

Children, Young People and Families Scrutiny Panel

8 July 2015

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| Report title | Role of the local authority in raising standards of attainment | |
| Cabinet member with lead responsibility | Councillor Claire Darke Education | |
| Wards affected | All | |
| Accountable director | Dr James McElligott (Director of Education) | |
| Originating service | Education | |
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| Report to be/has been considered by | | |

Recommendations for noting:

The Panel is recommended to:

1. Receive the report and note the legislative responsibilities of the local authority with regard to supporting the raising of school educational standards.
2. Note the work taking place to challenge and support schools in raising school educational standards.

1.0 Purpose

- 1.1 This paper provides information on the legislative responsibilities of the local authority in supporting the raising of school educational standards.

2.0 Background

- 2.1 A local authority's statutory responsibilities for educational excellence are set out in section 13a of the Education Act 1996. That duty states that a local authority must exercise its education functions with a view to promoting high standards. Local authorities must discharge this duty within the context of increasing autonomy and changing accountability for schools, alongside an expectation that improvement should be led by schools themselves.
- 2.2 In the context of this new relationship between the local authority and schools, the Education and Inspections Act 2006 defined the strategic role of the local authority in the school improvement process:
- As 'champion' of the needs of children and young people and their families;
 - In the planning, commissioning and quality assurance of educational services;
 - In challenging schools and, where appropriate, to commission support and, if necessary, to intervene in the management and governance of the school; and
 - Where a local authority has concerns about academy performance it must raise them directly with the Department for Education.
- 2.3 The 2006 Act requires local authorities to respond to parental concerns about the quality of local schools and grants new powers to intervene earlier, in maintained schools, where performance is poor. Part 4 of the Act sets out measures for tackling school underperformance by:
- Enabling early action to tackle school underperformance so that it does not become entrenched and lead to formal school failure;
 - Ensuring that effective support and challenge is provided immediately when unacceptable standards are identified, so that improvements can be made quickly; and
 - Securing decisive action if a school in Special Measures fails to make sufficient progress, so that the education and life chances of pupils are safeguarded.
- 2.4 The Act differentiates between absolute low attainment (below floor standards) and relative under-performance where there may be declining or static performance by children and young people, under-performance by specific groups, or in specific subject areas. In all cases, early intervention is seen as the key in preventing school failure.

- 2.5 The Act gives revised powers to the local authority to intervene in maintained schools causing concern which builds on existing statutory powers to ensure that every child is provided with the education and opportunities they deserve. Wolverhampton City Council will apply these powers of intervention when deemed to be appropriate.
- 2.6 A new Education and Adoption Bill was introduced in the House of Commons on 3 June 2015 which makes provision about schools in England that are causing concern, including provision about their conversion into Academies and about intervention powers; and to make provision about joint arrangements for carrying out local authority adoption functions in England.
- 2.7 The Education and Adoption Bill is intended to close loopholes and speed up the turnaround of failing schools and is part of the government's plan to give every single child the best start in life.
- 2.8 The government has identified that previously, campaigners could delay or overrule failing schools being improved by education experts by obstructing the process by which academy sponsors take over running schools. In some cases campaigners have delayed intervention by drawing out debates, refusing to provide important information and blocking vital decisions.
- 2.9 The Education and Adoption Bill is intended to close these loopholes and speed up the turnaround of failing schools and is part of the government's plan to give every single child the best start in life. The provisions contained in the Bill are intended to force councils and governing bodies to actively progress the conversion of failing schools into academies, removing roadblocks which previously it claims, left too many pupils languishing in underperforming schools.
- 2.10 The new rules also make clear that in the future every single school rated 'inadequate' by Ofsted will be turned into an academy.
- 2.11 The Bill also includes plans to tackle coasting schools by putting them on a notice to improve. These schools will be given support from teams of expert headteachers, with those schools that continue to be unable to demonstrate a clear plan for improvement given new leadership.
- 3.0 How City of Wolverhampton is implementing its statutory duties**
- 3.1 The School Improvement and Governance Strategy was approved in December 2014 (although it has been operational since September 2014).
- 3.2 The strategy clearly outlines the Local Authority's approach to challenging schools and holding school leaders to account for improving standards in their schools. This includes the implementation of the following actions:
- (i) Every maintained school within the City has been placed within a LA category based on published criteria and has been informed of this by letter. These categories have been reviewed at the start of each term and any changes have

been communicated to schools. (See Background Paper 1 – School Categorisation Document)

- (ii) All schools have received a differentiated level of challenge and intervention from the local Authority School Improvement Advisors dependant on their category. (See Background Paper 2 – Advisor Allocation Document)
- (iii) All maintained schools in LA Categories B2 and C have also been challenged and held to account through regular individual School Improvement Board meetings (36 schools in total so far this academic year) which are chaired by the Head of School Standards and require the attendance of the headteacher and Chair of Governors as a minimum. This has led to rapid improvements in standards in these schools and improved outcomes for the children and young people who are educated in them; this in turn had led to improved Ofsted outcomes for those schools inspected(See Background Paper 3 – Ofsted Outcomes Document) .

3.3 The Local Authority has also used its statutory powers of intervention to further challenge schools that are not improving at a rapid enough pace:

- 1 pre-warning notice
- 4 warning notices
- 5 IEB's
- Strengthening of two governing bodies with additional governors.

3.4 This has enabled the LA to stabilise the downward trend in educational standards in all of these schools and improve outcomes for well over a 1000 of our most vulnerable children and young people.

3.5 All Governing Bodies in maintained schools are currently in the process of being RAG rated. Once rated any schools where the governing body has been rated as Red or Amber will be directed by the local authority to participate in a full review of governance by an independent National Leader of Governance or, where support fails to see quick results an IEB may be established.

3.6 The School Standards Team have also been successful in a bid (£300K in year 1 with the possibility of two further years funding) from the Local Education Partnership (Inspire) to support the implementation of a school leadership development programme. This programme will support schools to improve their leadership skills to meet the challenges of school improvement. The programme is being delivered in partnership Edge Hill University.

4.0 Financial implications

4.1 As part of the overall drive to improve standards the Local Authority has also increased focus on the level of balances held by schools. During 2014/15 schools that met any of the following criteria met with Local Authority officers to discuss plans for balances and to assess whether the plans were appropriate for the needs of the school:

Category A : Schools with balances in excess of 15% of income for more than 5 years.

Category B : Schools with balances in excess of 5% (secondaries) or 8% (primary, special, nursery and PRU) of income and had a satisfactory or requires improvement judgement at their last OFSTED inspection.

Category C : Schools with balances in excess of 5% (secondaries) or 8% (primary, special, nursery and PRU) of income for two consecutive years.

4.2 Whilst schools are allowed to plan their finances over the medium and maintain balances to support this process, the Department for Education has issued clear guidelines that resources provided should be for the children currently in schools. Where schools are holding balances there should be clear plans for the use of those resources. Where schools are without clear plans for the use of balances the local authority can claw back and redistribute balances where there is evidence that this would be beneficial. The Local Authority is currently in discussion with one school in the city where there are concerns around the proposed use of balances when compared to the attainment needs within the school.

4.3 There will be a further review of surplus balances held by schools at the end of 2014/15 and particular challenge will be directed at schools that have not achieved plans detailed to be completed during 2014/15.
[OJ/25062015/N]

5.0 Legal implications

5.1 Under section 13 of the Education Act 1996 (as amended by the Education Acts 2006 and 2011), a local authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential.

5.2 The Council also needs to be aware of the proposed terms of the Education and Adoption Bill as set out in part 2 of this report.
[Legal Code: TS/23062015/K]

6.0 Equalities implications

6.1 The local authority is duty bound to promote high educational standards and ensure fair access to educational opportunity and promote the fulfilment of every child's potential.

7.0 Environmental implications

7.1 This report does not have any direct environmental implications.

8.0 Human resources implications

8.1 This report does not have any direct human resource implications.

9.0 Corporate landlord implications

9.1 This report does not have any direct corporate landlord implications.

10.0 Schedule of background papers

10.1 Support Categories for Wolverhampton Schools

10.2 Notional School Improvement Advisor Time Allocation

10.3 Wolverhampton City Council Ofsted Outcomes 2013-2016