



ADCS Policy Paper

A future vision for the education system

November 2023

Executive summary

The education system in England is increasingly fragmented and lacks coherence, locally, regionally and at the national level. Since 2010 the role of local authorities (LAs) in education has been partly eroded by design due to a shift from an LA led and coordinated system to one that is less rooted in place. Schools and trusts now operate in a more autonomous environment that has incentivised greater competition between individual schools, coming at the expense of inclusion. Recent reforms have not centred on the needs of all children and young people, instead having the opposite effect of marginalising learners who are not well suited to the current high stakes system that prizes academic attainment and inspection outcomes above all else.

Education is about more than just the acquisition of qualifications; it should also prepare children and young people to become active citizens of the future. The purpose of education therefore needs to be re-considered so that it is inclusive of all learners. The early years and further education (FE) sectors are critical to improving social mobility by addressing emerging needs early and allowing young people to pursue a range of skills and qualifications via vocational routes. Both sectors have suffered due to a sustained policy focus on the school system and an absence of both a long-term strategy and adequate funding.

There is a clear need for the government to articulate a long-term vision for the entire education system. Members of ADCS believe this must be rooted in place and inclusive of all children and young people's needs. The role of the LA as leader of place is central as a holder of multiple statutory responsibilities in relation to education (although the powers and funding to fulfil these important duties have been eroded over time). LAs, and their partners, have a strong understanding of local need and context; this expertise must be better recognised and harnessed going forward. More recently, schools, LAs and academy trusts have benefitted from the development of place-based school partnerships through strong collaboration and driven by a shared moral purpose. A growing body of evidence suggests that this approach is beneficial for children and young people who are at greater risk of exclusion. ADCS therefore calls on government to move to formalise and empower place-based partnerships. Such powers should include the ability of partnerships to hold the system to account, including decisions such as which academy trusts should operate in a locality, and matching local schools with different trusts.

The recent Schools White Paper (DfE, 2022) sought to address many of these issues by clarifying the roles of each actor in the system. ADCS believes the government should revisit the White Paper to revive the tools to create a more coherent education system. This should include the introduction of a collaborative standard for academy trusts; powers for LAs to co-ordinate in-year admissions for all schools; backstop powers to compel any state-funded school to admit a child; the introduction of a national register of children not in school; and the ability for LAs to form multi-academy trusts to meet local need.

A coherent vision for the education system must be backed by the required funding to support children and young people to thrive. The education system has experienced real-term budget cuts across early years settings, schools and FE settings and capital investment to maintain existing schools and build new ones has plummeted. The crumbling school estate, record closures of early years settings and growing high needs

budget deficits, partly driven by a lack of special free schools, starkly illustrates this point. The government must provide the resources needed to address these immediate pressures and be more ambitious, recognising the benefits of investing more in children and young people's futures and the future of the country.

ADCS has put forward a series of recommendations to bring about such improvements, including longer term strategic planning, greater investment in children's education and their futures and a long-term plan for post-pandemic recovery, which should address mental health and wellbeing challenges as well as lost learning.

A future vision for the education system

Introduction

The education system in England has undergone significant and prolonged change over the past decade. The school system in particular has experienced various reforms regarding funding, curriculum change and structure. As a result, it has become fragmented, leading to discordant and unconnected actions. Education is a fundamental right for all children and young people, it is central to achieving a more equal society, where every child is given the same opportunity, regardless of background, to pursue their interests and achieve their potential. A good education can be transformative, both academically and socially, and offers children a strong sense of belonging. It is a protective factor for more vulnerable children who can benefit most from a consistent and nurturing environment with professionals who can help them grow and develop confidence and skills.

Since 2010, the role of local authorities (LAs) in education has been partly eroded due to a shift by design from an LA led and coordinated system to one that is fragmented and less rooted in place. Schools and trusts now operate in a more autonomous environment that has incentivised greater competition between individual schools at the expense of inclusive practices. The rapid growth in the number of academy schools and multi-academy trusts (MATs) over the past decade has accelerated this with nearly half of all schools now academised ([NFER, 2023](#)). The system of competition, as seen through the introduction of league tables and a sharper focus on inspection outcomes, pre-dates the existence of academy schools and has partly defined the school system in England for the past few decades. It is right that all schools should strive to secure the best outcomes for their pupils, however, this sense of competition between individual schools has been intensified due to a shifting accountability system focussed now almost entirely on judging schools on the academic attainment of pupils.

Both the early years and further education (FE) sectors have suffered due to an absence of a long-term strategy and adequate funding. Each sector is critical to improving social mobility, both in the vital early years and in post-16 education where young people can pursue a range of skills development and qualifications that suit their strengths. The government must recognise the importance of these sectors and regard them as an investment, not a burden. The FE sector in particular plays a key role in supporting young people who may have not engaged well with the academic focus of the school curriculum and prefer more hands on, vocational routes.

However, we are now seeing more children and young people who are less engaged with the education system. This is reflected in the rising number of school exclusions, a significant increase in levels of persistent absenteeism and a year-on-year increase in the number of children who are electively home educated (EHE). The government must do more to provide opportunities to engage with this cohort of young people by offering a wide range of training options and qualifications through better resourcing of FE settings. The government's decision to remove funding for a number of qualifications for 16-19 year olds will only serve to disengage more young people from education and training. Our education system must serve all children and young people and not just those able to engage with a narrow academic focus.

There is a clear need to articulate what the government's vision for the education system is and how it can best support all children and young people. Significant churn at the national level, including five holders of the role of Secretary of State for Education since the 2022 Schools White Paper was published, means that there is not a clear and consistent direction with the present national arrangements for education, further exacerbating the lack of local coherence across the country. Now is the time to ask ourselves, what is education for and how does it meet the needs of children and young people today?

Context

The school system in England is complex having undergone radical reforms over many years. The Academies Act 2010 accelerated the rise in the number of academies and trusts, largely within the secondary school sector. The government has variously expressed a commitment to achieving a fully academised school system, a promise that was outlined in the 2016 White Paper [Educational excellence everywhere](#) and more recently in the 2022 White Paper [Opportunity for all](#), which set the ambitious target of achieving full academisation by 2030. A number of the reforms set out in the 2022 White Paper required legislation, however, the Secretary of State for Education confirmed in December 2022 that the associated Schools Bill would not progress through Parliament. Therefore, the viability or longevity of what is set out in the White Paper remains unclear. The government has since reiterated its ambition for a fully academised system ([House of Commons, 2023](#)) and has outlined its commitment to "some aspects of the Bill", yet it has not outlined how it will resolve the myriad issues that resulted in the Bill being withdrawn. In the meantime the system remains complex and fragmented. There is now a far greater emphasis on parental selection of school as a mechanism for school improvement. While this has existed for a number of decades, the Institute for Fiscal Studies ([IFS, 2022](#)) has found that children from the most disadvantaged backgrounds are more likely to attend the lowest performing schools and make slower educational progress than their more affluent peers, thus widening the attainment gap. This is an inevitable consequence of a system predicated on parental preference.

A slim majority of schools are still maintained by LAs and a substantial number of academies remain in single or small trusts. There has been an uneven rate of academisation across different regions and it has slowed in recent years with government interventions in underperforming schools applied inconsistently across the country. This has resulted in a confused system with various lines of accountability and competing priorities whilst new types of school, including free schools, studio schools and university technical colleges have been introduced over the past decade. The government's [Academies regulatory and commissioning review](#) (DfE, 2023) has recently attempted to resolve some of these issues by outlining a more coherent system, in collaboration with LAs, schools, parents and carers, with a greater focus on inclusivity. However, this can only be achieved by moving away from an approach predicated on fragmentation and competition to one of integration and system wide strategy based on place.

The recent Schools White Paper also included a commitment to consult on a new backstop power for LAs to direct trusts to admit children 'as a final safety net', something that was welcomed by ADCS members, particularly in relation to in-year admissions. If LAs were given this power, it would provide some of the levers needed to help ensure the

system works for all children and young people, including those with special educational needs and disabilities (SEND) and children in care. Without these powers, it is not clear how meaningful change will be achieved. Indeed, the vision set out in the 2023 [SEND and alternative provision \(AP\) improvement plan](#) relies, in part, on an inclusive education system where schools, regardless of type, are incentivised to support all children who would benefit from remaining in mainstream education.

A coherent, overarching long-term vision and strategy for the education system is urgently needed. This must clearly outline how to achieve a system that seeks to support all children and young people in a truly inclusive education system whilst recognising the importance of place and the strong link between education settings, communities and LAs as leaders of place. There are a number of key reform programmes currently in progress across SEND and children's social care. A common thread running through each of these is the need for the system to join up to meet the holistic needs of children and young people. Each part of the system must be equipped to provide children with the best and most appropriate support whilst easing pressure on other services.

The lasting effects of the pandemic on children's development and educational outcomes will be felt for many years to come. For some children and families, the social contract with schools was damaged by lockdowns and the disruption from enduring social distancing measures, for others poor mental health and wellbeing are the concern. Children sacrificed months of their learning during partial school closures and we are now seeing some of the impact, however, many teachers report being unable to access mental health services or other relevant support to help address this. A long-term vision and strategy must include a **plan for post-pandemic education recovery with adequate funding to reflect its ambition. This should take a holistic view of the experiences of children and young people including their mental health and wellbeing challenges.**

A vision for the education system

What is education for?

Research and experience clearly shows that the early years present the best opportunity to close the attainment gap, yet the government has not targeted investment at the most vulnerable children and families where the biggest impact would be clearly seen. Despite ongoing national investment in the sector, its focus is primarily on childcare to support parents and carers to return to work or increase their working hours rather than early education and improving children's outcomes. Only by targeting funding towards the most socially and economically disadvantaged can we effect generational change. The early years workforce plays a vital role here, particularly in closing the attainment gap, the development and growth of this workforce must be a priority for government.

The government's flagship 30-hours 'free' childcare policy for working parents of three and four-year old children effectively excludes those children with parents who are not in employment or who are in insecure work, however, individuals who earn up to £100,000 per annum can benefit from this offer. The funding attached to the 'free' childcare offer is insufficient to meet actual costs, with many settings levying additional charges and costs to make up the shortfall. The recently announced extension of free childcare will exacerbate this picture further, leading to more closures, unless government addresses this

fundamental issue. ADCS believes the unique ability of the early years sector to close the attainment gap must be at the heart of designing and implementing any future reforms.

Schools sit at the heart of our communities, they are not just places where children and young people develop academically, but socially and emotionally too. The national curriculum of the day should prepare young people to successfully transition from adolescence to adulthood. Children and young people are less likely to achieve good outcomes, or continue with further learning or training, if they are detached from the education process. A growing number of learners do not see a narrow, academic curriculum as relevant to their lives, now or in the future, leaving them at a higher risk of not engaging with further studies or training. Not only does this alienate individuals from the education system, but there are also national impacts and consequences regarding the country's future economy in terms of earnings and unemployment figures. This is even more concerning in the context of school attendance not returning to pre-pandemic levels and the number of children who are persistently absent continuing to rise. There is a strong correlation between poor attendance and children who have a social worker, live in poverty or have additional needs. The reasons for this must be explored, not just through the lens of the pandemic but also with an understanding of the systemic issues that act as barriers to attendance. For example, there is a clear link between what is offered in the national curriculum and achieving a more inclusive education system, but the lack of emphasis in the curriculum on enrichment learning, the arts or the loss of vocational subjects runs counter to achieving this aim. For some learners, vocational routes offer the best opportunity for study and development, yet they remain chronically undervalued and underfunded. The government's decision to remove funding for qualifications at Level 3 and below that overlap with the new T Levels, whilst also 'streamlining' the number of qualifications at Level 2 and below, is adversely impacting disadvantaged students who will not have access to courses that suit their strengths, learning style or preferences. Consequently, for some young people progression to Level 3 will not be possible. ADCS members are concerned that T Levels alone will not meet the learning needs of all young people wanting to progress into further education, particularly those who would benefit from a more flexible pathway that a T Level cannot offer; the study and assessment model does not suit all learners' needs and abilities. The government must recognise the value of qualifications at Level 3 and below that allow many young people to remain in education, achieve a recognised qualification and gain valuable skills to work in sectors that face severe recruitment and retention challenges. ADCS would welcome **a greater national focus on, and investment in, the early years and FE sectors to harness their ability to improve social mobility and close the attainment and skills gap.**

Education is about more than just the acquisition of qualifications, it should also prepare children and young people for the future to become active citizens. The purpose of education therefore needs to be re-considered so that it is inclusive of all learners and incentivises schools to keep children in mainstream education where it is in their best interests and enables all children, whatever their ability or background, to realise their ambitions. The diversity of a school population, including cultural and social diversity, should be both celebrated and harnessed by leaders. Learners should be encouraged to use their creative skills, be intellectually curious and socially and morally responsible by taking an active, positive role in their local community. Schools should foster a culture of 'belonging' so that children see school as a safe place in which they are free to thrive.

This requires a curriculum that empowers all students to develop into confident adults by appealing to all types of learners from every background, including those with SEND or those eligible for free school meals. Sadly, too many children feel detached from the curriculum; research published by Edge Foundation ([2023](#)) found that for nearly half of young people aged 15-16, secondary school is not an enjoyable or meaningful experience, but is rather something they feel they need to 'get through' because of its bearing on their futures. However, in some areas local partnerships are leading the way in offering a more enriching curriculum. The [Camden learning pledge](#) is one such example where an enrichment offer is seen "as a right for every child, not just for those whose families that can afford it." **The Department for Education (DfE) should develop a coherent, long-term and appropriately funded vision and strategy for a 21st century education system for schools, early years and FE settings in consultation with key stakeholders, one which recognises the importance of place, the role of the LA, prioritises equality of access and the interests of vulnerable learners.**

A coherent and defined role for each actor in the school system

There is a need for greater clarity that brings coherence to a system that includes many organisations and actors who have oversight of schools. These organisations include the DfE, LAs, Ofsted, MATs and church dioceses. The Public Accounts Committee ([2018](#)) concluded that such arrangements are "fragmented and incoherent, leading to inefficiency for government and confusion for schools." This creates confusion across the system and inevitably results in competing priorities across different types of schools. It creates little room or incentive for schools to become inclusive environments that have a greater connection to their local community. We need to move away from the premise of the 2010 education reforms, which sought to disrupt the status quo and fragment the system by design with the entrance of new actors. When the disrupters are in the majority, they become the system, and can no longer be true to their original purpose.

ADCS has previously called for a common accountability framework for all schools to facilitate a culture of openness and trust against a backdrop of increased competition along with unambiguous guidance on the role of key actors in the system ([ADCS, 2018](#)). This ambition remains and is arguably more urgent today. The system must therefore be reshaped and codified with a strong link to place and the networks that exist in local areas. This will help incentivise inclusive behaviours, leading to a reduction in school exclusions and greater access to school places for those from disadvantaged backgrounds. The role of the LA is key here, but so too is the role of national government. **The DfE Regions Groups should play a greater role in this space and adopt a priority focus on tackling and minimising exclusions, in partnership with LAs, who hold responsibility for children excluded from school, to find local resolutions.** This should take a holistic view of the education system, including the role of the inspectorate, to ensure all are working towards improving children's outcomes.

Just under half of mainstream schools are now academy trusts and are accountable to the Secretary of State via their DfE Regional Director (previously Regional Schools Commissioner), who are in turn advised by their Advisory Board (previously Head Teacher Board). The *Academies regulatory and commissioning review* has sought to address some of the inconsistencies in the system, however, it is unclear as to how its ambitions will be realised without a system that incentivises inclusive practices, or without giving LAs

sufficient powers to intervene in individual academy schools when performance concerns arise. The review sought to better define trust strength by including 'inclusive leadership' as one of the five pillars of trust strength. This is a positive shift in focus from government, but it must be backed by meaningful action. The importance of effective governance is important too and there is a central role for school governors and trustees in promoting an inclusive environment.

To date, government has not put in place strong, formal processes to enable academy trusts to be held to account. Whilst this may be a function of the DfE Regional Directors, given the size of each geographical footprint, they do not have the same level of local knowledge as an LA, which will be aware of emerging problems much earlier. In practice, LAs can find that there is a lack of alignment between their role and that of a Regional Director, such as when an LA challenges a school for a lack of inclusive practice. ADCS would welcome a stronger role for LAs to improve transparency and address practical arrangements to tackle academic, financial and inclusion-related concerns in individual schools, regardless of status or designation. Responsibility for holding academy schools to account, which trusts should join an LA area and which schools should join different trusts should be held by place-based partnerships which have a far greater understanding of local need. The nature of these partnerships is explored in detail later in this paper.

'*Opportunity for all*' outlined a clear role for each actor in the system, including a strengthened role for LAs. The principles set out in the recent White Paper are the right ones for the future system and must be revisited, particularly those aiming to create 'a stronger and fairer school system', by setting clear definitions of the role of each actor and aligning these to statutory responsibilities that already exist. This would help to clarify LA powers as leaders of place while not deterring from the need for individual academy schools and MATs to show leadership in their local communities. ADCS is clear that all schools should be required to accurately reflect their local population and therefore accept a representative proportion of pupils from all backgrounds locally, including children in care, those eligible for free school meals and those with special educational needs.

If LAs were reinvested with the necessary powers that allow them to better fulfil their existing responsibilities, these would need to be met with the appropriate funding to allow the LA to deliver an effective, place-based school system in line with its sufficiency duties and local intelligence. LAs have seen overall funding fall by half in real terms since the beginning of austerity and more councils are now facing bankruptcy as a direct consequence, leading to limited staff capacity. Despite the role of LAs in education being eroded over the past decade, their understanding of local context and the needs of their communities is unparalleled. Over half of academy schools are either single academy trusts (SAT) or part of a MAT that has fewer than 10 schools ([FFT Education data lab, 2022](#)) meaning they will likely not benefit from being part of a strong family of schools in the same way that a maintained school or a school within a large MAT would, particularly where schools are located across multiple LA areas. The local intelligence held by the LA should be harnessed to better support these schools and help achieve a truly joined-up system. Capacity must be re-built to allow LAs to perform this important function.

A school accountability system that values and promotes inclusivity

The current high stakes accountability regime prioritises academic attainment over the acquisition of the softer skills valued by employers e.g. communication, problem solving and team work. The introduction of the EBacc at secondary level does not suit all learners, particularly those who benefit from studying more vocational subjects or who have additional learning needs. The introduction of Progress 8 measures for secondary schools has exacerbated this issue with evidence finding that it adversely impacts disadvantaged students ([EPI, 2017](#)). Despite the government's stated intention for Progress 8 to deliver a broad and balanced curriculum, reductions in the number of non-EBacc subjects taught in schools continue to be seen ([NFER, 2018](#)). The high stakes nature of the accountability system puts pressure on schools to focus on a set of measures that are not necessarily in all pupils' best interests.

Ofsted's education inspection framework, introduced in 2019, sought to stop practices that marginalise disadvantaged or vulnerable learners such as children in care, those eligible for free school meals or with special educational needs, yet schools continue to be incentivised to focus on exam results. However, the consequences of the current inspection framework are disproportionate and have a significant role in the workforce sufficiency challenges faced by schools and LAs. It is important to note that the regulatory framework that Ofsted operates within is set by the DfE. The system needs to re-think what the purpose of inspection is, so it has a positive impact at a system level while also being grounded in improving outcomes for children and young people and empowering the workforce. **The DfE should seek to remove all barriers that prevent schools from creating an inclusive environment for children and young people. This should include reform of the school accountability system in its entirety, shifting away from the current focus on academic attainment and taking into account the broader purpose of education.**

There needs to be a re-balancing of the system in favour of inclusion if we are to see meaningful, lasting reform. School exclusions continue to rise, most noticeably since the pandemic and the number of children who are EHE has increased by more than a third since before the pandemic ([DfE, 2023](#) and [ADCS 2021](#)). **ADCS continues to call on government to establish a national register of children not in school**, something that was outlined in the 2022 Schools White Paper. The rate of exclusions is concerning and it is not clear how Ofsted will help to reverse this trend. **Inclusion profiles should be developed for consideration as part of future school inspection frameworks to ensure schools are held to account for how accurately they reflect their local child population and therefore meet the needs of their local community.**

The principles set out in the most recent Schools White Paper offered a vehicle to deliver this change. It rightly highlighted the need for collaboration between LAs and MATs and outlined more clearly defined roles for each actor in the system, with backstop powers for LAs to admit a child to a school. These proposals would help to create a school system that better meets the needs of all learners. ADCS members want a system that is driven by the principles of inclusivity, focusing on the needs of children and young people, to enable them to attend the most appropriate setting, as close to their home and community as possible, delivered through effective partnership working. A place-based approach to policy is key here and there are many positive examples across the country of successful

partnership arrangements. Formalising such partnerships within the legislative vehicle of a collaborative standard would strengthen accountabilities and, as a consequence, create better experiences and outcomes for children and young people. There is recent precedent in legislating to limit competitive practice between bodies, the *Health and Care Act 2022* seeks to move the NHS away from a system that has both winners and losers towards collaborative delivery and meeting common objectives. **DfE should introduce a collaborative standard for academy trusts requiring trusts to work constructively with each other, LAs and the wider public and third sectors in the best interests of all children.**

This is even more pertinent if the proposals set out in the *SEND and AP improvement plan* are to be achieved. Since the passing of the *Children and Families Act 2014*, there has been a significant move away from inclusion in mainstream schools at the same time as an over reliance on independent specialist provision and an unprecedented increase in requests for education, health and care plans (EHCP) as a means for accessing support. The introduction of backstop powers for LAs to direct academy schools to admit children would be some mitigation, however, this would only ever be used as a last resort; the influence of LAs as partners in place should be the key lever in encouraging all schools to play their role in an inclusive education system. Removing disincentives in the system alone will not improve outcomes for children with additional needs in mainstream education. Schools must be appropriately funded and staff given the required training to ensure children receive the right support in the right place that meets their needs.

School admissions and fair access for all

Widespread reforms over the past decade have created plethora admissions authorities, each setting their own admission criteria. Coupled with an accountability system that incentivises schools to prioritise academic attainment and league table success, disadvantaged children can end up marginalised from mainstream education. Recent research on school admissions in England found that approximately 90% of schools today have the power to set their own admissions arrangements (University of Bristol, [2023](#)). Individual admissions authorities are able to use flexibilities within the [School admissions code](#) to game their intake. Whilst the majority of schools do not seek to take advantage of these arrangements, the accountability framework can drive this behaviour. ADCS believes a wholesale review of admissions guidance and processes are required. The emphasis should always be on fairness for children, parents, and carers rather than the convenience or institutional advantage of schools. **The DfE should reinstate LA powers to co-ordinate in-year admissions in respect of all local schools and give LAs backstop powers to compel any state-funded school to admit a child, where there is space to do so.** Positioning the admissions authority above an individual school level offers greater transparency and efficiency.

Education settings rooted in place

The role of the LA

Schools, early years settings and colleges are all central to their communities. As leaders of place, LAs have a unique role; they have a democratic legitimacy in ensuring accountability for schools to both parents and to the local community. Indeed, where parents have concerns about their child's place of learning, they will often turn to local

politicians who will work with the LA to seek solutions. The Director of Children's Services (DCS) acts as a clear and unambiguous line of professional accountability for children's outcomes in a local area, including their learning outcomes, and as such, work in partnership with headteachers, governors, principals and MATs, to promote educational excellence, take rapid and decisive action in relation to poor performance and promote high standards. DfE guidance ([2013](#)) on the statutory responsibilities of the DCS and Lead Member for Children's Services includes responsibility to ensure access to high quality education provision for all disabled children and those with additional learning needs, including alternative provision, as well as ensuring fair access to schools.

As leaders of place, there needs to be a clearly defined and resourced role for LAs to help ensure the system works collaboratively. The role of the DCS as a systems leader, as well as a champion and advocate, is vital in shaping the system that delivers for children and their families. The LA performs an essential function in co-ordinating the family of schools across place, regardless of governance arrangements. This has become increasingly recognised amongst all schools, having recently been illustrated during the pandemic when the need for leadership and clear lines of communication to all partners was critical. There are also a number of issues in the system that cannot be easily solved by MATs and the LA role is key here, for example, the challenges faced by smaller individual schools or those in rural areas that cannot benefit from the same economies of scale as those that are part of a large MAT. Such schools can find themselves unable to join a MAT or identify a sponsor and are subsequently unable to make important future planning decisions. Similarly, 'orphan schools' that are unable to find another academy sponsor due to performance or financial concerns are the inevitable consequence of a system that is built on competition between schools. An evaluation of 'stuck' schools ([Ofsted, 2020](#)) called for greater joint working between LAs, government and schools themselves to support improvement. Individual schools may lack the capacity to drive improvement themselves but LAs have the expertise and local knowledge to step in when needed, however, funding for this purpose has been removed. **Where a MAT has failed and/or walked away from one or more of its schools and a suitable sponsor is being sought, the school's leadership team and governing body should have the opportunity to consider returning to the LA family of schools.** Whilst the detail of this process must be worked through, particularly if financial mismanagement at MAT level has occurred, the interests and outcomes of learners must be at the forefront of decisions at all times. Indeed, there should be a level playing field in the system that is based on the best interests of children.

The 2022 Schools White Paper supported the ADCS view that LAs have a key role as champions for children and young people. As such, ADCS urges government to take action here. Whilst the sufficiency duty for school places sits with the LA, they do not have the power to compel a state funded academy school to admit a child. This is of particular concern for children with additional needs or children in care where LAs have specific responsibilities, these groups are more likely to be excluded and LAs are not empowered to act. **The government should legislate to give LAs meaningful powers of direction over admissions / exclusions covering all state funded schools in relation to excluded pupils, pupils with EHCPs and children in care in the spirit of the *Timpson review of school exclusions* ([DfE, 2018](#)).** Individual schools must also be held to account when they are not acting in the best interest of all learners. ADCS agrees with the recommendation set out in the Timpson review for **schools to be responsible for the**

education of pupils after they have been permanently excluded, including the commissioning of AP and retaining accountability for their educational outcomes, including those who become EHE.

Education settings at the heart of their community

Education is best delivered in a locality via genuine partnership, with all actors working in concert to ensure that every child and young person receives a good education. This interconnectivity was particularly visible during the pandemic where there was a reaffirmation of the strong partnerships that exist between LAs, schools and other educational settings. The LA has unique oversight over the whole system, beyond just education, including employment opportunities and skills gaps. There is a clear need for the LA to be at the centre of all educational decisions that concern the local area.

More recently, schools, LAs and academy trusts have benefitted from renewed local partnership working through strong collaboration and driven by a shared moral purpose. A growing body of evidence suggests that this approach improves outcomes for those children and young people who are increasingly marginalised by the current high stakes accountability system. A recent study on place-based school partnerships found that local context is a crucial factor in addressing social justice within education and wider society. The study concludes that area or place-based partnerships should be led locally, underpinned by a clear purpose and inclusive of all education settings within the local area ([University of Manchester, 2023](#)). It is vital that schools and other education settings are able to adapt to their local context, meet the needs of all children in their community and work as part of a wider system to ensure vulnerable children are not left behind. This is most effective when local leaders work together to tackle system level issues that affect more than one school, however, moves towards greater centralisation of services by the DfE has restricted the ability of local areas to develop or realise the full potential of these partnerships. A report from the Centre for Education and Youth concluded that “the DfE’s drive towards greater centralisation, and the hollowing out of the LA role over decades, have left a system with groups of schools isolated from one another and from the local people and organisations who are involved in supporting young people” ([Bart et al, 2023](#)). **The DfE should explore setting a national approach to place-based partnerships by producing guidance which sets out the expectations and functions accordingly. Functions of partnerships should include holding the system to account, incorporating those functions currently held by the DfE Regions Group to hold academy schools to account, deciding which academy trusts should operate in an LA area and which schools should join different trusts.**

The government’s previous target of all schools being part of, or in the process of joining, a MAT by 2030 was wholly unrealistic based on current rates of conversion and local, regional and national capacity to support conversion. However, it remains committed to a trust led system. ADCS members believe the government must articulate a positive vision for all schools to join a trust that is strongly linked to place and the unique context of the individual school. Local knowledge is key here. Without legislation as a means to achieve a trust-led model, the government must create the conditions for maintained schools and SATs to want to join a MAT. The current model for academisation is largely a deficit model driven by negative Ofsted inspection outcomes or financial difficulty. For schools rated ‘Good’ or ‘Outstanding’, there is little incentive to move into new governance

arrangements. The government's own research ([DfE, 2021](#)) found that the majority of maintained schools and SATs were not considering converting to academy status. The research also identified concerns about the requirement to take on a new "homogenous identity" consistent across all schools in the same MAT. The benefits of being part of a family of schools, across the same local area, must be recognised by government. Such arrangements should be clearly defined, rooted in place and centre on meeting the needs of the community. Strong, local leadership is essential to foster lasting relationships with all types of education providers, a role best suited to the LA which holds the relevant statutory duties. However, the system should not rely solely upon the strength of local relationships, it should be backed by legislation so that the legal and structural relationship between schools and the LA is consistent across the country. The publication of [trust development statements](#) for LAs in education investment areas (EIA) include a welcome focus on local context, but the level of meaningful engagement with individual LAs in their development has been varied and in some cases lacking. The DfE notes that "high-quality academy trusts are the key vehicle for improving educational outcomes for children", however, there are not enough high-performing MATs available to fulfil this function for all schools. Even where a MAT is classed as high-performing, this does not necessarily mean it is the best fit for a school, as each has its own unique context. **ADCS would therefore welcome a revisiting of the proposal, as outlined in Schools White Paper, for the creation of LA MATs.**

Sustainable finances with an equitable distributions of resources

The education system has experienced over a decade of austerity leading to real-term budget cuts across early years settings, schools and FE settings. Although the DfE's schools budget was protected from year-on-year reductions in public funding to an extent, the overall quantum of funding allocated to schools is insufficient. In autumn 2022, the government announced an additional £2.3billion for schools in each of the next two years to bring funding back in line with 2010 levels. However, the Institute for Fiscal Studies (IFS) found that with no net growth in spending per pupil over the preceding 14 years, this still represented a historically large squeeze on school resources, particularly in light of rising energy costs and inflation ([IFS, 2022](#)). This has impacted on the numbers of teaching assistants and pastoral staff as well as equipment budgets, leading to a greater reliance on parents, local businesses and fundraising efforts to provide even basic classroom resources, including stationery and textbooks. As a consequence, schools have less capacity to support learners with additional needs who require more support in the classroom and who are thus less likely to remain in mainstream education. This is a false economy and not in children's best interests.

Funding for the early years sector has increased significantly in recent years, but this investment is not being used to best effect. It is poorly targeted and spread too thin, resulting in the closure of some providers and putting many more at risk. The financial challenges many providers faced were further compounded by the impact of the pandemic. The number of registered early years providers fell significantly between August 2021 and August 2022, with an overall decrease of 5,400 providers, the largest fall since 2015/16 ([Ofsted, 2023](#)). This has been exacerbated by a recruitment and retention crisis in the sector which is vulnerable to external pressures; research shows the prices faced by

early years providers increased more quickly than those faced by households or the economy as a whole ([IFS, 2022](#)).

LAs have long played a central role in school improvement, supporting schools irrespective of governance arrangements, including smaller individual schools that cannot benefit from the economies of scale that those in a large MAT would benefit from. However, LAs have had their budgets cut in half since 2010, and dedicated funding has been removed including the withdrawal of the £600 million Education Services Grant in 2017, which supported inclusion and extracurricular activities, and more recently the LA School Improvement Monitoring and Brokering Grant. This presents a significant concern, particularly as schools and pupils recover from the lasting impacts of the pandemic. LAs played a key role in supporting all schools during that period and have been successful more generally in school improvement by developing partnership models across all schools to support performance and intervene where necessary. However, many now have very limited capacity to support schools before problems become entrenched. Despite the reduction in funding, LAs still hold the same number of statutory duties, leaving them in an impossible position.

With the government seeking to increase the number of academy schools, including forcing 'coasting schools' with successive 'Requires Improvement' Ofsted ratings to join a MAT, there are inevitable associated costs which are borne by LAs, such as any accumulated financial deficits of maintained schools that convert to become an academy. There are also administrative and legal costs for LAs, however, the [Schools causing concern](#) statutory guidance stipulates that LAs "cannot charge for the costs associated with the conversion." Given that the definition of a 'coasting school' now includes a larger number of schools, this represents a significant cost pressure for LAs. **ADCS is clear that where a maintained school is forced to academise, the LA should not bear the costs of this process or carry any accumulated financial deficits.** This represents yet another example of there not being a level playing field in the current system.

Capital funding and sufficiency of school places

The government must commit to significant and sustainable capital spending to address the decline in buildings across the education sector. Between 2009 and 2022, DfE capital spending declined by nearly 50 per cent in real terms, with the condition of a growing number of school buildings presenting 'significant risk' according to the Department's latest annual report ([DfE, 2022](#)). Across other education establishments, including early years settings, DfE capital spending in 2021/2022 was the lowest amount recorded since 2009/10 ([House of Commons Library, 2023](#)). A coherent capital plan, that benefits all schools and all learners is urgently required as a growing number of schools are falling into a state of poor repair and/or are becoming increasingly overcrowded. This has been brought into sharp focus more recently with the emergence of the risks associated with reinforced autoclaved aerated concrete (RAAC) and the disruption being seen in schools and classrooms across the country.

In the 2021 Spending Review, the government announced £2.6 billion for high needs capital funding until 2024/25. While this investment is welcome, LAs continue to experience significant delays in the approval and build of special free schools. The current process is too long, resulting in increasing numbers of children travelling further to access

education and a growing reliance on independent and non-maintained special schools, with higher associated costs including home to school transport. Each of these factors are highlighted in the *National safeguarding practice review into safeguarding children with disabilities and complex needs in residential settings phase 2 report* ([National Panel, 2023](#)). **ADCS believes LAs should be given both the permission and resources to open and run their own special schools to ensure local need is met along with sufficiency duties.**

DfE estimates suggest that between 2021/22 and 2026/27, there will be a decline of no more than 1% per year in primary aged pupils. At the same time, the forecast number of secondary school pupils is rising by approximately 2% per year on average, with the picture varying greatly across the country. This presents unique challenges for schools and LAs that are either trying to meet rising demand or falling pupil rolls. Although the impact on secondary schools is lagged behind primaries, the number of pupils in state funded primaries is set to fall by almost a fifth by 2032 ([NFER, 2023](#)). Despite LAs having a statutory duty for pupil place planning, they have limited powers of intervention in academy schools regarding reducing pupil rolls and potential closure of schools. As DfE seeks to move further towards full academisation, it is vital that LAs are given the powers that allow them to fulfil their statutory responsibilities. Effective place planning from LAs will be key to ensuring the local school system reflects local need.

Recommendations

This paper sets out a number of challenges in the education system, at an individual learner level in terms of the curriculum and attendance, at a school and local level, at a regional and national level, including funding, capital investment and long-term strategic direction. ADCS members have made a number of recommendations to improve this picture going forward:

- 1) The DfE should develop a coherent, long-term and appropriately funded vision and strategy for a 21st century education system for schools, early years and FE settings in consultation with key stakeholders, one which recognises the importance of place, the role of the LA, prioritises equality of access and the interests of vulnerable learners.
- 2) The DfE should seek to remove all barriers that prevent schools from creating an inclusive environment for children and young people. This should include reform of the school accountability system in its entirety, shifting away from the current focus on academic attainment and taking into account the broader purpose of education.
- 3) Ofsted should expand its focus on inclusion by introducing an inclusion profile as part of future school inspection frameworks to ensure schools accurately reflect their local child population and therefore meet the needs of their local community.
- 4) The DfE should explore setting a national approach to place-based partnerships by producing guidance which sets out the expectations and functions accordingly. Functions of partnerships should include holding the system to account, incorporating those functions currently held by the DfE Regions Group to hold academy schools to account, deciding which academy trusts should operate in an LA area and which schools should join different trusts.
- 5) The DfE should re-visit and revise the 2022 Schools White Paper with a view to implementing the following:
 - Reinstate LA powers to co-ordinate in-year admissions in respect of all schools
 - LA backstop powers to compel all state-funded schools to admit a child. This should include meaningful powers of direction over admissions / exclusions covering all state funded schools in relation to excluded pupils, pupils with EHCPs and children in care
 - Introduce a collaborative standard for academy trusts requiring trusts to work constructively with each other, LAs and the wider public and third sectors in the best interests of all children
 - Establish a national register of children not in school.
- 6) The DfE Regions Group should adopt a priority focus on tackling and minimising exclusions, in partnership with LAs, who hold responsibility for children excluded from school, to find local resolutions.

- 7) The DfE to take forward the recommendation in the *Timpson review of school exclusions* for all schools to be responsible for the education of pupils after they have been permanently excluded, including the commissioning of AP where a child needs it, and retaining accountability for their educational outcomes, including those who become EHE.
- 8) The DfE should create the conditions for a level playing field for LAs and MATs where a school is academised, including:
 - Where a MAT has failed and/or walked away from one or more of its schools and a suitable sponsor is being sought, the school's leadership team and governing body should have the opportunity to consider returning to the LA family of schools
 - Where a maintained school is forced to academise, the LA should not bear the costs of this process or carry any accumulated financial deficits
 - The proposal for the creation of LA MATs, as per the Schools White Paper, should be revisited.
- 9) LAs should be given both the permission and resources to open and run their own special schools to ensure local need is met along with sufficiency duties.
- 10) A greater national focus on, and investment in, the early years and FE sectors to harness their ability to improve social mobility and close the attainment and skills gap.
- 11) The government should create a long-term plan for post pandemic education recovery with adequate funding to reflect its ambition. This should take a holistic view of the experiences of children and young people including their mental health and wellbeing challenges.

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