

**Children’s Services Scrutiny Panel  
Spotlight Policy Review 2012 – 2013**

**Improvement, Admissions, Planning: Implications of the Education Act  
2011**

**Final Report**

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# 1 Foreword from the Scrutiny Lead Member for Children's Services

It gives me great pleasure to be able to introduce the first policy review from the Children's Services Scrutiny Panel, around the implications of the Education Act 2011.



The Education Act 2011 is a key piece of legislation fundamental to the Government's reform agenda for schools and the education system in England. The Education Act 2011 brings about deep structural changes along with a fundamental shift in approach that will look to autonomous schools to drive the shape of support required. Sunderland like many other local authorities is adapting and changing to the requirements contained within the legislation.

One of the key drivers for these reforms was England's fall from within the top ten PISA (Programme for International Student Assessment) rankings for Maths, English and Science in 2006 to middle ranking by 2009, while the most recent rankings do again put the UK in the top ten countries globally. The fall in ranking was viewed by the Government as a decline in our ability to compete in the global arena. Although it should not be forgotten that it was through local authority stewardship that England reached the top ten in the first place.

The landscape is clearly changing as schools become more and more autonomous and it will be important for the local authority to define its role in this altering vista. Throughout the review, and in this report, there is reference to the local authority adopting a mediating or middle tier role and this could see local authorities brokering partnerships and developing capacity and skills in schools around commissioning, providing robust challenge and professional development. These are both exciting and challenging times for schools but with the breadth of expertise we have in our city's schools and the local authority, I feel sure we are more than capable of rising to that challenge.

Finally I would like to thank my colleagues on the panel for their commitment and contribution to this piece of work. It is through this commitment along with the invaluable contribution from officers and key stakeholders that has allowed the Children's Services Scrutiny Panel to produce this review report.

Councillor Bob Francis, Scrutiny Lead Member for Children's Services

## **2 Introduction**

- 2.1 The Scrutiny Conference provided a variety of scrutiny topics for potential review during the coming year. The Children's Services Scrutiny Panel, commissioned by the Scrutiny Committee, agreed to undertake a spotlight review around the implications of the Education Act 2011.

## **3 Aim of the Review**

- 3.1 To understand and provide a Member perspective on the implications of the Education Act 2011 with particular reference to the developing and emerging models for school improvement in Sunderland including the local authorities statutory responsibility for admissions and school place planning.

## **4 Terms of Reference**

- 4.1 The title of the review was agreed as 'Improvement, Admissions, Planning: Implications of the Education Act 2011' and its terms of reference were agreed as:
- (a) To gain an overview of the Education Act 2011;
  - (b) To explore and assess the emerging model for school improvement and the implications for both the Council and local schools;
  - (c) To investigate and consider the implications of the act on the local authority's statutory obligations around admissions and school place planning.

## **5 Membership of the Panel**

- 5.1 The membership of the Children's Services Scrutiny Panel during the Municipal Year is outlined below:

Cllrs Bob Francis (Scrutiny Lead Member for Children's Services), Anthony Farr, Doris MacKnight, Robert Oliver, Mary Turton, Philip Tye, Linda Williams, Amy Wilson and Rose Elliott (Co-opted Member).

## **6 Methods of Investigation**

- 6.1 The approach to this work included a range of research methods namely:
- (a) Desktop Research;
  - (b) Use of secondary research e.g. surveys, questionnaires;
  - (c) Evidence presented by key stakeholders;
  - (d) Evidence from members of the public at meetings or focus groups; and,
  - (e) Site Visits.
- 6.2 Throughout the course of the review process the committee gathered evidence from a number of key witnesses including:
- (a) Keith Moore – Executive Director Children's Services;
  - (b) Beverley Scanlon – Head of Commissioning and Change Management;

- (c) Annette Parr – School Support and Intervention Lead Officer;
- (d) Richard Hegarty – School Support and Intervention Officer;
- (e) Kay Rooks – Early Years Foundation Stage School Improvement Officer;
- (f) Chris Campbell - (Schools) Support and Intervention Officer;
- (g) Julie Davey - Admissions Team Leader;
- (h) Graham Shillinglaw – Headteacher Springwell Dene School.

6.3 All statements in this report are made based on information received from more than one source, unless it is clarified in the text that it is an individual view. Opinions held by a small number of people may or may not be representative of others' views but are worthy of consideration nevertheless.

## 7 Findings of the Review

Findings relate to the main themes raised during the panel's investigations and evidence gathering.

### 7.1 The Education Act 2011

7.1.1 The Education Bill was introduced into the House of Commons on Wednesday 26<sup>th</sup> January 2011 and received Royal Assent on 15<sup>th</sup> November 2011. The Education Act 2011 implements the education reform programme of the Coalition Government and seeks to create an education system that delivers ever higher standards for all children.

7.1.2 The Education Act 2011 takes forward the legislative proposals contained in the Schools White Paper, The Importance of Teaching, and measures from the Department for Business, Innovation and Skills to improve skills, including two elements of the reforms to higher education funding.

7.1.3 There are four main principles which underpin the legislation. One is specific to education relating to good student behaviour and discipline through improving the quality of teaching, by giving additional disciplinary powers to teachers and lecturers. The other three appear across the Coalition Government's approach to public services, and are:

- sharpened accountability;
- the freeing up of, and giving more flexibility to, professionals to do their jobs;
- and the fairer use of resources.

7.1.4 **Appendix 1** of this report provides a complete overview of each part and relevant sections of the Education Act 2011. However of particular relevance to this review are the provisions repealing the duties on schools to co-operate with the local authority and other partners to promote the well-being of children and have regard to the children and young people's plan. Therefore schools will no longer have to publish a school profile (Section 32), and local authorities will no longer appoint School Improvement Partners to each school (Section 33).

7.1.5 This makes it clear that the main responsibility for school improvement will in the future rest with schools and that the best schools and leaders will be expected to take on greater responsibility for leading improvement across the education system. The impact of Academies in relation to educational provision in schools needs to be considered alongside the wider impacts to Local Authorities (LA's), of schools, arising from other changes set out in the Academies Act 2010 or the Education Act 2011, in particular the duty placed on councils to act as a champion for children and families. The significant implications of schools moving towards academy status and outside of an LA maintained position will be a major focus of change management activity over the coming years. New models for school improvement are being developed and listed below are some of the models being used across the country:

- (a) **Teaching School:** gives outstanding schools a leading role in training and professional development of teachers, support staff and headteachers, as well as contributing to raising standards through school to school improvement work;

- (b) ***Incorporated/Unincorporated Trust:*** schools formally sign up to a school improvement partnership which gives them a way to raise standards through formally strengthening collaboration and drawing on the expertise and energy of partners to support school improvement, to explore a range of governance models and to offer capacity to enter into contracts which may achieve cost savings or improved services;
- (c) ***School to School/Brokered Market Arrangements:*** schools determine their own route to school improvement. This could include developing their own strengths as an offer to other schools as well as a range of other options, e.g. LA, other LAs, private sector providers, Teaching School;
- (d) ***Multi-academy/Specialist Trusts:*** schools are grouped into a number of structural arrangements of their choosing, often based on shared characteristics, e.g. Faith Schools, Special Schools, Academies, etc, and;
- (e) ***Locality Consortia:*** schools are grouped within the five localities and there is a reporting mechanism to five Area Improvement Boards. This model would like secondary and feeder primary schools.

7.1.6 Another key factor that will influence ongoing improvement in schools will be the changes to the Ofsted inspection framework, which are to be introduced from September 2012. The main changes are as follows:

- schools cannot be judged as ‘outstanding’ for overall effectiveness unless they have ‘outstanding’ teaching;
- a school that is not yet ‘good’, but that is not judged ‘inadequate’, is a school that ‘requires improvement’;
- a school that is ‘inadequate’ overall and that requires significant improvement, but where leadership and management are not ‘inadequate’, is a school with serious weaknesses. *N.B Schools that have a current Notice to Improve on 1 September will move to the Serious Weaknesses classification on that date;*
- a school that is ‘inadequate’ overall, and where leadership and management are also ‘inadequate’, is a school requiring special measures;
- schools that are judged as ‘requires improvement’ will normally be monitored and re-inspected within a period of two years; the timing of the re-inspection will reflect the individual school’s circumstances and will be informed by what inspectors find at the monitoring visits;
- if a school is judged as ‘requires improvement’ at two consecutive inspections and is still not ‘good’ at a third inspection, it is likely to be deemed ‘inadequate’ and to require special measures;
- inspectors will normally contact the school by telephone during the afternoon of the working day prior to the start of a section 5 inspection;

- inspectors will evaluate the robustness of performance management arrangements, and consider whether there is an appropriate correlation between the quality of teaching in a school and the salary progression of the school's teachers.

7.1.6 It is the responsibility of the admission authority to ensure that admission arrangements are compliant with the School Admissions Code. The admissions authorities for the various types of schools are as follows:

- community and voluntary controlled schools - the local authority;
- voluntary aided and foundation schools - the governing body;
- academies – Academy Trust;
- free schools - Free School Trust.

7.1.8 Admissions policy and procedures remain the statutory responsibility of the local authority. However it is recognised that the context for this statutory responsibility will potentially change with more schools becoming their own admissions authorities. As part of the Education Act 2011 the government has also introduced a new School Admissions and Appeals Code. The Code will become effective from 2013. The intention of the new code is to provide a fairer and simpler system for parents to navigate.

7.1.9 The Education Act 1996 placed a statutory duty on the Local Authority to ensure a sufficient supply of school places. More recently the Education Act 2011 re-enforced the role of the LA (as set out in 'The Importance Teaching – The Schools White Paper 2010') as champions for parents, families and vulnerable pupils, requiring that the LA promote educational excellence by ensuring a good supply of high quality school places, and co-ordinating fair admissions. This has resulted in a shift of emphasis in terms of school place planning, requiring more detailed consideration of the performance of schools and parental preferences when making decisions, set alongside the more practical considerations of cost, school locality and the availability of space to expand. The Act makes changes to the arrangements for the establishment of new schools, with a presumption that any such schools would be Academies or Free Schools.

## **7.2 School Improvement**

7.2.1 School performance and pupil attainment in Sunderland has shown significant improvement in recent years. The provisional results for 2012 continue this progression showing a rise in every measure at Key Stage 1 including a 4% increase, to 75%, of pupils achieving 2b+ in Reading and a 5% increase, to 62%, in pupils achieving 2b+ in Writing. The performance is similar at Key Stage 2 where performance at level 4+ in English and Maths had risen from 74% to 81%.

7.2.2 At Key Stage 4 the performance shows that 63% of Sunderland students achieved the Government's 'Gold Standard' of 5 higher grade GCSE's including English and Maths. This shows an 8% increase on last year's figures. It is also worth noting that it is the best result in the region and higher than Sunderland's statistical neighbours nationally. The number of students achieving 5 or more A\*-C grade GCSE's was 89% with 99% of students achieving exam success of some kind. At A level the number of entries A\* - E increased from 97% to 99% with A\* - C increasing from 69% to 76%. Despite these excellent city-wide results, there are still challenges for

a small number of primary and secondary schools who are performing below floor targets in addition to the need to improve outcomes at both KS2 and KS4 for children who are looked after (LAC) and Bangladeshi pupils in line with the overall percentage figures.

- 7.2.3 The review highlights the current picture in Sunderland with approximately 25 schools having already moved or moving shortly to academy status in Sunderland. In addition to the three original 'Sunderland Model' Academies, the majority of academies have converted on the basis of decisions made by governing bodies. Currently only a small number are what would be described as 'directed' academies although 'local' solutions have been able to be brokered for these. Grindon Hall Christian School became a free school in September 2012.
- 7.2.4 The Sunderland School Improvement Service has previously been identified as having a strong national reputation for partnership working with its schools and a proud record of continuous improvement. Members during discussions recognised that the relationship between school leaders and the local authority was mature. This was supported by the visit to Springwell Dene School where the Headteacher expressed the importance of continuing good relations with the local authority and in essence Springwell Dene, despite in the process of converting to an academy school, still viewed themselves as a local authority school.
- 7.2.5 This strong relationship provides a basis for creative and realistic solutions to local problems. This is highlighted in research conducted by the Association of Directors of Children's Services (ADCS) which recognises that 'local knowledge and connection to a particular place, with a particular history, is often underestimated by Westminster. Personal relationships, soft data and influence are often critical, especially in dealing, efficiently, with difficult issues involving schools'<sup>1</sup>.
- 7.2.6 Although it is important to stress that the future direction of school improvement is one where schools take an active responsibility for their own improvement. Members recognised that in the past, the local authority had a role to support and maintain high educational standards of achievement and care for pupils, whereas the new legislation centres the local authority role in supporting schools in the transition towards greater collaboration, deeper self evaluation and more effective planning. The panel acknowledged the evolving role of the local authority was in supporting the brokerage of appropriate support and the monitoring of its effectiveness and impact.
- 7.2.7 The current Sunderland School Improvement Team has been reduced as a result of the devolution of previously centrally held funding to schools. Its size reflects levels of buy back from schools and, of necessity, the current team focuses on support and intervention for those schools that most require it. The team is therefore, developing its strategic role in a number of ways;
- (a) Creating conditions for clusters of schools to work together to build a school to school improvement system;
  - (b) Building sustainable network learning communities;
  - (c) Working with schools, designing and facilitating periodic best practice conferences;
  - (d) Offering an apprenticeship into school-to-school peer review;
  - (e) Interpreting and sharing school specific information and data;

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<sup>1</sup> The future role of the local authority in education by Jonathan Crossley-Holland. ADCS. 2011

- (f) Facilitating a brokerage service and directory for the City and across the region; and
- (g) Providing advice on curriculum design and construction.

7.2.8 In terms of support services to schools, 2012 has been seen as a transition year in which some support delivery will still be provided by the School Improvement Service within Children Services on a traded basis. However, from April 2013 the School Improvement Team will offer a core statutory service which will be centrally funded and which will focus on support, challenge and intervention. Only a limited amount of training will be charged to schools with support for a small number of other statutory requirements still offered to schools free of charge, including:

- Early Years Foundation Stage moderation;
- Key Stage 1 moderation; and
- Acting as the appropriate body to carry out the statutory responsibilities around the induction of NQT's in maintained schools, non maintained special schools and maintained nursery schools.

7.2.9 During the investigation it was reported to the panel that service level agreements (SLA's) had been sent to relevant schools in April 2012 and these costs were highlighted as being very competitive. It was noted that these arrangements were to change in 2013 (as described above) as the local authority would no longer provide a traded service. The schools currently buying into the School Improvement Service SLA receive the following support:

- Half day visit by a Support and Intervention Officer to review the school's self evaluation strategies, the plan for improvement and the implications for staff CPD;
- Future visits, 1 day in total, would be brokered against the agreed agenda of supporting schools in their self evaluation processes for an area of school provision or in supporting the headteacher in any other required improvement activity;
- The potential to broker specific external support for schools from neighbouring LA's at an additional, but reduced, cost;
- Support in accordance with the LA Concerns Policy for schools causing concern, normally one half day per week from each Support and Intervention Officer allocated to support the school including EYFS, SEN and EAL if required;
- Support for schools that are identified as vulnerable to falling below the government floor standard, normally one half day per fortnight;
- Access to termly development activity to expand the skills of EYFS Leaders and practitioners;
- Provision for vulnerable groups SEN;
- Referral to the EAL team where appropriate;

- Support and Intervention Officer contribution to the process for selection of headteacher and deputy headteacher appointments;
- Following an Ofsted inspection attendance at the feedback session conducted by the Ofsted Inspection Team; and
- Support with capability/disciplinary issues in partnership with Human Resources.

7.2.10 Department for Education research<sup>2</sup> indicates that many schools across the country continue to buy-in the services of an experienced and credible partner to act in a similar role to the former school improvement officer. This view is supported by the panels own findings around the buy-back of school improvement provision in Sunderland. While secondary schools, sponsored academies and converter academies are confident in their abilities to commission high quality school improvement support from a variety of sources there appears less confidence within the primary school sector. As more primary schools convert, or look to convert to academy status, there is the need to ensure the knowledge and skills of the commissioning process are developed within these schools.

7.2.11 It was acknowledged in the panel's visit to Springwell Dene School that the new education landscape was a very competitive one and organisations from both the private and public sectors were offering services to schools. The multi-academy model operated by the special schools within Sunderland, Ascent Academy Trust, was highlighted as already developing this further through an outward facing approach to support provision around their specialist knowledge of SEN provision. In looking at the marketing of such services conversations are already taking place with mainstream schools and the multi-academy to ensure that any resource offered is tailored to meet the needs and demand of the schools.

7.2.12 Within Sunderland the emerging model of school to school improvement is proposed as a mixed economy of support through national and local arrangements for National Leaders in Education (NLE's) and Local Leaders in Education (LLE's), locally grown school clusters and triads, with support in part through the Teaching School (the first in Sunderland) at Townend and Bexhill Academy.

7.2.13 The benefits to schools of a school to school improvement model are widely acknowledged as being:

- It promotes school ownership of their own improvement;
- It develops school capacity, including future leaders;
- It enables schools to retain high quality staff;
- It is potentially the most cost effective;
- It provides a local framework for National College programmes;
- It promotes values of moral purpose, collaboration and professionalism; and
- It recognises the importance of local knowledge and connection to a particular place with a particular history.

7.2.14 It was highlighted to Members that teaching schools were a very important route for schools to source high quality support from other schools in their area and as such will contribute towards ensuring that all schools can access the support they need. The multi-academy model also provides support through formal collaborations

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<sup>2</sup> Action research into the evolving role of the local authority in education. DfE. June 2012

which develops and drives improvement in schools. Springwell Dene School reported that through school to school improvement academies can provide a critical friend challenge, as well as ensuring issues around capacity are minimal.

- 7.2.15 In discussing school to school improvement with a member of the Ascent Academy Trust, the view was expressed that one of the aims of the model was to develop and grow a group of staff that provides a resource not only for the multi-academy schools but also the mainstream schools in Sunderland. The Springwell Dene School Headteacher felt that the multi-academy model provided an opportunity to offer a more personalised approach through the school to school improvement agenda, operating in an open and transparent manner. This was recognised as particularly important in times when the local authority school improvement service was reducing in size.
- 7.2.16 Another important aspect of school to school improvement is the local authorities overall position and its ability to promote a whole range of such support that reflects the opportunities and demands within a specific area. It is argued that the local authority of the future will be pivotal in charting what an increasingly sophisticated system of school to school support might look like<sup>3</sup>. The local authority, as a whole, is well placed to be a middle tier in the school to school mechanism.
- 7.2.17 The panel, through its discussions with school improvement officers, identified the proactive role Sunderland was undertaking to build leadership capacity in schools. Clearly identified in this was the support to develop the roles of NLE/LLE's, developing a TRIAD programme for professional development, supporting self-sustaining networks to secure improvement on a cluster basis and the continued support in the teaching of literacy and numeracy across all phases.
- 7.2.18 The scrutiny panel acknowledged the shift in school improvement brought about by the Education Act 2011 and recognised the new models of working and the huge potential that they offer. However, school improvement models need to be sustainable and build capacity within the system. Models such as teaching schools place emphasis on individuals who are in place at the time. New models also need to be able to address issues in the more challenging schools as well as with those who have the most capacity and appetite to improve.
- 7.2.19 One of the key aspects and challenges in taking school improvement forward, through greater autonomy, is around how the local authority will ensure that schools are receiving the support required and what response will be provided should a school fail or consistently underperform. Schools will drive their own improvement but there is still an important accountability role for academy sponsors, academy trusts and local authorities respectively, and this in itself raises a number of key challenges for the future.
- 7.2.20 The first challenge is the ability of local authorities to continue to effectively support and challenge maintained schools despite the reduced resource available to do so. A key innovation around this in Sunderland was the Triad Model which is now proposed to developing into consortia arrangements. The School Improvement Team informed the panel that schools were accustomed and comfortable with the previous model of working. Therefore the School Improvement Service needed to shift to a facilitation role to support schools to develop a school to school improvement system.

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<sup>3</sup> The future role of the local authority in education by Jonathan Crossley-Holland. ADCS. 2011

- 7.2.21 The original Triad programme saw an initial 25 schools enrol with the majority being primary schools. It was noted that the drop out rate was zero. The project developed partnership working and more importantly the challenge aspect of the role of school improvement. One of the real positives of the project was the honesty exhibited by Headteachers throughout. It was also noted that schools were not well prepared for this style of inter-school challenge.
- 7.2.22 One of the key aspects of the project was that all schools were equal partners, and at its core was the desire to enable schools to challenge and support each other. It was highlighted that when schools came together to share practices this was extremely beneficial and provided the support and ability to work together on those issues that needed development.
- 7.2.23 Members were informed that there was no natural lifetime to triad groups as long as they continued to be beneficial and meet the needs of those involved. It was also noted that it was still the duty of the local authority to ensure that school improvement and pupil progression was in place.
- 7.2.24 Another key challenge is to ensure that school to school support mechanisms are effectively brokered and robustly held to account by an external third party. It is often difficult for schools to challenge each other and the local authority can often act as a broker for schools to access a variety of support from a range of providers including the teaching school. Again the triad or consortia models can be an effective way to develop the skills of critical analysis, challenge and support for those schools unaccustomed to the role of providing such critique. Also through the multi-academy model and the school to school improvement agenda such schools identify very much with being support mechanisms for each other and the children of Sunderland.
- 7.2.25 Local authorities are also concerned about shared intelligence in a more autonomous school system and being able to detect the signs of declining school performance before it impacts on results. There are a number of sources of information which can be used to detect performance issues including:
- Ongoing discussions with headteachers and governing bodies;
  - Buying into LA school improvement services;
  - Partnership based mechanisms that allow schools to access a range of support and challenge through membership;
  - Accessing LA support for HR, payroll, finance, governor support or other back office services;
  - Questions or complaints from parents to the LA via Members or officers; and
  - LA representation on school governing bodies.
- 7.2.26 One final issue is around the ability of local authorities to work successfully with the Department for Education and other partners to broker sponsors for failing schools. Research clearly indicates that local authorities are keen to develop good relationships with a small number of sponsors who are able to develop a good understanding of a local area its needs and demands.
- 7.2.27 There are a variety of emerging local solutions to a number of the issues raised by the implications of the Education Act 2011 in relation to school improvement. Sunderland City Council has devised the [one.education@sunderland](mailto:one.education@sunderland) project to

develop a collaborative local authority and a school to school model of school improvement for which the key objective would be the attainment and improved life chances of every child.

- 7.2.28 The project sets out to ensure that no school should be below floor targets in terms of end of key stage results and every school should receive at least good in an Ofsted Inspection. The One Education model's collaborative approach will be of most benefit to those schools currently deemed to be satisfactory or 'requiring improvement' and therefore at risk in a further inspection and for the number of schools currently deemed as good schools who could drop a grade to 'requiring improvement' at their next inspection.
- 7.2.29 The project is well developed with representation on the board from the community of schools in Sunderland and officers of Sunderland City Council. Importantly links are also being established with the Teaching School to develop a model of partnership working and support for the city. The key aim of the [one.education@sunderland](mailto:one.education@sunderland) Board is to facilitate the development of a school to school improvement model. This model is based upon consortia of schools who work together in areas of support and challenge and , through the consortia, identify the development needs of particular schools then commission support. This is entirely in keeping with the governments approach to change although one in which the distinction needs to be drawn between the intervention approach to tackle failure in schools (through the respective roles of the Council Ofsted and the DfE) and this approach which is about schools supporting each other to avoid intervention. Schools responsibilities under this model would be to run and manage the consortia (which would be funded through schools) identify needs and commission appropriate support and undertake peer to peer challenge. The Council is facilitating the set up of these consortia and will support the identification of schools needs through the provision and analysis of performance data.
- 7.2.30 At the present time consortia are on the basis of existing partnerships that many schools work within. Some of these have a locality focus but others are organised on the basis of sectors e.g. nursery schools, or on a joined agenda e.g. improving literacy. By January 2013, it is anticipated that the first consortia will be up and running. The stated aim in facilitating these arrangements is to ensure that all schools are able to access suitable networks of support as there is a concern that a number of schools may not be currently engaged in this agenda.
- 7.2.31 In addition to the developing consortia arrangements, schools are accessing school improvement support from a number of sources, including from Teaching Schools and individual schools in other authorities and buying into school improvement services offered by neighbouring local authorities. The panel were informed that some local authorities had been more proactive in tendering and promoting services across the region, and it was acknowledged that some schools in Sunderland were buying back services from other local authorities including Durham and Gateshead.
- 7.2.32 It was acknowledged by panel members that local authorities still have a duty to ensure good outcomes for all children in their area. However as the number of autonomous schools increases, so the local authorities' sphere of influence decreases. This loss of accountability is a driver for local authorities to look in different ways to influence schools and increasingly local authorities are looking to soft intelligence and data to provide this. There are a number of 'soft' indicators that

can point to performance issues including levels of exclusion, pupil movement from the school, parental preference, complaints from parents, staff or residents, governor vacancies, staff turnover, vacancies and sickness. Mapping these various sources of intelligence and soft indicators across an area could help to identify the early signs of the potential for declining performance in a school.

7.2.33 Research by the Department for Education highlights that East Sussex has recognised the diminishing level of intelligence it receives from school improvement officers as autonomy in schools takes over. The authority now meets with service managers who interact with schools including HR, finance, governor services and admissions to identify in advance any concerns, trends or intelligence about schools that is based on clear evidence. This approach ensures that intelligence can be used effectively to improve the quality of support offered to schools as well as anticipating any declining school performance. There is a note of caution to this as more schools become academies the pool of intelligence available may shrink and local authorities will need to consider the systems and policies in place for contact with schools. However, traded services such as HR, finance and governor services in Sunderland still have high levels of buyback from Sunderland schools that have converted to academy status.

### 7.3 Admissions and School Place Planning

7.3.1 Local authorities are also bound by some 200 statutory duties covering education and children’s social care and outlines key aspects of the Director of Children’s Services (DCS) and Lead Member for Children’s Services (LMCS) roles in working together to provide ‘strong strategic local leadership and development of an increasingly autonomous and diverse education and children’s sector’. One of these key responsibilities is around promoting fair access to services such as admissions, and school places.

7.3.2 By way of context the current admission picture for primary schools in Sunderland (as at 29 June 2012) is illustrated in the table below. It can be seen from the table that a fairly similar picture exists across all the Sunderland areas with a number of schools (41) oversubscribed leading to waiting lists while other schools (29) currently have a number of vacancies.

Area	Pupil Admission Nos.	Places Offered	Waiting List	Vacancies
Coalfields (15)	555	485	54	70
East (12)	631	619	104	12
North (16)	666	639	29	27
Washington (18)	706	699	97	7
West (15)	770	735	84	35
<b>Totals</b>	<b>3328</b>	<b>3177</b>	<b>368</b>	<b>151</b>

Figure 1: Current Admissions for Primary Schools in Sunderland (29 June 2012)

7.3.3 The methodology for pupil projections was outlined to members at a panel meeting and involves live birth data by ward which is collated by home address and supplied by the PCT, a further postcode analysis is also undertaken to determine the numbers for each ward to attend a school. These projections are further enhanced by the use of a 3 year average to calculate the percentage of children in a ward who

will attend each school. Secondary school forecasting is more accurate as a result of the availability of 7 years worth of primary school cohort data.

- 7.3.4 It was also noted during panel discussions that any new housing developments were also considered and a calculation of 'pupil yield' employed. The calculation was very dependent on the type of housing and as a rough estimate a ratio of 1:8 secondary school places and 1:4 primary school places was employed. It was stressed to the panel that it was important not to over react to new housing it was a significant factor but not as crucial a determinant as the birth rate.
- 7.3.5 There were some key challenges identified in predicting pupil numbers including the fact that the weighted average was based on actual reception cohorts and not original parental preference and it is difficult to predict any sibling links. Also pupil projection figures do not take into account the impact of infant class size legislation which restricts class sizes to 30 in number.
- 7.3.6 It was reported that statistics collected were particularly accurate and the evidence gathered was robust. The current surplus place position in Sunderland was highlighted as 12% in the primary sector, 10% in the secondary sector and a potentially challenging 4% in reception. The Head of Commissioning and Change Management reported that this surplus was satisfactory in the primary and secondary sectors to deal with any potential rises in the school population, however with only 4% surplus in reception there was the possibility for a deficit of reception school places in some areas of the city.
- 7.3.7 In discussing current trends the panel were informed that approximately 92% of primary aged children and 95% of secondary aged children do get their first preference school. This was acknowledged as a high rate in meeting parental choice. Members were also informed that often parents made unrealistic preferences and research did indicate the majority of pupils were offered a place in the school nearest their first choice if unsuccessful. It was also recognised by the panel that there would be pressure on primary places over the next five years with Washington, Coalfields and Sunderland West particularly effected. Also the September 2013 academic year will see an overall dip in primary pupil numbers but that they will rise again in September 2014.

## Primary Pupil Projections

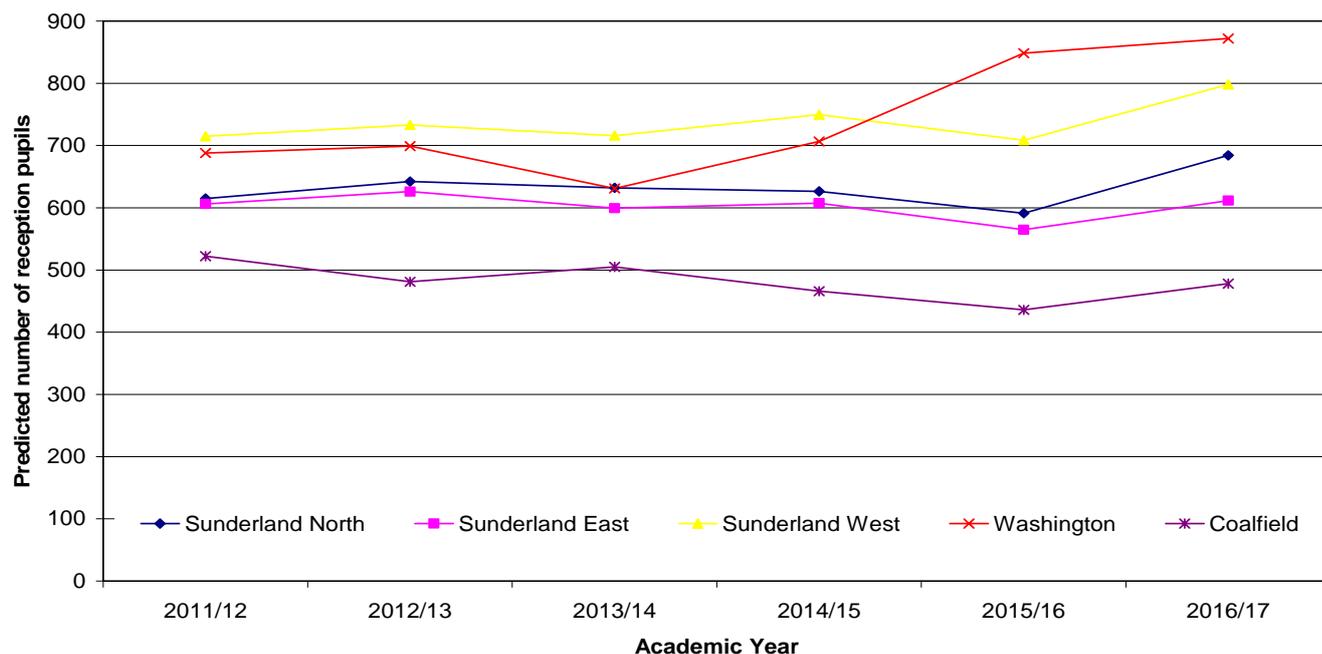


Figure 2: Primary Pupil Projections by locality. Source: Sunderland City Council

7.3.8 Members acknowledged the impact of Grindon Hall Christian School, a free school, on pupil places, with the school doubling in size to 545 places and admissions of 40 pupils per year group. Grindon Hall admitted children to all year groups from reception through to year 11, this influx had the biggest impact on neighbouring schools including Academy 360, Broadway Juniors, Barnes Junior School and South Hylton Primary School.

7.3.9 In order to address the potential need for additional places in the primary sector of solutions being explored including the use of surplus capacity, existing assets, remodelling and capital investment. It was highlighted that many schools used their surplus capacity in a variety of ways including for community use and if such space was to be reclaimed for pupil places it would involve discussions with the relevant schools governing body.

7.3.10 In terms of capital funding there is a degree of uncertainty in going forward. Currently capital allocations to the LA are limited to urgent maintenance and to reflect Basic Need (shortage of places) with the latter being calculated on the basis of the overall shortage of spaces across a whole area. This will bring added pressure in terms of meeting the need for new school places, and place greater emphasis on working with developers and proposers of new schools to identify affordable and sustainable solutions. In the short term this is likely to mean that those proposing new schools would also need to seek support direct from the DfE in order to make their development a viable proposition. Developer contributions for new school places are secured through planning obligations, which are also known as Section 106 agreements. This places emphasis on the Local Authority demonstrating sufficient need, to do so will normally require that specific schools are named in the S106 agreement. As a consequence of new legislation introduced in April 2010 a new mechanism for securing developer contributions through a Community Infrastructure Levy (CIL) was introduced. This places greater emphasis on the naming of specific schools to receive any contributions. This means developers are unlikely to welcome the uncertainty of competitions for

additional places, and will seek to only provide money for specific schemes. However, the Council has been successful in securing 5 new schools through the PFI funded Priority Schools Building Programme for Hetton Secondary School and Shiney Row, Usworth Grange, Hylton Castle Primary Schools. St Anthony's Girls VA Academy has also been successful in securing this funding.

7.3.11 The picture in relation to surplus places is different at secondary school level with the secondary school population much more fluid in response to perceptions, performance and popularity. Current secondary school projections show that numbers are continuing to decrease and that the increases in primary schools will not impact on the secondary sector until 2017/18. Although this does present a potential pressure around over supply of secondary school places which could result in decreasing funds for schools due to such surplus places. Members were informed that oversubscription tended to occur more in the faith schools and particular schools, often those with outstanding Ofsted judgements, also the border areas of the city suffered from a migration of pupils to schools in Durham, Gateshead and South Tyneside. For some schools the reduction in numbers, resulting in large surplus places, presents significant challenges in terms of funding and organisation of curriculum moving forward. The extent of this challenge is currently being investigated and potential solutions explored.

7.3.12 Members queried the current trends and hotspots in relation to appeals for schools and it was noted that the majority of appeals were for primary schools and were attributed to the growing birth rate in some areas and parental demand for particular schools. Current hotspots were identified as the Washington locality and parts of Sunderland West and the Coalfields. It was also reported to the panel that the Admissions Forum, which was to continue in Sunderland, played an important role in identifying and addressing emerging issues in relation to admissions

7.3.13 In terms of the September 2012 admissions it was reported to the panel that there had been no issues with secondary schools with every pupil having a place for 2012. However the primary school position was very different with a number of appeals still ongoing. Some of this was due to the late arrival of school preference forms. It was also of interest to Members that increasingly as schools become more independent the need remains for a relationship between schools and the local authority around admissions.

7.3.14 Every type of school must set an admission criteria and arrangements. The local authority criteria are as follows:

- Looked After Children
- Attendance at a cluster or feeder primary
- Sibling link
- Medical Circumstances
- Other reasons.

Academy schools have the option to develop their own criteria but so far all have maintained the local authority prescribed criteria for admissions.

## 8 Conclusions

The Panel made the following overall conclusions:-

- 8.1 There is no doubt that there is a gathering momentum for schools to convert to Academy status, compounded by the declining resources available from local government for school support. This is clearly a key driver in the changing school landscape for the development of new models of delivery for both school and pupil support.
- 8.2 The local authority is referred to more and more frequently as the middle or mediating tier, which, with a focus on school improvement, could exercise a strong strategic role supporting schools to improve through collaboration, promoting the professional development of teachers and ensuring schools respond effectively to national policy changes. The importance of the relationship between the local authority and local schools has never been more important. The report clearly identifies that there is a good and mature relationship between schools leaders and the council and this will ensure that local knowledge, history, soft data and influence can help to resolve or highlight any emerging issues. Improvement across a local area will depend heavily on a shared approach of those working and living in the locality. Schools working independently will not be as effective as a school system where all the key players contribute towards common goals of improvement, change and success. The [one.education@sunderland](mailto:one.education@sunderland) project looks to develop this way of working across the city.
- 8.3 In many terms 2012 is being viewed as a transition year with schools adjusting or converting to a new school status. In terms of school improvement this has meant that many schools continue to buy-back services from credible partners and this is supported by the panel's findings. While the secondary sector, sponsored and converter academies are confident with the commissioning process there is clearly less confidence in the primary and nursery sectors and it will be important to ensure that support is available to build expertise and confidence in a process which has perhaps not been required previously.
- 8.4 The changing role of the Local Authority provides a clear driver to look at new models of school improvement, ensuring it is fit for purpose in a changing environment. School to school improvement has huge potential, with the involvement of the Teaching Schools, multi-academy trusts, LLEs and NLEs to use the expertise in order that all schools can become good and outstanding. However there are also a number of key challenges that present themselves around this model of improvement and through the consortia model the local authority is effectively looking to facilitate schools to become the agents of their own improvement.
- 8.5 The local authority still has a key duty to ensure good outcomes for all children however the increasing autonomous landscape means local authorities need to look to different ways to influence schools and detect the early signs of declining performance. Soft indicators and intelligence from a variety of council services in contact with schools can help provide an evidence based picture of school performance and its current state. It could prove extremely beneficial to the local authority and local schools to chart such indicators and intelligence across areas and wards to help identify any potential areas of concern as soon as possible.

- 8.6 It will also be important to ensure that there is clarity on how the local authority would approach an academy where there is a potential concern over performance. The introduction of a mutually agreed protocol that clearly outlines the local authority role in a brokerage supporting role that builds on the existing good relationships with schools would be beneficial. The development of such a protocol would need to involve all key stakeholders and could help to provide a mechanism for future collaboration as well as setting clear defining roles and actions.
- 8.7 School place planning is not an exact science and the local authority uses a raft of data to predict the pupil projections over a number of years. This provides an accurate, if not definitive, picture of the expected pressures and pinch points on school places across the city. Clearly the primary sector is the most difficult to predict compared to the secondary sector and each sector faces different challenges; over-subscription for reception places in some parts of the city, and reducing numbers in some of the city's secondary schools. There is clearly, as the review highlights, an impact from free schools, studio schools and university technical colleges in an area as they are able to operate outside of the system of co-ordinated admissions for the first year. This acknowledges the accelerated timescale to which they are opened and directly impacts on neighbouring schools.
- 8.8 The expansion in free schools and academies will have an implication on the application process and while there will be more onus on schools to allocate pupil places there will still be a role for the local authority to provide support and assistance and this offer will still be available. Parents often struggle to understand admissions arrangements and this could become even more difficult with multiple admissions authorities, different over-subscription criteria/definitions and requirements for additional information. There is an important role here for the local authority in providing clear and concise advice to all parents around admission arrangements and providing support to the process through their middle tier position.

## **9 Draft Recommendations**

- 9.1 The Children's Services Scrutiny Panel has taken evidence from a variety of sources to assist in the formulation of a balanced range of recommendations. The Panel's key recommendations are as outlined below:-
- (a) That in further support to the [one.education@sunderland](mailto:one.education@sunderland) project the local authority explores the development of a shared intelligence group with the aim of collating evidence based information from a number of key council sources who have direct contact with schools around 'soft' indicators that can chart and identify risks, key trends and areas of concern or intelligence about schools.
  - (b) That in developing its middle tier role, the local authority looks to, in consultation with Members, Officers and headteachers, to develop a protocol that clearly outlines and establishes the council's role in terms of brokerage, support and intervention with schools and academies in relation to school improvement.
  - (c) That the local authority provides clear, current and concise information to parents, in suitable formats, around admission arrangements for all types of schools in Sunderland and continues to develop a brokerage role in supporting the admissions process through its middle tier position.

## 10. Acknowledgements

10.1 The Committee is grateful to all those who have presented evidence during the course of our review. We would like to place on record our appreciation, in particular of the willingness and co-operation we have received from the below named:-

- (a) Keith Moore, Executive Director of Children's Services;
- (b) Beverley Scanlon – Head of Commissioning and Change Management;
- (c) Annette Parr – School Improvement Officer;
- (d) Richard Hegarty – School Improvement Officer;
- (e) Kay Rooks – Early Years Foundation Stage School Improvement Officer;
- (f) Chris Campbell – (Schools) Support and Intervention Officer;
- (g) Julie Davey – Admissions Team Leader;
- (h) Graham Shillinglaw – Headteacher Springwell Dene School;
- (i) Cllr Paul Stewart – Policy Member Children's Services.

## 11. Background Papers

11.1 The following background papers were consulted or referred to in the preparation of this report:

- (a) [The future role of the local authority in education](#) by Jonathan Crossley-Holland. ADCS. 2011
- (b) [Action research into the evolving role of the local authority in education - The final report for the Ministerial Advisory Group : The Department for Education](#) June 2011
- (c) [The Future Role of Local Authorities in School Improvement | LGIU: Local Government Information Unit](#) CSN Policy Briefing. April 2012
- (d) [The Education Act 2011](#). HM Government
- (e) Children's Services Scrutiny Panel Papers June 2012 – November 2012

## An Overview of the Education Act 2011

### Part 1: Early Years provision

Early years provision (the 'free entitlement', notionally 15 hours a week for 38 weeks a year) will be offered to 2-year-olds from disadvantaged families (Section 1).

### Part 2: Discipline

School staff receive greater powers to search pupils for, and seize, more items. In addition to knives, offensive weapons, stolen articles, and alcohol, staff will be able to search for and seize items those thought likely to be used to commit an offence or cause personal injury to either the pupil or another pupil. Schools will be able to seize items banned by school rules. If school rules prohibit electronic devices (mobile phones etc), these can have files removed before they are returned. In urgent circumstances, a member of staff can dispense with the need for the presence of another member of staff of the same sex as the pupil before carrying out a search of a pupil's clothing or possessions (Section 2). Similar powers are given to staff at further education institutions (Section 3).

The parents of an excluded pupil lose the right to appeal to a local independent appeals panel to ask that their child is reinstated. Instead, parents can ask the Local Authority to arrange an independent review panel, to ask the school to think again about a decision to exclude a child. Where a governing body is directed to reconsider a permanent exclusion by the panel and it does not subsequently offer to reinstate the pupil, the school will be expected to make an additional payment to the LA towards the costs of alternative provision. (Section 4).

The requirement to give 24 hours notice before a pupil is detained outside school hours as part of a punishment is repealed (Section 5). The requirement that each secondary school must participate in a behaviour and attendance partnership is repealed (Section 6).

### Part 3: School workforce

The General Teaching Council England (GTCE) is abolished (Section 7). Teacher discipline functions are given to the Secretary of State who gets the power to investigate allegations of professional misconduct etc against qualified teachers and the power to prohibit qualified teachers from teaching (Section 8). The Secretary of State will take over from the GTCE the management of teacher induction (Section 9).

Restrictions are placed on reporting by the media etc of alleged criminal offences by teachers in schools prior to a formal charge being made (Section 13).

The Training and Development Agency for Schools (TDA) is abolished and the Secretary of State becomes directly responsible for funding initial training, including the setting of entry standards for funded training to teaching and other school related professions (Sections 14 to 17).

The School Support Staff Negotiating Body (SSSNB) is also abolished; the Body has not yet issued, and will not now issue, its first report on pay and conditions of support staff (Section 18).

### Part 4: Qualifications and curriculum

Maintained schools may be required to take part in international surveys of school and pupil performance (Section 20).

Ofqual is directed to consider examination standards in other countries when considering standards in England (Section 22). Following the problems with errors in the Summer 2011 GCSE and GCE examinations, Ofqual is given powers to investigate and fine examination boards for errors (Section 23).

The Qualifications and Curriculum Development Agency (QCDA) is abolished with functions being extinguished or transferred to the Secretary of State. The development of the National Curriculum is transferred to the Secretary of State without the need to involve an arm's-length body (Sections 25 to 27).

The Secretary of State gives up power to direct how the Connexions service works in a particular local authority, but schools can refuse entry to Connexions advisers (Section 28). Schools become responsible for impartial careers guidance for 14 to 16-year olds which cannot be provided by a member of the school's staff (Section 29). Local authorities will no longer be responsible for securing the additional (noncore) diploma entitlement for 16 to 18 year olds (Section 30), and the full range of diploma courses for 14 to 16 year olds (Section 31).

#### **Part 5: Education institutions: other provision**

The provisions (which were at the start of Part 5) repealing the duties on schools to co-operate with the local authority and other partners to promote the well-being of children and have regard to the children and young people's plan were removed from the Bill by a Government amendment in the Lords.

Schools will no longer have to publish a school profile (Section 32), and local authorities will no longer appoint School Improvement Partners to each school (Section 33).

The admission forum, the body which supports local co-ordination of school admission arrangements, is abolished. On an appeal against a school's admission arrangements, the adjudicator will lose the power to rewrite admission arrangements. Instead, the adjudicator will state what needs to be done in respect of the appeal to bring the admission arrangements into line with the School Admissions Code. This judgement will remain binding on the admission authority. Local authorities will continue to send annual reports to the Schools Adjudicator but the content of the report will be set out in the Admissions Code rather than regulations (Section 34).

Local authorities and schools must not charge more for school meals than the cost of providing the meals. However, differential charging will be permitted to encourage take up by specific groups (Section 35).

When a new school is required, the local authority must first try to find a promoter to establish an Academy (or its Free School variant). If none can be found, the local authority can conduct a competition for a foundation or voluntary school as currently happens. If none can be found following a competition, the local authority can then seek the consent of the Secretary of State to establish a community school.

Maintained school governing bodies must consist of parent governors, an elected staff governor and the head teacher and a person appointed by the foundation if there is one. A person can be appointed by the local authority if that person meets the 'eligibility criteria' set by the governing body. The headteacher can resign from the governing body (Section 38).

Outstanding schools will be exempt from OfSTED inspections. Such schools can request an inspection but may have to pay for it (Section 40). School inspections will principally have to report on the achievement of pupils, the quality of teaching, the quality of leadership and management, and the behaviour and safety of pupils (Section 41).

The Secretary of State gets additional powers to close directly a school: all schools which are eligible for intervention can be closed directly except those which are eligible for intervention because of a Teachers' Pay and Conditions Warning Notice. The Secretary of State can override a local authority decision not to issue a Performance Standards and Safety Warning Notice and thus make a school eligible for intervention (and consequently eligible for an Academy Order) (Section 44).

The legislation allowing complaints to the Local Government Ombudsman about individual schools by parents and pupils is repealed. (Section 45)

The Secretary of State can direct changes to local authority schemes for financing schools (Section 46). Premature retirement and redundancy costs of school staff employed for community purposes must be met from school budgets provided that meeting these costs does not interfere with the provision of education to the school's pupils (Section 47). Schools will be able to charge parents for early years educational provision when the school provides educational provision outside the 'free entitlement' (Section 48).

Pupil referral units will have delegated budgets on the same basis as maintained schools (Section 50). The decision to rename Pupil Referral Units (PRUs) as Short Stay Schools is repealed (Section 51).

## **Part 6: Academies**

Secondary academies will no longer need to have a specialism (Section 52). Two new types of academies are created: 16 to 19 Academies and Alternative provision Academies. Current Academies become known as Academy schools (Sections 53 and 54).

The influence of school trustees, associated foundations and, where one exists, "the appropriate religious body" is strengthened prior to the making of an Academy Order (Section 55). Consultation prior to conversion can be done by the potential Academy Trust where the Secretary of State uses the power to force an Academy Order where the maintained school is eligible for intervention (Section 56). An individual school in a federation is able to apply to become an academy (Section 57). The law is clarified on the transfer of staff contracts to Academies where an enforced transfer agreement is used (Section 59).

An Academy must consult on a proposal to increase its age range (Section 60). The law clarifying the rights of staff not to be required to comply with religious requirements in faith academies which were formerly voluntary controlled schools is clarified along with the rights of staff which were formerly reserved teachers in such schools and new staff appointed to such positions (Section 62). The law on Academies land is revised (Section 63). The Adjudicator can hear complaints against an Academy's admission arrangements (Section 64).

## **Part 7: Post-16 Education and Training**

The Young Peoples Learning Agency (YPLA) is abolished and functions transferred to the Secretary of State including the funding of 16 to 19 education and Academies. (Sections 66 to 68).

The duty on the Skills Funding Agency (SFA) to find an apprenticeship place for all suitably qualified young people is repealed. The SFA must provide “proper facilities for apprenticeship training” for young people who have found an “apprenticeship opportunity” and who are aged 16 to 18 or are above that age but have previously been in care but are under 25 or are of a prescribed description (Section 69). The SFA must make reasonable efforts to secure the participation of employers in apprenticeship training (Section 70).

The scope of training that must be funded by the SFA (and free of charge to the student) is reduced for those over 19 years: entry level qualifications in literacy and numeracy will remain but it will not be possible to specify level 2 courses except for adults less than 24 years (previously 25 years). The ability to specify level 3 courses for this age range remains. The power to specify area-wide bodies to formulate skills policy is removed (Section 73).

The Secretary of State gains flexibility on the enforcement of the ‘duty to participate’ in education and training for 16 and 17 year olds including the possibility of a criminal offence for failure to participate. (Section 74)

### **Part 8: Direct Payments**

The local authority gains a power to make direct payments for children with special educational needs instead of specifying (and meeting the costs) of the special educational provision. A similar power is given for young people with a learning difficulty assessment. The power must only be exercised in accordance with a Pilot Scheme made by the Secretary of State. The provision is repealed four years after the Act is passed (Section 75).

### **Part 9: Student Finance**

3.42 The Secretary of State gets greater flexibility to set interest rates for student loans. (Section 76) A cap can be set on undergraduate part-time course fees. (Section 77)