**A Public Statement by the National Education Union**

**on the Oak National Academy**

1. The NEU is the largest independent trade union for headteachers, teachers, support staff and other educational professionals in the United Kingdom. It presently consists of approximately 500,000 members.
2. The NEU has a major interest in the issues relating to the Oak National Academy, which we will call “Oak”. This interest has been intensified by the experience of our members through the Covid crisis, as schools were kept open particularly for the disadvantaged and vulnerable and internet-based teaching materials came to the fore.
3. There are three bodies, the British Educational Suppliers Association, the Publishers’ Association Limited, and the Society of Authors, who are presently pursuing a judicial review against the Oak and the DfE. The NEU has no institutional, commercial or other links with these three claimants in judicial review proceedings. However, we fully share the concerns of these claimants.
4. The original form of Oak, which we will call “Oak 1.0”, was established in 2020; it received funding from the DfE but was not an arm of government. Its assets were transferred in August 2022 to a new non-departmental arm’s length public body, which we will call “Oak 2.0.

**The claims that the proposal is “by teachers for teachers” and independent of government**

1. For most of the twentieth century, our school system was based on the principle affirmed in the constitution of the Schools Council, established by government in 1964:

*‘schools should have the fullest measure of responsibility for their own work, including responsibility for their own curricula and teaching methods, which should be evolved by their own staff to meet the needs of their own pupils.’* (quoted in Simon 1991: 313).

1. Since the 1980s, there has been a trend for governments to exercise ever-greater measures of control of curriculum and teaching methods, reaching well beyond the accepted principle that government agencies should establish the general outline of the curriculum. The consequent loss of teachers’ sense of professional agency contributes to problems of recruitment and retention. We consider that the awareness of the Department for Education’s, “the DfE”, of teachers’ unhappiness with the Government’s increasing influence over the curriculum has led it to mask Oak’s character as another instrument of centralisation. Correspondingly, it has exaggerated both Oak’s popularity in schools and its independence from government. Its case for Oak is thus not solidly grounded in fact and does not constitute a reasonable basis for policymaking.
2. The DfE claims that the curriculum resources provided by Oak 2.0 are the result of work ‘”by teachers for teachers” This claim is rhetorical; it is part of an attempt to maintain that Oak has met with widespread approval from teachers and has a secure place in their opinions and in their practice. This is not a reasonable assertion. The introduction of Oak 1.0 was not preceded by a consultation exercise. There was no consultation exercise either before the establishment of Oak 2.0. Government web-pages list 153 public consultations carried by the DfE since 2011, most of them non-statutory. They include such relatively minor topics as regulations for child performers, the subject content of geology examinations, and the literacy requirements that should be made of early years staff. Yet Oak 2.0, a high-cost initiative, with far-reaching implications for schools, was subject to no public discussion. It is true that a series of market warming' webinars was held in the summer before OAK 2.0’s launch. However, these events, attended inter alia by representatives of the NEU, were intended to encourage bidders for OAK contracts rather than provide information to the wider sector; the essential format of Oak, as conceived by the DfE, was not open to question.
3. The establishment of Oak 2.0 was announced by the Secretary of State in March 2022 (DfE 2022a). However, there has been no meaningful consultation, as far as we are aware, with any of the other education sector trade unions referred to at paragraph1 above, on the establishment of Oak and its intended role.
4. The absence of consultation not only deprived educators of the opportunity to comment on the government’s policy, but also deprived the Secretary of State of a secure sense of the attitude of the public, and of educators in particular, towards her Department’s initiative; it did not provide a basis for reasonable decision-making, nor for the claim that a ‘collaborative spirit’ was at the heart of Oak 2.0.
5. The claim that Oak is independent of government is disingenuous. The Business Casepublished by the DfE in October 2022 states at page 6, *“...An organisation is needed to lead this process [*of curriculum change]*, acting as a ‘system leader’. We believe we are unlikely to be successful if this is DfE as teachers and schools are unlikely to buy into a process or set of resources that feels centrally imposed by Government...”* These and similar commentsindicate a frank and accurate awareness the DfE that it has a problem of educational credibility. It is a problem it could have mitigated by talking to and listening to teachers and senior school leaders from the start.
6. The “arm’s length body” limited company arrangement is the supposed solution to the DfE’s credibility problem. It enables Oak’s relationship to government to become a matter of strategic ambiguity. On the one hand, Oak promotes itself as ‘of the sector, by the sector’, producing curriculum materials ‘independent of government’ (Oak 2012: 38) On the other, ministers will appoint the Chair of the arm’s length body and its non-executive directors. The arm’s length body’s budget, business plan, objectives and KPIs must be agreed by Ministers. The DfE’s Full Business Case document sets out all the objectives of Oak, pages 19 to 21. In reality, thus, Oak is a creature created by the DfE for the purposes of the DfE.
7. The creation of Oak 2.0 as an arm’s length body is not a guarantee of independence. Ministers have a record of intervention into arm’s length bodies. In February 2021, for instance, the Secretary of State for Media, Culture and Sport, Oliver Dowden ‘held a summit telling national museum heads and leaders from the National Trust, Historic England, the National Lottery Heritage Fund, and Arts Council England (ACE) how to implement the government’s “retain and explain” approach [towards the curation of materials associated with slavery].’ (Harris 2021). The Art Newspaper reported that ‘two former culture minsters, Ed Vaizey and Chris Smith, subsequently spoke out in defence of the “arm’s length” principle, which supposedly ensures national museums and organisations such as ACE can operate independently’, but is in reality breached by the government when need is seen to arise.
8. It may be ingenious of the Secretary of State to conclude that an arm’s length public body, presented as a teacher-led initiative, can rescue the DfE from the consequences of the widespread lack of trust and confidence of which it is obviously well aware. However, it is not reasonable to proceed on such a basis. The conclusions of opinion polls, union surveys, press enquiries and academic research all tend in the same direction: teachers and school leaders have little confidence in the current system of inspection and accountability; and they consider students’ learning and the school curriculum to be damaged by the effects of high-stakes testing. To proceed in the direction of a detailed, government approved plan for classroom teaching, without taking account of the climate of educational opinion, and the possibilities of a further worsening of relations between government and schools is an unreasonable and irrational step.
9. English schools have traditionally enjoyed a significant measure of autonomy, so far as the work of classroom teachers is concerned. This autonomy is not unrestricted. External organisations from the Schools Council in the twentieth century, to the Qualifications & Curriculum Authority in the early twenty-first century have had a significant influence. Examination boards, detailed regulatory requirements in some subjects, and the materials produced by commercial and non-profit publishers have likewise been important external influences. Nevertheless, the autonomy to design classroom materials and use them in their teaching is greatly valued by teachers, is widely regarded as an essential part of professional knowledge, is declared by many to be a powerful reason for remaining in the profession (NFER, 2020) and is associated by them with curriculum quality. The DfE’s neglect of this positive tradition of teacher creativity is remarkable. By proceeding on the basis of a paucity of information on current practice in English schools and its educational value, we respectfully submit the Secretary of State is acting unreasonably.

**Optionality**

1. An essential part of the Secretary of State’s case is that Oak’s curriculum materials will be provided at no charge and on an optional basis, with schools entirely free to choose whether to make use of them. This is a pledge which does not take account of longstanding realities of educational life. This includes the problems posed to school budgets by persistent underfunding, and the pressures exerted on schools by the current system of inspection and accountability.
2. The Government has promised more money for education in cash terms, with an 18.1% increase between 2021-22 and 2024-25. However, the Office for Budgetary Responsibility’s forecasts for the 2022 Autumn statement predicted a cumulative 25.4% RPI increase over the same period. Schools funding is facing further real-terms cuts as a result. The cost-of-living pressures facing schools and the wide variety of outcomes among schools were highlighted by research conducted by the National Foundation for Educational Research (NFER) which found that almost half of primary schools and special schools (at 49 and 48%) and two-fifths of secondary schools (at 41%) in England had or were expecting an in-year deficit in 2022/23 (NFER, 2023).
3. Statements made by the British Education Educational Suppliers Association and the Publishers’ Association are right to draw attention to a likely consequence of underfunding - a policy of steering schools to the cheapest option and the effective ending of genuine school autonomy in matters concerning the choice of curriculum materials. Our members want the best materials available. Their choices are based on their professional experience and judgment.

**Ofsted**

1. There are reasons to question the claim that the use of Oak materials will be optional. These reasons relate in large part to the role of Ofsted. Research suggests that the influence of Ofsted’s inspection agenda is already extraordinarily stifling of professional autonomy in our schools. Policy decisions at school level are ‘often being made to conform to Ofsted’s expectations and the influence on leadership and management [is] clearly apparent” (Perryman et al 2017, see also Colman 2020)
2. Ofsted is the statutory body established by the Education Act 2005 to inspect schools and certain other educational providers and to provide reports on their educational quality .We note that Ofsted’s Chief Inspector Amanda Spielman, speaking to the Schools and Academies conference has made clear that Oak curriculum materials will be *“aligned with Ofsted’s research”* (Spielman, 2022)*.* The NEU does not consider that Ofsted’s research can be relied upon. Neither the 2005 nor 2006 Acts give Ofsted any research function. It is not a research institution, comparable with a University. Its research reports lack the distinguishing characteristics of reputable research, notably peer review and transparency. Reports are anonymous and their authors are not accountable to the research community.
3. The claim that Oak’s materials will not be pre-approved by Ofsted (Booth, 2022) is looking increasingly questionable. On 13th March 2023 Oak announced that the Subject Expert Panels, set up to advise on the production of materials in the first wave of subjects, would each include an Ofsted Inspector. The Oak panels, also referred to as expert groups, in English, Maths, Science, History, Geography and Music each have a named Ofsted representative. Additionally, one of OAK’s board members, Sean Harford, was Ofsted's national director of education until August 2021.
4. it is inappropriate for Ofsted, via the speeches of its Chief Inspector and the presence of its staff on Oak committees, to be advocating for and developing the work of one particular provider of education materials. This will only occasion dismay in the sector, by whom Ofsted is seen as a failed institution, producing inconsistent inspection results and acting as a driver of excessive workload.

**Quality**

1. Oak intends to offer full curriculum packages to primary and secondary schools, that will provide units of learning and full sets of lesson materials across an entire year for each age group, from 5 to 16. The NEU sees this as an innovation of historic proportions, unprecedented in the history of English education. Currently, the Secretary of State sets out the Programmes of Study which comprise the National Curriculum. As regards the production of educational and curriculum material no previous government has sought to influence the educational work of schools with comparable scope and detail.
2. It would be reasonable to expect that, on the verge of adopting a new policy of historical significance, a government would commission wide-ranging research into schools’ experience of Oak 1.0, exploring in some depth the views of teachers and students and seeking external evaluation of Oak’s materials. Yet no such research has been commissioned. Oak, and the DfE, have preferred to rely on surveys of usage and satisfaction which do not address vital questions of educational quality (ImpactEd 2021, 2022, 2023). Similarly, there is no plan to assess the quality of Oak 2.0 material robustly and transparently, despite the amount of public money being spent commissioning them.
3. The case for Oak rests to an important extent on the claim that it will generate a curriculum of high quality. How quality might be defined is not a question which is engaged with. The DfE cites Ofsted’s Reviews of Curriculum Research as one of the key reference points for Oak, without acknowledging the fundamental criticisms that have been made of them by subject associations and expert bodies. The English and Media Centre (EMC) described Ofsted’s review of English as ‘out of keeping with the rigour and traditions required of the subject’ (EMC 2022). The Association of Mathematics Education Teachers, having scrutinised Ofsted’s Review of Mathematics, concluded that out of its 307 references only 45% could be described as fully accurate (AMET 2021). A special issue of the Language Learning Journal concluded that Ofsted’s research on Languages was ‘inevitably partial, and therefore ‘political’, and thus could not realistically claim the apparent objectivity of being ‘evidence-based’ or the democratic value of being ‘shared’’ (Pachler and Broady 2022). In summary, the question of educational ‘quality’ is far too uncertain to be determined by DfE fiat. The Secretary of State’s decision to proceed as if quality is an unquestionable element in Oak’s curriculum offer is unreasonable.
4. There are further weaknesses in the case presented by the DfE which call into question the reasonableness of the Secretary of State’s decision to establish the arm’s length body. Reasonable decision making requires a strong basis of evidence. It is a central part of the case of Oak and the Secretary of Statethat Oak’s resources have reduced teacher workload. This claim is weakly founded. The NEU’s annual State of Education survey asked 1,897 English state teachers who reported using Oak, *“How has Oak affected your workload?*” Responses indicated that 27% (+/-2%) reported that using Oak had decreased their workload, 69% (+/-2%) reported no impact and 5% (+/-1%) said that Oak had increased their workload. The first ImpactEd (2021) evaluation of Oak found that for 32% of senior and middle leaders using Oak resources had actually added time to their workload. According to the most recent evaluation by ImpactEd (2023) 54% of teachers who responded to a survey said that using OAK resources had not positively impacted on their workload while 6% said that Oak had actually added to their workload by an average of seven hours a week.
5. English schools have traditionally enjoyed a significant measure of autonomy, so far as the work of classroom teachers is concerned. This autonomy is not unrestricted. External organisations from the Schools Council in the twentieth century, to the Qualifications & Curriculum Authority in the early twenty-first century have had a significant influence. Examination boards, detailed regulatory requirements in some subjects, and the materials produced by commercial and non-profit publishers have likewise been important external influences. Nevertheless, the autonomy to design classroom materials and use them in their teaching is greatly valued by teachers, is widely regarded as an essential part of professional knowledge, is declared by many to be a powerful reason for remaining in the profession (NFER, 2020) and is associated by them with curriculum quality. The DfE’s neglect of this positive tradition of teacher creativity is remarkable. By proceeding on the basis of a paucity of information on current practice in English schools and its educational value, we respectfully submit the Secretary of State is acting unreasonably.

**Cost benefits**

1. Similarly, there are severe weaknesses in the case made by the DfE about the cost-benefits of centrally supplied resources – weaknesses which relate both to calculation of time saved and to economic benefit. The case on which the DfE relies is so weak that it cannot be used as a basis on which the Secretary of State might make a reasonable judgment. A “benefit assumption” made by the DfE in its business case, page 42 is that an *“estimated 1.6 hours of teacher time per week saved by using textbooks is generalisable to the use of Oak curriculum resources” (Frontier Economics, 2018)*. “This assertion of the estimated 1.6 hours is based on a “Frontier Economics” study on “Publishing’s contribution to school education” (2018). The business case acknowledges in a footnote, also at page 42 that Frontier Economics *“use textbooks in their analysis of teacher time saved due to curriculum resources”* but states that *“we make the strong assumption that this estimate is generalisable to online resources”.* This “strong assumption” is not supported with other evidence or argument in the business case.
2. Frontier Economics arrived at the 1.6 hours figure for teacher time saved per week by using data from a survey conducted by Harper Collins in 2016, with responses from just 595 teachers. The Harper Collins survey does not itself produce the figure of 1.6 hours of teacher time saved per week. The survey asked teachers to indicate how much time they save each week, with options split into different time bands; 0 hours, 1-2 hours, 2-5 hours, 5-10 hours. Frontier Economics then used the survey data to produce “a weighted average of time saved per week” which is claimed “would be around 1.6 hours”. Frontier Economics also note the following “limitations” to the estimate:
* Respondents for this survey were recruited openly through a website, we do not know whether they are representative of the overall population of teachers; teachers who choose to respond to a survey titled “textbooks matter” may well be those who value textbooks highly.
* In addition, there are two missing time bands (0-1 hours, 10-12 hours), which reduce the accuracy and robustness of these results.
1. While the figure of 1.6 hours is presented as an “estimate” within the business case, there is no discussion of the reliability or validity of the figure, given that it is derived from a heavily caveated calculation applied to a small survey which itself was limited and referred to the use of textbooks, not online resources.
2. There are also significant questions about the assumptions used in arriving at the monetised Present Value Benefit (PVB) for each of the options considered in the business case.
3. The document states that the DfE “adjusted the estimated benefits from saved teacher time for options 2 and 3 by 20% and 15% respectively to account for the lower likelihood of full benefits being realised under these options.” These adjustments down appear arbitrary and are not justified with any further evidence or argument. The business case simply states that “These figures are our best estimate on the difference in the magnitude of benefits between each option due to our limited evidence base on the impacts of each option.” The adjustment means that the Oak arm’s length body (option 4) has the highest PVB: £90.5m compared to £76.9m for option 3 and £72.4m for option 2.
4. In the absence of any detailed explanation, it seems reasonable to question:

1. The “assumption” that there was a lower likelihood of “full benefits” being realised under options 2 or 3 than under option 4.

2. The lack of explanation for the size of the percentage reduction applied to options 2 and 3.

**REFERENCES**

Association of Mathematics Education Teachers (Ashley Compton) (2021) Reviewing the Review. Mathematics Education 278

<https://www.atm.org.uk/write/MediaUploads/Journals/MT278/06.pdf>

Samantha Booth (2022), ‘Ofsted should check Oak lessons are up to scratch, think tank urges’, Schools Week, 23 August

<https://schoolsweek.co.uk/ofsted-should-check-oak-lessons-are-up-to-scratch-think-tank-urges/>

DfE (2022) Education Secretary promises to harness energy and expertise of teachers

<https://www.gov.uk/government/news/education-secretary-promises-to-harness-energy-and-expertise-of-teachers#:~:text=Speaking%20about%20the%20evolution%20of,our%20teachers%20and%20school%20leaders>.

DfE (2022) Curriculum Body Invest Co case number: 161 Full Business Case

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1114759/Oak_FBC.pdf>

English & Media Centre (2022) EMC Response to Ofsted Curriculum research review: English.

<https://www.englishandmedia.co.uk/blog/review-of-ofsted-curriculum-research-review-english>

English Association (2022) Response to the publication of Ofsted’s Curriculum Research Review series: English, July

<https://englishassociation.ac.uk/response-to-the-publication-of-ofsteds-curriculum-research-review-series-english/>

Frontier Economics (2018) Publishing’s Contribution to School Education.

<https://www.frontier-economics.com/media/1127/20180314_publishings-contribution-to-school-education_frontier.pdf>

Gareth Harris (2021) Fueling culture war, UK government forms new 'retain and explain' board for controversial monuments. The Art Newspaper 17 May.

<https://www.theartnewspaper.com/2021/05/17/fuelling-culture-war-uk-government-forms-new-retain-and-explain-board-for-controversial-monuments>

Gov.uk website DfE Policy Papers and Consultations. <https://www.gov.uk/search/policy-papers-and-consultations?keywords=DfE&content_store_document_type%5B%5D=open_consultations&content_store_document_type%5B%5D=closed_consultations&organisations%5B%5D=department-for-education&order=relevance>

ImpactEd (2021) Oak National Academy 2020/21 Evaluation Report

<https://sanity-asset-cdn.thenational.academy/files/cuvjke51/production/e14d5c1d9239c51ee51f9eac15fe332f0afdd7d7.pdf>

ImpactEd (2022) Oak National Academy 2021/22 Evaluation Report

Available at: <https://www.thenational.academy/about-us/board>

ImpactEd (2023) Oak National Academy 2022/23 Evaluation Report

<https://sanity-asset-cdn.thenational.academy/files/cuvjke51/production/b3816c4fd6b7e92d301bf034753f465be334bb7c.pdf>

Warwick Mansell (2022) Oak National Academy specification of what it says should be the “guiding principles” of five national curriculum subjects. Education Uncovered 28September

<https://www.educationuncovered.co.uk/news/159436/revealed-oak-national-academy-specification-of-what-it-says-should-be-the-guiding-principles-of-five-national-curriculum-subjects.thtml>

National Education Union (2022) School Cuts relaunch, <https://neu.org.uk/press-releases/schoolcuts-relaunch>

National Foundation for Educational Research (2020) Teacher autonomy: how does it relate to job satisfaction and retention?

<https://www.nfer.ac.uk/media/3874/teacher_autonomy_how_does_it_relate_to_job_satisfaction_and_retention.pdf>

National Foundation for Educational Research (2023) Cost-of-living crisis: Impact on schools

<https://www.nfer.ac.uk/media/j1qbbzwk/cost_of_living_impact_on_schools_school_provision.pdf>

Norbert Pachler and Elspeth Broady (2022) ‘Language policy, evidence-informed practice, the role of regulatory bodies and teacher agency’. The Language Learning Journal Vol 50 (2) 2022

<https://www.tandfonline.com/doi/full/10.1080/09571736.2022.2046379>

Oak (2021). Oak National Academy Annual Report, September 2020 — July 2021

<https://www.nationaldrama.org.uk/wp-content/uploads/ONA_Annual_Report_2021_v3.pdf>

Jane Perryman, Meg Maguire, Anne Braun, Stephen Ball (2017) Surveillance, governmentality and moving the goalposts: The influence of Ofsted on the work of schools in a post-panoptic era. British Journal of educational Studies 66 (2)

<https://www.tandfonline.com/doi/abs/10.1080/00071005.2017.1372560>

Priestley, M., Alvunger, D., Philippou, S. & Soini, T. (2021). Curriculum making in Europe: policy and practice within and across diverse contexts. Bingley: Emerald.

Brian Simon (1991) *Education and the Social Order 1940-1990* London: Lawrence & Wishart, quoted in Gillard, Derek, Education in England, Chapter 12

<http://www.educationengland.org.uk/history/chapter12.html>

Spielman, Amanda (2022) Amanda Spielman's speech at the 2022 Schools and Academies Show

<https://www.gov.uk/government/speeches/amanda-spielmans-speech-at-the-2022-schools-and-academies-show>

John Yandell (2020) Learning under Lockdown: English teaching in the time of Covid-19, Changing English, 27:3, 262-269, DOI: [10.1080/1358684X.2020.1779029](https://doi.org/10.1080/1358684X.2020.1779029)

This article is attached.

**Further references, relating to the claim in this sentence:**

The conclusions of opinion polls, union surveys, press enquiries and academic research all tend in the same direction: teachers and school leaders have little confidence in the current system of inspection and accountability; and they consider students’ learning and the school curriculum to be damaged by the effects of high-stakes testing

Association of School and College Leaders, The Future of Inspection <https://www.ascl.org.uk/ASCL/media/ASCL/Our%20view/Campaigns/The-future-of-inspection-an-ASCL-discussion-paper.pdf>

McPherson, C. at al (2023) Schools for all: Young People’s Experience of Alienation in the English Secondary School System. Kings College London/Edge Foundation. <https://www.edge.co.uk/documents/349/DD0940_-_Young_Futures_Young_Lives_FINAL_JVbavJ7.pdf>

More Than a Score (2023) Primary Assessment Research Briefing <https://www.morethanascore.org.uk/wp-content/uploads/2023/02/Primary_Assessment_Research_Briefing.pdf>

National Association of Headteachers, Structures, Inspection and Accountability (nd but current) <https://www.naht.org.uk/Our-Priorities/Our-policy-areas/Structures-inspection-and-accountability>

National Education Union (2022) State of Education: Ofsted. <https://neu.org.uk/press-releases/state-education-ofsted>

Perryman, J. and Calvert, G. (2020) What motivates teachers to teach and why do they leave? British Journal Of Educational Studies 66 (2) <https://discovery.ucl.ac.uk/id/eprint/10068733/3/Perryman_Teachers%20Leaving%20revised%20final.pdf>

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