access can only be undertaken by bodies with statutory powers. This is a simple statement that does not require justification or embellishment, but is a critical issue in the middle-tier debate.

Accountability

ATL's long-standing policy on accountability identifies a number of stakeholders to which schools should be accountable:

- central government, with its overall responsibility for

  – the aims of education

  – curriculum and assessment

  – pupil achievement

- the local community, as

  – taxpayer

  – custodians of a public good

- parents, but largely insofar as their own children are concerned.

It is not contested that central government in modern societies has a responsibility to organise and fund an education system for all. It must set the framework for the school system, and its policies must be open to scrutiny. In return, it has the right to monitor the way the system works to achieve the desired outcomes identified by democratic process. However, its proper perspective is at the system level. In a non-totalitarian society central government should not attempt to micro-control public services down to institutional level.

At another level, a close link between parents and school is clearly very important for pupil success, but it has to be the right kind. The link must involve good and timely communication between home and school, and home support for commitment to learning. More general support for the work of the school, such as PTA or parent council activities, is useful but does not contribute directly to learning. The accountability of a school to a parent should be in regard to the child's development, and sometimes

issues arise which are collective, in that they affect a large number of pupils, making a collective response from parents reasonable.

The structure of governing bodies currently recognises this balance. Parents are represented, but do not form the majority. In maintained schools the community is also represented, and the religious interest in faith schools. The problems and weaknesses of school governance are part of the middle-tier debate, but governing bodies should continue to be responsible to the local community.

The reason parents should not be more widely empowered is that their close interest in the school is temporary, whereas the school has permanence, a history, a culture and a future within a local community. A school is a community asset, and the community has a right to a significant say in the kind of institution it wants. The middle tier must be the structure by which to provide that say. It must also be the site of accountability for the school's spending of public money.

It is argued that a chain can provide the middle layer of accountability for school performance. It cannot. It has no legitimate authority to do so. It cannot exercise *democratic* accountability. A chain potentially lacks transparency. The provision of a service, school improvement or otherwise, is one thing. Being responsible to the community for the quality of the service is another. The only basis on which private organisations could be responsible for schools in this way is if schools were treated as a private or consumer good, a position which is hugely and consistently opposed by the English people in opinion polls.

It is also argued that commissioners can provide a middle tier of democratic accountability. There are a variety of proposals under discussion but with two common themes: the commissioner is a post either directly elected or appointed by an elected mayor; they would operate with significant powers across a number of small LAs, particularly covering a city with a number of boroughs.

There are two significant weaknesses in such proposals. Firstly, they miss the lessons from the London Challenge referred to earlier. While this programme benefited from a driving force from above LA level (in this case the DCSF itself), no transfer of powers or formal responsibilities was involved. The small Challenge team added impetus and a little cash to LAs and schools, achieving buy-in for collaboration between schools; it was done 'with', not done 'to'. The image of a (hopefully charismatic) super-director crashing around schools ordering this and directing that may appeal to some politicians looking for a role, but it is not an effective way to improve schools.

Secondly, such proposals concentrate powers to a single postholder. The short history of mayors with executive powers does not give huge confidence. Some have been successful, some have been disastrous, but the quality of local administration depends excessively on electing or selecting the right person. Such concentration also limits local accountability, not least by reducing the accessibility of the public to the decision-maker. The recent round of rejection of proposals for local mayors suggests the public shares ATL's scepticism about this development.

This discussion does, however, raise an important question: are some of our LAs too small? Do the schools in a single conurbation need some unifying layer of leadership? Three boroughs in west London have already answered that question by combining their administrations for economies of scale. London and metropolitan boroughs are particularly vulnerable to these questions. There seems no appetite for another round of wholesale local government reorganisation but there are arguments for a supra-LA body in certain places; perhaps top down (sponsored by central government), perhaps bottom up (sponsored by LAs), with few or no powers but with a coordinating and monitoring role.

ATL's position

ATL's reservations about the direction of policy on school administration have been made clear throughout this paper. That is not the same as opposing many recent developments, but we do oppose exaggerated claims and assertions without evidence.

There is no doubt that chains of schools can fulfil some of the roles of a middle tier. Most attention correctly focuses on chains' school improvement role but with the caveat that, as the National College report warned, a tendency to expand to geographically distant schools is unsustainable. However, chains are unable to fulfil all the roles, and in respect of accountability they are part of the problem, not part of the solution, because they tend to lack transparency and are not obviously accountable to anyone. It could be argued that Ofsted inspection of chains could resolve this, but since chains are unregulated and highly various, it would be difficult to devise appropriate inspection criteria.

In addition chains, whether inspected or not, fail the crucial test. They do not offer genuine and direct democratic accountability. ATL's key assertion that schools are a community good in which local people should have a major stake rules out all of the currently fashionable solutions. Our view on accountability is set out above, but ATL also believes that governance should be exercised at a local rather than a school level, perhaps treating a cluster as

the unit of governance. To put it another way: successive governments' policies have produced a market in services to schools, including school improvement, but only a public body can be held responsible for the quality of a public service.

It may be obvious but it needs stating: this debate is only meaningful because of policies implemented over the past two years. Despite Orwellian claims to the contrary, these policies remain contested and it is too early to claim they are an irreversible direction of travel. The reason this may not always appear to be the case is that the policies are supported by powerful interests with huge resources, in some cases supported by taxpayers' money, and thus capacity to influence the policy and media worlds.

The ongoing privatisation of schools is not part of the coalition agreement and is therefore relatively unstable, susceptible not only to a change of government but to a change of minister. This in itself partly explains the haste with which policy is being implemented. So while things appear to be moving fast, the future remains highly uncertain. It seems premature to talk about a completely academised system at a moment when almost 90% of schools are not academies[16] and there are good reasons to assume the current rate of conversion is likely to slow — not least the creation of a true level playing field for school funding, as well as conversion's lack of attraction to almost all primary schools.

ATL believes the analysis in this paper draws logical conclusions from a first principles start. While a range of organisations can offer important services to schools, only one kind of organisation can perform all the necessary roles required of a middle tier.

While LAs have over 200 statutory functions, while they have structures of democratic accountability, while they have knowledge and experience of the schools for which they have responsibilities (and this includes academies), it seems perverse to be suggesting that something new is required.

Are LAs perfect? No. Do they vary in quality? Pritchard shows they do. Have they improved on average in the recent past, and do they collectively have the capacity to improve further? Yes. LAs are devising new mechanisms for school improvement, as described above, and service delivery, such as the Sandwell plan to convert to a cooperative, which in many cases give true substance to the term 'partnership'. We have learnt over the years that reorganisations often cost more and disrupt more than is gained from the new structure, and ATL does not believe a case has yet been made for transferring powers and roles to other organisations.

In conclusion, many participants in this debate may be working from a simple aspiration for the most effective middle tier. Let none of them be in doubt: the government's direction of travel is towards the private ownership of state-funded schools. However acceptable some of the current steps may seem, this end point is unacceptable to school staff, to parents and to the public. It would be political suicide for a party to support school privatisation openly, but it is being implemented step by step. In the end, that is why the middle tier must remain public bodies.

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16 Total number of schools which are or have applied to become academies 1 June 2012: 2,261, source: http://media.education.gov.uk/assets/files/xls/p/publication%20list%20for%20converter%20academies%20june%202012.xls, summary table. Total number of schools (incl. non-maintained special, excl. PRUs and independent schools) Jan 2012: 21,549, source: Statistical First Release 10/2012, table 2a.