

# Report of the Deputy Director to the meeting of Children's Services Overview and Scrutiny Committee to be held on 26 July 2016.

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**Subject:****The Changing Educational Landscape****Summary statement:**

Published in March 2016, 'Educational Excellence Everywhere' White Paper sets out this Government's ambitions for the future of education and the approach they will take to realise this ambition. The title 'educational excellence' articulates the twin ambitions of the Government: to champion excellence and set high aspirations for all children so that outcomes are not dependent on affluence or geography. The paper accelerates the Government's ambition for all schools to be removed from LA control, becoming academies by 2022.

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**Overview & Scrutiny Area:**

Children's Services

## 1. SUMMARY

- 1.1 Published in March 2016, 'Educational Excellence Everywhere' White Paper sets out this Government's ambitions for the future of education and the approach they will take to realise this ambition. The title 'educational excellence' articulates the twin ambitions of the Government: to champion excellence and set high aspirations for all children so that outcomes are not dependent on affluence or geography. The paper accelerates the Government's ambition for all schools to be removed from LA control, becoming academies by 2022.

## 2. BACKGROUND

- 2.1 In light of the policy changes set out in the White Paper:

### Local Authorities (LA) :

- will no longer maintain schools by 2022, all schools will be academies or in the process of becoming academies. Local Authorities, therefore, will step back from running schools and will focus instead on delivering and strengthening core functions.
  - will no longer be responsible for school improvement, moving to a school-led system.
  - will no longer allocate local funding – this will be taken over by the National Funding Formula
- 2.2 Implications for the roles of the Director of Children's Services and the Lead Member for Children will be reviewed. The LA will take on a more focused and clearly-defined remit. These duties focus on three areas:
- a. **Ensuring every child has a school place:** that there are sufficient school, special school and alternative provision places to meet demand. Local Authorities will retain responsibility for this in a fully academised system. The government will support them by continuing to provide substantial funding to allow to deliver sufficient places, as well as by creating places through the free schools programme. Where Local Authorities are failing in this duty, the government will not hesitate to intervene. Local Authorities will also work with schools and parents in developing local school transport policies and take a lead in crisis management and emergency planning.
  - b. **Ensuring the needs of vulnerable pupils are met:** identifying, assessing and making provision for children with SEND and Looked After Children, ensuring that alternative provision is available for headteachers to commission for children and young people excluded from school, leading on safeguarding responsibilities for all children.
  - c. **Acting as champions for all parents and families:** listening to and promoting the needs of parents, children and the local community by supporting parents in navigating the system through a continuing role in admissions. Supporting children, young people and parents to navigate local SEND arrangements.

2.3 Local Authorities will continue to act as advocates for their electorate, challenging school providers to deliver high educational standards and better outcomes for children.

2.4 **Empowering pupils, parents and communities, with a clearly defined role for local government**

This change will help us to continue to empower local communities, putting children and parents first and clearly defining the role of local government. The DfE will:

- a) Continue to encourage high performing maintained schools to put forward applications to become academies by 2020
- b) Implement measures in the Education and Adoption Act so that all inadequate schools become sponsored academies and coasting schools are challenged.
- c) Take powers to direct schools to become academies in underperforming local authority areas or where the local authority no longer has capacity to maintain its schools; or where schools have not yet started the process of becoming an academy by 2020
- d) Promote greater collaboration between schools, particularly through multi-academy trusts (MATs) which we expect most schools will join and intervene promptly where academies or MATs are underperforming
- e) Engage MATs, sponsors, academies, dioceses and the wider schools sector to create a legal framework for academies that is fit for purpose for the long term
- f) Define the role of Local Authorities in education: ensuring every child has a school place, that the needs of all pupils are met, and championing parents and the local community. Local Authorities will step back from maintaining schools and school improvement

2.5 The DfE will continue to work with Local Authorities and other public sector bodies to secure sites for new free schools and introduce measures that will enable the Secretary of State to require the use of local authority land for new free schools.

2.6 **Improving support for children with additional needs**

2.6.1 Through the SEND Code of Practice, the DfE have strengthened the requirements for schools to engage parents in determining the type of support their child receives and the outcomes they can expect for their child. Local Authorities must publish a local offer of services for children and young people with SEND, which they are required to co-produce with local parents and young people.

2.6.2 The DfE have also introduced different needs assessment processes, coordinated across education, health and care. This includes the integrated Education, Health and Care (EHC) plan; and the right for young people and parents of children who have EHC plans to request a Personal Budget. We are closely monitoring the implementation of these reforms.

Ofsted and the Care Quality Commission commenced inspection of local area implementation in 2016, focusing on how well the needs of children with SEND are identified and met, and how well local agencies (including health and social care) work together to do so.

- 2.6.3 The government funds Parent Carer Forums in every local area to work with Local Authorities and other statutory services to improve local SEND provision. Parents continue to have a right to appeal to the SEND tribunal in certain circumstances relating to their child's Education, Health and Care needs assessment and plan, and in relation to disability discrimination claims.
- 2.6.4 Recognising that their experiences before entering care often have a significant impact on looked-after children, the DfE will explore with Local Authorities how to measure the educational progress of children in their care, to encourage high aspirations for these children that help them reach their full potential.
- 2.6.5 Recent school performance data confirms that adopted children significantly underperform compared to children who have never been in care. The DfE will therefore consider changing legislation to extend the current role of Virtual School Heads and the role and responsibilities of the school designated teacher for looked-after children so that they continue to support children who have left care under an adoption order. These changes, coupled with the recent extension of the pupil premium and priority school admission, will enable adopted children to retain the educational support they had whilst they were in care and help improve their educational outcomes.

## **2.7 A developing funding structure**

- 2.7.1 From 2017 it is likely that schools, even those that are still maintained by the LA, will be effectively directly funded by the government; an incremental process that may eventually miss out the LA altogether in the funding arrangements. This will evolve through the introduction of a new, national funding formula for schools and for allocating high needs funding to Local Authorities for Special Educational Needs and alternative provision. Consultation has taken place and the outcome should be known imminently. There will be a two year period in which Local Authorities will continue to set a local formula – after that, there will be a shift to a single national formula determining each school's funding.
- 2.7.2 Budgets for Alternative Provision are held by the people commissioning and accountable for performance. There will be a consultation on any consequential changes to AP funding arrangements
- 2.7.3 The government plan to continue the two phases of the £4.4 billion Priority School Building Programme (PSBP), rebuilding or refurbishing over 500 of the worst condition schools in the country by 2021. As more schools become academies, responsibility for managing condition budgets will move from Local Authorities to academies. In the interim, Local Authorities will continue to manage capital

allocations for maintained schools – when those maintained schools have become academies, this duty will fall away.

## **2.8 Reforming alternative provision (AP)**

2.8.1 By every objective measure, pupils who have spent time in alternative provision (AP) do considerably worse than their peers. Very few achieve the qualifications that will help them succeed in adult life and they are considerably more likely to become NEET (not in education, employment, or training).

2.8.2 So that mainstream headteachers can commission the right services, Local Authorities will retain a role in ensuring sufficiency of AP in their area. New, innovative and specialist provision will be developed through the free schools programme.

2.8.3 Mainstream schools will support AP providers to deliver a broad and balanced curriculum and high quality teaching by sharing subject specialists and facilities that smaller alternative providers would otherwise find hard to access.

2.8.4 Local Authorities and the Regional Schools Commissioners (RSCs) can work together to agree where a warning notice should be issued to a maintained school, although ultimately RSCs' powers to intervene will take precedence. When all schools in a local authority area have become academies, Local Authorities' powers in this area will fall away.

## **3. OTHER CONSIDERATIONS**

### **3.1 School Status and Governance**

- All schools will be academies by 2022. The preferred process for conversion is through 'Multi Academy Trusts' (MATs) rather than as SATs (Single Academy Trusts). The creation of MATs will formalise current collaborations/partnerships through establishing governance arrangements across groups of schools.
- There are different governance arrangements for MATs but all will have one overarching Governing Body with local governance delegated to individual schools within the Trust. The amount of Local Governance a school retains will be informed by their Ofsted status.
- Approval for proposed MATs is through local Headteachers Panels chaired by the Regional School's Commissioner.
- To accelerate academisation, land can be transferred directly to the Secretary of State rather than released to the MAT or Academy sponsor. Currently land is transferred from the LA to the academy on a 125 year lease; this will still occur but the Secretary of State may assume ownership to accelerate the process. There is a commitment that faith schools will also become academies whilst maintaining the ethos of the diocese (this had previously been opposed owing to land issues).

### **3.2 System Leadership**

- The thrust of the paper is about schools enjoying increased autonomy and the LA stepping back from delivering school improvement. This would further brokerage of support from high performing schools, teaching schools and through the

deployment of NLEs (National Leaders in Education), SLEs (Subject Leaders in Education) and NLGs (National Leaders of Governance).

- The paper has a clear focus on 'system leadership' that aims to identify good practice across the LA and use this to build capacity across all schools, learning from what works.

### **3.3 New Lines of Accountability**

- The powers associated with Regional Schools' Commissioners (RSCs) have been increased; RSCs can issue a 'Notice to Improve' directly to a failing LA maintained school without negotiation with the LA.
- There will be a framework established to demonstrate how MATs are performing.
- It will become easier for schools to move from one MAT to another if it is proven to be ineffective.
- Parents will have a greater influence and can make requests to the Secretary of State for a school to move from one MAT to another if it is proven to be ineffective.

### **3.4 Partnerships**

- There are many strong partnerships that already exist within Bradford and schools do feel a strong affinity to Bradford as a Local Authority.
- There are formal partnerships with Multi Academy Trusts and Faith Trusts, these are sponsor driven and not geographical, some Bradford based Trusts have schools beyond the Bradford boundary.

### **3.5 Costs of conversions**

- It has to be acknowledged that there is a cost to converting schools to academies. Those schools that are deemed to need to go to academy (sponsored conversions) leave any debts with the local authority. Then there is the question of land and the costing implications will need to be explored in some detail.

## **4. FINANCIAL & RESOURCE APPRAISAL**

There are potentially significant financial issues.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

None

## **6. LEGAL APPRAISAL**

None

## **7. NOT FOR PUBLICATION DOCUMENTS**

None

## **8. APPENDICES**

None

**9. BACKGROUND DOCUMENTS**

None

**10. Recommendations**

The report is received and the implications of the White Paper considered.