

The Association of Directors of Children's Services'

Response to the Education Bill

Summary

- The Education Bill allows for all new schools to be academies or free schools. We believe that this will:
 - decrease the ability of the local authority and community to make local choices for their area about types of school provision;
 - potentially increase costs incurred in the building of new schools by allowing the Secretary of State to approve an academy that will not provide sufficient pupil numbers.
- School to school collaboration is one of the best evidence based means of improving school performance. It is of concern that the result of some of the most successful collaborations – federated schools - are now threatened by provisions in the Education Bill to allow individual schools to break away from collaborative federations to become academies.
- The Bill in its current form allows for the Secretary of State and parents to request an inspection – we propose that local authorities should also have this power, in order to fulfil their responsibilities as champions of excellence for children and families.
- ADCS supports the abolition of the Young People's Funding Agency and hopes for reduced bureaucracy from any successor organisation, whatever its form, though previous experience of government agencies does little to reinforce that hope.
- We agree with the Select Committee report into behaviour in schools that a focus on a narrower curriculum at GCSE, as promoted by the creation of the English Baccalaureate will have a detrimental impact on those young people who already struggle to engage in school life.
- It is still unclear how vocational training will be delivered and whether it will offer an alternative route to the English Baccalaureate. This issue must be resolved in order to give schools and headteachers sufficient clarity to build a curriculum offer that meets the needs of all pupils
- The removal of the duty to cooperate from schools will reduce the strength of the partnerships in local areas focussed on improving wellbeing, removing barriers to learning and keeping children safe. In future partnerships will be entirely voluntary, requiring a new leadership role for local authorities based on the DCS' statutory responsibility for improving all outcomes of children and young people.

1. Introduction

- 1.1. This paper provides a brief response from the Association of Directors of Children's Services to the measures laid out in both the Education White Paper and the Education Bill. The Association of Directors of Children's Services is the professional leadership association for Directors of Children's Services in local authorities and their senior management teams. Directors of Children's Services have statutory responsibility for improving all outcomes for children and young people in their area. This response seeks to link changes in the education system with the wider role of the local authority and in the context of wider children's services and therefore addresses issues of the local authority's role in education, funding issues, including the funding of new schools, and the impact of the proposed changes on children's wellbeing.
- 1.2. The Education Bill has been presented as improving both the freedom of schools to act in the best interests of their pupils and in improving accountability for those actions. These aims are progressed through the removal of duties and reporting requirements and structural change in the form of the promotion of academies and free schools. We have previously stated our concerns that academy freedoms should not allow for the creation of a two tier system and that a managed transition to a system in which all schools benefit from academy freedoms is preferable. However, we are concerned that the Education Bill's presumption that new schools will be academies or free schools and the presumption that structural change is the preferred solution for struggling schools, does not allow for the managed transfer that we had envisaged.
- 1.3. The Schools White Paper promised further development of the strategic role of the local authority in promoting excellence and fairness in the education system – there is little in the Education Bill to support this development and much to fragment the system that currently exists. As senior managers accountable for educational outcomes locally we are concerned by the potential impact that the changes will have on our ability to meet our responsibilities, both in terms of improving education and in supporting the wider well-being of children and young people. Educational attainment is clearly linked to economic regeneration and to a local authority's place-shaping role.
- 1.4. As more providers enter the system, there is a clear need for oversight of the capacity within the local school system, both the capacity to supply a good education to all pupils, as well as the capacity of local schools to improve and support each other to do so. This role requires the ability to influence the expansion of good schools, the placement and character of new schools and the ability to decommission poor provision to make way for new. All of these form part of a

strategic commissioning role that should be played by local authorities who are close to their communities, rather than from Whitehall.

2. New schools

- 2.1. The Education Bill makes the Secretary of States intention for all new schools to be academies very clear and in doing so dilutes the role of the local authority in establishing new schools in order to meet the statutory duty placed on local authorities to ensure sufficient places for all children and young people in their area. The Bill makes provision for a proposal for an academy to be approved by the Secretary of State in advance of consideration of other alternatives, and allows for the acceptance of such a proposal even where it does not meet the needs of the area in terms of places provided. This will place additional cost burdens on the local authority, particularly in terms of capital if two smaller schools are to be preferred to one larger school, while reducing the rigour with which decisions about new schools are made and reducing the role of the local community in those decisions.
- 2.2. The White Paper describes the role of the local authority as maintaining a strong supply of schools, rather than places. There is little acknowledgement of the necessary surplus places that are associated with providing choice in schools. Moves towards a more pupil based funding system will need to accommodate the funding of surplus places. To this end, we are pleased that basic need capital has been retained for distribution by local authorities, allowing a demonstration of the strategic oversight required in this area.
- 2.3. The establishment of new schools in response to parental demand, so called free schools, is presented as extreme localism, removing decisions from the "distant" local authority into the hands of parents and communities. In reality, many new schools will be part of national chains of academy providers and under the scrutiny of the Secretary of State – both of which may be significantly further away from the community that the school serves.

3. School improvement

- 3.1. Academy freedoms are not the only solution to school improvement, nor are they necessarily a panacea for all problems. Local authorities are experienced at building families of schools to drive improvement as well as other forms of school to school collaboration and use their local knowledge to broker the most appropriate support, which will differ from school to school. We acknowledge that some local authorities are better at this work than others and so the White Paper is right to envisage some local authorities continuing to do this, where they have the expertise in house and where schools choose to purchase these services.

- 3.2. Collaboration is a proven method for improving schools, whether they are currently struggling to meet expectations or are simply looking to secure continuous improvement. Some schools will not want to convert to academies and there must be a sustainable system of improvement support for these schools to access so that the conversion process remains truly voluntary. It is of concern that the result of some of the most successful collaborations – federated schools, are now threatened by provisions in the Education Bill to allow individual schools to break away from collaborative federations to become academies.
- 3.3. Allowing excellent school improvement services in local authorities to expand outside of their boundaries will help to ensure that schools in those local authorities which do not continue to provide improvement services directly have access to a suite of services appropriate for their schools. Local authorities are keen to work with the National College for Leadership in Schools and Children's Services in developing a framework that allows individual local authorities, and collaborative activities between local authorities, to build on their existing strengths in this area, while recognising that local authorities vary in their ability and willingness to provide school improvement services.
- 3.4. Reducing the frequency of inspection of certain types of schools in order to reduce bureaucratic burdens must be balanced with a responsive system when there are indications of falling performance. The Bill in its current form allows for the Secretary of State and parents to request an inspection – we propose that local authorities should also have this power, in order to fulfil their responsibilities as champions of excellence for children and families.
- 3.5. There are a number of elements in the Bill that reduce local authority access to important “soft intelligence” about school performance – including the removal of the duty to appoint a School Improvement Partner and the removal of the requirement to have an LEA governor.
- 3.6. For 16-19 provision, the use of “lagged numbers” to allocate funding – i.e. funding based on the previous year's pupil numbers - reduces the ability of the local authority to ensure a broad curriculum is offered across the locality and the ability to decommission poor provision.
- 3.7. There is not yet a tried and tested system in place for managing academies that fail, either in improving attainment or financially and these academies do exist. These risks will be higher where a new school is created from scratch, rather than converting an already existing school, particularly if local demand for places are not taken into account at the approval stage. The role of the local authority in raising the alarm over failing academies is not yet clear – this must be a vital component of any “local” system. We are concerned that the level of scrutiny of academies will fall as the number increases as it is unclear if the Department for Education has the capacity to monitor such a large number of schools.

4. Removing barriers to learning

- 4.1. The proposed removal of the duty on all schools to co-operate with other services on improving children's wellbeing threatens to fragment a system that has been successful in removing the barriers to learning that some children face.
- 4.2. The role of the local authority in planning and providing support services for children's wider needs is key to removing barriers to learning as is the work of the Children's Trust in bringing together available resources to plan a coherent and holistic approach to children's services. These partnerships are better developed in some areas than others, and some schools are more involved in these partnerships than others. We are concerned that the removal of these duties to co-operate will leave those schools unwilling to participate without the support of the wider education system in tackling these problems and that pupils' attainment will suffer.
- 4.3. The local authority has very few levers remaining to ensure that the wider needs of children and young people are addressed, both in and out of school and so will need to develop a stronger leadership role. The report from the Munro review of child protection is clear that universal services such as schools must have a role in identifying children at risk of harm or in need of support. Co-ordination of such efforts will be vital if children are not to fall through the gaps between services and to make the best use of resources. Local authorities will be focussing on their statutory responsibilities for all outcomes for all children in the local area and building relationships with schools based on these shared priorities. We believe that much of this work could benefit from being done through the identification of families of schools, whether linked geographically or through governance structures, and engaging all schools in a cluster in providing broader support for the children in the communities served.
- 4.4. We agree with the Select Committee report into behaviour in schools that a focus on a narrower curriculum at GCSE, as promoted by the creation of the English Baccalaureate will have a detrimental impact on those young people who already struggle to engage in school life. It is still unclear how vocational training will be delivered and whether it will offer an alternative route to the English Baccalaureate. This issue must be resolved in order to give schools and headteachers sufficient clarity to build a curriculum offer that meets the needs of **all** pupils. We would be concerned if the effect of the introduction of the English baccalaureate led to fewer subjects being offered for study at GCSE. We will be responding to the consultation on the National Curriculum in due course.

5. Funding arrangements

- 5.1. The risks associated with dramatic changes in funding, such as the introduction of a pupil premium, moves towards a national funding formula and the devolving of significant funds

without ringfencing to schools should be acknowledged. Many schools, particularly primaries may find managing their finances increasingly difficult as these funding streams change. Alongside reductions in local authority funding and support for schools, inevitable given the reductions to local government funding, schools will find themselves responsible for significantly more funding decisions than currently. For some this will bring new freedom, for others more difficulty. In addition, some schools, even good or outstanding ones, will find that they are unable to attract sufficient pupils to cover their running costs and will close for financial rather than performance reasons. The turbulence that changes to funding will cause needs to be limited through clear communication with both local authorities and schools, through early warning of potential changes and through open discussion of the potential impact of any changes before they are implemented. ADCS is keen to work with the Department and colleagues in schools and local government to develop a formula for schools funding that both provides a basic unit of pupil funding but allows for local discretion in distribution among local schools.

- 5.2. ADCS supports the abolition of the Young People's Funding Agency and hopes for reduced bureaucracy from any successor organisation, whatever its form, though previous experience of government agencies does little to reinforce that hope.