

# A Juxtaposition of the Strategic Development Context of English Free Schools against Government Policy

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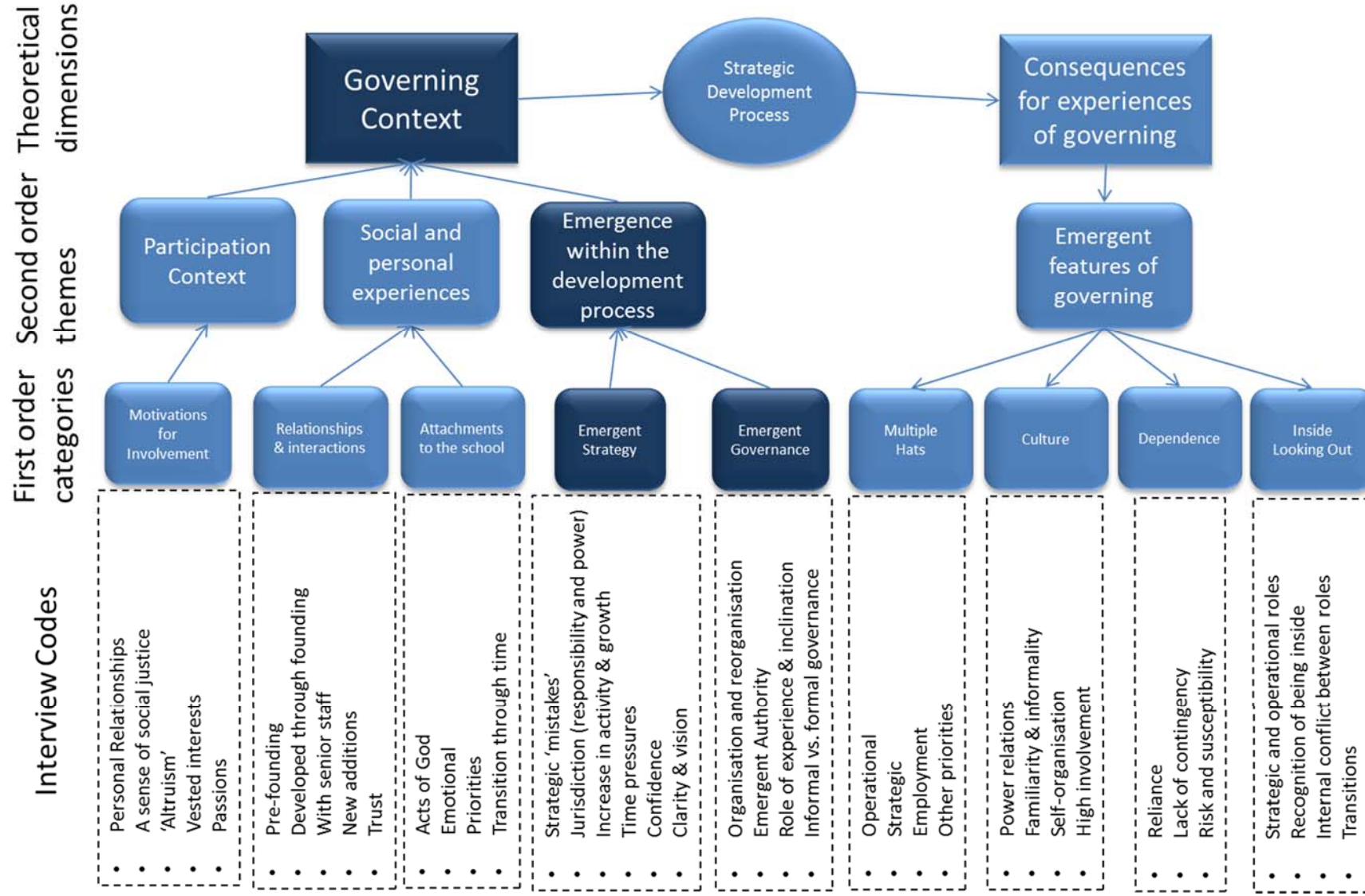
This paper reports on the empirical findings of ongoing research concerning the strategic development processes of English Free Schools. Within the context of increasing involvement of civil society actors in the co-production of education in England, and the devolution of a wide range of freedoms and responsibilities, the influences on individual strategic development processes of three schools are considered in relation to the expectations laid out in policy and guidance. In depth case studies were generated for three schools based upon interview, survey and secondary data. A framework of five areas of divergence from policy is presented, covering: strategic challenges within stages, lack of boundaries between development stages, emergent strategic processes, path dependency and contextual uniqueness. Findings suggest that Free School policy and guidance create arbitrary transitions for Free Schools that in some cases works directly against schools' abilities to deliver their vision, and a vital public service, in an effective and efficient manner. The nature of the strategic development process is also seen to undermine the external governance process of these new schools. A recommendation is provided to explore various network structures that would assist in mitigating strategic risks and provide more consistent external checks.

6969 words (excluding  
tables & diagrams)

# Introduction

Since the Education Act (2011) was made law guidance from the Conservative led coalition is that all new schools should either be academies or Free Schools (Harrison, 2011). Furthermore, the government believes that all schools should be moving towards becoming academies or Free Schools (DfE, 2013b). This policy approach towards the maintained education sector clearly demonstrates the continued significance and importance of Free Schools to the delivery of this public service. Even the main opposition party has proposed their support for schools sharing many of the defining features of Free Schools, in particular the ability for enterprising and innovative parent-led groups to open schools (BBC, 2013). As such, regardless of specific variations in future education policies it is clear that Free Schools set a precedent for the involvement of certain civil society actors within contracted delivery of education services. In recognition of the significant implications of the decentralisation of new school place provision to the communities in which these schools are located this paper presents findings on the development of three Free Schools within their unique contexts. In particular, this paper will focus on exploring how the strategic development process of these schools represents divergences from the process for establishing a Free School as laid out in policy and guidance. The critical assessment of the strategic context of these schools forms one part of ongoing research into the implications of governor experiences of the strategic development process of Free Schools, contributing towards a PhD Thesis. The papers context within the research is illustrated in diagram 1.

Diagram 1 – Theoretical framework of the impact on governor experiences of being involved in the strategic development process



# Background

With 24 Free Schools opening in 2011, 55 opening in 2012 and 95 opening in 2013 (DfE, 2013b), this reflects a rapid program of expansion for a format of relatively restriction-free, community-based and market driven education provision not seen before in the country (Higham, 2014). However, literature relevant to Free Schools to date has predominantly focussed on either idealistic public policy information (e.g. NSN, 2011a; DfE, 2013b; BBC, 2011) or on the broader theoretical debates, including those linked with: schools in other countries with comparable driving policies, or surrounding the role of education markets in academic achievement, social impacts (especially on deprived areas) and private provision in state education (e.g. Chapman & Salokangas, 2012; Coulson, 2001 & 2009; Hoxby, 2003; Rouse, 1998; Sandström and Bergström, 2005; Sahlgren, 2011). Hatcher (2011) identifies a list of seven areas of contention and controversy surrounding Free Schools. However, within this list, there is no question about what a Free School might look like, or how policy proposed as a tool for the improvement of English education, alongside other factors, may become manifest within schools.

Higham (2014) represents some of the first empirical work to explore Free Schools at a micro-level, exposing some of the broad details surrounding Free School proposers, their motivations, aims and locations. This research too is contextualised by the debates surrounding markets and privatisation of state education, ultimately concluding that Free Schools may not achieve the government's proposed aims of disproportionately benefiting the socially disadvantaged and driving social mobility (ibid.) Social mobility should of course be acknowledged as only one of the potential functions that Free Schools might play at a macro level. Others have speculated that Free Schools may form a basis for pedagogic innovation or the democratisation of education (Allen & Burgess, 2011; Hatcher, 2011). However, the significant complexities affecting the development of these schools remain unaddressed by current literature and empirical research, and as such the factors affecting the eventual processes of individual schools' strategic development remain unclear. What is required is a more comprehensive statistical study, or an in-depth study aimed at developing a more holistic understanding of the development process. This study falls into the latter category. Academic writing concerning the strategic development of Free Schools at a micro level, the implications of this on governance and the critical consideration of the freedoms and responsibilities of Free Schools (NSN, 2013) has not been identified during the course of this research.

Free schools have a range of freedoms in their admissions, some of which are unique in comparison to other types of state funded schools e.g. being allowed to admit up to 50% on the basis of religion (NSN, 2011a). They have greater autonomy over decision making including, uniquely, over whether to hire teachers with Qualified Teacher Status, their financial management, personnel management, some aspects of performance management,

curriculum and some aspects (beyond Academies) of assessment (ibid.). Free school governors have been identified as having responsibility for setting their school's strategic direction post-opening (NSN, 2011b). Freedoms surrounding Free Schools mean that anyone can set up, and govern, a Free School; providing that there is parental demand, a high quality application and that the individuals form a part of a charitable trust and do not make a profit (NSN, 2011c). The application requires a demonstration of understanding of, and plans to include, the local community and its needs, and reflect this in the service it provides (NSN, 2011c; NSN, 2013). Free Schools may also outsource functions to private companies, whilst retaining strategic oversight of the school's direction (NSN, 2013; DfE, 2013a). The New Schools Network (NSN, 2013), an independent charity funded by government, is the main vehicle through which proposers are provided strategic support. However, this support largely ceases at the point of opening, at which point Free Schools exist with theoretical independence, excluding Ofsted, DfE and the Education Funding Agency. What has been described reflects a significant range of freedoms enjoyed by all academies, and in particular Free Schools, coupled with a diverse range of potential individuals involved in their development. As such the broader aim of the current research is: *to gain insight into the implications of Free School governors' experiences of, and inputs to, strategic development processes, and the influences they perceive others to have on them.*

## Theoretical Framework

Free Schools have been subject to an extremely volatile environment, both at a micro and macro level, with examples ranging from the continuous development and amendment of policy and guidance (e.g. NSN, 2013), media critique (e.g. Shepherd, 2013) and the challenges associated with engagement from stakeholders (e.g. LSN, 2014). Free Schools can theoretically set up anywhere provided they demonstrate demand, even though sufficient school places might already exist (Gove, 2010). This potential for local competition for pupils via parental choice is the basis on which market forces in education are introduced (Coulson, 2001 & 2009). Equally, Free School freedoms surrounding procurement provide the potential to introduce competition between Local Authorities and other providers (NSN, 2011c). It is within the turbulence of this context that the most appropriate conception of the strategic development process is one that recognises the development of Free Schools as consisting of emergent and responsive processes. It is for this reason that the ensuing academic framework has been informed by this view to strategic development.

Within management studies the concept of emergence has been used by a broad range of strategists, change and complexity theorists, to explain the disparity between strategic aims and eventual outcomes (e.g. Mintzberg and Walters, 1985; Goldstein, 1999; Bamford, 2006; Lichtenstein and Plowman, 2009). Emergence is a macro-level phenomenon arising from micro-level components (Goldstein, 1999; Rhodes et al, 2011). Emergence entails something

beyond the components of that which it occurs from, which contrasts it with the merely complicated (Cilliers, 1998). Understanding the components in isolation will not provide a complete understanding of the phenomenon (ibid.). Mintzberg (1994) argues that a pure emergent strategy arises when the realised strategy had no driving intentions behind it (ibid.), and as such entails a responsive element. It is further argued that most strategy sits somewhere along this continuum (ibid.). Considering these macro-level features of emergence from individual actors' perspectives suggests that emergence in strategic development processes may be perceived differently. The idea that realised strategy results from the intentions of different actors engaging collectively suggests that what is realized may be perceived to be unintended by at least some of the actors involved.

Complex Responsive Process theorists suggest that individuals' interactions entail a process of communication and power relations and that it is through these engagements that self-organisation occurs, leading to novel outcomes (e.g. Stacey, 2011 & 2012; Mowles, 2011). Strategic development in Free Schools would thus be beyond the capacity for individual total control. Change theorists also contend that management of emergence must take place amongst the many, rather than few (Bamford, 2006; Lichtenstein and Plowman, 2009; Plowman et al, 2007; Burnes, 2004 & 2009, pp. 370; Bamford and Forrester, 2003; Karp and Helgø, 2008). What remains less evident from the literature is an understanding of emergence as an experiential phenomenon within processes. Studies such as those done by Kickert (2010) and Rhodes et al (2011) go some way to identifying the acting bodies (and their vested interests) involved in emergent change processes in their respective contexts but focuses on abstractions from the change process.

Literature on emergence in schools tends to focus either on emergence in the classroom (e.g. Fong, P. J. E., 2006; Doll, 1989) or starts with the premise that complexity and emergence offer a macro level explanatory paradigm, without ever making explicit the contributing components or reasoning (e.g. Byrne, 1998; Mennin, 2010; Davis, 2008).

Senge et al's (2000) 'School's That Learn' represents an important contribution to the understanding of school systems and emergence. Analysis by Davis and Sumara (2006, pp. 81) demonstrates a historical progression towards the idea that schools are subject to emergent forces; but goes further in suggesting that emergence incorporates the sociological, psychological and behavioural.

Theory related to governance processes, organisational governance and the concept of ‘the New Public Governance’ are seen as significant contributors to understanding the roles that actors, including governors, play in strategic development processes. Divergence from initially planned outcomes is also documented in the literature on Governance processes. Teisman (2008) argues that quality issues relating to initial decisions are not the sole contributor to deviations in outcomes. In analysing the throughput process in a public service improvement project Teisman (2008) identifies that contributions to deviations from planned aims arise from the interaction between the loosely coupled action systems of initiating system, surrounding systems and contexts and landscapes and that this entails an evolution in the specific governance processes. Moore and Hartley (2008) contend that governance processes in the public sector are subject to innovations that go beyond organisational boundaries to create network based decisions, financing and production systems. These innovations tap new resource pools, reallocate value judgements and definitions and that ultimately the judgement of such innovations should be in terms of the promotion of justice, the development of society and efficacy in achieving collective goals (ibid.). The incorporation of stakeholders and Stakeholder Capitalism in public sector governance is also reflected in discussions surrounding network governance (Andresani and Ferlie, 2006). This is also mirrored in macro-level governance discussions in urban and regional contexts linking together actors within processes, in what has been described as a social-constructivist ‘institutionalist’ approach (Gonzalez and Healey, 2005), and consider the underlying assumptions that award these processes and actors authority and legitimacy within ‘New’ governance (Healey, 2006). This in turn has implications for new forms of engagement, conflict resolution and participation both at the level of government and organisational governance (Bingham et al, 2005). Exploration of the implications of the shift from ‘merit governance’ to ‘contract governance’ is also of significance to this research. Contract governance entails a bridging of the gap between state and civil society, although some emphasis exists within the literature on the implications for developing flexible workforces and a shift to consumerism (Ilcan et al, 2003).

As mentioned Free School applications require a demonstration of understanding of, and plans to include, the local community and its needs, and reflect this in the service it provides (NSN, 2011c; NSN, 2013). One must also consider this in relation to factors including the need to demonstrate parental demand, the diversity of groups that may be involved in an

application and the removal of decision making layers such as LAs from the governance hierarchy. The combination of these factors within government policy indicates the potential for a flattening effect and increase in broad network and matrix structures which in turn may be precursor of forms of distributed leadership (Thorpe, 2011). Thorpe (2011, pp. 241) defines distributed leadership as ‘a variety of configurations which emerge from the exercise of influence that produces interdependent and conjoint action’. Important parallels can be made between this definition and the engagement of a variety of actors, with different motivations and interests, in governance processes in Free Schools. This is arguably the embodiment of the current Conservative led coalition’s vision of Big Society (Cabinet Office, 2012).

What has been presented is a theoretical conception of the development of Free Schools that recognises the potential for both internal and external turbulence and the impact that this turbulence might have on the processes themselves. In exploring processes of strategic organisation within Free Schools the following methodology takes into account the importance of recognising the perceptions of those factors and events that may affect the emerging shape of the schools in question.

## **Methodology**

The wider research of which this paper forms a part emphasises the importance of understanding the way that individuals within each school see themselves and their impact, as well as the impact they see others as having upon them. This approach has a close resonance with the historical underpinnings of social constructionist accounts used in management studies today, in that it is recognised that experiences within organisations, including Free Schools, cannot exist in isolation of each other; but result from the combined engagement of those individuals involved in a shared reality sat within their own unique context (Berger & Luckmann, 1966; Bevir, et al., 2003). Karataş-Özkan and Murphy (2010, p. 455) argues that, within this paradigm, “the aim of social inquiry shifts from structures or outcomes to processes – more specifically from organization to organizing...”. This emphasis on the experiential nature of process, and the social contexts that both define and create it, are equally reflected in Easterby-Smith et al (2002) and Newton et al (2011).

The exploration of these unique contexts in assessing the factors affecting strategic development processes allows this research to juxtapose its findings at a micro-level against the dictating policy and guidance at a macro level. This philosophy has guided the development of a comparative case study strategy, using a grounded theory approach. In



particular a moderate account of the constructivist position has been used in which the aim of the research is to create new, usable knowledge through multiple viewpoints of the truth (Jarvensivu & Tornroos, 2010). The adoption of a methodology involving elements of an interpretative philosophy, grounded theory approach and comparative case study strategy is well founded within academic management research (Coule, 2013; Jarvensivu & Tornroos, 2010; Charmaz & Bryant, 2011).

The accounts of individuals from three schools have been utilised in the development of case studies, supported by a wide range of secondary sources. The sample used in the research comes from the population of governors of Free Schools, as Free School policy and guidance has identified these individuals as having direct responsibility for the strategic direction of their schools (NSN, 2011b). Whilst the founding role is also seen as being of importance, and significant proportion of governors sampled have been involved in founding, there are inherent limitations to identifying a full population of founders and effectively sampling from them after the schools have opened and the role officially ceases to exist. Although the above conception of complex processes involving multiple stakeholders could support the collection of data from various stakeholders, both internal and external, this was regarded as a research approach suited to exploring a different understanding of the process than is required to achieve the current aims. In particular, this research's focal interest is in assessing experiences of the strategic development process from the perspectives of those dictated in policy as having responsibility for strategic direction, thereby allowing for the comparison of these experiences against policy. However, in recognition of the potential for broad influences on the process as identified in the framework above the widest conception of governor roles has been encompassed, including those in ex-officio roles, and staff, parent and community representatives. The three schools selected were done so on the basis of both opportunistic and purposive strategies. The purposive element leading to this selection resulted from the diversity of characteristics concerning the strategic development that emerged from the processes of comparison in initial, broader, data collection processes (Charmaz, 2006).

Table 2: Case school characteristics

Identified feature	School 1	School 2	School 3
-Proposer group and Founding Trustees/Governors	Two married previous owners of an independent school chain, A retired GP, a Higher Education and Kindergarten expert and a Reverend	Retired council employee in education, a University representative, 3 community representatives (including an HR specialist, a business manager & a project manager), a council representative, a local head teacher, an Early Years MD, a primary teacher, a primary and secondary teacher	An independent school head teacher, an engineer/project manager/IT consultant, 4 parents (including an HR and communications specialist, business development and IT specialist, an economist and a banker
-Governance numbers (at time of writing)	6 (including 3 members)	13 governors (including 3 members), additional 3 members, 2 clerks	9 governors (including 4 of the founding members)
-Governor role composition (at time of writing)	Educational director/Arching Head, 3 members (including the Chair & subcommittee chair), Two additional governors (including a subcommittee chair)	The chair (and member), a Vice Chair and community governor (and member), 3 parents (including the Responsible Officer and community representative), 2 university representatives (including a member), 2 additional community governors, the principal (ex-officio), finance expert, two staff representatives (ex-officio)	The principal (also a full governor and member), the chair (and parent governor), vice chair (and parent governor), education advisor, 3 additional parent governors, Admissions advisor, an additional governor previously employed by the school during its launch.
-Lead proposer's subsequent role	Education director and governor (with voting rights); and subsequently arching head	Chair of the Board of governors, and project director of a sister Free School trust	Principal, governor and member; and subsequent arching head/CEO
- School/governor vision	Preparedness for life – grounding in Maths & English, and also citizenship. A key focus on Creative Arts, including compulsory learning of at least one instrument. A broad Christian ethos.	To raise the aspirations of the students, and their parents of them. To be of and for the community, and engaged in various community projects. Science and technology specialism.	Celebrating a love of learning. Inclusivity within a Christian environment. To bring education commonly associated with the independent sector to the state sector. To encourage residents attracted to the area by professional opportunity to remain there whilst raising families.
-Location characteristics	Over two sites, including a converted Grade II listed building and a previous school building, within a small village. The local authority is located in the highest 30 <sup>th</sup> centile on the index of multiple deprivation.	A new build situated in a town with a population of approximately 30000. The local authority is located in the 74 <sup>th</sup> centile of the index of multiple deprivation.	Located in a building previously used for differing educational purposes and undergone substantial renovations. The local authority is located in the highest 2 <sup>nd</sup> centile of the index of multiple deprivation.
-School size at full capacity	676 primary places (including expansion onto a new site)	420 primary places (not including sister schools)	280 primary places (not including places within additional planned primary and secondary provision)
-Finance for development	Approximately £4,700,000 (including buildings and pre and post-opening capital expenditure)	Approximately £6,150,000 (including buildings and pre and post-opening capital expenditure)	Undisclosed due to commercial sensitivity. Lead founder speculates at total finances of between 7-8½ million pounds.
-Religious affiliation	Broadly Christian ethos, but with no religious admissions.	No religious affiliations	Christian ethos and 50% religious admissions

## **Data Collection**

The research started by generating two databases based on publicly available secondary data of the whole population sample of the first 24 and eventually 79 Free Schools opened in 2011 and 2012 (DfE, 2013b). These databases included information ranging from school ethos to governor profiles to contact information. In turn every school was sent a short e-mail survey. Although a key aim of this process was to generate leads for the research, data was also generated concerning governor's perceived roles, motivations and perceptions of the development process. A total of eighteen responses were initially yielded from across thirteen different schools (response rate of 16.5% of schools). From these thirteen schools individuals from six schools went on to the first round of semi-structured interviews. Following this, three schools were selected on the basis of the case variations at Table 2. Using both purposive and snowballing strategies the sample within each school was increased and a second round of interviews conducted. Again, the purposive element of the sample was aimed at capturing the greatest diversity of experiences, as arising out of factors including official and unofficial roles, duration of involvement and affiliations. The guiding questions within the second semi-structured interview process were designed to address all of the key areas of interest emerging from the first round, in an open manner, thereby enabling a theoretical saturation through both the breadth of participants and iterative depth within each discussion. This process ensured not only the participant saturation through the iterative questioning, but also the data saturation through the continued addition of participants up to the point that could feasibly be achieved within the scope of the research (Morse, et al., 2002). This is further supported within the grounded theory approach by incorporating multiple sources of data relevant in the comparison and analysis of the interview data (Urquhart & Fernández, 2013). The emergence of codes, and subsequent categories was also continuously compared against a range of secondary sources of data. The substantial pool of secondary data used included government body reports, Ofsted reports, data released under Freedom of Information requests, school business cases, school websites, newsletters and press releases, media stories, financial data, data contained in business databases including Keynote and companies house, local authority data, a range of sources relevant to understanding local demographics and also theory.

## **Data presentation and analysis**

As mentioned, what the constructivist grounded theory approach advocated here entails is the incorporation and constant comparison of multiple sources of data, including theory, in the form of individual codes and categories (Strauss & Corbin, 1998). In recognition of conceptions of empirical studies of process that acknowledge the complexity of that which is under study, key events within the strategic development process were identified as necessary, albeit not causally sufficient, conditions for understanding subsequent events

within the process (McMullen & Dimov, 2013). The process explanations are therefore understood as a sequence of necessary causes (ibid.). It is through this manner that individual school narratives were developed, where the data is seen to contribute to the multiple perspectives within the constructed paradigm (Charmaz, 2009). Following this pattern, and in line with the methods followed over the course of the entire research, what emerged were key codes that characterised the authentically constructed nature and experience of the process, and in which the most substantial and significant informed the emerging categories (Charmaz, 2006).

Authenticity, plausibility and criticality are seen as the key consequences of the methodology employed, and reflect directly the implications for the contribution of this research (Walsham, 2006; Golden-Biddle & Locke, 1993; Walsham & Sahay, 1999; Lukka & Modell, 2010; Stahl, 2014). Generated from this were thick and rich descriptions of events and perceptions in real-life contexts that both reveal and preserve the meanings that those involved ascribe to them (Leitch, et al., 2010; Gephart, 2004). The key interest is therefore in the likelihood of transferability, not of unique case findings, but of the systematic relevance and importance of the theoretical and practical implications emerging from the research (Sinkovics, et al., 2008; Denzin & Lincoln, 2011).

Each case can be considered as an isolated analytic unit, a distinct experiment that when multiplied out is subject to its own replication logic (Eisenhardt & Graebner, 2007). However, the case studies were developed not only to allow comparison between school specific experiences, but to facilitate the analysis of experiences of individuals within schools that forms part of the wider research. Within this paper, elements of the resulting case narratives arising from the strategic development process are considered in relation to the theoretical implications on policy, guidance and school level planning. These are presented under the structure of the five central areas of variation that were identified between policy and individual school narratives, drawing out key implications for both the strategic development of Free School and policy and guidance.

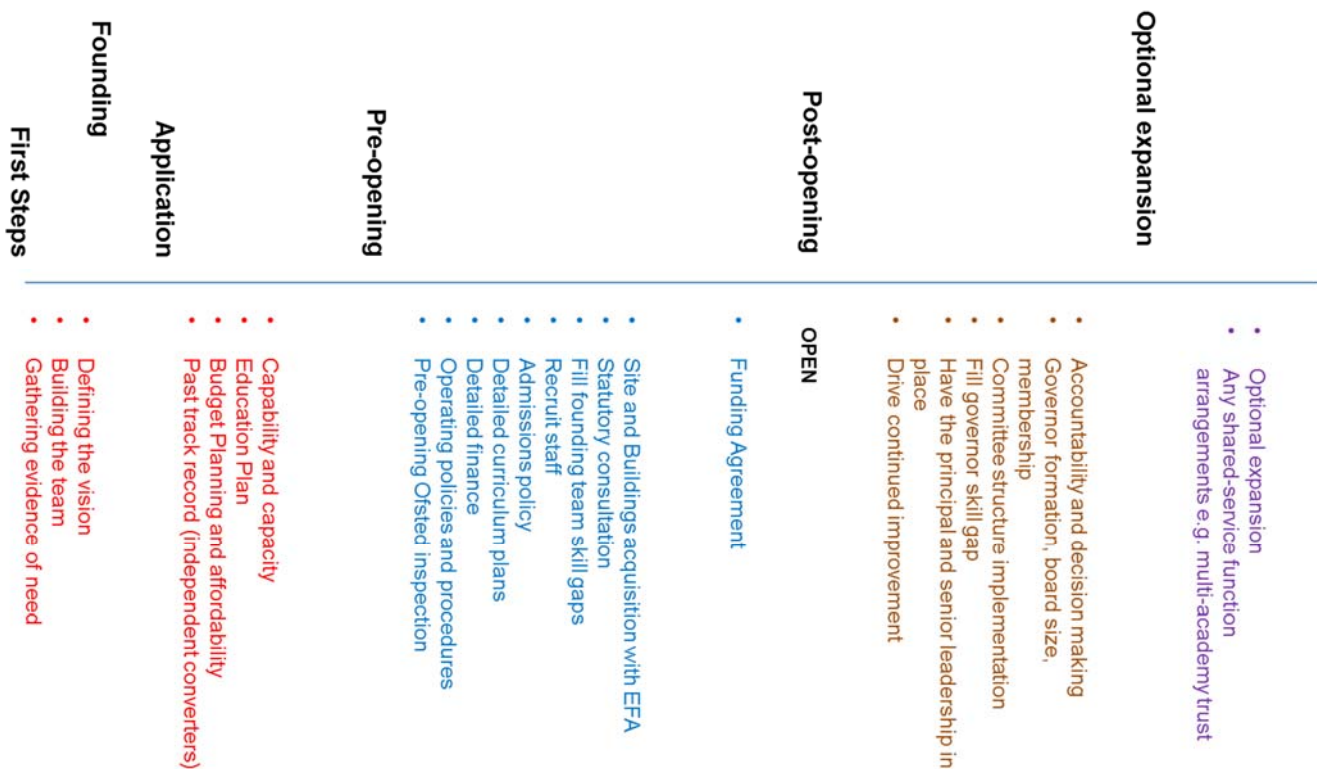
## **Findings**

### **Introduction**

The strategic development process as laid out in Free School policy and guidance reflects a sequence of milestones for schools, punctuated by the government led assessments that ultimately lead to approval. In Diagram 3 these stages have been broken down by the milestones used to both guide Free Schools and ultimately hold them to account during the development process. The lexicon used closely reflects the divisions identifiable in both the official application guidance by the DfE and the guidance provided by the NSN (DfE, 2013a; NSN, 2013). However, ‘first steps’ and ‘application’ have been grouped together for the purposes of the research as subsections of ‘founding’, as the milestones for both of these stages are performed in the lead up to submitting an application, and it is an unnecessary

constraint to assume that the milestones under each of these must happen chronologically. In contrast, what distinguishes the founding stage from the pre-opening stage is the initial approval of the application by the DfE, at which stage the department provides a dedicated project lead and access to pre-opening capital funding to assist in the set-up of the school (DfE, 2013a). A final audit of the school, including the skills possessed by individuals involved in the project and a pre-opening inspection by Ofsted, leads to the achievement of the funding agreement, enabling the school to open. In the post opening period the school faces the responsibility of entrenching the governance arrangements and stability that will enable the successful delivery of the curriculum. With this in place, the school faces the opportunity to expand, using a fast-tracked application route and one of many governance models. Plans to do so can be included as early as the original application for a single school.

*Diagram 3 – Timeline of some key events in the development process laid out in guidance and policy*

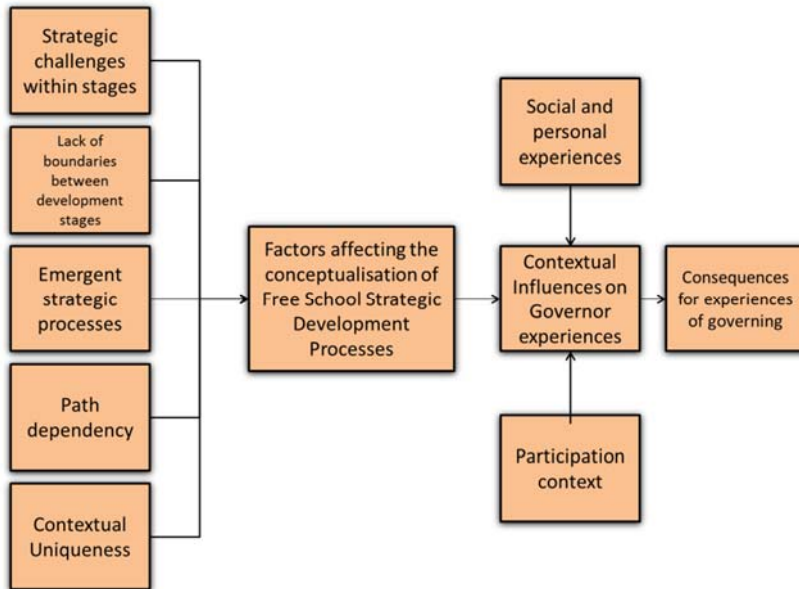


Adapted from: (Department for Education, 2013; New Schools Network, 2013)

The stages of strategic development laid out in policy and guidance were considered against key events in the strategic development process of each school identified in the case studies (see appendices 1, 2 &3). What emerged from this comparison is a conceptualisation of the ways in which the strategic development process differs from the process laid out in diagram 4, and how in turn this leads to disparity in the strategic processes experienced by each school under study. Through this process a strategic context emerged that would form one aspect of the implications of governor experiences of the strategic development process in Free

Schools. The five central challenges (see diagram 4) to strategic implementation in Free School policy are addressed in the sections below.

*Diagram 4 – Factors affecting experiences of governing in Free Schools*



### Strategic Challenges within Stages

Each of the three case studies demonstrates the emergence of strategic challenges within the stages of strategic development laid out in government policy and guidance. The conceptualisation of policy implementation as emergent has become an established norm within the literature (e.g. O’Toole Jr., 2000). However, the complexity of these challenges has the capacity to influence schools achieving subsequent milestones laid out in policy, and as such forms an important part of a comparative critique. For example, juxtaposed against the stability of staff and governor recruitment laid out in guidance, the three cases all demonstrated instability and uncertainty arising out of both the macro-level context, fraught with political and social hostilities, and the micro level, in which one must consider the personal factors that would influence individual involvement in a volunteer governor role. Table 5 demonstrates that almost 25% of governors across the three schools had departed over the relatively short lifespan of their school, and a similar proportion of those involved in founding and pre-opening stages of the schools.

*Table 5 – Founder and governor recruitment and loss to the time of writing*

	Original number of founders (identified in application)	Founders departed	Founders assuming only non-governing roles (e.g. staff or members)	Governors Recruited	Governors departed	Current number (at time of writing)
School 1	5	0	1	12	6	10
School 2	8	3	1	11	3	12
School 3	6	2	0	6	1	9

Whilst this serves as only one example of the kind of turbulence documented, the implications of this arise in terms of critically assessing the impact on remaining founders or governors in achieving subsequent strategic milestones laid out within guidance. During pre-opening, the ability to fill founding team skill gaps is called into question, and post-opening the ability to fill governor skill gaps and to form a governing body representative of the various stakeholders needed to meet both legal requirements and local legitimacy is undermined.

#### **Lack of boundaries between development stages**

Equally, a lack of boundaries between the stages and milestones serves to blur the strategic development process laid out in policy, captured in the cross-contamination of colours evident in the timelines in Appendices 1, 2 and 3. Across the three schools the stages of development, and milestones within, were heavily influenced by contextual features including planned timescales until opening, composition of the founding and governing groups and local environmental influences such as the availability of suitable school sites and the attitude of the Local Authority. Whilst pre and post-opening may provide meaningful checkpoints for central government, they are unreflective of the transitions within the development process reflected in key strategic events. For example, in the case of both schools 1 & 2, their freedoms surrounding the setting of curriculum have meant that the programme being delivered in the school differs significantly from that which formed a part of the schools’ business cases. Equally, hierarchies, decision making processes and interpersonal relationships are seen to become entrenched from much earlier in the establishment of each founding group, which reflects a significant deviation from the enacted formation post-opening that is laid out in policy. The notion that planned structures are simply enacted at a certain point is not clearly reflective of how relationships, including that of accountability, are intentionally and unintentionally formed. Such examples demonstrate the risk of ‘incrementalising’ external governance around potentially arbitrary divisions in stages.

## Emergent Strategic Processes

Also seen within each schools' development process laid out in Appendix 1, 2 and 3 are a number of events, challenges and sub-processes that do not clearly fit within the strategic development process laid out in policy and guidance. The development of each Free School has inevitably faced emergent strategic processes, and responsive decision making. Regardless of the freedoms and independence that these schools enjoy they remain subject to the influences of extremely complex environments. In the case of school 1, the decision by a local school to close down had a significant impact on the school's growth. However, the additional decision by the closing school to require school 1 to enter a confidentiality agreement would prove to have significant negative ramifications for the governors, and school, in creating a detrimental link between them and the closure of the other school. Indeed, such freedoms and independence as reflected here can be seen to increase a Free School's exposure to stakeholders groups that traditional maintained schools may otherwise have been shielded from by their Local Authority. Another key example of this exists in the tenuous relationship with central government that founding groups hold until a funding agreement secures permission for them to open. With the three case schools having between only 1-4 months between receiving their funding agreements from the DfE and opening, there are a wide range of strategic implications arising from the resultant timescales. These implications serve to further demonstrate that the development plan laid out in policy does not consistently facilitate the stable opening of a Free School, and indeed in some cases may lead to schools failing to achieve legal responsibilities regarding their education provision.

Having received its funding agreement only a month before opening, government administration processes failed to provide School 1 its Unique Reference Number on time, making it impossible for the school to access student records containing details including Special Educational Needs (SEN) requirements before opening. As a result the school was both under staffed and had not budgeted for the significant costs to manage the students, leading eventually to a qualified governor stepping in to provide SEN assessments and support. Also associated with the same late receipt of a funding agreement, reflected in the government's process, both school 2 and 3 faced challenges with the Local Authority admissions process. The result in school 2 was to find only 25% of students' parents had actively chosen the school as an option for their child. This led to an urgent response from the school to attempt to increase the number signing up to confirm attendance. The need for the ensuing public relations events, additional staff involvement costs and innovative communication methods are not clearly embodied in the strategic process characterised by government.

School 3 in turn was forced to run their own admissions process altogether. This led to a public backlash at perceived inequities, following the introduction of a 'first come first served' component to admissions. In order to ensure student places were filled in the first year this admissions process started before the school had received official confirmation, and before any admissions policy could be formally commented on by the government. The challenges for these schools can be seen to emerge, at least in part, from trying to fit the



idealised strategic development process laid out in policy into the complexity of an established institutional context of Local Authorities and educational systems. What is also missing within each of the schools, but is effectively portrayed here in the events of the latter two cases, is the clear influence from network links with both the complete set of relevant stakeholders for a given locale, and other Free Schools. In contrast with the requirements in Free School policy to demonstrate an understanding of, and plans to include, the local community and its needs (NSN, 2011c; NSN, 2013), the requirement to demonstrate how strategy embodies these concerns from before the school opens is not self-evident. This is further echoed in the hollow nature of the consultation process, that can extend beyond the opening of the school, and that carries only the requirement to demonstrate how the school intends to respond to concerns (NSN, 2013). As such there exists no clear mechanisms that procedurally require schools to take these views into account within their strategies. Equally, the involvement in networks containing other Free Schools is neither required, nor actively encouraged within the guidance, and yet may present a genuine opportunity to improve the founder/governor learning process required to mitigate the kinds of risks identified here.

### **Path dependency**

Many of the decisions made early in the school's strategic development continue to influence and impact much further along in the process. This is entrenched in the applications process, in which certain plans are put into action long before a fully informed decision can be taken. In essence, this represents an inherent path-dependency subject to bounded rationality within the process laid out by policy. Contributions to the strategic development process early on deterministically close down some strategic paths for the continued development (Hill, 2013). The requirement to do so in order to meet application timescales entails a risk that such decisions are made before the full implications emerging from local context can be known (Pettigrew, 1992). One key example of this emerges from the decisions made concerning school growth to full capacity. This decision is made within the initial application to the DfE, often before the school has identified, procured or assessed the site that the school will be located in. In such cases the rationality of the decision made is bound by both the timescales and information that would affect the outcome of the strategic decision. In the case of school 2, as reflected in table 6, rationality is bound by an incomplete understanding or consideration of how stakeholder groups including parents and teachers would respond to being involved in what would start as an intimate and high-involvement culture.

*Table 6– Case Study Expansion Strategies and Subsequent Events*

	School 1	School 2	School 3
Expansion Strategy	Horizontal – opened with students in every year group, with additional classes added to each year group within each subsequent academic year. New premises acquired, increasing school places, and buildings split between upper and lower phases.	Vertical – small cohort started in one year group only, gradual expansion as the first year group moves up and a new cohort joins the opening year. Seven years between opening and capacity.	Horizontal and vertical – students started in three year groups, additional classes subsequently added to each year group as well as new year groups introduced as students move up.
Implications	The school found that a significant number of students applying to join older years were doing so for particular reasons. These included poor learning performance, behavioural problems or having been subject to bullying at previous schools. The school did not have sufficient support in place for the higher than average Special Educational Needs. The decision to acquire a closing school led to significant community conflict. As a part of the same school, the project would receive no extra capital from the DfE, and no support from an adversarial Local Authority.	The small starting cohort would require only a small teaching team and would facilitate substantial focus on individual students and parents. The school would subsequently face the challenge of managing parent expectations as the school numbers grew, and in ensuring the teaching culture was receptive to newly recruited staff.	The school, due to its location and site, would be unable to physically expand at the rate at which the school was taking in new students, leading to the use of Portakabins for teaching, and building works during teaching time.

In essence, Free Schools are required to make decisions upon which they are partially assessed potentially long before they engage in the activities that would provide the information on which such a decision becomes informed. The manner in which a school is to grow is laid out and assessed in the application, preceding any certainty about the location and site in which the school will be based, which is determined during pre-opening (see diagram 3).

### **Contextual Uniqueness**

Within the complex internal context of each school’s unique set of employees, governors, founders and members, which is in turn couched within their unique local environments, the schools’ strategic processes diverge. The implicit strategic challenges faced by each school illustrate how the milestones within the strategic development process can play out very differently. School 1 has faced the challenge of how to operationalise the vision in a context restricted by external stakeholders: to be of and for the community, whilst managing the challenges of hostile groups including parents, shops and the Local Authority; to provide holistic learning, whilst managing an unstable workforce and lack of SEN support; to support Creative Arts, whilst facing an Education Secretary that opposes it. School 2 on the other

hand, has faced the sustained challenge of how to operationalise a key component of its own community vision i.e. to build engagement with the user, whilst having supply driven origins, in terms of the Local Authority's role in commissioning the school. School 3 has faced its own community challenges emerging from its freedom to deliver alternative social objectives. With a benefit for the school, perceived by governors, being the encouragement of local professionals to remain in the area having started families, the challenge concerns how to engage with a community and national media whose emphasis has been on education reaching those suffering deprivation. As independent civil society groups, there is no requirement or mandate for these individuals to align themselves with the proposed aims of government policy on Free Schools. It becomes equally clear that government either do not, or cannot, fully assess these proposals upon the inherent values of individuals that are, or become, involved.

The implications of these diverging implicit strategic challenges emerge from the environmental drivers of strategy for developing Free Schools, and their interplay with the strategic vision of each school. What results is a set of complex strategic processes unique to each school, interwoven with both their macro and micro environments. The interplay between the strategic vision of each school and environmental drivers endure throughout a prolonged development process that does not demonstrably map back on to the same stages of development identified in policy. Government cessation of external support and checks arbitrarily at the point of opening (for potentially up to two years until first Ofsted inspection) presents a set of avoidable risks for these schools.

## **Discussion & Contribution**

Strategic development of Free Schools as seen within the case schools reflects an organic process in which multiple influences sculpt the unique paths each school progresses down. The imposed structure of this process by central government is seen to be at odds with the reality of this process at a school level. The requirement for Free Schools to install themselves within established communities, geographies and local educational systems requires an effective ground up planning process for each school. It is not clear that the breadth of implications this has on effective school development, and subsequently on the quality, local relevance and accountability of the education provided, is considered fully within the government application and guidance process. The core challenge therefore is for the government in developing a universal structure for the Free School development process that can be mapped on to the population of local contexts in which they are to be applied. This remains an unlikely political priority in the run up to the 2015 general election, and in reflection on the current rate of three waves of Free School applications per year (Gov.uk, 2014). The challenges that emerge from this can be seen in increasing the likelihood of local conflict, the undermining of the milestones laid out in policy and subsequently a real risk that

the eventual instantiation of these schools deviates significantly from that which is approved by the DfE within the application stage.

The case of the Al-Madinah Free School demonstrates the capacity for applications to achieve their funding agreement, but fail to implement the approved strategy. The school achieved inadequate ratings across all areas after only just over a year from opening, with reasons cited including failure to translate its vision into reality and teachers whom were unable to deliver acceptable lesson plans (Ofsted, 2013). This closely echoes the emergence of realised strategy seen within the case studies. Free School policy and guidance reflects a systematised process for government to manage, with closer parallels to the management and accountability seen in public sector contract relationships seen with the private sector (e.g. Grimshaw et al, 2002; Forrer et al, 2010). However, what is revealed in this paper's findings suggests that successful development of this form of service provision cannot be driven merely by competition, but rather must include collaboration and support from a range of stakeholders excluded from the current governance process. The broad network and matrix structures that would replace the strategic input of Local Authorities are not clearly identifiable in each school. Even in the case of school 2, in which a wide range of collaborative partners are involved in the school, the school failed to entrench the community engagement that would have facilitated a smoother strategic transition and greater success, earlier, in accomplishing its own core strategic vision to be of the community it served. Equally, so long as Local Authorities maintain responsibility for education provision they will also maintain a strategic influence on these schools. Free Schools arguably ought to be able to demonstrate how this influence will be managed, even within the context of the most amicable of councils to Free School policy. For these schools to effectively reflect a localism agenda, that in part drives the policy, they must be able to manage the strategic implications of the communities in which they reside. Whilst Free School policy has demonstrated a decrease in bureaucracy, it is arguable that the responsibility for each school to manage complexity is substantially higher.

The five components of variation from policy identified and considered form one contextual aspect of the broader exploration into factors affecting governor experiences of the strategic development of English Free Schools. This context underpins the emergent and responsive nature of strategy and governance seen in diagram 1. This in turn provides a starting point for the development of an appropriate conception of the form of co-production of education that Free Schools represent. In particular the circumstances surrounding the strategic development processes, as identified in this paper, suggest a need for government, and schools, to take into account localised environmental turbulence and strategic deviations within the planning process.

The model for Free Schools is largely linked with discussions on the marketization of education echoing American and Swedish approaches to education (e.g. Lake and Hill, 2005; Klitgaard, 2007). However, these schools also clearly reflect the broader discussions on the kinds of contract relationships seen across a wider number of democratic states (e.g. Ilcan, et al., 2003; Hirst, 2012). Whilst these conceptions describe the entailed processes of unfolding

or shrinking the governance role of the state, the case of these Free Schools highlight a need to rethink the strategic implications of decreased involvement. In particular is the need to critically assess the underlying assumptions of a unitary logic to the governance of Free Schools in which the goal of organisation is to produce 'harmonious, consensual entities that exist for a common purpose' (Coule, 2013:10). Indeed, by remaining open to what Coule (2013) describes as a pluralist logic towards governance and accountability it may be possible to better encompass the nature of the engagement of different stakeholders, and the implications this has on processes of strategic development. A more comprehensive and intentional inclusion of both adversarial and supportive inputs may serve to benefit both local relevance through accountability and strategic support of these schools.

In balance with Free Schools' freedoms that arise from the independence of bureaucratic constraints, there appears a pressing need to appreciate the increased responsibilities and pressures that arise from exposure to these local stakeholder environments. The timing of the cessation of both a wider support network (e.g. NSN) and external accountability mechanisms requires reconsideration. Equally, an understanding of how each school intends to take into account the cycles and timeframes of the wider education provision within its locale to which most Free School's intend to become inextricably linked through the admissions process. Arising from this context is the need to address the implications of an appropriate conceptualisation of Free Schools as being developed as independent and isolated Not-For-Profit organisations, established primarily by volunteers, whilst simultaneously contributing to a wider publicly funded service infrastructure.

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