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# Action research into the evolving role of the local authority in education

The final report for the Ministerial Advisory Group

ISOS Partnership

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The Department for Education and the Local Government Association commissioned this research to provide evidence to the Ministerial Advisory Group on the Role of Local Authorities. A steering group made up of representatives from local government, Academies, Academy sponsors, National College for School Leadership, Department for Communities and Local Government and the Department for Education oversaw the project.

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## Executive Summary

The purpose of this research has been to explore how local authorities are evolving and adapting their role to meet the needs of a more autonomous education system. The particular focus of the research has been on three core responsibilities of the local authority in education:

1. Ensuring a sufficient supply of school places
2. Tackling underperformance in schools and ensuring high standards
3. Supporting vulnerable children.

There has been considerable, and useful, discussion in the system about what the function of the middle tier and local authority should be in the future, but this research does not aim to second-guess that ongoing policy debate. Furthermore, just as local authorities are evolving in the context of a new education landscape, so too have schools been contending with how their role as system-leaders develops. However it has been beyond the scope of this project to examine this schools-led transition in detail. Instead its purpose is to provide a picture, drawn from a small number of local authorities from across the country, of how, right now, local authorities are practically responding to the challenges and opportunities afforded by a more autonomous education system.

Nine local authorities were selected to take part in the action research, based on criteria which were designed to ensure a broadly representative sample.<sup>1</sup> The selection included authorities with a high percentage of well-established academies, authorities with a high percentage of newly converted academies, authorities with a rich diversity of schools including academies, free schools, and teaching schools, and authorities with a high proportion of community, voluntary aided and voluntary controlled schools.

The action research took place in two broad phases. In the first phase, from November 2011 to February 2012, fieldwork visits to each of the local authorities were carried out alongside interviews with national stakeholders in order to develop a snap-shot of how local authorities were responding to the changes in the education system and a sense of emerging opportunities and challenges. The findings of this phase of the research were published in an interim report.<sup>2</sup> In the second phase of the research, from March 2012 to June 2012, the focus shifted to action learning. In practical terms this meant that the local authorities were organised into two groups or “action learning sets”, broadly configured around areas of common interest and challenge. Each authority was encouraged to identify one or more areas of focus for the duration of the research that they would work on. Each action-learning set met twice together as an opportunity to share practice, identify successes

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<sup>1</sup> The nine local authorities were Bolton, Bristol, Gloucestershire, Hertfordshire, Middlesbrough, Oxfordshire, Thurrock, Warwickshire and Westminster. Unfortunately Westminster were not able to commit to the second phase of the action research due to other time pressures, therefore the second phase of the research proceeded with just eight local authorities.

<sup>2</sup> The interim report can be accessed at <http://media.education.gov.uk/assets/files/doc/m/action%20research%20interim%20report%20%20%20february%202012.pdf> and [http://www.local.gov.uk/web/guest/home/-/journal\\_content/56/10171/3480152/ARTICLE-TEMPLATE](http://www.local.gov.uk/web/guest/home/-/journal_content/56/10171/3480152/ARTICLE-TEMPLATE)

and challenges, and benefit from each others' expertise. This final report captures the findings that have emerged from the action research process.

## Strategic vision

All the local authorities taking part in the research had recognised and sought to respond to the vision for a more autonomous and self-improving school system, and they demonstrated a clear commitment to enabling schools, irrespective of their status, to lead their own improvement. In many cases this increasing autonomy was viewed as the next stage in a much longer process of transition, rather than a very rapid transformation simply associated with the growth in academies. Indeed, the delegation of increasing powers and responsibilities to schools is something that many of the local authorities involved in the research have actively encouraged for a number of years. Overall the eight local authorities felt confident that they had established a coherent vision about how they could work with schools to support the quality of education over the next period, and that key partners were signed up to this. However, they all also recognised that they were going through a period of transition and that none had yet reached the end of that journey.

Some particular tensions and challenges emerged for local authorities as they focused on redefining their responsibilities. All the local authorities are currently working in the context of a mixed economy of schools, typically with a high proportion of academies in the secondary sector and a much smaller proportion in the primary sector. Continuing to balance the demands of being a maintaining authority, and the responsibilities that that entails, with the development of a different type of role as a facilitator and enabler within a more diverse and devolved school system is a tension that had been felt quite acutely in some instances. It is certainly the case that, in the context of ongoing budget cuts, tighter focus and prioritisation on the part of local authorities is a subtext that underlies all other activity.

Local authorities have also wrestled with achieving the right balance between speed and comprehensiveness. There is an appetite to maintain momentum, and a real urgency expressed by some maintained primary schools, in particular, to establish greater clarity around the level of support, challenge and engagement that might be available from local authorities in the future. However, the action research has clearly demonstrated this is not a process that can be rushed and still be successful. There is a real danger that in developing a local vision, and defining the responsibilities, both individually and jointly, of the local authority and schools, the final result is a superficial consensus to which everyone can sign up simply because it fails to tackle the really difficult questions. The local authorities participating in the action research have recognised that unless they engage with the detail that sits behind the high-level aspirations, and really be precise and specific about what this means for their role, and the interface with local schools and other partners, the resulting "agreement" might quickly become meaningless.

An associated challenge, is the extent to which this dialogue about the local role of the middle tier is led by local authorities or by schools. In many ways the dialogue is about those functions that extend beyond what a school can achieve individually, and is focused on responsibilities that schools need to work together to discharge and where external input beyond the school is beneficial. It is therefore right that the local authority should play a key role in leading the dialogue. However, some of the local authorities taking part in the action research have observed and reflected that at times

they need to deliberately step back and not try to secure the solution to a difficult issue which requires coordination and commitment among schools, and instead allow schools space to arrive at a solution themselves. This can be a more time consuming process, but ultimately may lead to a consensus which is more binding on schools as participants.

A consistent reflection of the local authorities taking part in this research is that in the new world, 'relationships are king'. They recognise that without the power to direct schools over particular issues, their ability to carry out certain functions is likely to depend on their capacity to motivate, persuade and exercise principled leadership. The primacy of relationships in the new landscape carries the risk that the effectiveness with which the education system operates in the collective interest of children and young people could become too dependent on specific individuals who are in post and who have developed effective ways of working together over a period of time, and therefore too prone to disruption when those key individuals move on and relationships have to be created afresh.

Schools, too, are very clear that the future of the education system lies in the strength of their partnerships, and it is encouraging that schools are mobilising themselves to capitalise on these opportunities. For some, the chance to strengthen existing partnerships was one of the main attractions of becoming an academy. The range of partnerships, from teaching schools alliances, to individual federations, transition groups, and subject networks, is very broad and speaks volumes of the vibrancy and dynamism of the school system. However, headteachers are also aware that these partnerships can be fragile and very dependent on the good will of the individuals involved. To counteract this, a lot of consideration is being given, by local authorities and schools, to local governance mechanisms that bring key partners together around specific issues or decisions, that demonstrate their worth to those involved, and that create a sense of moral obligation that makes it difficult for schools to "opt out" of decision making processes that serve the collective interests of children and young people.

Through the course of the research three distinct 'roles' for how local authorities are exercising their responsibilities in relation to ensuring a sufficient supply of school places, tackling underperformance in schools and ensuring high standards, and supporting vulnerable children have emerged. These roles can be summarised as the local authority as a convenor of partnerships; the local authority as a maker and shaper of effective commissioning; and the local authority as a champion for children, parents and communities. These provide a helpful lens through which to view the emerging practice of local authorities.

### **Ensuring a sufficient supply of school places**

One of the chief concerns of local authorities identified in the interim report, and reinforced here, are the challenges associated with ensuring that school places match demand in a system in which, with the growth in academies, many more schools are free to set their own admissions numbers. There are two particular issues which have been highlighted by the action research. The first is how to increase the supply of places when demand rises, and the second is how to manage the consequences of oversupply.

With increasing numbers of primary aged pupils nationally, and a significant concentration of growth in urban areas, the challenge of meeting the increased demand for places is affecting large swathes

of the country. The specific issues are created by demographic pressures, but the coincidence of this trend with a period in which schools are exercising greater autonomy in terms of determining pupil numbers makes it more difficult for local authorities to plan ahead effectively. It is also the case that in around five years the current bulge in primary numbers will feed through into the secondary sector. As there is a far higher proportion of academies in the secondary sector, some of the challenges being experienced now could become much more acute when translated to the secondary phase. In areas where the demand for places is rising sharply, particularly at primary, there is some evidence that academies are using their freedom to choose not to expand or community schools are looking to academy status as a means of avoiding expansion in the future. Schools have a range of very valid individual reasons for these decisions, including respecting the wishes of existing parents at the school for a particular size and style of education, the belief that expanding would compromise their effectiveness and quality, and being unwilling to expose the school to the financial risk of not being able to completely fill a new form of entry. These decisions make complete sense for an individual school, but in some cases the combined effect of many individual school decisions can lead to a shortfall of places in a particular area.

Where supply outstrips demand, for example as a result of a school expanding or a new school entering the market, a potential consequence may be that a neighbouring school becomes unviable and has to close. This is an important element in the government's agenda to drive increased quality in the education sector through the mechanism of parental choice. However, it also poses challenges for local authorities in managing the consequences of oversupply. The first issue is that, historically, the process of school reorganisation which might lead to federation, downsizing, academisation or closure of a school that has become unviable has not always been handled, either locally or nationally, with sufficient speed and purpose to ensure that the education of children at the school in question does not suffer. A real concern raised by local authorities in the action research is that it is not currently clear who will be responsible for overseeing the necessary school re-organisation in the event that a stand-alone convertor academy becomes unviable, if the individual governing body does not have the capacity or inclination to take the difficult decisions needed without external support.

A second associated issue for local authorities is how they can safeguard the interests of pupils, parents and communities in circumstances where the planned expansion of one school places the viability of another school at risk, but closure of the school is not a good solution. This might be because the school is a good school, because closure would leave a particular community without a local school, or because demographic projections suggest that a school would again be needed on the site within a few years. Far from being a hypothetical case, the eight local authorities involved in the research have yielded two instances where this is already happening. Both these examples are where new Free Schools are opening and creating a significant new influx of places. While many local authorities welcome the capacity and diversity that Free Schools can offer, there is a concern that the short notice that local authorities sometimes receive in relation to Free School applications from the Department for Education can make forward planning difficult and lead to abortive work.

A further specific and complex aspect of the place planning agenda is in determining the pattern of post-16 provision. The particular challenges post-16 relate to the need to plan place provision across a very diverse partnership of providers, in a context where the autonomy of many of these providers is well established. Local post-16 partnerships are also contending with changes in the profile of

demand created by the raising of the participation age, rising youth unemployment, shifting demographics and significant changes to qualifications. The diversity of the post-16 landscape is also increasing, with new Studio Schools and University Technology Colleges offering exciting opportunities to expand the range of options for young people, but requiring adjustments on the part of local schools and other providers.

Local authorities and schools together are finding a range of different ways to tackle the challenges related to place planning in a more autonomous system. One key strategy employed has been to reshape the negotiations around school expansion to give headteachers greater ownership of the agenda. This means facilitating an open and transparent dialogue between schools about the implications of setting their admissions numbers, and devolving responsibility for collective rather than individual decision-making to groups of schools. In one local authority they have trialled bringing together partnerships of headteachers in areas where there are particular peaks and troughs in demand, presenting them with the data, and supporting them to arrive at a joint conclusion about where expansions would be required. Although just a small-scale trial this has proved a smoother and more constructive process than individual bilateral discussions with headteachers that were held previously. Another authority used its expertise in forecasting and analysing data to highlight forthcoming issues in terms of demand for places and used that as a way to stimulate headteachers to plan collectively. Where demand is rising, a number of authorities have also engaged strategically and productively with potential Free School promoters in order to incentivise applications for new and high quality schools in the specific areas where they are needed.

### **Tackling underperformance in schools and ensuring high standards**

A key tenet of the schools white paper is that the driving force for improvement in the education system should come from schools themselves. This means schools taking active responsibility for their own improvement, but also playing a role in supporting the improvement of other schools in the system. The opportunities for school-to-school improvement arising out of the new education landscape are significant, and both schools and local authorities are excited about the potential for transformation. One of the great strengths of the model is that it is a bottom-up approach to change – drawing on the existing skills and capacity of teachers and leaders in the school system. Many of the headteachers interviewed for the research have highlighted these opportunities for school-to-school support as one of the most significant benefits arising out of the new education landscape, and are of the opinion that much more teaching and learning activity is now growing organically out of schools, than being delivered “from above”. The potential for innovation and informed sharing of good practice is therefore very great.

Nonetheless, local authorities continue to hold a democratic accountability for securing good outcomes for all children and young people in a local area, and a statutory duty in exercising their education and training functions to do so with a view to promote high standards and promote the fulfilment of learning potential. In this context, the question for them is how to ensure that a school-to-school support model is coherent and comprehensive and not piecemeal; that every school has a wide range of high quality support to draw upon and that every school receives the informed external support and challenge that is crucial in securing improvement or sustaining outstanding quality.



In a more diverse and devolved education system the capacity of schools and sponsors to access effective school improvement support from other schools and external providers is a critical element in ensuring a self-improving system. Headteachers and academy sponsors who have contributed to the action research were generally confident about their ability to source and commission high-quality support for school improvement and in general local authorities share this view. However, authorities were less sure about the ability of primary schools to do so, particularly emphasising the need to build the understanding of primary schools in relation to the commissioning cycle, so that they can be confident in carrying out all elements from effective needs analysis through to robust quality assurance.

It is clear from the action research that teaching school alliances are rapidly becoming a very important route for schools to source high quality support from other schools in their local area, and as they grow in number may provide the underpinning infrastructure which ensures *all* schools can access the support they need. In some local authorities their positive and strategic engagement with teaching schools can lead to strong collaborative partnerships. In the best examples, local authorities have been invited to become members on the boards of teaching school alliances and are using this as an opportunity to contribute to their strategic direction. They are also working with teaching schools to provide technical support; to help them broker relationships with other schools and partners; to provide and interpret data, to signpost schools to the training and support that the teaching school offers; to commission programmes and training from the alliance; and to help them identify the schools locally which are most in need of support.

However, it is clear from the feedback of teaching schools nationally that not all local authorities are able to play such a productive role. It is also apparent from the action research that local authorities, while seeing the huge potential of teaching schools, continue to have some misgivings. Specifically, they are concerned that teaching school designation can be fragile because it is tied to an individual headteacher who might move on. This means that significant ongoing investment in an alliance infrastructure could be wasted and that the benefits that a teaching school alliance brings over individual school-to-school support, namely the systematic and comprehensive nature of the offer, might prove to be fleeting.

While, broadly, local authorities were confident about the capacity within a more autonomous education system for schools to access high quality support, they identified a number of concerns in relation to how underperformance or poor performance might be tackled in future. The first is an anxiety about whether, in the future, local authorities will continue to have sufficient capacity to effectively support and challenge their maintained schools, given the reductions in local authority school improvement capacity. This is certainly a risk that was flagged by some of the headteachers who participated in the research whose perception was that local authority school improvement teams had been stripped back to the core and that, in the process, some long-standing expertise had been lost.

The second challenge is how to ensure that school-to-school support is a really effective means of driving improvement in schools which are failing or underperforming. The pragmatic experience of the local authorities and schools involved in this action research suggests that school-to-school support mechanisms are far more effective when they are sharply brokered and robustly held to account by someone external to the two schools involved. A question raised in the interim report,

and which has continued to be a theme throughout the action research, is who would continue to play that brokerage and accountability function in a fully devolved system? A number of headteachers who were interviewed for the research concurred with the view that schools can find it very difficult to challenge each other, unless that challenge is invited or objectively brokered in by a third party. For example, one teaching school headteacher remarked that school-to-school challenge works well if the head is open to this and sees it as a professionally valuable experience, but felt that most of the schools which need to be challenged are in that position because the head is defensive or complacent and therefore unlikely to be open to challenge from a peer.

The third issue is more systemic. A key anxiety for local authorities, also echoed by some national stakeholders and schools, is whether there is sufficient shared intelligence in a more autonomous school system, in which support and challenge is accessed from a range of different sources, to spot the signs of declining performance in a school before it impacts on results. Headteachers pointed to the fact that it is the least self-aware school leaders who are least likely to seek external challenge and most likely to be susceptible to declining performance. This is particularly a risk for maintained schools in those authorities which have had to very significantly scale back their school improvement capacity and for convertor academies which are not part of a wider chain or multi-academy trust. A related challenge is where evidence of poor performance or declining performance in stand-alone convertor academies becomes apparent, whose responsibility it is to tackle this? In the first instance it will be for the academy trust, which in many cases will essentially be the same as the school's governing body, to take action. But if they should prove unable or unwilling to turn the school around, it is not yet clear what the mechanisms are to secure improvement.

The final challenge is the ability of local authorities to work effectively with the Department for Education and other partners to broker in a sponsor to take on schools that are failing. Many local authorities are now looking to actively engage sponsors to shape the pattern of provision in their local areas. In particular, they are keen to build good relationships with a small number of sponsors who can develop a deep understanding of local needs and contexts, and where sponsored chains and federations can help to cement relationships between schools locally. One of the frustrations expressed by local authorities is a perceived lack of clarity in how the Department for Education goes about lining up a sponsor for a poorly performing school, the criteria that are used to determine selection, and the contribution, if any, that the local authority is expected to make to the dialogue.

Again, the action research has provided evidence of how local authorities are responding to these opportunities and challenges. The policy context and the experience of the local authorities taking part in the research make clear that to a great extent the future for school improvement lies in the ability of schools to support each other successfully. The emerging good practice illustrates how local authorities can facilitate and contribute to a vibrant system of school-to-school support. Many local authorities are working with schools to maintain opportunities to address improvement issues as 'a local family of schools', brokering effective school-to-school partnerships to address underperformance and halt declining performance, supporting the creation of academy-led federations to turn around failing schools, and actively promoting the conversion of schools to academy status as part of multi-academy trusts. Local authorities are also refining their own traded services, creating opportunities for schools to engage in the leadership and governance of local authority traded services, and supporting schools to navigate and quality assure the full range of additional services available from other providers. Finally, local authorities are also taking the

opportunity to more tightly define what it means to be a champion of pupils and parents in an autonomous system, and the specific implications this might have for the roles of members of and officers, and the relationships between local authorities and schools, including academies.

### Supporting vulnerable children

An important observation from the action research is that, overall, authorities appear to be less confident that, together with schools, they will continue to be able to offer good quality support for the most vulnerable children than they are in their capacity to establish a strategic direction, ensure a sufficient supply of school places or contribute to school improvement. Local authorities' concerns broadly relate to two main areas of activity– the first is securing a good quality school place for every vulnerable child and the second is how to ensure every vulnerable child receives the best possible combination of services and support to enable them to succeed.

Schools' participation in local Fair Access arrangements is critical to ensuring that a good quality place is available for every vulnerable child. The interim report found that, in general, in those areas where Fair Access Protocols were seen as objective, fair and transparent schools were continuing to engage with them well. However, where Fair Access had not historically been administered successfully schools had been swift to disengage from the process. As the action research has progressed, local authorities have expressed increased anxiety as to whether Fair Access arrangements will continue to hold strong even in those areas where they have historically been effective. There is a fear among some local authorities that the climate of increased autonomy could lead to individual schools deciding to “opt out” of taking their fair share of students who face multiple challenges and are consequently hard to place. Some local authorities also reflected that the pressure of forced academisation for schools at or near the floor target increased their reluctance to accept pupils who might have a negative impact on the school's results. A further complicating factor is that disputes with academies which are escalated by local authorities to the Education Funding Agency are not being resolved quickly enough.

However, despite these anxieties, evidence from the action research continues to suggest that the issue of whether schools engage effectively in fair access arrangements appears to have more to do with the individual motivations of headteachers and governors, and their commitment to principles of inclusion, than it has to do with whether a school is an academy or a local authority school. Headteachers engaged in the action research suggest that schools clearly recognise the need to have transparent and objective fair access arrangements that work well and to which all schools are committed, and that the way local authorities approach the task of convening Fair Access partnerships can have a critical role in supporting their future success.

In terms of securing the right support that will enable vulnerable children and young people to succeed, local authorities believe that schools are not as confident in commissioning services for the most vulnerable pupils as they are in commissioning services for school improvement. Furthermore there appears to be a narrower and less well-established range of provision in many areas for vulnerable children and young people than there is for school improvement more generally. To some extent headteachers reinforced the view put forward by local authorities. While many would attest to being confident commissioners in this area, they often concurred with the view that the range of potential support services was too limited. Some headteachers also pointed to the greater

challenges associated with successful commissioning for vulnerable children. In addition to their concerns around schools' ability to commission successfully for vulnerable children, local authorities were also wrestling with the difficulties of restructuring their own services for vulnerable children with the devolution of a greater proportion of centrally retained funding to schools and trying to continue to join up services for vulnerable children and families in the context of a much more diverse system.

Despite the significant concerns raised in relation to supporting vulnerable children, some local authorities and schools have worked together to develop highly effective strategies for not just sustaining, but improving the quality of their provision for the most vulnerable in the context of a more autonomous system. One local authority has, in partnership with their schools, completely refreshed their approach to Fair Access so that there is a far greater emphasis on preventing exclusions, more transparency about how vulnerable children are placed, and greater ownership of the agenda by headteachers. Another local authority has pioneered the delegation of both funding and responsibility for preventing exclusions and commissioning alternative provision to partnerships of schools. A third local authority has worked with schools to completely review their commissioning of SEN support bases to be sharper around outcomes and to set clearer expectations on both sides.

### Emerging issues

This action research has taken place during a period of very significant financial, policy, contextual and demographic change. It has focused on practical solutions that local authorities have put into place to address some of the immediate challenges that emerged as a result of the first wave of mass conversion of schools to academies, and which were outlined in the interim report. However, as the action research has progressed new issues and themes have emerged, the implications of which are still not clear. The first issue is that the "mixed economy" of schools in which local authorities are working is changing all the time. As increasing numbers of schools opt to become academies, local authorities will need to be sufficiently flexible to adapt. A second key area of change is the impact that the new Ofsted inspection framework will have on the system. It is likely that, as the bar has been raised, more schools over the next year will enter categories of concern leading to a possible further surge in the creation of sponsored academies. It is also possible that some of the newly created convertor academies that were previously good or outstanding will receive a less favourable inspection outcome. These will be important tests for the new system of how schools, local authorities, sponsors and the Department for Education can work together to secure rapid improvement.

The third and final significant change is the recently published consultation on moving towards a national funding formula and introducing significant reforms to how funding for children and young people with high needs will be managed. To some extent the new funding arrangements resonate well with the local authority's emerging roles as a convenor of partnerships, as a maker and shaper of effective commissioning and as a champion of children and young people, and given the early consultative nature of these proposals it is impossible to be definitive about what the implications of the changes might be. However, local authorities have some significant concerns about the tighter restrictions on priorities for which the Schools Forum can decide to centrally retain funding. There is also some uncertainty about the implications of the new high-needs funding proposals on local authorities' ability to commission flexibly for children and young people.

## Conclusion

Overall the evidence in this report suggests that in many cases local authorities and schools, working together, are creating local solutions to some of the challenges that have arisen as a result of the new education landscape and are at the same time finding ways to maximise the opportunities. The first part of the conclusion to the report therefore summarises some of the key emerging messages for schools and local authorities about how they might approach this period of transition and what effective practice may look like. However, the research also points to issues and challenges which, so far, have not proved amenable to local solutions and where some additional clarity, further action, or ongoing reflection may be needed on the part of national government and its partners. These are summarised in the second part of the conclusion. These messages, for local and national partners in education, are reproduced below:

### *Key messages for local partners in education*

The action research strongly suggests that there are some emerging areas of good practice which local authorities might find helpful to consider as they make the transition into a new role and set of responsibilities:

- Be systematic in working through, with schools, where the local authority can add most value in the new education landscape, prioritise what to focus on and then confidently inhabit the space agreed. Seize the agenda, rather than be apologetic and wait for instruction.
- Treat schools as partners and leaders in the education system, and provide the space for them to develop solutions to community-wide issues that are owned by schools.
- Where existing relationships with schools are strong, begin to develop the governance mechanisms and, if appropriate, more formal partnerships with and between schools so that good relationships have a life beyond the particular individuals involved at any one time. Where relationships with schools are not strong, then take immediate action to turn these around as a matter of priority.
- Look for quick wins to demonstrably contribute to the resolution of new and pressing issues that are emerging as a result of the changing education system. This will help address the concern that there is too much theory and not enough action.
- Focus on co-creating, with schools, a local education culture based on a clear moral purpose and identify the headteacher advocates who can lead that process. Work with schools to support the conditions in which headteachers are prepared to challenge each other to take decisions which are in the collective interest of pupils in the wider community as well as the interests of pupils and parents at their school.
- Find mechanisms to learn from other local authorities, to avoid re-inventing the wheel at a point when all local authorities are wrestling with a similar set of issues.

- Develop the capacity to carry out really sharp and high quality data analysis that will enable schools, parents, and other partners to understand the system-level needs and how they can best be addressed.
- Work in partnership with local academies and sponsors to jointly understand what the local authority's role as "a champion of pupils and parents" means in relation to standards of performance for all children and for groups at risk of underachieving, so that it is clear and agreed what each partner can deliver.
- Invest in support for governors overall so that they can add real value to the schools they govern, and strategically target local authority governors as a group who can provide a conduit between the local authority and academies, and can provide more systematic intelligence about the performance and capacity of education locally.
- Map and establish systems for regularly scrutinising "soft" performance indicators available from a range of sources including engagement with individual schools, local authority traded services, parents, members and governors.
- Develop strong relationships with local academy sponsors and free school promoters and maximise local intelligence to become a valued partner in the commissioning dialogue related to future school provision.
- Further develop the outward facing scrutiny role of members so that this becomes a powerful route for championing and advocating on behalf of children and young people.
- Keep a close watching brief on the sufficiency of support available for vulnerable children both within schools and externally, and the effectiveness with which schools are able to commission that support to meet needs. If it becomes apparent that the needs of vulnerable children are not being served, work closely with schools, providers and other partners to build capacity and strengthen the quality of what is on offer.
- Identify opportunities to delegate further powers, responsibilities and budgets to schools, within a framework of strong partnership working and robust quality assurance for outcomes.

In parallel the shift to a more autonomous system also places new responsibilities on schools, not just for their own performance but for the ability of a community of schools to meet the needs of all children and young people in their area. In some of the best examples of where schools and local authorities together are making the new constellation of responsibilities work well, schools are taking much greater responsibility for collective, rather than individual, outcomes in relation to exclusions, admissions, fair access, post-16 planning and supporting better teaching and learning. Schools are owning the agenda, have an appetite to get underneath the issues, recognise that one school's decisions can have far-reaching implications, for good or ill, across a community, and are finding the confidence to challenge their peers on the basis of evidence. Schools also have a responsibility to grow their own capacity to make the most of the new opportunities that come with a changing education landscape. In particular, becoming an expert commissioner, with confidence to

define need, identify the right support, and quality assure the service delivered by an external provider will be essential skills in the new system.

### *Key messages for national partners in education*

The thrust of this report has been to demonstrate how local authorities, working with their schools and other local partners, are responding to the opportunities and challenges emerging from a more diverse and devolved education system. For the most part there are encouraging signs that practical local solutions are emerging. However, there are some challenges which, on the basis of this early evidence, do not appear to be amenable to locally developed solutions and where further thought at a national level will be required. These are summarised briefly below:

- Historically, there has been a very wide range in local authority performance. The extent to which local authorities have the skills to adapt to the new agenda successfully is therefore likely to be very varied. Furthermore, the collective capacity of schools in different local areas to assume a system leadership role will also be varied. The Children's Improvement Board and sector-led improvement initiatives provide a means for sharing good practice across local authorities, and the mechanism for identifying local authorities which are struggling to get to grips with the new agenda and brokering in support from a peer or other appropriate source. The evolving role of the council in education may well be a particular issue on which councils would welcome greater opportunities to share practice and learn from peers going forward.
- It is clear that responsibility for closing or federating schools where supply is outstripping demand is proving very difficult. Where the school whose viability is threatened is a community, VA or VC school the local authority has a role in leading the reconfiguration of pupil places to manage the risk, however as more schools become academies their flexibility is increasingly constrained. In the case of any convertor academy whose future viability may become uncertain there is no obvious point of accountability in the system to take the difficult decisions about what should happen to that school, and manage the repercussions for other neighbouring schools.
- A similar issue has emerged in relation to the future performance of stand-alone convertor academies. Although in some areas academies are continuing to welcome challenge and support from the local authority, and in others the concept of "challenge partners" (through which schools challenge each other) is taking root, there is no mechanism to ensure that the performance of every stand-alone convertor academy is scrutinised and that where such an academy is poorly performing an effective intervention is put into place.
- In the interests of high quality commissioning and sharing intelligence it would be helpful if the Department for Education could offer greater clarity on the criteria it uses to assess the suitability of a potential sponsor for a school and how it monitors sponsors' performance. This would enable local authorities to make better informed decisions in circumstances where they are looking to commission a new school or find a sponsor for an existing school. There is also some unevenness in how local authorities are engaged in the dialogue about the choice of sponsor for a school that is failing. This may be a reflection of local authorities' own capacity, but clearer expectations of the role that the Department would like local

authorities to play in these circumstances, and how local authorities might contribute to the Department's ongoing quality assurance of sponsored arrangements may be helpful.

- Teaching school alliances are emerging as a critical component in orchestrating and providing a wide range of services and high quality support. However, while teaching schools are designated based on a range of demanding criteria, there is a concern among some local authorities that some teaching schools could lose their designation if the head teacher moves on. They argue that this makes the sustainability of the support feel fragile and a difficult basis on which to build a local strategy. The National College is taking action to mitigate this risk by allowing for two or more schools to be designated together and so share the responsibilities and, where the current head teacher of a teaching school does move on, looking at the succession plans and overall leadership capacity of an alliance before taking the decision to de-designate. However, this is an issue, along with the attendant risk that if a teaching school's performance drops or it loses its Ofsted outstanding rating, it will face almost certain de-designation. Where this does happen, the College is committed to trying to manage the impact as far as possible in the interests of stability.
- There is considerable anxiety among local authorities that current processes for escalating disputes around fair access to the Education Funding Agency are not proving timely, and that the education of vulnerable children and young people may suffer as a result. It would be helpful if the Department could review the existing processes to ensure that they are fit for purpose. It may also be helpful to establish a system for monitoring the levels, pattern and nature of fair access disputes in order to ascertain, over time, how well the needs of the most vulnerable children are being served within a more autonomous system.



## Part 1: The context and strategic response

### Introduction

The purpose of this research has been to explore how local authorities are evolving and adapting their role to meet the needs of a more autonomous education system. The particular focus of the research has been on three core responsibilities of the local authority in education:

1. Ensuring a sufficient supply of school places
2. Tackling underperformance in schools and ensuring high standards
3. Supporting vulnerable children

There has been considerable, and useful, discussion in the system about what the function of the middle tier and local authority should be in the future, but this research does not aim to second-guess that ongoing policy debate. Furthermore, just as local authorities are evolving in the context of a new education landscape, so too have schools been contending with how their role as system-leaders develops. However it has been beyond the scope of this project to examine this schools-led transition in detail. Instead its purpose is to provide a picture, drawn from a small number of local authorities from across the country, of how, right now, local authorities are practically responding to the challenges and opportunities afforded by a more autonomous education system.

Throughout the project, action-research methodologies have been employed in working with local authorities. This means that they have been encouraged to identify specific challenges arising from the new educational context and devise solutions for addressing these which can be implemented and tested. An important aim of the research is therefore not just to report on what the participating local authorities are doing, but to help them to evolve and rethink some of their core systems and processes. The timeframe for this piece of research has only been seven months, which is not long enough to see through some of the complex changes associated with the new ways of working. Nonetheless the case studies which form the backbone of this report demonstrate how local authorities' thinking is evolving and the first practical applications of some of the new approaches to carrying out their key responsibilities.

This report forms a companion piece to the interim report of the research published in February. The interim report provided a snapshot of how local authorities were discharging their key responsibilities and duties in the context of a more autonomous education system and highlighted some challenges for how local authorities, schools and sponsors might work together in future. This final report aims to show how local authorities have responded to these challenges and opportunities through a series of case studies. The report is structured in five main sections. The first addresses how local authorities are strategically responding to the evolving education context. The next three sections deal, in turn, with the three key areas of local authority responsibility which have formed the focus of this research, namely ensuring a sufficient supply of school places, school improvement and supporting vulnerable children. The final section identifies some emerging issues which are just now coming to light and the implications of which are not yet clear, as well as some key messages for local and national partners in education going forward. It is hoped that this report

provides a way of capturing emerging effective practice and distilling lessons that may have wider resonance for other local authorities and the education system.

## The action research process

In November 2011 nine local authorities were selected to take part in the action research against a set of objective criteria, designed to ensure representation from authorities working in a range of relevant educational contexts. The criteria were:

Group 1: Local authorities with a high proportion of established academies	Group 2: Local authorities with a high proportion of recently converted academies	Group 3: Local authorities with a diverse mix of different types of autonomous school	Group 4: Local authorities with a high proportion of community, VA or VC schools
Criteria: Local authorities in which over 40% of their secondary schools are academies, and in which at least 25% of their secondary schools are academies which have been open for at least 3 years.	Criteria: Local authorities in which at least 65% of secondary schools are academies, and the majority of these are converter academies. This group also to include at least one local authority with a high proportion of primary academies.	Criteria: Local authorities in which over a quarter of secondary schools are academies, and which also have at least one free school either open or in the process of opening, and at least one teaching school.	Criteria: Local authorities in which between 10% and 15% of secondary schools are academies.

Using the criteria set out above, a shortlist was compiled of local authorities which, at the time of selection, met the criteria. From that shortlist nine local authorities were invited to take part in the research with the intention of achieving a sample that was balanced in terms of size, urban or rural contexts, and political leadership. The nine local authorities that were finally selected and agreed to participate in the research are set out in the table below:

	Group 1: Local authorities with a high proportion of established academies	Group 2: Local authorities with a high proportion of recently converted academies	Group 3: Local authorities with a diverse mix of different types of autonomous school	Group 4: Local authorities with a high proportion of community, VA or VC schools
Urban	Bristol Middlesbrough Westminster	Thurrock		Bolton
Rural		Gloucestershire	Hertfordshire Warwickshire	Oxfordshire

The action research was broadly split into two phases. Phase one was focused on establishing a baseline for each of the authorities involved in the research, understanding their context and that of their schools, and orienting that within a broader national picture. During this phase, which lasted from November 2011 to February 2012, the research team carried out fieldwork visits to each of the

nine local authorities involved. The fieldwork included structured interviews with members and officers, and focus groups with headteachers from both academies and local authority maintained schools. In parallel interviews were conducted with a wide range of national stakeholders, including academy sponsors, professional associations, and representatives of schools, academies, local authority officers and members. A list of those who participated in the research is attached at Annex A.

The findings from phase one of the research were captured in the interim report which was published on the LGA and DfE websites at the end of February 2012. The interim report was presented to the Ministerial Advisory Group on the role of the local authority, a group of around 50 Lead Members of Children's Services convened by the LGA, and a number of the Department for Education's consultative fora. Views gathered during this consultation process informed the development of phase two of the research. Unfortunately Westminster were not able to commit to the second phase of the action research due to other time pressures, therefore the second phase of the research proceeded with just eight local authorities, rather than the original sample of nine.

Phase two was focused on supporting the local authorities engaged in the project to further develop aspects of their role, in the context of growing numbers of academies and Free Schools, by using action research methodologies. In practical terms this meant that the local authorities were organised into two groups or "action learning sets", broadly configured around areas of common interest and challenge. Each authority was encouraged to identify one or more areas of focus for the duration of the research project that they would work on. Each action-learning set met twice together.

The first meeting was designed to enable the local authorities, through facilitated dialogue, to get underneath some of the issues explored in the interim report, to analyse them in greater detail and then to develop jointly a number of solutions to challenging issues that would be put into practice in the following weeks. The focus was on creating concrete actions that could be taken forward and tested in support of longer term plans and objectives. The second meeting provided an opportunity to discuss the actions that local authorities had taken in the preceding weeks, identify what had worked well and what was proving challenging, explore any new issues that had arisen, and agree a refined set of actions to take forward over the next period. At the end of the action research process all the local authorities were brought together in a final workshop to reflect on what they had learnt over the previous months, and collectively distil common findings arising from the action research. The process of sharing their learning was found to be valuable by the local authorities involved, who could point to areas in which their thinking had become sharper and more defined as a result of the action research. To chart their journey, participating local authorities were encouraged to complete a self-evaluation matrix at the beginning and the end of the action research period and also to complete an ongoing log of their activities, the successes and challenges. These have been used to inform this report.

During the course of the action research, the project team identified current publications on the developing role of the local authority and practice from other local authorities and posted those on an online portal to help inform the actions that participating local authorities were undertaking. Some of these wider examples, sourced during the action research, have also been used to illustrate

specific themes and findings in this report and have led to the development of additional case studies outside the eight participating local authorities.

## The context in which local authorities are working

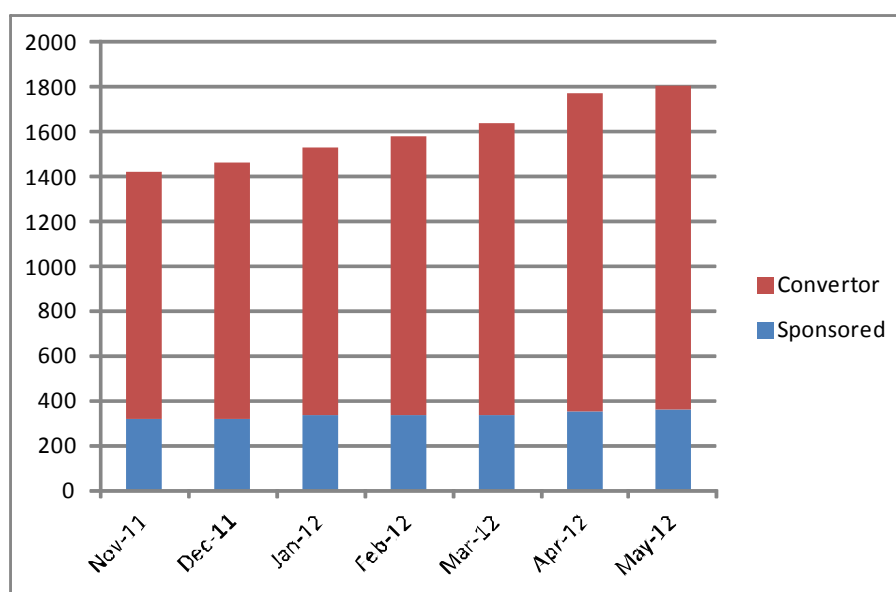
The period during which this research has been conducted, from the end of November 2011 to the end of May 2012, has been one of rapid and continuous change at both a national and local level. Most local authorities are undergoing a period of restructuring and transformation in order to meet savings targets which can have a very destabilising effect on forward planning. Similarly patterns in the demand for education are changing as a result of demographic shifts. Many local authorities are seeing rising demand for primary places, significant changes in demand for provision post-16 in response to increasing levels of youth unemployment and the commitment to raising the participation age, and rising demand for places in special schools.

As well as these contextual changes the education landscape is continuing to evolve. During the short time frame of this research the number of sponsored academies open nationally has increased by 38 and the number of convertor academies has increased by 348 as shown in the table and chart below. This represents a 27% growth in the total number of academies in six months.

### New academies opened between 30 November 2011 and 31<sup>st</sup> May 2012 by phase

Phase	New sponsored academies	New convertor academies
Primary	18	131
Middle-deemed Secondary	1	10
Secondary	17	194
Special	1	13
All through	1	
<b>Total</b>	<b>38</b>	<b>348</b>

### Total number of academies open nationally by month from 30 November 2011 to 31<sup>st</sup> May 2012

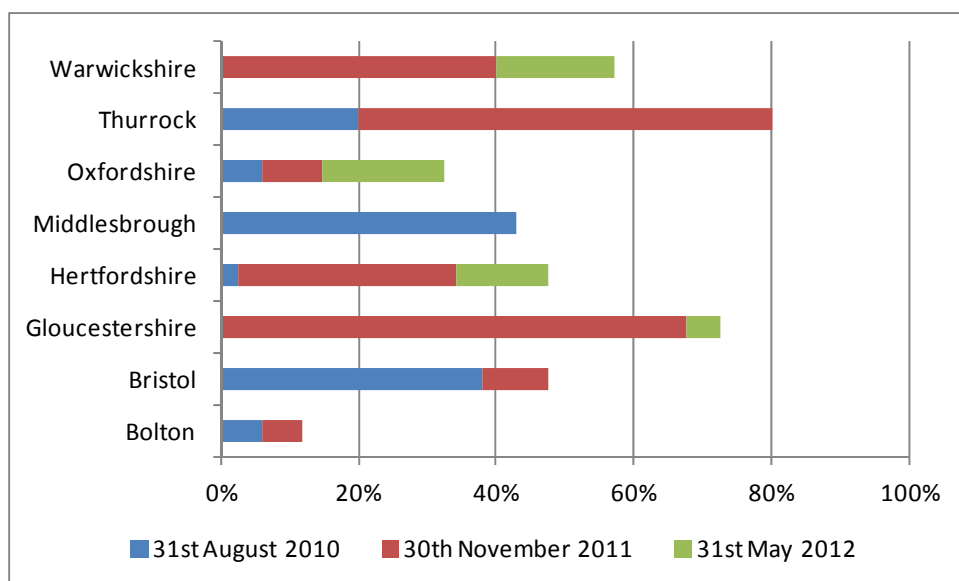


Based on DfE reported numbers of sponsored and convertor academies open as of the end of May 2012.

Does not include Free Schools, UTCs or Studio Schools.

For each of the local authorities that took part in the action research the rate of change both before and during the research has been very different. The chart below shows the percentage of secondary schools that were academies in each local authority at three points – 31 August 2010, 30 November 2011 (when they were selected to join the action research) and 31 May 2012 (the end of engagement in the action research).

**Chart showing growth in the percentage of secondary academies in each participating local authority from August 2010 to May 2012**



This shows that some local authorities, like Gloucestershire and Thurrock, experienced very rapid change in the conversion of schools to academies relatively early (between August 2010 and November 2011), which has subsequently slowed. Other local authorities, like Hertfordshire, Warwickshire and Oxfordshire experienced more moderate change at the outset, but have experienced relatively high levels of change since the start of the research. Other local authorities, such as Bolton and Bristol have experienced a fairly consistent and modest level of change throughout the period, and one local authority – Middlesbrough – has seen no change from a relatively established base of sponsored academies already in place.

In addition to the rapidly changing landscape of academies, two other major education developments have altered the context in which schools and local authorities are working during the course of the research. In January 2012 the new Ofsted inspection framework for schools was introduced. This deliberately raised the bar for schools, and directed a spotlight on the quality of teaching, particularly in schools where teaching was no better than satisfactory or in schools where overall effectiveness was deemed to be outstanding, but where teaching was not. In parallel the Department for Education launched its consultation on the future of schools' funding in March 2012, which includes proposals for how the funding system might be reformed from 2013-14 onwards. Some of the changes proposed, particularly those for the funding of children and young people with high needs, are now influencing how local authorities and schools configure their relationships going forward.

It is also worth recognising that local authority services for education do not sit in isolation. Local authority roles in relation to public health; community safety; housing, planning and regeneration; and taking forward the localism agenda are also evolving. This is creating a climate of great opportunity, but also significant capacity constraints.

### **Local authorities' strategic response to a more autonomous school system**

The interim report found that all the local authorities taking part in the research had recognised and sought to respond to the vision for a more autonomous and self-improving school system, and that there was a clear commitment to enabling schools, irrespective of their status, to lead their own improvement. In many cases this increasing autonomy was viewed as the next stage in a much longer process of transition, rather than a very rapid transformation simply associated with the growth in academies. Indeed, the delegation of increasing powers and responsibilities to schools is something that many of the local authorities involved in the research have actively encouraged for a number of years. It is certainly not the case that local authorities are moving from a recent position in which they closely managed individual schools.

However, the interim report also concluded that authorities were at very different points in managing the transition necessitated by the growth in the number of academies and Free Schools, and that none felt they had reached the end of that journey. These observations still hold true, but for many of the local authorities participation in the action research has coincided with a period of deeper reflection during which they have been attempting, in partnership with schools, to redefine their education role more precisely. This has enabled the research to gain some insights into both the process of transition, and how the shape and nature of the local authority role is being defined differently according to local contexts and priorities.

The eight local authorities whose experiences are captured in this report are very different in terms of size, context, demographics, political direction, funding and the nature of their schools. However, they cannot be representative of all local authorities nationally. In particular, at a national level, there is a very wide spectrum in local authorities' capacity and performance which is likely to affect the success with which they are able to adapt to meet the demands of the new and evolving education system. For all those authorities which are establishing a clear strategic direction and a way forward, there are likely to be others which are finding the transition process extremely challenging.

### **Local authorities' confidence in their ability to set a new strategic direction**

At the start of the action research phase all local authorities participating in the action research completed a self-evaluation questionnaire in which they were asked whether they strongly agreed, agreed, disagreed or strongly disagreed with a number of statements about how they were carrying out different aspects of their responsibilities. The consolidated list of local authority returns is attached at Annex B. The first set of questions related to the overall strategic direction of the local authority, and an analysis of responses in this area provides an interesting perspective on whether local authorities felt that they had established a clear vision for the way forward, had achieved the support of the wider community in that vision, and were equipped to deliver it.

On the positive side, all but one of the participating local authorities either agreed or strongly agreed with the statement “As an authority we have a clear and well defined vision of how we will support the quality of education for all pupils in our local area over the next two years.” In general, local authorities felt that this vision was shared and understood by stakeholders such as schools, parents, governors and sponsors, and that relationships with schools (including academies) were such that they were able to have difficult conversations and jointly develop constructive solutions to issues that arose.

However, there were a couple of areas of the self-evaluation where local authorities appeared less confident. Only five out of eight authorities agreed with the statement “Our vision for the future of education in this authority is shared between members and officers, and both are clear what role they play in achieving it.” Those local authority officers who disagreed with the statement highlighted tensions in how the leadership of the local authority (both lead members and senior officers) viewed the role of the local authority going forward compared with individual ward councillors. They felt that in some cases non-portfolio holding members assumed that as a result of the changing nature of the education landscape the local authority would have no education responsibilities going forward. In other cases they felt that members were finding it difficult to reconcile their sense of responsibility and democratic accountability for children and young people in the area with their commitment to enabling schools to become self-governing. This tension was felt to be particularly acute in circumstances where a school or schools, including academies, were not performing well and members did not always recognise the limitations of what a local authority could do to address this in a more autonomous system.

Nonetheless, this is an issue on which, during the course of the action research, local authorities have felt they have made progress. They believe that the discipline of clearly articulating the role of the authority going forward has enabled them, and their lead members, to surface the debate more effectively with ward councillors, to achieve a better shared understanding. In this context a number of local authorities are actively developing the capacity of scrutiny committees, for example, to play an outward facing role as champions of children and young people.

A second area in which local authorities were less confident was in their capacity to take forward the vision they had established. Only half the authorities agreed with the statement “We are confident that we have the right staff capacity, with the right skills to deliver the vision that we have set ourselves.” To some extent this is simply a reflection of the rapid downsizing that school improvement teams have experienced over the last 18 months, combined with an anxiety about the level of future cuts that are anticipated as authorities seek to achieve their savings targets. However, anxiety about capacity is also related to a more nuanced point about the balance of resources. In addition to their statutory duties which relate to all schools including academies and Free Schools, all local authorities continue to have a wide range of specific duties to fulfil in relation to their maintained schools, not least their duty to ensure high standards, through intervention if necessary. At the present time this means most of their primary schools, and in some cases a significant proportion of secondary schools. One of the issues that local authorities are wrestling with is how to maintain the appropriate level of challenge and support for their maintained schools, while developing a different type of role as a facilitator and enabler within a more diverse and devolved school system: a role which may also require different and new skills.

Some local authorities feel that carrying out their responsibilities may become easier if the point is reached when all schools are academies because it will create a level playing field between schools and will potentially free up the capacity of the local authority to overtly champion the needs of children, parents and communities. However, until that point is reached local authorities will need to continue to balance their significant responsibilities as a maintaining authority with the new demands of the evolving education system.

### Responding to the current 'mixed economy' of schools

A reality of the new education landscape is that all local authorities are working in a more diverse 'mixed economy' of schools. It has always been the case that local authorities have worked across different phases of school (primary, secondary and special) and with schools of different status (community schools, sponsored academies, foundation schools, trust schools, and voluntary aided and voluntary controlled schools). However, government policy in recent years has led to a rapid burgeoning of school diversity with the significant expansion of the number of sponsored academies and the introduction of convertor academies, Free Schools, Studio Schools and University Technology Colleges.

The opportunities and challenges for the local authority in carrying out its responsibilities are not homogenous across its community of schools. Some issues loom much larger in one phase than another, and some of the changes explored in this report are only relevant to a particular type of school. Where there are distinct differences between various types of school these are brought out in the body of the report. However, it is possible to draw out some phase and sector specific themes.

There is a strong sense among both local authorities and schools that, in general, secondary schools are more confident and have greater capacity to take on the responsibilities associated with becoming an academy than primary schools. This is not universally true, but in many cases secondary schools have demonstrated a greater appetite to take on the business management, system leadership, commissioning and HR responsibilities associated with increased autonomy. This is reflected in the far greater proportion of secondary schools, nationally, that have become academies than primary schools. Some local authorities are currently working in a context in which almost all their secondary schools, and almost none of their primary schools, are academies. Unsurprisingly, therefore, authorities are tending to take a more hands-off approach to setting the strategic agenda at secondary, but are providing stronger leadership in the primary sector.

The action research has uncovered a wide range of views among primary headteachers around both the challenges and opportunities presented by the new agenda. Some primary heads are avid to take advantage of the opportunities that academisation brings. They are actively brokering a leadership role within a multi-academy trust to achieve economies of scale, and as national support schools or teaching schools, making a significant contribution to system improvement. Others are very concerned about the pressures associated with greater autonomy. They value the services provided by the local authority and the community offered by a local family of schools and are anxious that these might not be available in future if the local authority were to downsize further; they are feeling the pressure of a tougher inspection regime and rising floor targets; and they do not have the appetite or capacity to assume greater responsibility either within or beyond their school. Managing both ends of this spectrum so that schools which have the confidence and capacity are



able to use it well, and schools which would value greater support are not left vulnerable and isolated, is one of the challenges of the more diverse mixed economy of schools.

Demographically there are also distinct differences between the individual phases which are also worth reflecting here. Nationally, there is a surge in demand for primary places, particularly in urban areas whereas, on average, demand for secondary places is likely to be static or declining until around 2017. This means that the impact of academies becoming their own admissions authorities is felt differentially at primary and secondary with examples of demand for places outstripping supply most commonly found in the primary sector and incidence of surplus places more often found in the secondary sector. The increases seen nationally in demand for special educational needs provision, caused in part by medical advances enabling children with very severe needs to live longer and benefit from education, is also leading to complexities in managing SEN provision, particularly as growing numbers of special schools are also considering becoming academies and changes to high-needs funding are being consulted upon.

The final significant distinction within the mixed economy which is worth reflecting here is the difference between convertor and sponsored academies. For sponsored academies the functions traditionally performed by a 'middle tier' are, to a large extent, carried out by the sponsor. Local authorities generally report feeling confident that they are able to have constructive discussions with local sponsors about issues that arise, for example in relation to place planning or school improvement. However, local authorities tend to be less confident that they can have such discussions with their convertor academies, in part because there is no objective and external reference beyond the school's leadership and governing body. Some of the concerns voiced by local authorities, and described in this report, therefore apply particularly to convertor academies which have converted on a 'stand-alone' basis rather than as part of a multi-academy trust.

### **The process for developing the local vision**

Most of the authorities taking part in the research have been engaged in an ongoing process, in partnership with their schools, to redefine their role in education locally and to develop new frameworks for collaboration. Discussions among the local authorities have highlighted a number of common challenges to achieving this which essentially coalesce around two critical tensions – speed versus comprehensiveness; and whether this is a local authority or a school-driven process.

#### *Speed versus comprehensiveness?*

As is the case in any complex change process there is an appetite to deal with uncertainty and arrive at the solution quickly. Indications from the research are that in some cases the real pressure for clarity is coming from local authority maintained schools, particularly in the primary sector, who feel deeply uncertain about the level of support, challenge and engagement that might be available in the future. In some places academies also felt that greater clarity about the respective responsibilities of the school, the local authority and the department would help them move forward. But, the impact of uncertainty in relation to the future of the local authority role and capacity was in general not as acutely felt by academies as by maintained schools.

However, despite the clear need for pace and momentum, one of the lessons from the action research is that this is not a process that can be rushed and still be successful. There is a real danger

that in developing a local vision, and defining the responsibilities, both individually and jointly, of the local authority and schools, the final result is a superficial consensus to which everyone can sign up simply because it fails to tackle the really difficult questions. The local authorities participating in the action research have recognised that unless they engage with the detail that sits behind the high-level aspirations, and really be precise and specific about what this means for their role, and the interface with local schools and other partners, the resulting 'agreement' might quickly become meaningless. Both local authorities and schools involved in the research identified the risk of 'empty' partnerships. As one academy headteacher put it "everyone nods, makes the right noises, but will do their own thing when not around the table."

Balancing the need to establish a clear sense of forward purpose and momentum quickly, while attending to the detail and specific negotiations that will make any local solution meaningful and sustainable, is a constant tension in the work that local authorities have been undertaking to redefine their future role. What is very clear is that the solution to this tension is not to internalise the debate. There is a risk that local authorities can become immersed in talking to themselves about what the future might look like, and not spend enough time talking to others, including their schools. Indeed, some schools do not feel that they have been sufficiently engaged in discussions about the future vision in their local area. A second lesson from the action learning process is that there is a benefit in using practical and current challenges as a way to explore how the local authority can add the most value in the changed education landscape. This enables the debate about the role of the authority, and the nature of the partnership with schools, to become evidence-based and experiential, rather than simply theoretical. As one authority commented:

*"Reflecting on our approach, I think we're trying to be issues based – for example to identify and evidence an issue in the local area which can only be solved if we work together with academies. Then when we have agreement about a need to tackle it, we tend to get clear on who does what, and what resource is in play, that can be used to 'commission' a response (not just LA funding, but school funding too)."*

#### ***A school or a local-authority driven process?***

A second tension, and one that is closely related to the issues around pace and momentum explored above, is the extent to which this dialogue about the local role of the middle tier is led by local authorities or by schools. In many ways the dialogue is about those functions that extend beyond what a school can achieve individually, and is focused on responsibilities that schools need to work together to discharge and where external input beyond the school is beneficial. It is therefore right that the local authority should play a key role in leading the dialogue. However, some of the local authorities taking part in the action research have observed and reflected that at times they need to deliberately step back and not try to secure the solution to a difficult issue which requires coordination and commitment among schools, and instead allow schools space to arrive at a solution themselves. This can be a more time consuming process, but ultimately may lead to a consensus which is more binding on schools as participants. This observation relates both to the process of defining roles and responsibilities that schools and local authorities are engaged in, and to the attempts to address some of the specific challenges that are highlighted in the main body of this report.

## The importance of relationships

A key finding of the interim report was that local authorities' ability to carry out their duties in relation to place planning, supporting vulnerable children and ensuring a high quality of education for all children, is increasingly dependent on the quality of their relationships with schools, academies and academy sponsors. All the local authorities taking part in the research recognised that without the power to direct schools over particular issues, their ability to carry out certain functions would depend on their capacity to motivate, persuade and exercise principled leadership. One of the key differentiating factors in how well local authorities are adapting to the new educational context appears to be the strength of their existing relationships with schools and academy sponsors.

The primacy of relationships in the new landscape carries the risk that the effectiveness with which the education system operates in the collective interest of children and young people could become too dependent on specific individuals who are in post and who have developed effective ways of working together over a period of time, and therefore too prone to disruption when those key individuals move on and relationships have to be created afresh. There is evidence from the research that local authorities and schools are beginning to consider mechanisms to counteract this risk. Specifically, a lot of consideration is being given to local governance mechanisms that bring key partners together around specific issues or decisions, that demonstrate their worth to those involved, and that create a sense of moral obligation that makes it difficult for schools to 'opt out' of decision making processes that serve the collective interests of children and young people. This theme – of strong local governance – will recur throughout this report. However, it is worth reflecting here on some of the practical elements which appear to make these structures more likely to be effective. These include:

- Strong ownership of the agenda by schools, including schools chairing the partnership or governing board, and having the majority voting position
- A clear moral purpose, which is advocated by schools and by other external partners
- The right expertise round the table, including external expertise, but keeping the group small enough to take decisions and act on them
- The effective use of data to make the issues absolutely transparent to all involved, and to apply pressure to those who are disinclined to engage.

The case studies below illustrate how two local authorities have approached the task of defining their local strategic vision. One local authority is developing an area-wide partnership designed to collectively fulfil some of the key functions of a middle-tier and the second local authority has worked with its schools and partners to more sharply define its future responsibilities.

### Middlesbrough Achievement Partnership

#### What was the issue?

Middlesbrough is an area of very high deprivation and relatively low achievement on non-contextual measures. Falling rolls in the last 6 years have caused a reduction in funding in real terms. However, at the same time the complexity of pupils' needs has been rising significantly. There is already a mixed economy of secondary provision in the local

authority, with 3 traditional academies and 4 maintained schools. Several new academies are now in the pipeline in the primary and secondary sectors, including sponsored academies.

Although current school partnerships include existing academies, the local authority felt that the trajectory towards a much more diverse set of schools posed a risk of fragmentation, with the potential to miss opportunities to share good practice and achieve efficiencies through aggregating demand for services. There was a recognition that the success of sector-led improvement would depend on strong relationships across the community of schools, especially in a small urban area such as Middlesbrough. Given the particular social and economic characteristics of the area, the local authority and its schools were keen to retain a locally-driven approach to increasing standards of attainment and ensuring that the most vulnerable pupils were given equality of opportunity.

### **What did Middlesbrough do?**

The authority proposed a strategic partnership between schools and the local authority, to be named the Middlesbrough Achievement Partnership (MAP). A steering group was set up with co-chairs from the primary and secondary sectors, bringing together representatives from the existing Primary Forum, Secondary Education Improvement Partnership, and the Special Schools Partnership in order to inform the development of a detailed partnership proposal for schools. A member of the local authority's Children Family & Learning Department's senior management team was seconded to the steering group, to support the development of the Partnership. This provided a dedicated resource to identify governance models, build the case for change through a robust analysis of data, and develop and implement an action plan with clear work streams. The aim is to provide an offer to schools this autumn.

The principle of the Middlesbrough Achievement Partnership is to retain a family of schools, regardless of status, to maximise the benefits of joint working and make connections to other agencies that can help support education provision in the town. Schools will be invited to join if they wish, but there will be no compulsion to do so.

The schools-led steering group will be responsible for agreeing identified priorities for the partnership on the basis of need, engaging with all schools to seek views and develop and monitor agreed action plans, establishing task and finish groups to implement the plans for priority areas, and regularly monitoring progress against key indicators that relate to the partnership's priorities. Some of the emerging ideas for how the partnership's work will be focused include:

Making connections to the full range of partners and services who can have an impact on children's life chances in Middlesbrough, in particular encouraging a cooperative approach to early help that will prevent crises, improve outcomes and raise aspirations in children and their families;

Coordinating efforts to attract additional investment into education provision in the town;

Identifying funding available to the partnership, including delegated funding and elements of current LA budgets as services are reviewed, for joint education improvement activities;

Agreeing plans for how the overall resources can be used to target the priorities, through the deployment of strategies and good practice that are proven to be effective;

Jointly commissioning key services from the most appropriate providers (including public, private, and voluntary sectors, individual schools or groups of schools).

Schools will be involved in reviews of local authority services to determine whether traded services will continue or not, and to reshape statutory services where appropriate. To free up funding for school improvement, the partnership will promote joint procurement and other efficiency saving measures, and make joint funding bids to attract investment. It will also make links with local businesses, sporting organisations, health, the voluntary and community sector, FE and HE; it is envisaged that this will provide a focal point for such partners to engage with schools, which is easier and more efficient for them than having to contact individual institutions.

The new funding proposals which introduce maximum delegation of funding fit well with this approach, placing an emphasis on schools as commissioners of services. There will be an emphasis on identifying what works and sharing good practice where this is transferable to different settings.

### **What has been the impact?**

The secondment has focused attention on the need to move quickly to establish the partnership and set a time scale for the launch. After a lengthy period of talking about a partnership, there is now a draft action plan based on eight work streams: the vision; making the case for change; priorities; governance options; communications; data/performance management; commissioning; and resources.

The steering group has prompted exploration of how self support and challenge will work in a more autonomous system supported by the partnership, and how the total resource available can be used to drive up standards while meeting the needs of vulnerable pupils. It has achieved a high profile for issues such as transition, where the significant pupil mobility in some areas leads to a complex map of movement between primary and secondary schools. The use of data to establish the case for change is also enabling schools to identify key issues that will inform MAP's priorities, for example the level of pupil mobility, the high number of qualifications, some of which have very few entrants, and the differences between schools in the achievement of vulnerable groups.

### **What is the learning for the system?**

Middlesbrough believes that one of the benefits of going through the process of shaping a future partnership and defining its priorities has been to provide schools with a clearer sense of how different policies link together at a system level, for example clarifying how

commissioning in line with the local needs assessment fits with the new funding reform in respect of maximum delegation of funding. The analysis of data at different levels also allows schools to take an overview of the whole system, which they may not see from their own data analysis. This has helped to identify those areas where working together has the highest potential for improvement.

However, the local authority has also emphasised that the time taken to make the case for change and to ensure that all schools understand the vision cannot be underestimated. In particular those schools which have not been part of the steering group need to be given sufficient opportunity to understand the propositions in detail, and the principles of the partnership need to be restated regularly in a variety of fora.

The view of some of the headteachers who have been involved in the work of developing the partnership is that the local authority have taken an energetic position on delegating decision-making and responsibility to schools, and in some cases it has been schools themselves who have slowed that process down, partly through fear of the unknown. They see some strong potential benefits in what the partnership might offer schools in Middlesbrough, as being the “glue that holds things together” and offering a whole town approach to cross-cutting issues such as admissions, transition and joint commissioning.

However, heads recognise that there is still further to go to be really clear on the detail of the respective roles of the local authority, schools individually and schools in partnership. Nonetheless they are able to articulate what the key elements of such a partnership should be. These included openness with information and data, including the performance data of individual schools, a collaborative culture, the availability of expert professional and technical support, and trust. They feel that as these have been a feature of the partnership over recent years it has put the local authority in a good position to cope with the current changes and challenges.

## **Bristol’s development of a new ‘schools offer’**

### **What was the issue?**

There has been steady improvement in pupil outcomes over the past five years in Bristol, but the local authority realises that standards overall remain too low. Much of the improvement has come about through a relatively traditional model of improvement with an emphasis on strong quality standards; a visible and clear role for the local authority as a maintaining authority; central funding to support and foster school capacity; targeted use of sponsored academies to address failure; and strengthening of partnerships and engagement in the city.

In the context of more schools becoming academies, reductions in central funding, and the need to achieve the next step change in performance, Bristol has recognised that the time is right to redefine their role in relation to schools so as to further stimulate sector-led improvement.

### **What did Bristol do?**

Bristol carried out a thorough needs analysis of its existing role and relationships with schools in order to inform its future direction. Through this process, and with in-depth discussions with schools and other partners, Bristol has clarified its five core areas of activity going forward as:

1. Ensuring a sufficient supply of school places.
2. Ensuring excellence and tackling under-performance.
3. Ensuring support for vulnerable children and young people.
4. Exercising responsibility as the maintaining authority of local authority maintained schools and other settings.
5. Trading services with local authority maintained schools, academies, educational settings and other organisations.

This means that the local authority will exercise a system leadership role to secure the benefits of collaboration and shared vision; will commission sufficient school/education places based on anticipating and analysing need; will ensure a self-improving school system is established that delivers educational excellence and embeds strong locally based partnerships, with high quality governance arrangements; will champion the total needs of children within educational settings, particularly those that are vulnerable for example children in care, and those with special educational needs; and will trade with schools where it is the best placed provider.

### **What has been the impact?**

Bristol believes that discussion about the five roles and how they can be put into effect have provided a basis for better informed debate with corporate colleagues and head teachers and governors. It feels that there is now greater clarity about the role of the local authority and a shared framework in which this can be taken forward.

The analysis has also enabled Bristol to be much sharper about the practical implications of this focus and the decisions that must now be taken, including changes to the capacity and structure of their internal staffing, with a clear separation of trading and other local authority roles. They have also recognised new areas where they need to grow skills and capacity such as the expert analysis of data, improved ability to track the educational performance of vulnerable learners such as children in care; a better interface with parents with regard to admissions; a stronger advocating role for learners and families; and a higher quality traded offer in some areas.

### **What is the learning for the system?**

A significant area of learning for Bristol from this exercise has been the need to develop appropriate 'governance' arrangements for the work of schools and the local authority going forward, which will provide the robustness and accountability needed to underpin

existing partnership arrangements. The importance of strong ownership and engagement of schools in future governance structures and the potential role of independent chairs has also been acknowledged.

The authority feels that an important feature of the process has been taking time for the discussion, to allow people to take issues on board and shape their questions. This has built a wider consensus across elected members, partners and school leaders and governors about respective roles. Having a clearer understanding of role and functions is reassuring for staff and helps partners, including schools, recognise where there is a need for them to step up and take responsibility for exercising leadership across the system as well as in individual institutions.

## How schools are responding to the evolution of the local authority role

It is not possible, on the basis of this research, to offer a comprehensive view as to how schools are reacting to the changes taking place in local authorities. Nor has it been the focus of this report to explore how schools themselves are evolving, although it is certainly the case that individually and collectively they are responding to a dynamic and complex change agenda which goes beyond the role of the local authority. However, from the individual headteachers interviewed as part of this project it is possible to draw out some key messages which shed light on some of the specific themes and issues explored in this report, which relate to the evolution of the local authority role.

First of all, there is a general recognition that while the evolving role of the local authority is still not clear for many schools, this is because the picture is complex and continually changing. Many schools feel that local authorities have provided as much clarity as they could within the circumstances. However, schools also feel that now is the time for local authorities to be confident, seize the agenda and demonstrate their leadership on difficult and intransigent issues that are arising locally, for example on fair access, the role of the school forum and making links across agencies for the benefit of vulnerable children and their families. This would be a powerful antidote to the perception among some schools that there is too much discussion and not enough action.

There is a significant concern, among some schools, that local authority services have been so pared back there is now little capacity over and above the statutory functions. Schools are concerned that the role of the local authority could end up being too consumed in fire-fighting and picking up the jobs that others in the system are not prepared to do. The ability of local authorities to retain good quality staff in the face of these future uncertainties is a risk that many schools alluded to, particularly as sponsored academy chains are actively recruiting experienced local authority staff in some areas. However, many schools continue to see a clear role for the local authority in providing an objective voice for children and young people, based on high quality data analysis, and being the “non-partisan glue that holds things together.”

Schools are very clear that the future of the education system lies in the strength of their partnerships, and it is encouraging that schools are mobilising themselves to capitalise on these opportunities. For some the chance to strengthen existing partnerships was one of the main attractions of becoming an academy. The range of partnerships, from teaching schools alliances, to individual federations, transition groups, and subject networks, is very broad and speaks volumes of



the vibrancy and dynamism of the school system. However, headteachers are also aware that these partnerships can be fragile and very dependent on the good will of the individuals involved.

### How local authorities are developing into a new role

It is clear from the research that there is no single local authority 'role' emerging. Different areas are taking on and fulfilling different functions depending on their context, their political direction, the needs of their communities, their available resources, and their track record on education. That said, the interim report identified four broad approaches to how local authorities were thinking about their future role. In the interim report these were described as:

Principle-based leadership	Convenor of partnerships	Market-based approaches	Tighter focus and retrenchment
<ul style="list-style-type: none"> <li>• Creating a unifying local vision</li> <li>• Becoming vocal advocates and champions for pupils and parents</li> </ul>	<ul style="list-style-type: none"> <li>• Creating the fora and conditions for collaborative decision making</li> <li>• Facilitating and brokering partnerships</li> </ul>	<ul style="list-style-type: none"> <li>• Becoming an expert commissioner</li> <li>• Entering the market as a competitive provider of services</li> </ul>	<ul style="list-style-type: none"> <li>• Emphasis on delivering statutory responsibilities</li> <li>• Tighter focus on outcomes for vulnerable pupils, rather than all pupils</li> </ul>

As the research has progressed these different approaches have become more defined, and provide a useful lens through which to view some of the challenges and opportunities created by the increasing number of autonomous schools, as well as the efforts of local authorities to maximise those opportunities and respond to the challenges. It has become clear from discussions in the action research that, in the context of continuing financial pressure, tighter focus and prioritisation is not an approach that sits alongside other ways of working, but is a subtext that underlies all other activity. It has also become clear that the other ways of working reinforce each other and are interlinked. The diagram below is therefore a better way of conceptualising how local authorities are beginning to develop three broad roles which enable them to discharge their responsibilities within a more diverse and devolved education system.



These three emerging 'roles', which are explained in greater detail below, will be used as a framework through which to analyse the range of ways in which local authorities are responding to some of the challenges and opportunities created by an increasingly diverse and devolved education system in the following pages.

### **The local authority as a convener of partnerships**

The headteachers that were interviewed as part of this research were very clear that they did not equate autonomy with isolation. They recognised that in a well-functioning education system there are times when schools can be more effective if they act together, and there are responsibilities that schools exercise jointly rather than individually. However, schools also recognised that in the new education landscape the forces of competition, particularly in terms of attracting pupils in circumstances where funding is tight, might at times be stronger than the forces of collaboration. They were therefore keen to find ways to maintain and strengthen those partnerships which they felt had been effective.

In some areas there was a strong feeling that the local family of schools, which the local authority had been instrumental in creating, was an important unifying framework. In other areas schools were clear that it was the partnerships that they themselves had created and sustained – for example local headteacher associations or collaborative clusters - which delivered the most value. Evidently schools are able to self-organise into partnership structures that meet their needs, and many do so effectively. However, there is growing evidence from the action research that local authorities can play an important role in convening partnerships of schools and at times providing the external and objective arbitration which keeps them effective. It is also clear that the local authority plays a key role in facilitating partnerships between a very broad range of providers and services (such as health, the police, lifelong learning providers, social work, mental health services, drug and alcohol services, targeted youth work, and employment services) and is able, in the best cases, to successfully promote their joined-up engagement with schools and vice-versa.

### **The local authority as a maker and shaper of effective commissioning**

The changes that have come into force over the last two years have far-reaching implications for how schools respond to parental demand for places, who provides schools, and how schools access support and challenge. At each of these three levels it is clear that, in the new education landscape, choice and competition are to be important drivers of quality. New admissions arrangements have provided freedom for academies and Free Schools to set their own Published Admissions Numbers and therefore to expand, or indeed contract, in response to parental demand for places in the area. This provides an opportunity for successful schools to expand to accommodate the preferences of more parents, and may in turn force less successful schools to either improve, contract or close. In parallel, following the Education Act, it is likely that almost every new school that opens will be either an academy or Free School, with the opportunity to provide schools being determined through competition or (in the case of Free Schools) application to the Department for Education. Finally, the ending of the National Strategies, the delegation of school improvement grants to schools, and the devolving of local authority centrally retained funding to academies all provide opportunities for schools to commission support and challenge from a wider range of providers.

These choice-based reforms, which form a key strategic element of a more autonomous education system, have presented both opportunities and challenges for how local authorities undertake their responsibilities in relation to ensuring a sufficient supply of school places, school improvement and supporting vulnerable children. One way in which local authorities have sought to respond to these changes is to engage as an intelligent commissioner of schools, to become a provider of support services and challenge, and to facilitate schools and parents in making effective commissioning decisions.

### **The local authority as champion of pupils, parents and communities**

The schools white paper stated that *“In a more autonomous school system, local authorities have an indispensable role to play as champions of children and parents...using their democratic mandate to challenge every school to do the best for their population.”* One of the areas of focus of this action research has been to explore how local authorities are exercising this role as champions in an evolving education system, in which they are not directly responsible for the performance of academies that in many cases now educate the majority of pupils of secondary school age in a particular locality. This research explores a number of areas of action for local authorities where they have a role in advocating for individual children or parents, or the interests of a community at large, but do not have direct levers of accountability to employ.

The role of the local authority as a champion of pupils, parents and communities sits well alongside their broader responsibilities in relation to developing effective, sustainable and cohesive ‘places’, for example through their responsibilities for planning, employment, working with businesses, supporting families and encouraging life-long learning. It also sits well alongside their democratic mandate to ensure good outcomes for children and young people.

## Part 2: Ensuring a sufficient supply of school places

### Current issues and challenges

The interim report found that although local authorities were continuing, on a day to day basis, to exercise their responsibilities in relation to ensuring a sufficiency of school places as they had done previously, they were anxious about their ability to continue to do so as more schools became academies. As academies are able to set their own admissions numbers without reference to the local authority or others, it was felt that it could become increasingly difficult for local authorities to guarantee that there would be a school place for every child in the local area or to manage excess supply of places where demand is falling. In the past, local authorities have not made extensive use of their power to direct schools to expand or contract to accommodate rising or falling demand for places, and have instead tended to negotiate with schools to arrive at a solution that works for all involved. However, authorities recognise that their influence at the negotiating table was historically increased by the shared knowledge that they had the power to direct schools as a last resort. As this is no longer the case with academies, local authorities leverage to ensure a sufficient supply of places is constrained.

The tension between what is in the interests of pupils and parents at an individual school and what is in the interests of pupils and parents in the wider community, which very frequently sits behind disagreements about the allocation of places, is certainly not new. This is an aspect of relations between local authorities and schools which has often been difficult in the past. However, evidence from the action research suggests that place planning is becoming more problematic in the context of greater school autonomy. There are specific examples of where individual academies have chosen not to expand to meet rising demand for places, or where the decision to expand has created difficulties for medium-term place planning by making a school that will be needed in the future temporarily unviable. It is not universally the case, but the majority of the local authorities involved in the action research had experienced some difficulties of this nature. By and large the decisions made by individual schools were logical in the context of that school and were taken in the best interests of pupils and parents at the school. But there are specific instances where the sum of decisions made by individual schools does not meet the interests of a community.

### Meeting the demand for increased places

The action research has provided a good opportunity to understand in greater detail the particular challenges associated with meeting rising demand for places in a more autonomous system. With increasing numbers of primary aged pupils nationally, and a significant concentration of demand in urban areas, this is an issue which is affecting large swathes of the country. The specific challenge has been created by demographic pressures, but the coincidence of this trend with a period in which schools are exercising greater autonomy in terms of determining pupil numbers makes it more difficult to plan ahead effectively to meet the rising demand. It is also worth noting that in around five years the current bulge in primary numbers will feed through into the secondary sector. As there is a far higher proportion of academies in the secondary sector, some of the challenges being experienced now could become much more acute when translated to the secondary phase.

In areas where the demand for places is rising sharply, particularly at primary, there is some evidence that academies are using their freedom to choose not to expand or community schools are looking to academy status as a means of avoiding expansion in the future. Schools have a range of very valid individual reasons for these decisions, including respecting the wishes of existing parents at the school for a particular size and style of education, the belief that expanding would compromise their effectiveness and quality, and being unwilling to expose the school to the financial risk of not being able to completely fill a new form of entry. These decisions make complete sense for an individual school, but in some cases the combined effect of many individual school decisions can lead to a shortfall of places in a particular area.

A specific example of this was identified during the action research. In one town demand for primary places was rising rapidly. The local authority felt strongly that it should be able to accommodate the needs of all primary aged pupils within the town, and not have to resort to bussing young children. However, of the eight primary schools in the relevant catchment area five were unable to expand as a result of planning constraints and building regulations. The three schools which were able to expand all initially refused to do so and made clear that if forced to do so they would convert to academies in order to avoid expansion. Eventually, through extensive negotiations between the local authority and schools in question, a compromise was reached, but, given the continued rising demand for places in the area, the local authority believes that in this specific case the issue has been deferred but not solved. However, examples later in this section describe some emerging examples of how local authorities and schools are working together to address place-planning challenges in specific localities.

The tensions between what is in the best interests of an individual school and what is in the best interests of a wider community are in some cases compounded by planning regulations associated with schools expansions, set both nationally and locally, which can make it very difficult to physically expand schools in urban environments where space is an issue. A number of local authorities have cited the need to consult Sport England on expansion proposals in relation to the impact on playing fields as a common barrier to securing cost effective school expansion. There is also some lack of clarity around whether local authorities are allowed to use their capital allocation to seed-fund the expansion of an academy and whether the new funding proposals will enable local authorities to continue to safeguard a school that has agreed to expand against the financial risk of being undersubscribed by committing to provide top-up funding if needed for a period of a year. Some of these compounding factors may be issues that the Department for Education is able to clarify to alleviate some pressure in the system.

Local authorities are empowered to act as commissioners of new academies where there is sufficient demand for a new school. Over recent years authorities have gained more experience in opening up the provision of schools to competition. However, this is still not an area in which local authorities feel completely confident. The self-evaluation exercise that authorities completed as part of the action research suggested that while most local authorities felt that they had the skills and understanding needed to run a successful competition for a new school, half disagreed with the statement *“We have a good understanding of the market place of potential providers of new schools, including Free Schools, and have the skills and information needed to shape and engage with that market to meet the needs of rising pupil numbers in a way that meets local priorities.”* When this issue was explored in greater detail it became apparent that local authorities perceived two main

areas of risk to their ability to act as intelligent commissioners of new school places. The first was a perceived lack of transparency in central government about who potential academy sponsors are, and their strengths, weaknesses and track-record to help inform commissioning decisions to be made locally. The second is the short notice that local authorities sometimes receive in relation to Free School applications that can make forward planning difficult and lead to abortive work.

### **Managing the consequences of falling demand**

A further potential consequence of the policy to allow successful schools to expand unilaterally is that in areas where pupil numbers are static or declining this may lead to a neighbouring school becoming unviable and having to close. This is an important element in the government's agenda to drive increased quality in the education sector through the mechanism of parental choice and has the potential to increase the supply of good quality education and decrease the supply of poor quality education for a particular community.

However, the policy also presents challenges which were explored in the interim report. The first issue is that, historically, the process of school reorganisation which might lead to federation, downsizing, academisation or closure of a school that has become unviable has not always been handled, either locally or nationally, with sufficient speed and purpose to ensure that the education of children at the school in question does not suffer. There are examples of schools which have languished for many years – unable to attract high quality staff, fill their places, or offer the full range of subjects – without decisive action being taken and the education of children has suffered as a result. In the new education landscape it is probable that, for a few years at least, while newly created and successful academies are looking to offer more places to pupils and parents and Free Schools are being introduced, the rate of schools becoming unviable may increase. This may be a particular issue in the secondary sector where, nationally, demand for places is static, but evidence from the action research shows that it is occurring among both primary and secondary schools.

If that is the case it needs to be very clear who will be responsible for overseeing the resulting school re-organisation that may be required. In those instances where a local authority maintained school becomes unviable it is clearly the responsibility of the local authority to work with governors, parents and the community to ensure an effective and speedy resolution in which the quality of education of children in the school is maintained. Similarly, if a sponsored academy were to become unviable, the academy sponsors would be expected to carry out a similar role. However, it is not currently clear who will be responsible for overseeing the necessary school re-organisation in the event that a stand-alone convertor academy becomes unviable and it is not certain that the individual governing body would have the capacity or inclination to take the difficult decisions needed without external support.

An associated challenge for local authorities is how they can safeguard the interests of pupils, parents and communities in circumstances where the planned expansion of one school places the viability of another school at risk but closure of the school is not a good solution. This might be because the school is a good school, because closure would leave a particular community without a local school, or because demographic projections suggest that a school would again be needed on the site within a few years. Far from being a hypothetical case, the eight local authorities involved in the research have yielded two instances where this is already happening. There is evidence from

some areas engaged in the action research that local secondary heads associations have been active in developing agreements between schools to self-impose limits on expansion when the consequences of that expansion could be detrimental to other neighbouring schools. However, to date the suggestion is that such self-regulating mechanisms are not proving particularly effective in influencing the decisions that schools make individually.

A further specific and complex aspect of the place planning agenda is in determining the pattern of post-16 provision. The interim report highlighted one example, in Warwickshire, of where academies' plans to open sixth forms with a chiefly academic focus could potentially lead to a narrowing of curriculum breadth for young people in the area if, as a result, the local sixth form college was forced to contract and was unable to offer the same range of vocational and technical courses as it had previously. During the course of the action research the specific complexities of post-16 planning, which require schools to take a broader view of the needs of the community and how together they can offer a full and inspiring range of qualifications, arose as a specific issue in at least five of the eight authorities taking part.

The particular challenges post-16 relate to the need to plan place provision across a very diverse partnership of providers, in a context where the autonomy of many of these providers is well established. Local post-16 partnerships are also contending with changes in the profile of demand created by the raising of the participation age, rising youth unemployment, shifting demographics and significant changes to qualifications. The diversity of the post-16 landscape is also increasing, with new Studio Schools and University Technology Colleges offering exciting opportunities to expand the range of options for young people, but requiring adjustments on the part of local schools and other providers. Ensuring that the pattern of provision really meets the needs of young people is a real challenge for local authorities, schools and other providers. In particular, ensuring the right balance between vocational and more academic routes at a time when there is a real appetite among many newly formed academies to open sixth forms is a critical issue to watch.

## Emerging local solutions

The issue of how to ensure a sufficient supply of places in a system where decisions about place numbers are devolved to individual institutions is one of the most difficult challenges identified through the action research. However, even in a fully autonomous system there is still a need for local authorities to actively shape supply to meet local needs, to enable schools to come together to make collective decisions in the interests of a wider community, and to advocate for the needs of children, young people and families in their local area.

### Local authorities as convenors of partnerships

One suggestion in the interim report was that local authorities might have an important role to play in facilitating an open and transparent dialogue between schools about the implications of setting their admissions numbers, and devolving responsibility for collective rather than individual decision-making in relation to places to groups of schools. The action research has provided an opportunity to test some of these ideas, and although it is very early days there are some indications that this approach could pay dividends.

The two case studies below illustrate different ways in which local authorities have supported partnerships of schools to take decisions about admissions numbers in order to better serve the needs of a wider community of pupils. In one case the local authority re-engineered its approach to negotiating the expansion of primary places by facilitating a dialogue between the schools, providing the data and delegating the responsibility for developing solutions to them. In the second case study the local authority used a very sharp and comprehensive analysis of post-16 data to stimulate schools to take ownership of the issue of potential oversupply of places and initiate a dialogue between themselves to look for a solution.

### Gloucestershire's revised approach to ensuring a sufficient supply of school places

#### What was the issue?

In Gloucestershire the demand for primary places is rising in some areas, but is declining or static in other, mainly rural, areas. There are also a number of very small schools and dispersed rural communities which can make place-planning challenging. At secondary, overall rolls are likely to be declining or static until around 2017 when the rising numbers at primary will begin to feed through. The local authority was finding that in the context of increasing school diversity and autonomy place-planning discussions on an annual basis were becoming more protracted and difficult to resolve.

#### What did Gloucestershire do?

Previously the local authority had engaged in bilateral discussions with individual schools in order to negotiate a county-wide solution to the increasing demand for places in some



areas and static or falling demand in other areas. For the 2012 place-planning negotiations Gloucestershire decided to trial a different approach to ensuring sufficient primary places in one area.

Under the new methodology, Gloucestershire carries out an analysis of the relevant pupil forecasts and other contributing data which is taken to the admissions forum. Following consultation with the Cabinet Member for education and skills, other lead members and local members, the data is presented to a partnership meeting of all schools that serve a particular local area. Focus groups are then used to facilitate a dialogue between the schools in a particular area to reach agreement on the strategic criteria that will underpin any decisions to expand and a common understanding of where those expansions are likely to be needed. These recommendations for expansions, along with the relevant data are then presented to the Cabinet Member for education and skills for agreement. The new approach facilitates a much more collaborative discussion between schools as to how increasing demand can be accommodated, and enables greater ownership by schools of the eventual solution.

#### **What has been the impact?**

The new approach has only been trialled in one town in Gloucestershire to date, however the local authority found that in that town the resulting negotiations about which schools should expand were much more straightforward than they had been previously. This is attested by one of the headteachers who contributed to the research who said that this year the place-planning negotiations had felt more like a genuine conversation than a fait-accompli. She felt that a lot of thought had gone into the proposals and that schools had been proactive in constructing them. Overall her view was that sensible decisions had been made.

#### **What is the learning for the system?**

The approach trialled by Gloucestershire demonstrates the potential power of constructing place-planning conversations in a different way. The local authority has a very clear role in providing the expert analysis of the data, and convening and facilitating partnerships of schools to reach agreement about the implications of the data. The experience of Gloucestershire suggests that devolving some of the decision-making and responsibility to schools, while maintaining clear ownership of the statutory function of ensuring that there are sufficient places to meet parental demand, may enable a smoother and more locally-driven solution to accommodating increasing demand for places at primary.

## **Cambridgeshire post-16 provision**

#### **What was the issue?**

In Cambridgeshire, post-16 provision is planned by schools and colleges in three area-based partnerships which are chaired by school or college principals. The local authority

realised that population changes, combined with the commitment to Raising the Participation Age, would lead to significant shifts in the medium to long term in the numbers and needs of learners accessing post-16 provision in the county. The local authority felt that in a more autonomous system their key role was to maintain a strategic overview, identifying gaps and shaping and influencing provision in response to learner need and demand.

### **What did Cambridgeshire do?**

The local authority offered to work with area partnerships and institutions to develop a comprehensive analysis of post-16 provision which modelled demand and capacity from 2011 to 2025, in order to assist partnerships with their Raising the Participation Age planning. The analysis sets out what it would take to meet 16-18 year old learner demand in the context of the impact of Raising the Participation Age and other national/local policies, also taking into account forecast demographic changes and, in particular, the impact of new housing developments. It is based on three forecasting models (participation, the capacity of providers, and levels of provision) and it includes analysis of the needs of learners with learning difficulties and/or disabilities.

Completing the analysis itself was a lengthy and complex exercise. It spanned several months, during which the forecasts were iterated and tested with the post-16 partnerships.

### **What has been the impact?**

The analysis showed that there is and will be an over-supply of capacity in all partnership areas moving forwards, but that there would need to be a shift towards lower level provision, with clear, planned progression routes in order to meet the needs of additional learners continuing to participate post 16 in education and jobs with training, including apprenticeships. The analysis also highlights significant pressures for sixth forms due to a declining post-16 population combined with rising demand for level 2 provision and falling demand for level 3 provision. The current curriculum and infrastructure will come under pressure, and the challenges ahead mean that smaller sixth forms will be at risk, as well as minority subjects coming under threat. If the pressures are not addressed, there could be a failure to meet the needs of learners in terms of vocational and technical progression routes. The impact of Cambridgeshire's work has been to expose these challenges and to stimulate local headteachers to come together and plan for the future collectively.

### **What is the learning for the system?**

Cambridgeshire was able to add value to the work of the post-16 partnerships by drawing on their access to a wide range of data and their capacity for sharp analysis. This provided a broader and longer-term perspective on demand for post-16 places than schools, colleges and other providers could have achieved either individually or in partnership. The very act of making the data transparent and stimulating informed discussion and debate was enough to shift the terms of engagement so that schools began to plan to address

this as a collective challenge with a view to meeting the needs of a wider community of learners.

### Local authorities as a maker and shaper of effective commissioning

A complementary strategy that a local authority can take in order to secure a sufficient supply of school places is to adopt a commissioning approach to working with potential providers, promoters, sponsors and parents in order to encourage new provision. This approach can be particularly effective in circumstances where demand for places is outstripping supply.

Evidence from the action research suggests that a proactive response is the most effective way of addressing some of the risks outlined above associated with opening new schools, the creation of additional places in areas where they are not needed, or the constraints around the supply of places where demand is high and rising. Where local authorities seek a dialogue with potential sponsors and providers of new schools there is emerging evidence that this creates the conditions for a more effective matching of supply and demand for places, as illustrated by the first of the two case studies. The second and third case studies provide good examples of local authorities acting in a commissioning capacity to secure the establishment of Free Schools in areas where demand for places was rising sharply and options to expand existing schools were limited.

#### Wandsworth Academies and Free Schools commission

##### What was the issue?

Elected members in Wandsworth are highly committed to promoting school diversity and choice for parents. They believe that schools are more likely to thrive and prosper in an environment where there are schools of a different status (community, foundation, voluntary-aided, voluntary-controlled, academy, and Free Schools) and in which a variety of governance, management and curriculum arrangements is encouraged. For this reason, the Council sees Free Schools as a crucial and welcome addition to the pattern of schools in the Borough both in their own right and as catalysts for constructive change. In this context, the local authority was keen to find a way to:

- encourage potential Free School providers to consider establishing a school in Wandsworth,

- promote dialogue between the authority and Free School providers, and

- consider the merits of Free School proposals from a broader perspective.

Members and officers also see Free School applications, provided that they are of high quality, as an important contributor to meeting the growing demand for primary places in the borough.

##### What did Wandsworth do?

The borough set up an Academies and Free Schools Commission, independently chaired by former HMCI Baroness Perry. The membership of the commission is made up from five

local councillors; including the Cabinet Member for Education and Children's Services and the Chair of Education and Children's Services Overview and Scrutiny Committee; the Chair of Primary Heads' Standing Conference; a parent representative; and the Assistant Director for Children's Services. In supporting the commission, the local authority has actively researched providers of Free Schools and academies and drawn together the information available. As a result the commission approached some of the largest providers for a discussion. The commission has also recently met with six providers of Free Schools that submitted applications to the Department in February 2012 to set up a school in Wandsworth and has formed a view on their applications. This will enable the council to respond effectively to the Department if they are asked to comment on the proposals.

### **What has been the impact?**

From the local authority's perspective the Commission has been successful to date in stimulating the market for Free Schools locally. The fact that the Commission is high profile has encouraged local Free School providers to approach the local authority in the early stages of their thinking and this increases the chances that if they decide to submit an application it will meet the needs of children and young people in Wandsworth. The local authority is also better informed about potential bids and can plan accordingly. They are, for example, actively encouraging Free School and/or academy applications in Tooting and Putney as part of their strategy for meeting increasing demands for primary places in those parts of the borough.

### **What is the learning for the system?**

A number of factors have combined to make the approach taken by Wandsworth successful. The long established commitment of elected members to promoting diversity in the borough is an essential prerequisite. Beyond this, the decision to appoint an independent chair, who is highly credible with schools and the education system more broadly, is seen as a powerful statement about the importance attached to the Commission's work and its objectivity. The local authority has recognised that for the Commission to be successful it must be active and not passive. They are therefore using all the data at their disposal to seek out potential providers, and engaging with future providers as soon as they are aware of them. As a result more providers are coming forward with a view to engaging in a discussion.

The transparency and enabling nature of the process is also part of its success. The emphasis is on establishing a constructive dialogue which providers have valued. The Council has published the criteria that they use to reach a view of potential applications and make these available to providers so that the Commission can inform their decision making. These criteria include:

Suitability to run an education establishment, judged in part against the potential provider's track record.

Clear educational aims and objectives and a capacity to implement them – including innovative and creative approaches that promote and extend the diversity of choice in the Borough.

Leadership and management capacity.

A commitment to achieving the highest standards for their pupils – at least in the top 25% of similar schools and often in the top 10%, with an explanation of how these will be achieved and how they will in practice narrow the gap between the attainment of children from vulnerable backgrounds and the rest of the cohort.

Fair, transparent and inclusive admissions policies which are in line with the Admissions Code.

Extending learning opportunities outside the normal school day.

Supporting a Special Educational Needs Resource Base. In order to plan ahead the council would welcome proposals which offer a base for 12-16 pupils on the Autistic Spectrum Disorder and Autistic Spectrum Disorder with moderate learning difficulties.

Enthusiasm to work with the Council's other schools and partner agencies.

Commitment to the local community and engagement with parents, including the use of school accommodation as a valuable community asset

The capacity to establish and run a financially viable school.

Moving forward the authority is looking at how it can build on its highly successful track record in supporting improvement in its schools. It is developing proposals on how to continue to foster school-to-school collaboration in a more diverse school system, and crucially use the academy and Free School funding agreement as a means of securing sustainable school-driven support for improvement.

## Hertfordshire supporting the promotion of two Free Schools

### What was the issue?

Demand for primary places is rising sharply in Hertfordshire, particularly in urban areas where expansion of existing schools can be very problematic. The local authority recognised that in order to meet the growing demand for places it would need to commission new primary schools in Hatfield and St Albans. The authority is committed to school diversity and was keen to encourage good quality Free Schools to open in areas where there was demand for additional places.

### What did Hertfordshire do?

Hertfordshire formed two strategic alliances - one with a Hatfield resident, who was a retired local authority officer, and had expressed an interest in establishing a Free School. She was driven by a strong moral purpose that as well as needing extra primary places, Hatfield needed a new primary school that would really transform aspirations and drive social mobility. The second strategic alliance was with a former headteacher and resident of St Albans who had previously been involved in the county's place planning panel. She was inspired by her first hand experience of how difficult it can be for parents to get their children into a school of their choice in St Albans. Both individuals were excited by the opportunities afforded by opening a Free School and established companies for that purpose.

The Hatfield Community Free School company comprised the initial promoter, two local parents, a representative of Hertfordshire University, the head of a local secondary academy, and a representative of the local authority. The steering group for the St Alban's Free School similarly included the initial promoter, a wide range of local parents and residents who brought specific and valuable skill-sets, and a representative of the local authority. Both promoters, with the support of Hertfordshire local authority, developed proposals for the Department for Education to establish Free Schools in Hatfield and St Albans respectively.

From the outset there was a very strong focus on community engagement. For the Hatfield Free School the vision was that the school would be both of and for the community. The two parent members led the community engagement campaign which included fun days and children-focused activities in the local community, as well as more formal consultation via facebook, the website and leaflets. The principal for the school and the first members of staff were recruited relatively early in the process which enabled more informed discussions to be held with parents about the future nature of the school.

For the St Albans Free School the promoter engaged parents through the steering group in defining the school's educational vision. Parents were particularly keen to create a school which recognised their child as an individual; introduced creativity into the curriculum; focused explicitly on achieving a good grounding in reading, writing and mathematics; focused on play-centred learning for younger children; and provided wrap-around childcare. These principles have formed part of the education vision and have been wholeheartedly adopted by the new headteacher who has been appointed.

The local authority was a strategic partner to the endeavour throughout. They secured the sites for the two Free Schools and oversaw the refurbishment programmes to upgrade the existing buildings on the sites. They also helped the new companies navigate the more technical aspects of the proposal process. They also provided some start-up funding to finance the community consultation in advance of the funding being approved by the Department for Education. The local authority is now a member of both governing bodies.

#### **What has been the impact?**

The new Free Schools will be opening in September 2012, against a backdrop of real excitement and commitment from the local community. The St Albans Free School already

has 60 children signed up to join the school in the first year, and has developed an offer of before and after school high-quality childcare to meet the wishes of parents in the area. The Hatfield Free School will be a specialist science and technology school and, with significant investment in early years development, the promoters believe that it will make a lasting impact on transforming the life chances of children in the Hatfield area and increasing social mobility and aspirations. There are already 41 children signed up for the first year, and the promoters are confident that by the time they open in September they will be full. The Hatfield promoters are now establishing a community interest company with a view to establishing other Free Schools in different locations in Hertfordshire where demand for places is rising. Members are keen for three more Free Schools to be opened through the Hatfield Trust - two in Watford and one in Hemel Hempstead.

#### **What is the learning for the system?**

This case study provides an excellent example of how a local authority, by engaging proactively with the opportunities that Free Schools offer, can incentivise a high-quality and cost effective solution to the challenge of meeting the rising demand for primary places, while harnessing community led engagement in education. The strategic alliance between the local authority and the promoters enabled the two Free Schools to be established in a rapid timeframe, in suitable premises, and with a clear mandate from parents and local residents. The schools will add to the diversity of provision available in both towns and will enable more parents to exercise their choice for a good quality education available locally. The ongoing strategic engagement of the local authority as members on the schools' governing bodies will ensure that these new schools are integrated within the wider Hertfordshire community of schools, without compromising their autonomy.

### **Working with Free School Promoters in Oxfordshire**

#### **What was the issue?**

The national policy announcement about parents, teachers, and interested parties being able to set up publicly funded Free Schools created a flurry of activity in Oxfordshire. Some potential promoters approached the Council for information about demand for school places whilst others prompted media coverage which in turn generated requests for Council comments about the implications. The uncoordinated approaches created a significant call upon officers' time and although a number of potential Free Schools could have helped ease growing pressure on existing school places, many did not.

In addition Oxfordshire is scheduled for major housing growth which will require the provision of 10 – 20 new schools, including two or more brand new secondaries, over the next couple of decades. These will be academies and there is a need to ensure, as far as possible, that these are operated by organisations (multi-academy trusts, outstanding converter academies etc.) with a proven track record of sustained school improvement.

### **What did Oxfordshire do?**

The Council organised in January 2011 a seminar for all declared and potential Free School promoters; about 20 attended. The Cabinet member for School Improvement set out the Council's in principle support for Free Schools which would help the Council ensure a sufficiency of high-quality school places. Officers presented the key messages from the Council's Pupil Place Plan highlighting areas of population growth, including that arising from proposed new developments, and those where there is a shortfall of particular types of provision, for example non-church schools in many rural parts of the county.

All participants in the seminar were also offered the option of a face-to-face follow up meeting with officers (limited to 1.5 hours each) to explore the issues specific to their bid and to provide expert advice on, for instance, how to draft Code of Practice compliant admissions policies.

In 2012 a second seminar was held with a specific focus on the programme of new schools which the Council had identified as needed to meet the demand for school places arising from new developments. As well as the Free School promoters who remained in the frame (the tightening of the application and approval process had resulted in many of the initial enthusiasts dropping out), national academy chains and existing converter academies were invited and there were nearly 50 participants. As well as receiving an updated presentation on the demographic challenges, it was an opportunity for participants to help shape the approach that the Council would take to identifying preferred sponsors of the new schools.

### **What was the impact and learning for the system?**

Effective dialogue and trust has been established between the Council and Free School promoters, with nearly all being willing to share details of their bids with the Council prior to submission; only one bid for a 2013 opening was unexpected and that was because it was a revival of one discussed but not submitted in the previous round. A number of bids have been submitted in the Council's major 'hot spot' of Oxford City and, if one or more are approved after their interview, will bring forward sorely needed additional places at a time when nearly all maintained schools are operating at or close to capacity. Having entered into dialogue with the Council the underlying demographic case for the bids is strong. Through encouraging bids in areas where there is a need for more school places some of the inevitable concerns of existing schools have been allayed.

Draft protocols for identifying new academy school sponsors reflect their views of what the Council might reasonably expect of them, and the principle of a 'preferred bidder' list has been accepted opening up the possibility of developing long-term relationships, achieving the best match between local needs and community aspirations (the Council will incorporate surveyed views into the 'bid specification') and early engagement in the development of each new school design. By identifying the most appropriate sponsor to be recommended to the Secretary of State, the Council will be able to give effect to its aim of 'managing the market' and ensuring that sponsors have the capacity to deliver.



## Local authorities as champions of pupils, parents and communities

The case studies outlined above demonstrate how local authorities, schools, providers and parents are finding ways to act together successfully to meet the demand for increasing numbers of school places in the new education landscape. However, the action research suggests that the challenges created by the potential oversupply of places, though less frequently encountered, are proving potentially more intractable to locally developed solutions. However, in part this may be because there has been limited opportunity to test different approaches in the new landscape and as individual cases arise it may be that local solutions develop.

The local authority does have an important role in advocating for the needs of pupils, parents and communities in circumstances where the proposed expansion of one school is making another unviable and where the closure of that school would not be in the best interests of parents. However, as the case studies below illustrate, there is no blueprint for how that advocacy role might be executed and the costs and benefits of the potential solutions are not clear-cut.

### Examples of school expansions threatening the viability of other schools

#### **Example of a primary school's viability being challenged by the opening of a new Free School**

In one local authority a sponsored academy trust put forward a proposal for establishing a large primary Free School, which would benefit from being in a federation with a local secondary academy. The proposal was of high quality and accepted by the Department for Education. The local authority believes that the sponsor will develop a very strong school and is therefore supportive in principle of the proposal.

However the proposed timing and location of the school is causing significant unease among the other local schools. In particular, a nearby primary school which is currently below the floor targets is likely to be put under severe pressure for places. Closure of the school is not an ideal option because rising primary numbers mean that both schools are likely to be needed again in the longer term.

The local authority is working with all the partners involved to broker a solution which safeguards the interests of local children and minimises the potential diseconomies of scale of effectively 'moth-balling' a school for three years. The over-riding concern of the local authority is being able to offer places which are high quality. To this end the opening of the Free School is already having an impact on driving up ambitions in the neighbouring schools. However, there are no simple solutions to how to manage the oversupply of places in the short term. The local authority is looking to a range of options to mitigate the financial risks for the school in question, including pursuing potential sponsored academy partners and convening a meeting of local headteachers, with their full support, to brainstorm possible collective solutions to supporting the school over the next three years.

### **Example of a secondary school's viability being challenged by the opening of a Free School**

In another local authority the viability of a secondary school is being called into question by the opening of a secondary free school and academies nearby. The school moved onto its present site in April 2006 as an amalgamation of two smaller schools into a brand new building constructed with Council monies. The school doubled in numbers over a short period of time, necessitating a complete review of leadership and management structures, systems and processes, including finance. However, in recent years it has been facing increasing pressure to fill its places. It serves a multi-cultural community and the proportion of young people in receipt of free school meals is also higher than average.

The school has improved significantly in terms of outcomes, behaviour and leadership and management, as evidenced by its latest inspection. The proportion of young people achieving five or more A\*-Cs including English and mathematics are now in line with national outcomes and the school is closing the gap in terms of the proportion of young people achieving five or more good GCSEs including English and mathematics.

As in the case above, closure is not the ideal solution because the local authority anticipates that the places will be needed by 2017. The Local Authority did consider mothballing the school, but rejected this possibility on the grounds of the impact on the local community of closure and the high costs associated with staff redundancy. Alternative uses of the building have also been considered, but without a considerable injection of capital it does not lend itself as being easily convertible - particularly as the school will be needed again five years down the line.

The local authority has therefore been active in working with the school and the Department for Education to broker a local solution that secures rising standards, satisfies parental choice, and is both sustainable in the short term and likely to meet the local area's changing needs in the medium to long term. It has also secured additional funds from the Schools Forum to prevent the school's deficit from rising in the immediate future. Both the local authority and the governors felt that the future of the school would be more secure if it became a sponsored academy. It has therefore been working with the school and local sponsors to broker a potential partnership. One sponsor turned down the opportunity to take on the school on the basis that it did not believe it would continue to be financially viable, however a second sponsor has agreed to take the school on and the academy conversion process is now underway. This presents a good option for the school and for the local community, but there remains a real challenge for the sponsor in the next few years to compete effectively where the number of places available is outstripping demand.

#### **What is the learning for the system?**

There is an important role for local authorities in advocating for the interests of local communities and managing the impact of planned expansions and new schools, particularly when local authority schools are affected. However the case studies above illustrate how this can be a very time-consuming process and that short and long term

policy objectives can sometimes be in conflict. It also illuminates how local authorities' ability to 'take places out' where there is oversupply can at times be severely constrained, not least because academies set their own admissions numbers. School places cannot be cut indefinitely – there comes a point when the ability of the school to downsize further is limited by the need to provide pupils with a broad and balanced curriculum. At this point incremental adjustment is no longer possible. This is a significant challenge at a point when funding is very tight and there is little additional money to finance contingencies or ease transitions.

It is also clear that there is no blueprint for the range of potential solutions; these early examples of competition between schools leading to rapid changes in the pattern of provision are an important test-bed for the Department, local authorities and academy sponsors to work through how they can ensure that choice and competition lead to a higher quality of education for all children and young people in a particular community.

## Part 3: School improvement

### Current issues and challenges

A key tenet of the schools white paper is that the driving force for improvement in the education system should come from schools themselves. This means schools taking active responsibility for their own improvement, but also playing a role in supporting the improvement of other schools in the system. With Teaching Schools, National Leaders of Education (NLEs) and Local Leaders of Education (LLEs) there is significant capacity in the system to deliver school-to-school support, and research suggests that these partnership-based improvement mechanisms can be extremely effective in raising standards.<sup>3</sup> The emergence of sponsored academy chains also provides a powerful mechanism for sharing support, challenge and expertise between schools in the chain, some of which have become Teaching School alliances in their own right.

The opportunities for school-to-school improvement arising out of the new education landscape are significant, and both schools and local authorities are excited about the potential for transformation. One of the great strengths of the model is that it is a bottom-up approach to change – drawing on the existing skills and capacity of teachers and leaders in the school system. Many of the headteachers interviewed for the research have highlighted these opportunities for school-to-school support as one of the most significant benefits arising out of the new education landscape, and are of the opinion that much more teaching and learning activity is now growing organically out of schools, than being delivered “from above”. The potential for innovation and informed sharing of good practice is therefore very great. However the bottom-up, dynamic, nature of this support, which is its strength, also presents a potential challenge. Local authorities continue to hold a democratic accountability for securing good outcomes for all children and young people in a local area, and a statutory duty in exercising their education and training functions to do so with a view to promote high standards and promote the fulfilment of learning potential. In this context, the question for them is how to ensure that a school to school support model is coherent and comprehensive and not piecemeal; that every school has a wide range of high quality support to draw upon and that every school receives the informed external support and challenge that is crucial in securing improvement or sustaining outstanding quality.

### Creating the conditions in which all schools can successfully access a wide range of high quality support

In a more diverse and devolved education system the capacity of schools and sponsors to access effective school improvement support from other schools and external providers is a critical element in ensuring a self-improving system. Headteachers and academy sponsors who have contributed to the action research were generally confident about their ability to source and commission high-

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<sup>3</sup> National leaders of education (NLEs) are outstanding headteachers or principals who, together with the staff in their schools (designated national support schools (NSS)), use their skills and experience to support schools in challenging circumstances. Local leaders of education (LLEs) are successful headteachers who work alongside other heads to drive forward improvements and build capacity to ensure that improvements can be sustained.

quality support for school improvement. It is clear from interviews with headteachers that they are accessing support and challenge from a range of sources including other schools, academy chain sponsors or multi-academy trusts, and in some cases local authorities. A lot of headteachers have reported that they are continuing to buy in the services of an experienced and credible partner to act in a similar capacity to a former School Improvement Partner – providing personal support and challenge to the headteacher and support to the governing body.

Local authorities largely shared the view that schools were confident and effective in commissioning external support for school improvement. In their completed self-evaluations the majority of authorities agreed with the statements that local authority secondary schools, and both sponsored and converter academies had the ability to commission successfully high quality support for school improvement from other schools or external providers. However, local authorities were less confident in the ability of primary schools to do so – only half agreed with the same statement for primary schools. This is a concern that will need to be tracked as more primary schools convert to become academies on a stand-alone basis, and an area where local authorities may need to proactively build capacity among their maintained primary schools. Local authorities have particularly emphasised the need to build the understanding of primary schools in relation to the commissioning cycle, so that they can be confident in carrying out all elements from effective needs analysis through to robust quality assurance. Their anxiety is that too many primary schools currently see commissioning as being simply about procurement rather than a more holistic activity.

Teaching school designation has been designed to give outstanding schools the role of leading the training and professional development of teachers, support staff and headteachers as well as contributing to the raising of standards through school-to-school support. It is clear from the action research that teaching school alliances are rapidly becoming a very important route for schools to source high quality support from other schools in their local area, and as they grow in number may provide the underpinning infrastructure which ensures *all* schools can access the support they need. Many of the headteachers who were interviewed for the research either ran teaching schools themselves and were positive about the potential impact that the alliance could have, or had received support from a teaching school which they had valued. One teaching school headteacher said that her recent experience had convinced her that enabling successful practitioners to model best practice and providing routes for practitioners to learn from each other could have a very significant future impact on raising standards. It is clear from the experience of some of the local authorities in the research that their positive and strategic engagement with teaching schools can lead to strong collaborative partnerships. In the best examples local authorities are supporting the strategic direction of the teaching school as a member of the board. They are also working with teaching schools to provide technical support; to help them broker relationships with other schools and partners; to provide and interpret data; to signpost schools to the training and support that the teaching school offers; to commission programmes and training from the alliance; and to help them identify the schools locally which are most in need of support.

However, it is clear from the feedback of teaching schools nationally that not all local authorities are able to play such a productive role. It is also apparent from the action research that local authorities, while seeing the huge potential of teaching schools, continue to have some misgivings. Specifically, they are concerned that teaching school designation can be fragile because it is tied to an individual headteacher who might move on. This means that significant ongoing investment in an alliance

infrastructure could be wasted and that the benefits that a teaching school alliance bring over individual school-to-school support, namely the systematic and comprehensive nature of the offer, might prove to be fleeting. This is a risk that the National College is aware of and is taking action to mitigate. Local authorities are also concerned that some teaching schools are only keen to work in schools which have the capacity and appetite to improve and not tackle the really hard cases. This may well be a reflection of the fact that teaching schools are a relatively new feature in the education system, and many are still growing into and defining their role. However, this observation does read across to the next section on how, in the new education landscape, school failure and underperformance is addressed.

### **A coherent response to school failure and underperformance**

A common theme and shared anxiety among the local authorities taking part in the action research, and many of the headteachers interviewed, is how the education system as a whole, in the context of greater autonomy, will ensure that there is a coherent and sufficient response to school failure and persistent underperformance. On the surface the allocation of responsibility for addressing poor school performance is clear. It is certainly for schools to drive their own improvement, but beyond that a critical accountability role is played by academy sponsors (in the case of sponsored academies), academy trusts (in the case of convertor academies) and local authorities (in the case of local authority, VA and VC schools, for the latter in partnership with Diocesan Boards). However, underneath this superficial simplicity a number of potential challenges for the future are emerging.

The first question is whether, in the future, local authorities will continue to have sufficient capacity to effectively support and challenge their maintained schools given the reductions in local authority school improvement capacity. A consistent perception among many headteachers interviewed as part of the research was that local authority school improvement teams had been stripped back to the core and that, in the process, some long-standing expertise had been lost. A number of primary schools, in particular, expressed a concern as to whether local authorities would be able to continue to provide the level of support and challenge to their maintained schools that would be needed, not least in response to a more demanding inspection framework. As financial pressures continue to bite, a key challenge for local authorities will be how they can do more with less, crucially drawing on the capacity and expertise from within their schools to support the improvement journey.

The second challenge is how to ensure that school-to-school support is a really effective means of driving improvement in schools which are failing or underperforming. Research shows that a high performing school working with a less successful school can have a transformational impact on performance. However, the pragmatic experience of the local authorities and schools involved in this action research is that school-to-school support mechanisms are far more effective when they are sharply brokered and robustly held to account by someone external to the two schools in question. A question raised in the interim report, and which has continued to be a theme throughout the action research, is who would continue to play that brokerage and accountability function in a fully devolved system? Local authorities currently carry out this role, with greater or lesser degrees of success, with school-to-school partnerships that they broker for their own maintained schools. But they would not, unless on a bought-back basis, provide the same service to an academy being supported by another school.

A number of headteachers who were interviewed for the research concurred with the view that schools can find it very difficult to challenge each other, unless that challenge is invited or objectively brokered in by a third party. For example, one teaching school headteacher remarked that school-to-school challenge works well if the head is open to this and sees it as a professionally valuable experience, but felt that most of the schools which need to be challenged are in that position because the head is defensive or complacent and therefore unlikely to be open to challenge from a peer. Other experienced local and national leaders of education pointed to the important role that the local authority has played for them in brokering the initial intervention, based on a strategic overview of the needs of schools in a particular locality, and then holding all partners to account to ensure that the intervention delivers for children and young people. Another headteacher looking to establish a multi-academy trust said that she would have welcomed the input of an objective 'broker' to help mediate roles between the different partners and leaders within the Trust.

The third challenge is a more systemic issue. A key anxiety for local authorities, also echoed by some national stakeholders and schools, is whether there is sufficient shared intelligence in a more autonomous school system, in which support and challenge is accessed from a range of different sources, to spot the signs of declining performance in a school before it impacts on results at Key Stage 2, or GCSE, by which time outcomes for children have already been significantly affected. Headteachers themselves are concerned about this risk, pointing to the fact that it is the least self-aware school leaders who are least likely to seek external challenge and most likely to be susceptible to declining performance. A number of headteachers said that by the time poor performance shows up in results or in an Ofsted inspection "it will be five years too late." For sponsored academies it will be for the sponsor to successfully identify the signs of declining performance, and in most cases sponsors will have the frequent and forensic interaction with their schools that makes this possible. This is particularly a risk, therefore, for maintained schools in those authorities which have had to very significantly scale back their school improvement capacity and for convertor academies which are not part of a wider chain or multi-academy trust. For the latter it is not currently clear whose responsibility it is, other than that of the governing body, to regularly monitor a school's performance and spot the early signs of decline or vulnerability.

Nonetheless, discussions with local authorities during the action research make clear that there are sources of information, even in the absence of School Improvement Partners, which can be used to gather intelligence about the performance trajectory of schools. These include:

- Good ongoing discussions with heads and governors. Particularly in some of the smaller authorities, Directors of Children's services report that they continue to interact frequently with local headteachers, including academies.
- Schools buying into local authority school improvement services or vulnerable children's services.
- Inclusive partnership-based mechanisms that enable schools to access a range of support and challenge as members of the partnership.
- Schools accessing local authority support for HR, payroll, finance, governor support, or other back-office functions.
- Questions and complaints made by parents to elected members or officers.
- Local authority governors on many governing bodies, including those of academies.

The action research also identified a number of “soft indicators” that can be tracked to provide an indication that performance may be at risk. These include levels of exclusions, levels of pupils seeking to move to a different school, first preferences from parents, complaints from parents, staff or residents, governor vacancies, staff turnover and vacancies, and staff sickness.

What local authorities have not done frequently is map these various sources of intelligence and soft indicators and mine them systematically for relevant information that will enable them to better champion the needs of children and young people in their area. The case study at the end of this section provides an example of one local authority that has done so. However it is also clear that, particularly in the context of the introduction of a new and tougher inspection framework, analysing the soft intelligence will not always provide effective early warning of schools whose performance is declining. Small primary schools, where the prolonged absence of one or two members of staff can dramatically alter the character and performance of the school, are an example of a category of school which is particularly at risk of rapid and unforeseen declining performance.

The fourth challenge is where evidence of poor performance or declining performance in stand-alone convertor academies becomes apparent, whose responsibility it is to tackle this. In the first instance it will be for the academy trust, which in many cases will essentially be the same as the school’s governing body, to take action. But if they should prove unable or unwilling to turn the school around, it is not yet clear what the mechanisms are to secure improvement. The extreme end of this challenge is who, in a more devolved system, might be responsible for replacing an existing and poorly performing headteacher. Good local authorities currently support governing bodies to do this in maintained schools that are failing, and similarly sponsors are doing it in their academies, but it is not clear where the capacity exists to manage this often complex and sensitive process in a convertor academy that is performing poorly. This is a risk because the potential scale of the issue may make it difficult to deal with at a national level.

Department for Education data suggests that out of 1928 applications to convert to an academy that have to date been approved, 1430 are stand-alone academies. The very large majority of these are good or outstanding schools, but just over 100 are schools which are only satisfactory. Many of these schools will successfully improve their own performance, but some will not. Moreover, the evidence of historical school performance suggests that some of those schools in which performance is currently secure may slip back. At present it is likely that there are significantly fewer than 100 stand-alone convertor academies nationally that are at imminent risk of poor or declining performance and corraling a system-wide response to these should be manageable. However, the government’s ambition is that in future there might be ten times as many academies in the system. At that sort of scale the potential risk could be much greater. Furthermore as the number of small sponsored chains grows, the capacity to deal strategically with school failure could become even more constrained. This risk may also apply to chains of former VA and VC schools sponsored by Diocesan boards. Outside London and some other big cities, where the capacity of the Diocesan Boards is significant, these bodies often have very limited capacity to engage in intensive school intervention. This is a risk that has been raised by local authorities, and interestingly also by one headteacher of a Roman Catholic school interviewed as part of the research.

There is currently no statutory remit for local authorities to engage with convertor academies that are showing signs of underperformance, and in many cases academies and academy sponsors do not



see a role for local authorities in this instance. However, local authorities continue to feel a responsibility for the outcomes of all children in their local area and have a democratic accountability to their communities. Moreover, where local authorities are effective they can make a positive contribution, for example in brokering and holding to account school-to-school support arrangements which could be of particular value to a stand-alone convertor academy which does not have the backing and resources of a sponsor or federation. It is clear that any such arrangements between a local authority and an academy would need to be made by mutual consent, but authorities are actively looking for ways in which to frame this dialogue.

Interestingly, according to their self-evaluations, all but one of the local authorities taking part in the research agreed with the statement *“The strengths of our relationship with local sponsors is such that we are able to raise any concerns we have with them about the performance of their schools and they engage constructively in the dialogue and take action to address issues raised”* but three disagreed with the statement *“We believe that our relationships with convertor academies are such that if it was clear that one was underperforming or declining we could constructively raise the issues with them and jointly develop a support solution.”* This suggests that the resources, capacity and point of external accountability offered by sponsors makes it easier for local authorities to engage in a dialogue about performance with sponsored academies than with those that have converted.

The final challenge is the ability of local authorities to work effectively with the Department for Education and other partners to broker in a sponsor to take on schools that are failing. Many local authorities are now looking to actively engage with sponsors to shape the pattern of provision in their local areas. In particular they are keen to develop good relationships with a small number of sponsors who can develop a deep understanding of local needs and contexts, and where sponsored chains and federations can help to cement relationships between schools locally. One of the frustrations expressed by local authorities is a perceived lack of clarity in how the Department for Education goes about lining up a sponsor for a poorly performing school, the criteria that are used to determine selection, how sponsors are to be held to account and the contribution, if any, that the local authority is expected to make to the dialogue. This experience appears to be uneven across the country and is potentially worth further scrutiny. As in the case of the local authority as a commissioner of new school places, emerging evidence from the action research suggests that those authorities which feel that they are best able to advocate for the interests of their local communities in dialogue over a new sponsor are those which are well informed, are able to offer a clear and evidence-based view, and are actively engaging with sponsors and school providers on a regular basis.

## Emerging local solutions

The policy context and the experience of the local authorities taking part in this research make clear that to a great extent the future for school improvement lies in the ability of schools to support each other successfully. The following case studies illustrate how local authorities, in their capacity as convenors of partnerships, facilitators of commissioning and champions of children and young people can facilitate, promote, complement and hold to account those relationships.

### Local authority as a convenor of partnerships

The action research has provided an opportunity to explore a number of ways in which the local authority, as a convenor of partnerships, can add value to a school-driven system of improvement. Local authorities clearly have a continued remit to ensure good quality education in their maintained schools, and are increasingly brokering partnerships with other schools, including academies, to support that improvement. However, there are also emerging examples of where local authorities are able to add value to broader partnerships of all schools in a local area that include academies. Particular examples include local authorities that have:

- worked with schools to maintain opportunities to address improvement issues as “a local family of schools”
- brokered effective school-to-school partnerships to address underperformance and halt declining performance, on a locality basis
- supported the creation of academy-led federations to turn around failing schools
- actively promoted the conversion to academy status as part of multi-academy trusts.

The following suite of case studies explores some of these local authority roles in greater depth.

#### EducationKingston

##### What was the issue?

The local authority and schools in Kingston were keen to find a means to sustain effective partnership working in the context of greater school autonomy, reduced statutory local authority powers in relation to school improvement, and budgetary constraints on local authority school improvement activity. A number of schools in Kingston were keen to convert to academy status (to date 8 secondaries and 1 primary have done so and the likelihood is that all secondary schools will become academies over the next few years), but schools across the borough were keen to retain three key aspects of their current relationships with the local authority and each other:

A source of challenge

A safety net in times of real difficulty

Collaboration with a local community of schools

### **What did Kingston do?**

Working with its schools, the local authority developed a borough-wide school improvement partnership – EducationKingston. A key premise of the partnership is that it is operated by schools, for schools. This is reflected in the partnership's governance board which is chaired by a headteacher, who is elected by all the headteachers of the partner schools. Furthermore the partnership board, with nine headteacher representatives and two local authority officers, one of whom is the Director of Learning and Children's Services is constructed to ensure that schools always have a decision-making majority. The 'by schools, for schools' ethos is also demonstrated by the way in which the EducationKingston concept was developed. Following an initial presentation by the local authority in March 2011 a working party was formed of 8 headteachers supported by local authority staff who met regularly to develop the detail of the proposed partnership. A series of consultations with headteachers, chairs of governors and local authority staff was orchestrated, and existing networks and forums used extensively to disseminate information about the proposal. The working party were able to demonstrate how the proposal had changed in response to inputs from consultation which was an important factor in securing buy-in.

EducationKingston is tasked with supporting schools to ensure that all children and young people have a high quality educational experience and are able to achieve their best. The partnership will provide every school that is a member with support and challenge from the equivalent of a SIP, broker school-to-school support, deploy the borough's NLEs, LLEs and ASTs, and potentially jointly commission other external support on behalf of all schools. The local authority has effectively committed £750,000 per annum for a five year period to EducationKingston, by providing funding for around 9.7 school improvement staff (FTE) who were transferred to the partnership from the local authority, as well as providing legal and financial support, ICT and accommodation. Headteachers were all involved in the recruitment process to ensure that the partnership was staffed by officers with high credibility and the confidence of schools. £750,000 per year is not sufficient to sustain the activity of EducationKingston therefore a school subscription was set at £7,000 per school per annum. The level of subscription is the same for both academies and local authority maintained schools regardless of phase

EducationKingston was officially launched in April 2012. There will be a transitional phase until September 2012 when it is anticipated the partnership will be fully operational. Kingston and its schools are exploring whether in due course EducationKingston might become a Charitable Incorporated Organisation.

### **What has been the impact?**

Given that it has only recently launched it is too early to tell what the impact of the partnership will be on outcomes for children and young people in Kingston. However, it is testament to the strength of the design, the engagement with schools and the

effectiveness of the consultation process that 96% of Kingston schools have bought into the partnership, in principle for a five year period.

### **What is the learning for the system?**

A key lesson for the system from Kingston's experience is the importance of co-construction with schools. In the opinion of the authority, a key factor that has enabled the partnership to get off the ground with such a high degree of buy-in is that schools were fully engaged in all aspects of the development of the partnership from the outset, including the recruitment process for staff, and that now it has been launched the partnership is genuinely governed and led by schools, for schools. This presents a powerful message about the power of collaboration in a more autonomous system.

However the local authority also recognises that it had a number of contextual factors in its favour which made the success of the partnership more likely. The first was the long history of close working that had built up between schools and with the local authority over a number of years. The local authority believes that without established strong relationships it would be hard to generate the degree of trust needed to make such a partnership structure effective and attractive. The second factor was the small size of the borough which made collaboration and communication straightforward. These factors mean that a similarly constructed partnership may not be instantly transferable, but nonetheless the principles of design and engagement that underpin the partnership potentially have a very wide resonance.

## **Education Richmond**

### **What was the issue?**

Richmond has an established approach to schools working together through five locally based clusters called 'Quindrats'. These partnerships provide a mechanism for schools to jointly commission services, work together on areas of common interest, and take collective responsibility for communities of children. The local authority delegated grant funding to the partnerships, and organised multi-agency teams, including education psychology, education social work, family support, mental health, targeted youth support, school nursing and social care around them.

One year ago Richmond made the decision, in the context of greater school autonomy and a tighter financial settlement, to outsource many of its non-statutory services and move them onto a traded basis. Services were transferred into Community Interest Company called 'Achieving for Children'. In this context the local authority and schools were keen to find ways to build on and sustain their existing partnership cluster-based arrangements, and to formalise the relationship between schools, the Quindrats, and Achieving for Children.

### **What did Richmond do?**

In consultation with their schools, the local authority established an over-arching borough wide partnership called Education Richmond. The focus of Education Richmond is school improvement, and it is open to all schools in Richmond to join, including local authority schools, academies and, eventually, independent schools. The local authority has delegated £300,000 of funding to Education Richmond (in cash and in 'kind') and schools have put in match funding of £300,000. This has created a school improvement budget which schools can bid for in order to provide school-to-school improvement services, to access CPD, or to fund teacher bursaries for master programmes or research.

Where appropriate, schools are encouraged to apply for funding in their locality clusters. Brochures and a website have been developed for schools to showcase the range of projects or services that are on offer through Education Richmond, as well as the opportunities for which they can apply for funding. The support provided by Richmond's Teaching School alliance also forms part of Education Richmond's offer.

The partnership is governed by a management board which consists of a primary headteacher representative from each of the Quindrats, headteacher representatives for secondary schools, academies and the Teaching School Alliance, plus three local authority officers. The chair and vice chair are primary and secondary headteacher representatives and the local authority head of school effectiveness plays a key 'driver' role. The management board determines the areas of focus for funding each year as well as governing the partnership as a whole.

#### **What has been the impact?**

Education Richmond has only been operational since the start of the year, therefore it is too early to be definitive about the impact, particularly in terms of outcomes for children and young people. However, all 51 of the borough's schools have 'bought in' to the partnership including all three sponsored academies. 17 schools have applied for funding so far from Education Richmond and are running 31 different school improvement projects. Each of the project leaders works with and offers support to other schools in the borough. The quality assurance mechanism that accompanies bids for funding includes the requirement to carry out an annual impact assessment in order to ensure that services provided by schools are high quality and deliver for children and young people. The Board also has an external audit of accounts embedded into its terms of reference.

The development of Education Richmond has also provided the borough with an opportunity to think differently about how it configures its challenge and support to schools going forward, within a new, more streamlined structure. Richmond is currently considering moving towards a structure in which a sharper distinction is drawn between challenge and support. Under the proposed new arrangements one senior member of staff would deliver the local authority's "challenge" function, through which they would continue to categorise all schools, including academies, based on agreed performance indicators in order to develop a clear independent view of the quality of local provision for parents. This member of staff would also be responsible for coordinating any necessary school interventions.

Support and training would then largely be bought in on a daily basis or would be provided by school-to-school support through the Education Richmond organisational structure and the Richmond Teaching Alliance. However, the local authority would retain one member of staff to provide support for inclusion across the borough and two members of staff to support primary school improvement. Local authority capacity would be augmented through strategic secondments from schools to the partnership. The headteacher who was elected Chair of Education Richmond would be seconded for one day a week. There would also be five short term secondments, lasting around 40 days, from Senior Managers selected by the Quindrats to project manage and implement specific improvement projects identified jointly by the LA and Education Richmond. For secondary education there would be two secondments annually, paid for by the Local Authority for particular secondary school improvement projects.

#### **What is the learning for the system?**

Education Richmond is an innovative, partnership-based approach to creating a shared pool of funding to create the capacity for school-to-school improvement. It incentivises schools to work together within a framework of priorities determined across a local area. It also enables robust quality assurance to be built into the mechanisms for school-to-school support, within a model where schools are driving the improvement agenda.

However, the local authority recognises that moving to this partnership model, and reaching a position when schools are willing to put their own money into the partnership, would not have been possible without building up trust between the schools, and between the local authority and schools first. The Quindrat model was the essential precursor to Education Richmond as it gave schools the experience of commissioning and working together, and taking collective responsibility for the outcomes for children and young people in their area.

### **Oxfordshire academies programme**

#### **What was the issue?**

Elected members in Oxfordshire took the decision that they wished to encourage all schools in Oxfordshire to become academies. Although they recognised that the decision was for individual governing bodies to take, they set themselves a target that by 2015, 75% of Oxfordshire children would be educated in Academies. However, elected members and officers were concerned that the mass conversion of schools, in particular small primary schools, to individual stand-alone academies could lead to those schools becoming isolated and vulnerable, as well as creating challenges for the Council in the delivery of its statutory functions. In Oxfordshire there are currently 233 primary schools of which 149 (64%) are below one form of entry and 49 (21%) have fewer than 100 pupils on roll. An added complexity for the Council is the position of the Diocesan authorities in respect of Academies, with 40% of primary schools being faith schools, but only 1 of the 34 secondary schools.

**What did Oxfordshire do?**

Oxfordshire has developed a programme which sets out the support it will give to the academisation of Oxfordshire schools. At the heart of this programme is the council's commitment to actively encourage schools to collaborate with each other in order to develop viable and sustainable multi-academy trusts, particularly at primary level where the council has recognised a specific need to raise educational standards, improve leadership (including governance) and to achieve economies of scale. The local authority's stated position is that, in most cases, individual conversions will not be supported unless converting schools join with others under 'umbrella' arrangements.

In order to facilitate this process of building school partnerships for future academy conversions, Oxfordshire has brought in external expertise to help develop its strategy and is working with groups of schools to support them to develop meaningful collaborative relationships and co-design what future multi-academy trust arrangements might look like. The local authority is also extending this same principle of collaboration to its work with underperforming or poorly performing schools. As well as working with the Department for Education to identify existing sponsors for schools that are below floor targets or in an Ofsted category of concern, the Council is working to develop potential local sponsors, given that local capacity to lead improvement has hitherto been relatively under-developed. In addition Oxfordshire is actively partnering under-performing primary schools with high performing secondary or primary schools that are, or will be, moving to converted Academy status. These partnerships vary from loose federations retaining separate governing bodies to fully integrated, multi-site Academies under a single governing body. Schools are being encouraged to build these partnerships within the existing contexts of Localities and Area Partnerships.

**What has been the impact?**

The approach has been adopted since January 2012, reflecting the need to make progress in developing sponsorship arrangements for underperforming schools, though aspects of the programme relating to supporting conversions are still in the process of consultation with members, schools and other partners. The aim is to have a clear defined set of principles, clear targets, and a programme of action to support these, by September 2012. However, even at these early stages of consultation and development, the policy is beginning to have an impact on the decisions made by schools. The number of schools either converting, being sponsored, or considering conversion has increased from 5 in December 2011 to over 50 by June 2012. Many of the schools agreeing to become academies most recently will do so as part of multi-academy trusts.

The local authority has reflected that primary schools, in particular, have welcomed the leadership from the local authority and have commented that it is helpful to have a clearer sense of the strategic direction being set out by members.

**What is the learning for the system?**

Oxfordshire has found the process of coalescing schools around a common agenda quite challenging. In particular, in their discussions with schools they have found a very wide spectrum of understanding of the issues and implications and have therefore needed to keep going back to first principles to ensure that there is a common and shared basis for moving forward. Being able to communicate a simple and clear message about the council's priorities has therefore been an essential building block.

The local authority has also recognised the importance of openness and transparency between schools with regard to their thinking about academy status, and has therefore aimed to facilitate an honest and open dialogue between schools in their Localities and Area Partnerships about what the future might look like.

Finally, a key challenge has been supporting schools to identify groupings which are meaningful and sustainable to form the core of multi-academy trusts. In some areas existing geographical groupings are tight knit and form a good basis for collaboration. But in other areas relationships have not, historically, been as strong. The local authority has also been working with its local Roman Catholic and Church of England Dioceses to explore how Voluntary Aided and Voluntary Controlled schools might form part of locally based multi-academy trusts, as well as partnering within their own Diocesan networks.

## **Bristol approach to developing a school improvement partnership**

### **What was the issue?**

Discussions between the local authority and schools about the changing education landscape identified the need for a different approach to developing the capacity to bring about system wide improvement. Rather than wait for this to evolve they were keen to work together to initiate change. In particular they felt that the mixed economy of schools in Bristol demanded a renewed moral commitment from all partners to the education of every child in order to avoid fragmentation and ensure a systematic and coherent response to improvement in the city. They were keen to find mechanisms for exercising meaningful partnership governance, to build school-to-school partnerships, and to develop a culture of high trust and collaboration within the current national policy framework of competition between schools.

### **What did Bristol do?**

Local authority officers and a small number of headteachers developed an outline model which described the key elements of a city-wide school improvement partnership. The five key elements were derived from discussions within the local authority and with schools, from external expert inputs, and from some of the collaborative exchange of ideas between the local authorities involved in this action research project. Briefly, the five key proposed elements of the Bristol school improvement partnership can be described as follows:



**Knowing:** This strand is focused on achieving transparency of data in order to understand performance, successes and areas for improvement at the school and system levels. The local authority has a potential role in acting as a data and intelligence function across the city-wide network.

**Checking and testing:** This strand is concerned with ensuring that there are robust systems for quality assurance and self-evaluation in place. Bristol recognises that there will be bespoke practices within different partnership groups, federations and networks within the city, but is keen to facilitate a sharing of practice so that every school has the trust and confidence to make sound self-evaluation judgements and to invite peer evaluation, and governing bodies are sufficiently informed and empowered to offer meaningful challenge to school leaders.

**Developing:** This strand is about moving effective practice around the system, including ensuring that there is a quality assured list of providers of professional business and education services for schools. The local authority with schools is looking to develop a local menu of continuous professional development opportunities provided by schools and other suppliers, including some Local Authority services, and to facilitate networks of subject experts.

**Governing:** This strand is focused on ensuring that there is effective governance in individual schools and that across the partnership governance structures gain and hold the trust and confidence of participants. As well as support for governance in maintained schools, the local authority is looking to facilitate networks through which governors of different types of schools can learn from each other and share practice. The local authority also aims to enable and convene effective partnership arrangements for the Bristol Education Partnership which are visible, transparent and trusted, drawing on existing structures which include the Children's Outcomes Board; Schools Forum; Attainment and Progression Group; Education Strategy Group; and Area Partnerships.

**Innovating and inspiring:** This final strand is about fostering the creativity to innovate and the capacity to inspire and embed great practice. The local authority is working closely with schools to maximise the role of the teaching school, and with local universities. It is considering whether innovation networks and an innovation fund might have a role to play.

One of the headteachers, who had been instrumental in developing the design of the partnership, presented it to a meeting of all Bristol's headteachers in May 2012. A working party of headteachers has now been formed to develop the proposal further and flesh out the respective responsibilities of schools and the local authority in making it happen.

#### **What has been the impact?**

Although it is early days, the local authority felt that many heads in the city recognised the need to establish mechanisms to build system leadership capacity, and that the key

elements of the model that have been developed to date provide a helpful basis on which to have that dialogue. Certainly individual Bristol headteachers who contributed to the research were aware of the local authority's developing thinking, and were clear that there were a number of system-wide roles where the local authority might add significant value for example as a hub for the analysis and understanding of data, providing the infrastructure to maintain school networks, and as a means to keep schools abreast of the developing national and local education picture. The discussions have also highlighted the importance of school leaders exercising leadership in relation to wider partnership structures and practices beyond their own school, and the importance of any shared practices recognising the increased sense of autonomy of individual schools and groups of schools within the city. However, it is also the case that for some headteachers the incipient partnership will quickly need to establish its credentials by providing leadership and solutions on intractable local problems, if it is to be seen as a worthwhile exercise in the long-run.

#### **What is the learning for the system?**

The local authority's sense is that, partly as a result of the discussions about the respective roles of the local authority and schools, they are beginning to see some headteachers confidently moving into system leadership roles. Bristol is also clear that the dialogue has enabled them to establish greater clarity about the role of the local authority in education going forward, and a language in which to articulate that role.

A clear theme running throughout the work has been the need to co-construct the solution successfully with headteachers, and an increasingly strong focus on the importance of local partnership governance structures if any future partnership is going to have sufficient authority and purchase to really raise standards – the local authority is clear this is a governance structure that headteachers will need to own and make operational.

Finally, the local authority recognises that while developing a proposal which re-examines how system leadership for school improvement is exercised in a particular local area takes time, incipient local solutions will need to prove their ability to tackle pressing issues if they are going to command the confidence of schools going forward.

### **Essex approach to brokering primary federations**

#### **What was the issue?**

Essex is a large local authority with a long-standing history of innovation. The authority was aware of the need to both build capacity and support continuous improvement in the primary sector, and was keen to use the expertise of other outstanding schools in the county to lever up achievement in a way that was sustainable.

**What did Essex do?**

Essex drew on its experience of brokering successful school-to-school improvement partnerships as a platform for creating small multi-academy trusts led by an outstanding primary school as the sponsor. This approach was seen as a way to support improvement and build capacity in the primary sector, as well as cement effective partnerships between schools in the context of an increasingly diverse and devolved school system.

The test-case for the new approach was pioneered in 2011 in a school which had been below the floor target for 8 years, had 40% inadequate teaching, and had serious safeguarding concerns. The local authority deemed it to require special measures. Initially the local authority brokered a partnership between an outstanding school and the school that was failing. This provided the basis for the headteacher, who was a NLE, and the senior leadership team from the outstanding school to provide executive leadership of the poorly performing school for a period of two years, and for this to be supplemented with additional support from the governing body. With this partnership in place, the Local Authority worked with the schools in question - their leadership, staff, governing bodies, pupils and parents - to support the conversion of the schools to academy status, as a multi-academy trust under the sponsorship of the outstanding school. Throughout this period the local authority kept in close contact with the DfE and helped steer the conversion process, including drafting the Expression of Interest and setting out priorities and targeted action for the school partnership in the transitional period.

As a result of this pioneering partnership, Essex have used the lessons learned to set up three further school-to-school partnerships where outstanding schools have obtained multi academy trust status and each has sponsored a school in special measures.

**What has been the impact?**

The impact of the first multi-academy support partnership is beginning to be felt, although it is still early in its development. The poorly performing school was inspected shortly after the partnership was established and was found to require a Notice to Improve. However, the inspection team recognised that even in a short time the school had made significant improvement under the executive leadership of the NLE and the seconded teachers from the outstanding school.

**What is the learning for the system?**

This is an exciting approach in which Essex is using the new governance structures afforded by academisation to cement school-to-school partnerships for the purposes of school improvement and to build capacity systematically in the primary sector. Essex has reflected that the success of their partnership model depends on establishing clarity about expectations for both sides of the partnership, clear measureable milestones and success criteria for all involved. They have also recognised that the process of consultation with stakeholders is critical, alongside developing a close relationship with the Department for Education. Finally, being able to draw on the expertise of committed NLEs

and LLEs, who are able to provide determined leadership and transfer skills from one school to another through coaching and modelling the strategic direction, is critical.

## Gloucestershire's approach to brokering school-to-school support

### What was the issue?

Gloucestershire recognised that its approach to improving schools which were failing, underperforming or at risk of decline would need to be refined in the context of schools driving their own improvement and that of other schools; cuts to local authority funding and staff capacity; and an increasing number of schools opting to convert to become academies. The local authority was very concerned that, as its capacity to provide support reduced, some primary schools in particular in which performance was vulnerable, would become more inward looking and isolated and not receive the necessary stimulus to improve.

### What did Gloucestershire do?

Gloucestershire developed a more tightly focused and defined model of school intervention. This is based on school-to-school support, but is given strategic direction by the local authority. The distinctive features of Gloucestershire's approach to school-to-school support are the clarity it brings to the roles that different people exercise in supporting a struggling school, the sharp expectations around the time frame for improvement, and the distinct structure of the intervention itself.

For every school that receives support, an Intervention Project Lead and an Intervention Consultant are appointed. The Intervention Project Lead is a local authority member of staff and is tasked with coordinating the initial review of the school, commissioning an Intervention Consultant to meet the school's specific priorities, and regularly monitoring and reporting on the progress of the intervention. The Intervention Consultant is usually a local headteacher who provides or brokers relevant personalised support to address the school's specific priorities drawing on their own experience and that of their staff team. The skills and experience required in an Intervention Consultant are very clearly set out, and headteachers who are interested in fulfilling the role have to apply to the local authority with evidence of the capacity and capability that they would bring.

The intervention is structured across three phases which last around one year in total. The expectation is that the extent of support and challenge will gradually be reduced across the three phases as capacity in the school is built and pupil achievement rises. Alongside the tailored school-to-school support, staff and senior leaders from the school are invited to a series of events on topics that will support their improvement journey, such as how to use a Raising Attainment Plan and strategies to embed successful assessment for learning. These are organised by the local authority but normally delivered by staff in schools. Teachers and senior leaders from the school receiving support and from the school giving support attend these events together so that the learning is maximised.

During the course of the action research, Gloucestershire has been extending this successful approach to school-to-school support, developed in the context of schools that are poorly performing, to primary schools that are stuck at satisfactory or at risk of decline. The same structured approach is being used for the interventions, but the strategic direction of the programme, including the selection of schools which might benefit from support, is being organised through locality-based clusters of primary schools, with a local authority member of staff attached to each cluster. This support has been well received.

### **What has been the impact?**

The impact of Gloucestershire's approach to date has been strong. In the last 12 months, 16 poorly performing primary schools have received support of which one is now judged to be outstanding and eight are judged to be good. Five of these schools are now providing support to other schools. Furthermore 15 vulnerable or satisfactory schools have also been identified for support and are making good progress. This has been achieved by drawing on the capacity of 20 schools across the county which are actively supporting other schools as Intervention Support Schools. Four of these are currently academies. The local authority views the capacity of its academies, and academy chains represented in the county, as an important resource to support the achievement of schools more generally. The academies involved are schools that represent outstanding practice.

### **What is the learning for the system?**

Headteachers who are acting as Intervention Consultants attest to the power of the approach. They are clear that the support they can offer is most effective when they can deploy the resources of their whole school to aid the intervention, including providing opportunities for their deputies and other senior staff to engage in the support process. Gloucestershire's model allows for this holistic approach. The headteachers concerned are also clear that there are benefits for their own schools in providing support, for example in helping build capacity at middle leadership levels or providing them with an insight into new and different ways of tackling problems.

However, the schools concerned also highlight some of the challenges inherent in school-to-school support. In particular they have highlighted the fact that the success of the intervention depends on the ability of the headteacher and senior management team in the school where performance has been weak to recognise some of the challenges and change their leadership and management behaviour for the better. The support schools are able to provide coaching, mentoring and modelling of successful techniques to enable this change, but it can be a time-consuming and challenging process. The support schools are also clear that the role the local authority plays in establishing the framework for support and challenge, project managing the intervention, and holding all the players to account is critical to its success.

From a local authority perspective the success of the approach is that it enables them to utilise the capacity of schools within Gloucestershire to contribute to a systematic and

coherent programme of support for schools that are vulnerable or poorly performing. A challenge, as the education system becomes more diverse, is how the collective capacity of schools will be harnessed to support any academies whose performance becomes vulnerable and how that process will be orchestrated and held to account.

### Local authority as a maker and shaper of effective commissioning

Local authorities can play an important role in both expanding the breadth and quality of support services available for schools to commission and helping schools to make good commissioning decisions. Most, but not all, of the local authorities involved in the action research are offering some school improvement services to schools on a traded basis. Those that are doing so are generally confident about the quality of services on offer and report that the majority of schools, including academies, continue to buy into the services available. It is likely that as the market for school improvement services becomes more mature there will be some consolidation of the range of local authority services on offer, and the number of local authorities actively providing support services. It is clear from feedback from headteachers that some schools are already choosing to buy into services offered by neighbouring authorities, often in those cases where their own authority had been slow in developing their offer. In general it appears to be the case that secondary schools are more likely than primary schools to look outside the offer provided by their local authority. Not all local authorities will want, or perhaps have the capacity, to offer traded services, but where authorities are confident that they have high quality, flexible and responsive services this can add to the breadth and range of what schools can choose to purchase. The case study at the end of this section provides an example of a local authority which has developed a strong suite of traded services, which will in due course be delivered through an arms-length independent company.

A number of local authorities are also helping schools to make good commissioning decisions by providing information on the range of services available locally, and in some cases quality assuring or publishing feedback on the quality of the services on offer. Given the observation above that primary schools may be at greater risk in terms of their capacity to commission support services effectively, this type of information may be particularly valuable to headteachers in the primary sector. The case study below provides an example of one local authority that has married structured approaches to school self-evaluation and self-improvement with a quality assured list of local providers of support. Such approaches which help orient schools' commissioning decisions in a process of continual reflection against key objectives for improvement may prove to be a powerful facilitating mechanism.

#### Bolton Education Exchange

##### What was the issue?

In 2010, anticipated cuts to core funding, the ending of the National Strategies (including its grants) and the idea of a self-improving education system were powerful imperatives for change. Bolton Council recognised that it needed to rethink how schools accessed high quality school improvement services.

### **What did Bolton do?**

In consultation with its schools, the Council decided to move to a much smaller core school improvement service, with three areas of work – monitoring pupil achievement, supporting underperforming schools and facilitating a self-improving education system. The latter was the focus for the Education Exchange. This is essentially an electronic repository of information which enables schools to source expertise from other Bolton schools and a quality assured list of providers.

A number of features set the Education Exchange apart. The first feature is that the whole site has a clear organising framework that encompasses a shared view of school improvement. The organising framework is based on five themes (organisation, leadership, teaching and learning, community and evidencing) which sub divide into twelve dimensions. Under each dimension there are a suite of resources to help schools plan their improvement journey. These include self-evaluation questions, a maturity model to guide schools' self-evaluation judgements, and developmental strategies that schools can pursue. Schools are able to link through from each dimension of the framework to a list of providers who can support improvement on that dimension. The providers include local independent school improvement companies, other schools and academies and some Bolton LA traded services.

The second key feature is the Schools' Exchange whereby schools provide contextual information about their key areas of strength and priority areas, as well as any designations (e.g. Teaching School, LLE, NLE) and awards. Schools are able to use this information to identify schools with similar contexts, or search for an NLE / LLE or a school with a particular area of strength from which to learn. This information is designed to bring schools together around shared interests and motivations.

The third key feature of the Education Exchange is the light-touch but purposeful role that Bolton local authority takes in quality assuring the providers listed. All the providers, before being accepted onto the Education Exchange must demonstrate that they meet a range of legal criteria. They must also provide at least one positive referral from a school to evidence a successful track record of delivering good quality school improvement services. Bolton retains the right to remove providers from the list if a concern about quality is triggered, for example if a provider receives two poor reviews from schools. The quality assurance role also includes the facility for schools to review and rate any provider that they use, and those reviews and ratings are made public. Each provider therefore has a star rating against their entry, generated by Bolton schools. This is likely to be a powerful aspect of the system going forward.

### **What has been the impact?**

The Education Exchange has been running for 9 months and to date the site has had almost 600 visitors. The school-to-school aspect of the Exchange is also gaining ground, with 62% of Bolton's schools having started to complete their online profiles. Two new elements have been commissioned to build on the initial site – the Early Years Exchange

which goes live shortly, and a specific 'Governor Link' as a response to the fact that the site has been very well received by governors.

The Education Exchange is not designed to be an answer to the question of school improvement but is part of the tapestry of a self-improving education system. In particular, this is designed to hold together knowledge and information and provide schools with a level of confidence in the quality of services they are buying.

#### **What is the learning for the system?**

If schools' decisions about what support to purchase are going to be effective they need to be informed by really sharp self-evaluation and a good understanding of the quality of what is available in the market. The Education Exchange facilitates both these aspects of purchasing. The suite of self-evaluation materials and guides make it straightforward for schools to link their analysis with their decision to purchase support. Furthermore Bolton continues to offer a quality assurance visit to all their local authority schools and to their academies on a buy-back basis.

The approach that Bolton has taken to quality assurance is to start with a simple set of criteria, in order to generate the list and then allow the sophistication of the quality assurance information to build up over time as more schools use and contribute to the services on offer. Bolton decided not to charge a percentage for services purchased through the exchange in order to maintain their complete objectivity as a quality assurer.

However, getting schools to change their behaviour in a market-driven system has been a challenge at times. Schools are very positive about the provider ratings, but not all have taken time to post reviews and it is taking time and encouragement for schools to complete their own online profiles. A system such as the Education Exchange will work most effectively if schools themselves operate as informed consumers in the market place and offer their feedback as a way to generate a continuously improving system. There is evidence from usage statistics that Education Exchange is proving useful to schools. Anyone considering such a system should, however, recognise that a huge amount of work is needed, firstly to bring it to fruition and, secondly, to make it a part of the school improvement agenda in a locality.

### **Hertfordshire development of a traded services company**

#### **What was the issue?**

Since 1996 Hertfordshire have traded extensively with schools and have built up a long-standing expectation that schools pay for local authority services. The local authority feels that it has a mature relationship with schools and has for some time expected and encouraged school autonomy. The nature of the more recent education reforms therefore goes with the grain of Hertfordshire's historic approach to school improvement. However, as more schools choose to convert to academy status, Hertfordshire recognised



that the time was ripe to reconsider the operation and governance of their traded services in the context of a more diverse market of potential providers.

### **What did Hertfordshire do?**

Around 18 months ago Hertfordshire opened negotiations with their schools about the type of services that they would want to purchase and how the provision of those services should be governed. The local authority's existing services were moved into a trading block which encompassed:

School effectiveness services, including curriculum support, access to school improvement professionals, and Hertfordshire Improvement Partners

School business services, including HR, financial services, connectivity, IT technical support and governance support

Services for vulnerable pupils, including black and minority ethnic support services and non-statutory special educational needs and disability support services

The music service

Overall there was a 25% reduction in staff numbers across these services as a result of transitioning to the new structure.

The council is now looking into options for reconstituting the Traded Service as an independent body at arm's-length from the local authority. Negotiations with schools, staff and other stakeholders are still underway, but the preferred option is currently to create a limited liability Community Interest Company in which schools would be the majority (80%) shareholder. Schools would buy into the company through a nominal contribution of £100 per school which would be agreed by each governing body. The company would be governed by a board through which schools would be able to set the strategic direction, and managed day to day by a tier of Executive Directors. In the future it is envisaged that the services provided by the company would be financed through one of four routes:

traded on a full-cost recovery basis to individual schools both within and beyond Hertfordshire,

commissioned by Hertfordshire local authority,

commissioned collectively by schools as a group either through the schools forum or through a subscription model,

cross-subsidised from the income generated by other services offered by the company.

As well as trading its own expertise, it is envisaged that the company will provide a mechanism for schools to access support from other schools in Hertfordshire and from the Teaching School alliance. The local authority and its schools are also actively debating

whether the company might have a bigger role in taking collective responsibility for the achievement of all pupils, and how that role might be exercised in a more diverse school system. It is hoped that the new company will be launched in April 2013.

#### **What has been the impact?**

The local authority has already achieved a turnover of around £23 million in traded services bought by schools within Hertfordshire and beyond. Almost all Hertfordshire schools continue to sign up for business services from the local authority and just under 90% of primary schools are signed up to buy improvement services from the local authority for the next academic year. At secondary the picture is more mixed, but the majority buy in at least one visit from a Hertfordshire Improvement Partner and then select the particular improvement services that they value and need.

Overall the local authority feels that the schools' response to the new proposals has been positive. Primary schools are keen to ensure that support from the local authority will still be available, particularly in the context of a tougher inspection regime and rising floor targets. Secondary schools recognise the value of the potential economies of scale, and want the continued ability to secure good quality services at a competitive price, coupled with the freedom not to buy services that they do not need or value. Overall the local authority feels that there is a strong sense of community and a desire to develop a unique "Hertfordshire offer", including Hertfordshire schools becoming academy sponsors.

#### **What is the learning for the system?**

Hertfordshire has drawn on its experience of trading services and encouraging school-level commissioning to develop an innovative model for separating out the provision of education services from the local authority and establishing a mechanism for these services to be governed by schools. This should enable a more competitive basis for providing services, a highly responsive menu of support, and the opportunity to maintain the existing community of schools for those schools who wish to continue to be a part of a wider partnership-based approach to improvement.

However, it has not been easy to pin down the detail. Hertfordshire found that, despite their long history of trading services, the discussions about the potential role, nature and structure of the new company were very lengthy. In particular they found that they had to spend a long time helping schools to deconstruct the different elements of the local authority's existing role in order to understand what the local authority would continue to be responsible for, what might be taken on by the new company, and what roles would need to be assumed by individual schools and partnerships of schools. As the discussions continue, a key challenge for the local authority will be to retain high quality staff in the face of uncertain future arrangements so that the quality of the existing services on offer is maintained during the transitional period.

## Local authority as a champion of pupils, parents and communities

In this role local authorities have a continuing duty to ensure good outcomes for all children and young people in their local area. However, as more schools become academies, the direct levers that local authorities have to champion the needs of pupils, parents and communities will become less. The case studies below show how local authorities are beginning to use indirect levers to play a successful advocacy role which is different to their former accountability function. In particular these case studies explore how local authorities are making more effective use of soft intelligence and data to inform their interactions with schools.

### East Sussex use of soft intelligence to understand school performance

#### What was the issue?

East Sussex recognised that in the context of a more autonomous school improvement system it would cease to receive regular intelligence from School Improvement Partners about school performance. They felt that simply relying on the retrospective analysis of outcomes data and the results of Ofsted inspections did not provide them with a sufficiently robust understanding of the quality of education being provided by their schools, and crucially how they could support further improvement

#### What did East Sussex do?

The authority decided to convene a meeting every two months of all the service managers whose services interact regularly with schools. This includes finance, HR, inclusion services, school improvement teams, governor services and admissions. Service managers are asked to identify in advance where they have concerns or relevant intelligence about any schools based on clear evidence, and this information is matched up against data from the Family Information System which logs questions, complaints and concerns raised by parents.

#### What has been the impact?

The benefits of this systematic approach to using data have been felt by both schools and the local authority. It has enabled the authority to offer specific and tailored support to address situations which might not otherwise have come to the authority's attention. For example, the admissions service identified that in one school there had been a steady increase in pupils wanting to be found places elsewhere. This coincided with an increase in complaints from parents at the school about bullying. The local authority was able to approach the school and broker appropriate support to address the issue effectively. To date no school has declined to accept the specific support offered as a result of intelligence gathered at one of the service manager meetings.

The authority also feels that this approach has enabled them to spot and address issues which are arising across a number of schools simultaneously. For example, the authority has recently offered guidance to schools on good practice in supporting children with

disabilities to attend school trips after this issue was raised as a concern by a number of parents through the Family Information Service.

Having a more joined up approach to sharing intelligence about schools has also supported the local authority in its commissioning role. In recent negotiations with a new sponsor for an underperforming school the sponsor commented that the process had been much smoother than normal because all the various local authority services were similarly well informed about the circumstances of the school.

#### **What is the learning for the system?**

This is a relatively simple approach which ensures that the intelligence that local authorities have routinely at their disposal can be used effectively to improve the quality of the support that they offer schools. It provides an opportunity to anticipate and prevent declining performance in schools, to address specific issues around inclusion that might otherwise be overlooked, and bring valuable local intelligence to commissioning discussions. In essence service managers feel that if you know your client well you are more likely to be able to offer an effective response.

However, the local authority recognises that as more schools become academies and potentially cease to buy into local authority services, the pool of intelligence available will be more limited, although not non-existent. The authority is therefore reviewing its systems and policies for contact with schools in light of these changes. The authority is also clear that such a system is not a panacea; it will help in the potential identification of declining performance but will not pick up every school every time. This is particularly the case in small primary schools where performance can be very volatile.

### **Warwickshire's revised approach to school improvement**

#### **What was the issue?**

In common with many authorities Warwickshire has significantly down sized its school improvement team both in response to reductions in funding but more particularly the growth in the number of academies and a commitment to using the expertise in outstanding schools to support less successful schools. As a result Warwickshire recognised that its existing approach to school improvement was no longer fit for purpose.

#### **What did Warwickshire do?**

Warwickshire have embarked upon developing a protocol for support and intervention with schools and academies which sets out the authority's role in terms of school improvement and how they will fulfil their responsibilities as the 'champion of the learner'. This has been developed through a series of conversations between members, officers and headteachers.

The starting point has been to clarify the statutory basis of their work with schools and academies, and then build consensus around four key elements of future activity which are:

A focus on local authority schools not yet judged to be 'good' or 'outstanding';

Support and challenge to those schools to identify areas of improvement and commission support;

Developing the capacity within schools to provide school-to-school support including identifying and supporting national and local leaders of education in Warwickshire

Agreeing a protocol with academies which sets out how the local authority proposes to raise with them any concerns it may have and with whom (heads, governors, Education Funding Agency).

This approach has been discussed with representative groups of headteachers including academy principals and the local authority is about to embark on a consultation with schools about its future strategy for commissioning support for school improvement.

#### **What has been the impact?**

Although Warwickshire's new approach to school improvement is still developing, the authority and schools have begun to make good progress on putting into place some of the key elements that will make it succeed. There are already a significant number of primary and secondary NLEs in Warwickshire, which provides very significant capacity for supporting school-to-school improvement. Warwickshire is building its strategic engagement with its NLEs, and its teaching schools, to help shape a strategic and coherent response to schools' needs. The local authority has also worked with its primary schools to encourage them to form clusters for the purposes of teaching and learning and joint commissioning. These primary learning communities are now, in the opinion of the local authority, really beginning to take hold. The groupings themselves were determined by schools, but the local authority worked with them to ensure that every primary was able to join a cluster. Partnerships of secondary schools are also strong and have been successful in shaping an agreed approach to managing, for example, exclusions and children at risk of exclusion.

The other significant element of the work that Warwickshire has been doing is opening up initial discussions with local academies on what being 'a champion for pupils, parents and communities' really means in relation to academy performance. Members in Warwickshire are keen to develop an outward facing scrutiny role with a view to challenging, and making public, performance issues in any school, including academies.

The local authority is also seeking to achieve greater clarity on how it will approach an academy where it has concerns about its performance. It is proposing that it will use the same indicators to reach a view on all schools, and where these suggest that performance in an academy is at risk or declining it will write to the academy headteacher setting out its concerns and how the local authority may be able to support, for example by brokering

in support from an NLE on a paid-for basis. If this does not elicit a satisfactory response they will escalate concerns to the chair of governors. Finally, if this proves ineffective they would approach the academy sponsor, the Department for Education, the Education Funding Agency or Ofsted as most appropriate. However, the emphasis of the approach is on working in partnership and building on existing good relationships, and on identifying concerns early and stimulating the academy to take action. The details of these proposals are still being worked through with academies, but they provide a promising platform for future collaboration.

#### **What is the learning for the system?**

Warwickshire's experience is that taking time to clearly set out their approach for the future has been welcomed. They are now more confident about articulating their role going forward and have a sharper sense of how responsibilities will be shared. They have been encouraged by how positive primary schools have been to come together and develop local learning communities, and recognise that the way schools are now leading the agenda is much stronger than it was a number of years ago when primary schools in particular were much more likely to look to the local authority for direction. The authority feels that this shift is to be celebrated.

However, the authority recognises that this work is still developing, and there are challenges for the future. While there is significant capacity in Warwickshire's schools to lead support there is a concern that this can be somewhat fragile when individuals move on, or when the performance of a school that has been providing support slips back and the headteacher has to refocus their capacity and that of their senior staff on their own school. The authority also feels that there is significant capacity in the system, such as local authority governors, in both maintained schools and academies, whose full potential has yet to be harnessed in support of championing the needs of pupils, parents and communities and raising standards.

## Part 4: Supporting vulnerable children

### Current issues and challenges

An important observation that emanates from local authorities' self-evaluations, is that overall authorities appear to be less confident that, together with schools, they will continue to be able to offer good quality support for the most vulnerable children than they are in their capacity to establish a strategic direction, ensure a sufficient supply of school places or contribute to school improvement.

A number of anxieties are fuelling this overall perception. Some local authorities are experiencing a sharp rise in the special educational needs of children and young people, associated with more advanced medical treatment for life-threatening conditions and more effective diagnosis of other educational needs. This is combined in some areas with high levels of mobility, particularly among children of asylum seeking families and families moving as a result of economic pressures, which puts children at risk of not achieving their potential. These contextual issues are compounding some of the challenges which local authorities are experiencing in meeting the needs of vulnerable children in a more diverse and devolved education system. These broadly relate to two main areas of activity– the first is securing a good quality school place for every vulnerable child and the second is how to ensure every vulnerable child receives the best possible combination of services and support to enable them to succeed.

### Securing a good quality school place for every vulnerable child

Meeting the needs of all the vulnerable children in a community requires schools not only to be effective individually, but also to come together collectively. In particular, ensuring that every vulnerable child or young person has a school place that meets his or her needs, and taking collective responsibility for the education of children at risk of exclusion are issues that require schools to collaborate effectively in the interests of children with the greatest educational needs. Local authorities retain important responsibilities to manage Fair Access Protocols for the benefit of hard to place children, and ensure the provision of full-time education for pupils excluded from school. This is therefore an area in which the local authority's ability to successfully support, enable and, in some cases, persuade schools to take decisions which are for the collective good is of paramount importance.

The interim report found that, in general, in those areas where Fair Access Protocols were seen as objective, fair and transparent schools were continuing to engage with them well. In these areas headteachers of both academies and local authority maintained schools saw the Fair Access Partnership as an important element in the effective functioning of the broader education system. However, where Fair Access had not historically been administered successfully schools had been swift to disengage from the process.

As the action research has progressed there is some increased anxiety among local authorities as to whether Fair Access arrangements will continue to hold strong even in those areas where they have historically been effective. Three out of eight local authorities, in their self-evaluations, disagreed

with the statement *“Relationships with and between schools and the established processes are strong enough that Fair Access arrangements are likely to continue to work as more schools become autonomous.”* There is a fear among some local authorities that the climate of increased autonomy could lead to individual schools deciding to ‘opt out’ of taking their fair share of students who face multiple challenges and are consequently hard to place. Some local authorities also reflected that the increased pressure of forced academisation for schools at or near the floor target increased their reluctance to accept pupils who might have a negative impact on the school’s results. There has perhaps been a perception, traditionally, that Fair Access has been a more challenging issue at secondary than at primary. However, the experience of the local authorities taking part in this research suggests that it can be an issue at either phase, or both, depending on the context locally and the relationships with and between headteachers. Some local authorities are also concerned about the new admissions code which removes the responsibility for local authorities to coordinate in-year admissions. The anxiety among some authorities is that, without an overall coordinating structure, at-risk children may slip through the net.

A further complicating issue to ensuring that all vulnerable children have a suitable education place, which has been raised by local authorities taking part in the research, is the speed and effectiveness with which disagreements with academies about in-year admissions of hard to place vulnerable children are resolved when escalated to the Education Funding Agency. In the self-evaluation returns, three out of eight local authorities disagreed with the statement that *“In the event of a dispute between schools which involves an academy, or between the local authority and an academy, in relation to in-year admissions for hard to place children we know what the escalation mechanism is and we are confident that we can make it work and resolve the issue in a timely fashion.”* Given the highly vulnerable nature of these children it is imperative that these escalation mechanisms are able to deliver decisions quickly so that children’s educational needs are met without delay.

However, it is important to understand that, on the basis of the action research evidence, the issue of whether schools engage effectively in Fair Access arrangements appears to have more to do with the individual motivations of headteachers and governors, and their commitment to principles of inclusion, than it has to do with whether a school is an academy or a local authority school. Many local authorities have pointed to academies which routinely take more than their fair share of hard to place pupils because they believe that it is the right thing to do. Furthermore, evidence gathered from headteachers engaged in the action research suggests that schools clearly recognise the need to have transparent and objective Fair Access arrangements that work well and to which all schools are committed, and that the way local authorities approach the task of convening Fair Access Partnerships can have a critical role in supporting their future success.

### **Securing the right combination of support and services that enable every vulnerable child to succeed**

A second key aspect of meeting the needs of vulnerable children is how the range of bespoke services, both in school and beyond, are constructed to support an individual child and their family. Traditionally many of these services, such as education welfare, behaviour support, or education psychology, have been provided free at the point of need by local authorities and funded by money retained centrally. As more schools become academies and previously centrally retained funding is



devolved, non-statutory aspects of these services are increasingly being moved onto a traded basis and schools are being given the freedom to commission the nature and scale of support that best meets the needs of their pupils. The potential benefits of schools more closely tailoring the support available to the specific needs of the pupils, and using the funding imaginatively to release in-house capacity to support pupils, are great. But there are also attendant risks and challenges which the action research has identified.

A particular concern expressed by local authorities is what the redistribution of the Local Authority Central Spend Equivalent Grant (LACSEG) will mean in practice for the most vulnerable children and young people.<sup>4</sup> Historically, the effect of retaining money centrally in order to fund services for high-needs children meant that, within an individual authority, schools with fewer vulnerable pupils were essentially investing in provision that would mainly support those schools with higher levels of vulnerable children and young people. With the devolution of LACSEG funding this redistribution has been evened out. The pupil premium and other weighted factors within local funding formulae provide opportunities to ensure that schools with more challenging intakes are resourced accordingly. However, until the full implications of the redistribution of funding are understood it remains to be seen what impact this will have on the totality of support that is provided or commissioned for the most vulnerable children.

In contrast to local authorities' confidence that schools have the knowledge and capacity to successfully commission services to support school improvement, they feel less confident that schools are able to commission services to support the most vulnerable pupils. The completed self-evaluations revealed that around half the local authorities did not believe that converter academies or primary schools have the skills, confidence and capacity to commission high quality support for vulnerable children, and three out of eight did not believe that secondary schools or sponsored academies had these skills either. At the same time local authorities were also less confident in the quality of the services for vulnerable children that they made available to schools on a traded basis than they were about the quality of their school improvement support and in their understanding of the market. Some local authorities do not believe that core traded services for vulnerable children (such as behaviour services or support for children with English as an additional language or from Black and Minority Ethnic communities) will continue to be viable in the short to medium term, which means they will be discontinued. This may leave a gap in support, if other providers are not able to quickly compensate for the local authority provision that might be lost.

The extent to which this concern is borne out by evidence provided by headteachers is mixed. Certainly there were many headteachers who engaged in the research who personally felt extremely confident to commission the right support for their vulnerable pupils and for some the ability to do so was one of the key influencing factors in their decision to become an academy. There was also a strong feeling among some heads that the idea of schools or groups of schools collaborating to make their own provision for support services for vulnerable children was potentially very powerful. However, there is also evidence that the range of services available for vulnerable children may not be as strong as the range of providers for school improvement support and this may limit the

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<sup>4</sup> Local Authority Central Spend Equivalent Grant (LACSEG) is paid to academies in recognition of the fact that as independent schools they no longer receive a number of services from local authorities. It is calculated by taking relevant central expenditure data for each local authority from both the Schools Budget and the LA Budget, and dividing it by the relevant number of pupils to obtain a per-pupil figure.

effectiveness of schools as commissioners. In one local authority headteachers expressed the view that there was a very narrow range of services available for vulnerable children and that the market in support services was underdeveloped. Another headteacher commented that providers of support for vulnerable children, particularly providers of Alternative Provision, tended to enter and leave the arena very rapidly which created issues in terms of stability. Another school highlighted the difficulty in buying in additional educational psychology support from external providers as the thresholds they used did not necessarily accord with those used by the local authority which retained control of the statutory assessment process.

Even beyond the limitations of the range of services on offer, some schools did profess to a lack of confidence in commissioning in this area. Some primary schools in particular said they had neither the appetite nor the capacity to commission services for vulnerable children from outside the local authority. In another authority heads voiced an anxiety that external contractors may not always be principled in their pursuit of business and could 'over-diagnose' the needs of vulnerable children in the hope of securing more work.

In addition to the risks associated with school-based commissioning outlined above, the increasing autonomy and diversity of the education system also presents new challenges to local authorities in their role as a commissioner of services for the most vulnerable. There is some anxiety among local authorities that the conversion of special schools to academy status, coupled with existing support bases for children with special needs being situated in mainstream schools that have become academies, could lead to a mismatch between provision for special needs available locally and the needs of individual children and young people. However, there are good examples of how the discipline of commissioning support for vulnerable children in a more diverse and devolved education system has led to a more rigorous definition of outcomes and a better understanding between local authorities and schools of mutual expectations. A more intractable challenge that local authorities face is how, as commissioners for and champions of the most vulnerable, they can ensure that services for vulnerable families are joined up and coherent, as the diversity of providers and commissioning routes becomes greater. It is telling that in their self evaluations only two local authorities agreed with the statement *"We are confident that relationships and methods of communication are such that the support offered to the most vulnerable children and families will continue to be joined up as the education system and the market for support becomes more diverse."*

## Emerging local solutions

### Local authorities as convenors of partnerships

Effective partnership working between schools is absolutely essential if vulnerable children are to continue to have timely access to the high quality education that they deserve, and the local authority has a critical role in enabling those partnerships to be successful. The action research points to the fact that the effectiveness of Fair Access arrangements depends on the extent to which they are seen as transparent, objective and fair. Furthermore, the way in which the local authority convenes and supports the partnership can be a critical factor in its success or failure. As in other areas explored in this report, some of the key determinants appear to be:

- constructing the partnership so that schools lead and own the agenda
- establishing the moral purpose and using peer pressure to enforce it
- paying sufficient attention to the detailed criteria that are needed to inform difficult decisions
- demonstrating, through effective use of the data, that collective responsibility is needed and that decisions are fair and transparent.

The case studies set out below describe how one local authority has refreshed its Fair Access Protocols, and how a second local authority has supported partnerships of schools to take collective responsibility for exclusions:

#### Keeping on track: Bolton's approach to developing protocols for vulnerable pupils

##### What was the issue?

Bolton local authority was concerned that the quality of provision for its most vulnerable children was not as secure as it would wish. It recognised that, in the context of increasing school autonomy and the rising needs of its pupil population, including an increasing number of international new arrivals, the pattern of provision and support for its most vulnerable pupils would need refinement.

##### What did Bolton do?

Initially the local authority convened a working group to look at the future of three small Pupil Referral Units. The group was chaired by a former head teacher, and included two head teachers from each of Bolton's three clusters of secondary schools, the head of Bolton's EBD Special Schools, the overall head of the PRU service and an Assistant Director from the authority.

During the scoping phase of the work, the group realised that it would not be able to do justice to the complexity of the issues without extending its brief. It therefore expanded its remit to consider the functioning of the PRU system overall and also the protocols by

which vulnerable pupils were supported in the education system. The working group set itself twin aims: firstly to ensure that vulnerable pupils were appropriately catered for either within the mainstream school system or alternative provision; and, secondly, to ensure that the system was transparent to all and that no school had to admit more vulnerable children than it was able to cater for.

The work of the group lasted for over twelve months, during which key protocols were established for Managed Moves and in-year Fair Access, with real attention paid to the detail of the documents. These were then taken, for discussion and further development, to the secondary head teacher's conference, through which the protocols were agreed in a document titled 'Keeping on Track'. Following this, the protocols were taken to each governing body for approval. Subsequently, to make the protocols work more effectively, a full review of the PRUs was undertaken which has created a holistic structure which has more flexibility of staffing and better routes for children.

### **What has been the impact?**

All secondary schools have signed up to the protocols, and a similar process is now underway for the primary sector. The Fair Access Panel has been central to the successful operation of the 'Keeping on Track' reforms. This panel looks at individual pupils who may be hard to place and agrees the most appropriate placement to meet their needs. The panel is chaired by the Director of Children's Services, which demonstrates the importance that the local authority attaches to it, and includes headteachers who play an active role in assessing needs. The success of the panel in agreeing placements depends on its attention to detail, careful record keeping, and acting sensitively to the needs of pupils, parents and schools. If deemed necessary additional support is identified and allocated.

Over the past year the list of pupils to be placed has significantly reduced in number as schools adhere to the practices and principles of the Keeping on Track protocols. Members of the panel consider the options that are available to pupils awaiting placements, taking into consideration the history of the pupil, intelligence from multiple agencies, parental preference and any other relevant information available from SEN. Admissions and exclusions data is also carefully monitored and scrutinised, with a monthly report which gives an overview of those pupils permanently excluded, managed moves and trials.

The success of the Fair Access process is based on trust, strong relationships, and the readiness of schools to increasingly challenge each other and apply peer pressure where the best interests of a child are not being met. It is also important that the Fair Access arrangements form part of a continuum, with the Bolton PRU and Behaviour Support Service providing support to schools during the re-integration of pupils back into mainstream education.

### **What is the learning for the system?**

Bolton's experience demonstrates how Fair Access for the most vulnerable pupils can be successfully managed in an education system which is more diverse and in which there are an increasing number of autonomous schools. Key to the successful approach in Bolton was the time taken to develop detailed and binding protocols to which all schools felt they could sign up, the ownership of the approach by schools, and the transparency with which the new approach was then implemented. The local authority has reported that a number of headteachers, of both academies and local authority schools, have been powerfully supportive of the new approach and that expectations have been established that schools have tried certain interventions before they exclude.

Bolton has also perceived a shift in the psychology of the education system. In their view, when systems such as Fair Access were statutory, there were always some schools that in practice did not fully participate. In the new education landscape, the challenge is to win schools' hearts and minds, so that they believe that certain processes, such as Fair Access, might not be statutory but are essential. If that can be achieved then schools are more likely to commit to the outcomes and ensure they are implemented successfully than they might have been previously. However Bolton also recognises that their ability to translate the system they have in place effectively from secondary to primary and ensure its continued success as the education landscape continues to change, will be a significant test of its impact.

## Warwickshire's area behaviour partnerships

### What was the issue?

Warwickshire was concerned that the rate of permanent exclusions in its secondary schools was too high and that the quality of education being offered by the PRU for excluded pupils was not good enough. Some of the county's most vulnerable young people were therefore not receiving the education that they deserved and that would enable them to succeed. These anxieties were confirmed in June 2010 when the PRU was inspected and deemed to require Special Measures. Warwickshire recognised that the commitment to increasing the autonomy of schools signalled in the 2011 White Paper provided an opportunity to construct a more innovative solution which delegated both the power and responsibility for the education of young people at risk of exclusion to schools, with the local authority providing the strategic direction.

### What did Warwickshire do?

Alongside immediate measures to improve rapidly the quality of education offered by the PRU, Warwickshire embarked upon a longer term transformation programme for how excluded pupils within the county would be supported. A unifying factor for elected members, schools and the local authority was to improve provision for children excluded or at risk of exclusion. The local authority initiated discussions with the county's four Area Behaviour Partnerships, which are established partnerships of secondary schools with a history of collaborating on improving behaviour. A project board was set up, chaired by

the lead member for children's services and including the four headteachers who chaired the secondary area behaviour partnerships, a primary headteacher and three local authority officers as voting members. This board developed a strategic plan and took ownership of guiding the transformation programme.

The basic premise of the solution was that funding would be devolved to the area based partnerships for managing and preventing exclusions but that, in return for the funding, schools in the partnership would collectively assume responsibility for any excluded pupils and would use the devolved funding to commission appropriate alternative provision. In developing this approach Warwickshire learnt from the DfE exclusions pilots, to which it is an associate. From 1<sup>st</sup> September 2011, Cabinet and the Schools Forum agreed to devolve £1.6 million in funding to the four secondary partnerships. Within these Partnerships, secondary school head teachers worked together to share best practice on early intervention, fund early intervention programmes, engage in managed transfers and if appropriate purchase packages of part-time alternative provision. Where a pupil was excluded, the Area Behaviour Partnership purchased packages of support appropriate to the individual child's needs. They could, if they wished, commission places in the PRU at the cost of just over £500 per week or commission full-time alternative provision. The local authority created an interim list of quality assured providers and guidance on commissioning alternative provision, whilst a tender exercise was initiated to establish a permanent list of providers. Each Area Behaviour Partnership entered into a binding agreement with the local authority which set out the level of funding that would be devolved and rights and responsibilities of each of the partners to the agreement.

Following a successful pilot, elected members agreed to commit to this new devolved approach to managing exclusions for the long-term. There was a recognition that for the new approach to be adopted as the norm, a permanent shift in the ownership of resources and decision-making needed to take place. Therefore for the 2012/13 academic year elected members agreed to close the PRU and devolve all the associated funding – £2.8 million – to schools to manage behaviour and exclusions. Funding is to be devolved in line with previous allocations to the secondary and primary PRU. Therefore, £2.4m will be allocated to the secondary behaviour partnerships, and £400,000 is allocated to clusters of primary schools with relatively high levels of exclusions to resource in-school inclusion support groups. The local authority offers short stay assessment places, for a maximum of six weeks at a cost approximately £2,500.

#### **What has been the impact?**

The impact of the new approach has been extremely positive. Between September 2011 and May 2012 there were 28 permanent secondary exclusions in Warwickshire compared with 77 in the same period the previous year. This represents both better outcomes for individual children and young people and a significant financial saving. The Area Behaviour Partnerships own the agenda and are developing different local solutions to managing exclusions. Some partnerships, for example, are choosing to devolve a certain proportion of the funding to individual schools to finance early intervention projects whereas others are retaining all the funding in a central commissioning pot. The local authority has

funded a consultant to work with the partnerships to identify and spread learning about what works.

### **What is the learning for the system?**

While it is still work in progress, the radical solution to improving the life chances of young people at risk of exclusion that Warwickshire has developed goes with the grain of a more autonomous school system. It devolves decision-making, control of funding, and ownership of the agenda to schools. But it does so in a way that firmly establishes the expectation that schools will take collective as well as individual responsibility for the outcomes for children and young people. Indeed, Warwickshire has identified that one of the key lessons from the project is for schools to collectively take responsibility for all the children in their area. The new approach to supporting children at risk of exclusion has worked best in the areas where this commitment is explicit.

The importance of the Area Based Partnership agreements in clearly articulating the allocation of powers and responsibilities in the new system is great. These required careful and detailed negotiation to get right. Specifically schools were clear that headteachers retained the right to exclude pupils and that the ultimate statutory responsibility for securing alternative provision for any excluded pupil within 6 days remains with the local authority. However, within that clear statutory framework the commissioning nature of the partnership agreements provides a mechanism for schools to take day-to-day responsibility for the actions that enable the local authority to meet its statutory requirement.

Alongside careful negotiation and co-construction of the solution with schools, the political leadership of the transformation programme was an important lever in driving the change through. This enabled bold decisions to be taken, such as closing the PRU, to release the funding needed to make the new system work, and firmly anchored the solution in the local authority's democratic mandate to secure the best outcomes for the most vulnerable children and young people.

## **Local authorities as a maker and shaper of effective commissioning**

The risks outlined above, around the commissioning of services for the most vulnerable children, point to an important role for local authorities in developing and potentially quality assuring the range of provision and support for vulnerable children that is available and skilling up schools, and partnerships of schools, to commission high quality specialist services to support their most vulnerable pupils. The case study below shows how one local authority has approached the commissioning of support bases for children with special educational needs in local academies.

### **Recommissioning special educational need support bases in Thurrock**

#### **What was the issue?**

Thurrock's existing special educational need support bases, for example for supporting young people with autism, with visual impairment, or with a hearing impairment, were

located in a number of maintained mainstream schools. Over the last 18 months, 4 of these schools have become or are just about to become academies. This presented the local authority with a number of potential challenges. The SEN resource bases were vital sources of support for vulnerable children across the community, and there was an initial anxiety that if academies were to exercise their autonomy to alter the focus of this specialist resource, or to direct support towards a different group of children and young people, that the ability of the local authority to meet the needs of the most vulnerable children and young people could be diminished.

#### **What did Thurrock do?**

Thurrock embarked upon a programme working collaboratively with the academies to systematically recommission its existing support bases, using the same core principles irrespective of whether the support base was located in an academy or a local authority school. This process was entered into in a spirit of partnership between the local authority and schools in question and was felt to be a really constructive engagement in which clarity was reached on both sides on what each party could bring to the support of vulnerable children.

As a key part of this recommissioning process the authority has moved away from more informal service level agreements and is setting up a tighter and more formal contract with each school. This sets out clearly the contribution that the local authority would make to funding the resource base, both in terms of revenue and capital, and the specific outcomes for vulnerable children and young people that the school would deliver in return for the funding. The process was more business-like and structured than the previous commissioning had been.

Stringent clauses have been written into the agreements between the local authority and schools so that where the local authority had made a very significant capital investment in a resource base they retained the capacity to claw that money back, on a scale that diminishes over time, if the school decided to withdraw from providing the services in the future and wanted to use the building for a different use. This provides the local authority with the reassurance that their long-term investment in support for children with special educational needs will continue to be used to support those children in the future.

Arrangements for monitoring the quality of the provision with annual review meetings to review the performance were outlined within the contracted service level agreement. Standards and performance indicators are monitored carefully at this meeting in response to a written report by the school. If any remedial action needs to be taken it has to be done so within an agreed period with further opportunity for review to ensure any issues are addressed quickly and effectively.

#### **What has been the impact?**

The impact of this recommissioning process has been very positive. It has clearly demonstrated the commitment of academies in Thurrock to inclusion and working to support children with high needs, for the benefit of all schools in the local area. It has also



demonstrated how the local authority and its schools, of all types, can work successfully in partnership together to meet the needs of some of the more vulnerable children.

Schools, including both academies and local authority maintained schools, are responding well to the tighter remit and have valued the precision that the new arrangements bring. The local authority has also found the process of recommissioning to be a helpful discipline in terms of articulating the outcomes that they expect for children and young people with special educational needs. With good outcomes in the bases already, the local authority expects to at least maintain if not improve already good performance.

#### **What is the learning for the system?**

The experience of Thurrock very clearly illustrates how, given the right framework and relationships, academies, maintained schools and local authorities can work together to plan inclusive provision for vulnerable children. Far from being an impediment, the need to commission more formally in an increasingly autonomous system, has helpfully led to greater clarity and more robust expectations on both sides. From Thurrock's perspective, the work with their schools has enabled them to sustain high quality provision, which 18 months ago they may have considered to be at risk of being discontinued.

### **Local authorities as champions of pupils, families and communities**

Despite the perceived challenges associated with advocating for and championing the most vulnerable children in a more devolved system, the different and more arms-length relationship that local authorities now have with schools, potentially gives them license to carry out this role in a more powerful way. One local authority, for example, is exploring how the local admissions forum might change its focus to become an advocate for the interests of children and parents in navigating admissions, and particularly of some of the most vulnerable families in the county, as set out in the following case study:

#### **A new focus for the admissions forum in Gloucestershire**

##### **What was the issue?**

Gloucestershire's Admission Forum has run for over 10 years. However the influence of the forum has reduced significantly due to changes in legislation and also a recognition of the fact that with the number of academies growing rapidly, many more schools are acting as their own admission authorities. Nonetheless, members and officers felt that there was still a need to challenge admissions practice and act as a champion of the interest of children and their parents.

##### **What did Gloucestershire do?**

The removal of the statutory requirement for local authorities to establish an Admissions Forum gave Gloucestershire license to think differently about the role and nature of this body in the future. The local authority has reconstituted the admissions forum as a smaller group of local members and Diocesan representatives whose role is to discuss all aspects of school place planning and admissions issues, and make recommendations to

the Lead Cabinet member. The particular focus of the group will be on ensuring that families receive good quality choice advice, guidance and support so that they are able to navigate the admissions system successfully, and maximise their chances of getting their children into the school of their choice. The group is considering how some of Gloucestershire's existing resource might be deployed most effectively to support and advocate for vulnerable families in this regard.

The group will be outward facing and actively consult with both parent communities and schools, drawing on existing school representative groups such as the primary and secondary headteachers associations to share information and debate issues.

**What has been the impact and learning for the system?**

The changes are still at an early stage, so it is too soon to be definitive about the impact. However, it is hoped that the new group will provide a platform for the critical analysis of issues and options and proactive management of changes. This should enable successful handling of parent and stakeholder communication in an informative and consistent manner.

Developing a wider understanding of admission and school planning issues is important as the system becomes more diverse and devolved, and building the capacity of elected members to advocate and problem solve for families on these issues is a key strand in developing their role as champions of children, parents and communities in a more autonomous education landscape. Although it is early days, following the introduction of the new approach, there are indications that local stakeholders are becoming more confident in providing advice and guidance to families, which has improved the local support networks available, and are beginning to use their influence to broker local solutions.

## Part 5: Looking forward

### Newly emerging issues

The focus of the preceding sections has been on how local authorities have been adapting what they do and how they do it to respond to the new challenges and opportunities afforded by a more autonomous education system. While there is a significant range of interesting and thought provoking activity emerging, that may be transferable more widely, most of these approaches are still in their very early stages and their impact has yet to be proven. What is more, the policy landscape and the pattern of education provision are continuing to change rapidly. The action research has focused on practical solutions that local authorities have put into place to address some of the immediate challenges that emerged as a result of the first wave of mass conversion of schools to academies, and which were outlined in the interim report. However, as the action research has progressed new issues and themes have emerged, the implications of which are still not clear.

The first observation is that all the authorities involved in the action research are currently working in the context of a mixed economy of schools, with some academies and some local authority schools at both primary and secondary level. However, many of the local authorities are predicting a point within one to two years when they anticipate that all their secondary schools will be academies. Indeed, nationally, the first local authority, Darlington, now has 100% of its secondary schools as academies. Furthermore, some local authorities are actively promoting primary academisation and are projecting forward to the point when the majority, and potentially all, of their primary schools will be academies. The dynamics for a local authority working in a fully devolved system rather than a mixed economy will be different, and one of the challenges for local authorities is whether they can establish systems and processes with sufficient flexibility to allow for this transition.

A second key area of change, the implications of which are not yet clear, is the impact that the new Ofsted inspection framework will have on the system. It is likely that, as the bar has been raised, more schools over the next year will enter categories of concern leading to a possible further surge in the creation of sponsored academies. How sponsors, the Department for Education and local authorities together respond to this development, and whether decisions can be taken that secure rapid improvement in the schools in question and sponsored solutions that work with the grain of what local communities want and need, will be a good test for the cohesiveness of the new education system. It is also likely that, as a result of the new inspection framework, some of the first wave of convertor academies that were previously good or outstanding will receive a less favourable inspection outcome. How these academies then approach the task of driving forward their own improvement, and whether they are able to access sufficiently rigorous challenge and support from within the new system will be another important test.

A third, and perhaps more controversial, area in which new changes to the education landscape are emerging is funding. The Department for Education has recently published a consultation for reforming local funding formulae and introducing significant changes to how funding for children

and young people with high needs will be managed. Schools and local authorities are just beginning to work through the implications for what this might mean for their future funding, and indeed recognising that a local authority may have a range of different funding relationships with a single institution in relation to early years provision, core school funding and high needs funding.

To some extent the new funding arrangements resonate well with the local authority's emerging roles as a convenor of partnerships, a commissioner and a champion of children and young people, and given the early consultative nature of these proposals it is impossible to be definitive about what the implications of the changes might be. However, it is important to recognise that local authorities have some significant concerns about the potential impact of these. The first concern relates to the tighter restrictions on priorities for which the schools forum can decide to centrally retain funding. In the past local authorities had used this mechanism, for example, to retain funding to cover the short term risk to individual schools of expanding to meet rising demand for places and then not being able to completely fill a new form of entry. Under the proposed new arrangements this funding contingency would, on the face of it, need to be negotiated separately with individual schools. In a large local authority, with high numbers of academies, this could be a logistical impossibility.

The second area of concern is how the new funding proposals might impact on commissioning places for vulnerable children in special schools and other high-needs provision. Under the new arrangements, special schools and others making provision for children with Special Educational Needs will receive a significant proportion of their funding by reference to the number of places they provide, with the local authority, as commissioner, meeting the difference between the place funding and the actual cost of an individual pupil placement. Some local authorities are anxious about the impact that this arrangement might have on their commissioning flexibility, for example to relocate children from provision which is a long way from their families to placements which are nearer to home. Until the new funding arrangements are in force it is not possible to say whether these concerns will be realised, and it is likely that the impact might be felt differently in individual local authorities. However, the uncertainty is certainly contributing to the relative lack of confidence among local authorities taking part in the research as to their ability to successfully meet the needs of vulnerable children and young people going forward.

In the current climate of austerity it is also worth recognising that some of the changes associated with a more autonomous education system are leading to implications for schools' and local authority funding which have yet to be worked through. For example, in some localities changes to school catchment areas, arising from academies setting their own admissions numbers and changing oversubscription criteria, are leading to rising transport costs for local authorities. In addition, the more protracted negotiations around increasing capacity for school places are leading to some unforeseen demands on local authority and academy capital allocations. These issues are only just emerging and will gain greater clarity and definition over time.

## Conclusion

Notwithstanding the fact that this research paints a very fluid picture of a system that is still going through a period of significant change, there are a number of key areas where evidence from the

research suggests that action taken now may support a more seamless transition to new and effective ways of working in a context of greater school autonomy.

Overall the evidence suggests that in many cases local authorities and schools, working together, are creating local solutions to some of the challenges that have arisen as a result of the new education landscape and are at the same time finding ways to maximise the opportunities. The first part of this conclusion therefore summarises some of the key emerging messages for schools and local authorities about how they might approach this period of transition and what effective practice may look like. However, the research has also pointed to issues and challenges which, so far, have not proved amenable to local solutions and where some additional clarity, further action, or ongoing reflection may be needed on the part of national government and its partners. These are summarised in the second part of the conclusion.

### Key messages for local partners in education

The action research strongly suggests that there are some emerging areas of good practice which local authorities might find helpful to consider as they make the transition into a new role and set of responsibilities. These are summarised below:

- Be systematic in working through, with schools, where the local authority can add most value in the new education landscape, prioritise what to focus on and then confidently inhabit the space agreed. Seize the agenda, rather than be apologetic and wait for instruction.
- Treat schools as partners and leaders in the education system, and provide the space for them to develop solutions to community-wide issues that are owned by schools.
- Where existing relationships with schools are strong, begin to develop the governance mechanisms and, if appropriate, more formal partnerships with and between schools so that good relationships have a life beyond the particular individuals involved at any one time. Where relationships with schools are not strong, then take immediate action to turn these around as a matter of priority.
- Look for quick wins to demonstrably contribute to the resolution of new and pressing issues that are emerging as a result of the changing education system. This will help address the concern that there is too much theory and not enough action.
- Focus on co-creating, with schools, a local education culture based on a clear moral purpose and identify the headteacher advocates who can lead that process. Work with schools to support the conditions in which headteachers are prepared to challenge each other to take decisions which are in the collective interest of pupils in the wider community as well as the interests of pupils and parents at their school.
- Find mechanisms to learn from other local authorities, to avoid re-inventing the wheel at a point when all local authorities are wrestling with a similar set of issues.

- Develop the capacity to carry out really sharp and high-quality data analysis that will enable schools, parents, and other partners to understand the system-level needs and how they can best be addressed.
- Work in partnership with local academies and sponsors to jointly understand what the local authority's role as 'a champion of pupils and parents' means in relation to standards of performance for all children and for groups at risk of underachieving, so that it is clear and agreed what each partner can deliver.
- Invest in support for governors overall so that they can add real value to the schools they govern, and strategically target local authority governors as a group who can provide a conduit between the local authority and academies, and can provide more systematic intelligence about the performance and capacity of education locally.
- Map and establish systems for regularly scrutinising 'soft' performance indicators available from a range of sources including engagement with individual schools, local authority traded services, parents, members and governors.
- Develop strong relationships with local academy sponsors and Free School promoters and maximise local intelligence to become a valued partner in the commissioning dialogue related to future school provision.
- Further develop the outward facing scrutiny role of members so that this becomes a powerful route for championing and advocating on behalf of children and young people.
- Keep a close watching brief on the sufficiency of support available for vulnerable children both within schools and externally, and the effectiveness with which schools are able to commission that support to meet needs. If it becomes apparent that the needs of vulnerable children are not being served, work closely with schools, providers and other partners to build capacity and strengthen the quality of what is on offer.
- Identify opportunities to delegate further powers, responsibilities and budgets to schools, within a framework of strong partnership working and robust quality assurance for outcomes.

In parallel, the shift to a more autonomous system also places new responsibilities on schools, not just for their own performance but for the ability of a community of schools to meet the needs of all children and young people in their area. In some of the best examples of where schools and local authorities together are making the new constellation of responsibilities work well, schools are taking much greater responsibility for collective, rather than individual, outcomes in relation to exclusions, admissions, Fair Access, post-16 planning and supporting better teaching and learning. Schools are owning the agenda, have an appetite to get underneath the issues, recognise that one school's decisions can have far-reaching implications, for good or ill, across a community, and are finding the confidence to challenge their peers on the basis of evidence. Schools also have a responsibility to grow their own capacity to make the most of the new opportunities that come with a changing education landscape. In particular, becoming an expert commissioner, with confidence to

define need, identify the right support, and quality assure the service delivered by an external provider will be essential skills in the new system.

### Key messages for national partners in education

The thrust of this report has been to demonstrate how local authorities, working with their schools and other local partners, are responding to the opportunities and challenges emerging from a more diverse and devolved education system. For the most part there are encouraging signs that practical local solutions are emerging. However, there are some challenges which, on the basis of this early evidence, do not appear to be amenable to locally developed solutions and where further thought at a national level will be required. These are summarised briefly below:

- Historically, there has been a very wide range in local authority performance. The extent to which local authorities have the skills to adapt to the new agenda successfully is therefore likely to be very varied. Furthermore, the collective capacity of schools in different local areas to assume a system leadership role will also be varied. The Children's Improvement Board and sector-led improvement initiatives provide a means for sharing good practice across local authorities, and the mechanism for identifying local authorities which are struggling to get to grips with the new agenda and brokering in support from a peer or other appropriate source. The evolving role of the council in education may well be a particular issue on which councils would welcome greater opportunities to share practice and learn from peers going forward.
- It is clear that responsibility for closing or federating schools where supply is outstripping demand is proving very difficult. Where the school whose viability is threatened is a community, VA or VC school the local authority has a role in leading the reconfiguration of pupil places to manage the risk, however as more schools become academies their flexibility is increasingly constrained. In the case of any convertor academy whose future viability may become uncertain there is no obvious point of accountability in the system to take the difficult decisions about what should happen to that school, and manage the repercussions for other neighbouring schools.
- A similar issue has emerged in relation to the future performance of stand-alone convertor academies. Although in some areas academies are continuing to welcome challenge and support from the local authority, and in others the concept of 'challenge partners' (through which schools challenge each other) is taking root, there is no mechanism to ensure that the performance of every stand-alone convertor academy is scrutinised and that where such an academy is poorly performing an effective intervention is put into place.
- In the interests of high quality commissioning and sharing intelligence it would be helpful if the Department for Education could offer greater clarity on the criteria it uses to assess the suitability of a potential sponsor for a school and how it monitors sponsors' performance. This would enable local authorities to make better informed decisions in circumstances

where they are looking to commission a new school or find a sponsor for an existing school. There is also some unevenness in how local authorities are engaged in the dialogue about the choice of sponsor for a school that is failing. This may be a reflection of local authorities' own capacity, but clearer expectations of the role that the Department would like local authorities to play in these circumstances, and how local authorities might contribute to the Department's ongoing quality assurance of sponsored arrangements may be helpful.

- Teaching school alliances are emerging as a critical component in orchestrating and providing a wide range of services and high-quality support. However, while teaching schools are designated based on a range of demanding criteria, there is a concern among some local authorities that some teaching schools could lose their designation if the headteacher moves on. They argue that this makes the sustainability of the support feel fragile and a difficult basis on which to build a local strategy. The National College is taking action to mitigate this risk by allowing for two or more schools to be designated together and so share the responsibilities and, where the current head teacher of a teaching school does move on, looking at the succession plans and overall leadership capacity of an alliance before taking the decision to de-designate. However, this is an issue, along with the attendant risk that if a teaching school's performance drops or it loses its Ofsted outstanding rating, it will face almost certain de-designation. Where this does happen, the College is committed to trying to manage the impact as far as possible in the interests of stability.
- There is considerable anxiety among local authorities that current processes for escalating disputes around Fair Access to the Education Funding Agency are not proving timely, and that the education of vulnerable children and young people may suffer as a result. It would be helpful if the Department for Education could review the existing processes to ensure that they are fit for purpose. It may also be helpful to establish a system for monitoring the levels, pattern and nature of Fair Access disputes in order to ascertain, over time, how well the needs of the most vulnerable children are being served within a more autonomous system.



## **Annex A – list of those who were engaged in the research**

### **Action research participating local authorities**

Members and officers in Bolton, Bristol, Gloucestershire, Hertfordshire, Middlesbrough, Oxfordshire, Thurrock, Warwickshire, and Westminster.

40 primary headteachers from the above authorities, of which 8 were principals of academies; 34 secondary headteachers, of which 18 were principals of academies; 5 headteachers of special schools and 1 PRU headteacher.

### **Additional local authority partners**

Members and/or officers in Cambridgeshire, East Sussex, Essex, Wandsworth, Richmond and Kingston-upon-Thames.

### **National Stakeholders**

Harris Federation - Dan Moynihan

ARK - Lucy Heller

United Learning Trust - Kathy August

Schools Network - Bill Watkins

ASCL - Brian Lightman

FASNA - Helen Hyde

National Governors Association - Emma Knights

Independent Academies Association - Nick Heller and Philip O'Hare

ADCS – Nick Hudson (Wigan), Paul Robinson (Wandsworth), Damian Allen (formerly Knowsley)

SOLACE – Mark Rogers (Solihull)

LGA – Cllr Stephen Castle (Essex) and Cllr Gerald Vernon-Jackson (Portsmouth)

### **Steering group members**

Cllr Stephen Castle – Essex LA; Matt Dunkley – Immediate Past President ADCS and DCS East Sussex LA; Ian Keating – Local Government Association; Toby Greany – NCSL; Lucy Heller – ARK; Dame Yasmin Bevan – Executive principal Denbigh High School and Challney High School for Boys; Mike Mcgrath – DCLG; Claire Burton – DfE; Dominic Herrington – DfE; Anne Jackson – DfE; Ann Gross – DfE; Janet Grauberg – DfE ; Paul Kissack – DfE; Graham Archer – DfE; Rob Cirin – DfE; and Alan Thompson – DfE.

## Annex B – analysis of local authority self evaluations

### Strategic Direction

		Strongly Agree	Agree	Disagree	Strongly Disagree
1.1	As an authority we have a clear and well defined vision of how we will support the quality of education for all primary-aged pupils in our local area over the next two years.	1	6	1	
1.2	As an authority we have a clear and well defined vision of how we will support the quality of education for all secondary-aged pupils in our local area over the next two years.	1	6	1	
1.3	Our vision for the future of education in this authority is shared between members and officers, and both are clear what role they play in achieving it.	1	4	3	
1.4	Key stakeholders, including school and academy principals and staff, governors, parents, local academy sponsors, and other key organisations and agencies working with children understand the vision and subscribe to it.		6	2	
1.5	Our systems of communication with schools and academies, including principals and governors, support good working relationships and enable the authority to be confident about their concerns and perceptions.	1	4	3	
1.6	The quality of our relationships with local authority schools is such that we can have difficult conversations and jointly develop constructive solutions to issues that arise.	4	4		
1.7	The quality of our relationships with convertor academies is such that we can have difficult conversations and jointly develop constructive solutions to issues that arise.	3	4	1	
1.8	The quality of our relationships with sponsored academies is such that we can have difficult conversations and jointly develop constructive solutions to issues that arise.	2	5	1	
1.9	The quality of our relationships with local academy sponsors is such that we can have difficult conversations and jointly develop constructive solutions to issues that arise.	3	5		
1.10	We are confident that we have the right staff capacity, with the right skills to deliver the vision that we have set ourselves.		4	4	
1.11	We feel confident about the value that we can add to education in our local area over the next two years.	3	4	1	

## Annex B continued

### Ensuring a sufficient supply of school places

		Strongly Agree	Agree	Disagree	Strongly Disagree
2.1	We are confident that based on demographic projections and other information sources we know, with a reasonable degree of accuracy, how many school places will be needed at primary and secondary phases and where they will be needed.	4	4		
2.2	We understand clearly the short and medium term proposed pupil capacity of current and soon-to-convert academies in our local area, including plans for expansion.	2	4	2	
2.3	We have robust information about the pupil capacity of any Free Schools which have opened, which are at the business case phase, or which have expressed an interest in opening in our local area.	1	4	3	
2.4	We have effective means of looking forward to anticipate the possibility of new schools opening or existing schools expanding in the future.	1	7		
2.5	We are convening effective collaborative arrangements with all primary schools, including academies, to support them to determine jointly, across a logical catchment area, how they will collectively meet the place needs of pupils, and cope with both future under and over-supply of places.		6	2	
2.6	We are convening effective collaborative arrangements with all secondary schools, including academies, to support them to determine jointly, across a logical catchment area, how they will collectively meet the place needs of pupils, and cope with both future under and over-supply of places.		5	3	
2.7	In the event of a dispute between schools which involves an academy, or between the local authority and an academy, in relation to the provision of places we know what the escalation mechanism is and we are confident that we can make it work.		2	5	1
2.8	We have good relationships with local academy sponsors as a basis for discussing future pupil numbers and planned expansion or contraction.	2	6		
2.9	We are confident that in the event of a school becoming unviable, whether that is an academy or a local authority school, we have the relationships, collaborative arrangements, and processes in place to minimise the disruption to the education of the pupils at that school.		5	2	
2.10	We have a good understanding of the market place of potential providers of new schools, including Free Schools, and have the skills and information needed to shape and engage with that market to meet the needs of rising pupil numbers in a way that meets local priorities.		4	4	
2.11	We are confident that we have the skills and understanding needed to run a successful competition for a new school.	2	5	1	

## Annex B continued

### School improvement

		Strongly Agree	Agree	Disagree	Strongly Disagree
3.1	As an authority we are confident that we have effective systems and capacity in our local area to either turn around or seek a suitable sponsor for any local authority primary schools that are performing poorly.	2	5	1	
3.2	As an authority we are confident that we have effective systems and capacity in our local area either to turn around or seek a suitable sponsor for any local authority secondary schools that are performing poorly.	2	5	1	
3.3	There is sufficient capacity and intelligence in the system locally, either in the local authority or its partners, to identify accurately the signs of underperformance or of declining performance.	1	4	3	
3.4	We have the knowledge, systems and capacity in our local area to support effectively underperforming or declining local authority schools.	2	4	1	1
3.5	We have sufficiently detailed knowledge and understanding of the strength of good and outstanding schools in our local area to be an effective broker of school to school support.	3	4	1	
3.6	We have the skills and capacity to monitor successfully and hold to account school to school support solutions for underperforming or poorly performing schools, including involving academies in those solutions where appropriate.	2	4	2	
3.7	We have a clear understanding of the extent and quality of the school improvement market locally, and have the confidence and skills to help shape that market.	2	3	3	
3.8	As a local authority we have the skills, knowledge and capacity to broker successfully in a sponsor to take on a poorly performing school in a way that will best meet the needs of pupils and the local community.	1	5	1	
3.9	The traded school improvement services that we offer to schools are high quality, good value and flexibly respond to what schools want and need. Our services compare favourably with other services available to schools.	1	5	1	
3.10	The majority of schools, both academies and local authority schools (where applicable), continue to buy into local authority traded improvement services.	3	2	2	
3.11	We have the mechanisms to monitor schools' satisfaction with local authority traded school improvement services and to develop these to meet changing needs.	2	3	2	
3.12	We are confident that local academy sponsors have the skills and capacity to support their sponsored schools to improve or to sustain outstanding provision.		5	3	
3.13	The strengths of our relationship with local sponsors is such that we are able to raise any concerns we have with them about the performance of their schools and they engage constructively in the dialogue and take action to address issues raised.		7	1	
3.14	We are confident that the convertor academies in our local authority have the skills, capacity and self-awareness to improve or to sustain outstanding performance, including sufficient support and challenge being provided by the governing body.		5	3	
3.15	We believe that our relationships with convertor academies are such that if it was clear that one was underperforming or declining we could constructively raise the issues with them and jointly develop a support solution.		5	3	
3.16	We are confident that secondary local authority schools, either individually or in partnership, have the ability to commission successfully high quality support for school improvement from other schools or the open market.		5	3	
3.17	We are confident that primary local authority schools, either individually or in partnership, have the ability to commission successfully high quality support for school improvement from other schools or the open market.		4	4	
3.18	We are confident that sponsored academies have the ability to commission successfully high quality support for school improvement from other schools or the open market.		6	2	
3.19	We are confident that convertor academies, either individually or in partnership, have the ability to commission successfully high quality support for school improvement from other schools or the open market.		6	2	

## Annex B continued

### Support for vulnerable children

		Strongly Agree	Agree	Disagree	Strongly Disagree
4.1	Current arrangements for ensuring fair access for children and young people who are vulnerable are working well.	1	5	2	
4.2	Relationships with and between schools and the established processes are strong enough that fair access arrangements are likely to continue to work as more schools become autonomous.		5	3	
4.3	In the event of a dispute between schools which involves an academy, or between the local authority and an academy, in relation to in year admissions for hard to place children we know what the escalation mechanism is and we are confident that we can make it work and resolve the issue in a timely fashion.		5	3	
4.4	As a local authority we have the necessary skills, capacity and information to carry out our statutory duties with regards to children with SEN.		6	2	
4.5	As a local authority we have the necessary skills, capacity and information to carry out our statutory duties with regards to providing education for excluded pupils.	1	7		
4.6	We currently receive sufficient information on vulnerable pupils from our local authority schools to ensure that their educational needs are being met effectively.		5	3	
4.7	We currently receive sufficient information on vulnerable pupils from local academies to ensure that their educational needs are being met effectively.		3	5	
4.8	We are confident that as more schools become autonomous we will continue to receive sufficient information to ensure that the needs of vulnerable children are being met.		2	6	
4.9	We have a clear understanding of the local market for additional support services available for vulnerable children, and have the skills and confidence to shape that market to meet local needs.		4	4	
4.10	We believe that secondary local authority schools, either individually or in partnership, have the skills, confidence and capacity to commission high quality support from the market for services for vulnerable children.		5	3	
4.11	We believe that primary local authority schools, either individually or in partnership, have the skills, confidence and capacity to commission high quality support from the market for services for vulnerable children.		3	5	
4.12	We believe that sponsored academies have the skills, confidence and capacity to commission high quality support from the market for services for vulnerable children.		5	3	
4.13	We believe that convertor academies, either individually or in partnership, have the skills, confidence and capacity to commission high quality support from the market for services for vulnerable children.		4	4	
4.14	Where the local authority has developed traded services for supporting vulnerable children these are high quality, good value for money and respond to the needs of schools, families and children. The local authority's services compare favourably with other services available on the market.	1	3	3	
4.15	The majority of schools, both academies and local authority schools (where applicable), continue to buy into local authority traded support services for vulnerable children.	1	6	1	
4.16	The local authority has the skills, knowledge and capacity to commission effectively support from the most vulnerable children from schools or other providers.	1	6	1	
4.17	We are confident that relationships and methods of communication are such that the support offer to the most vulnerable children and families will continue to be joined up as the education system and the market for support becomes more diverse.		2	6	

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