

Improving schools

Moving the conversation on



This paper is the very start of our campaign ahead of the Spending Review.

We have published a series of papers, commissioned by LGA boards, which start the new thinking around building the case for long term, sustained investment in local government as well as laying out the positive outcomes this would deliver for the country:

- local government funding
- housing, planning and homelessness
- improving schools
- Brexit
- the future of non-metropolitan England
- a sustainable adult social care and support system for the long term.

Over the coming months, we will be seeking your thoughts and evidence to further strengthen the rallying call to Government.

Find out more at www.local.gov.uk/moving-the-conversation-on

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Councils have a strong track record in school improvement, with 91 per cent of council-maintained schools now good or outstanding

Introduction

Councils and councillors know that a good education is key to improving the life chances of children and young people and have been given a democratic mandate to make sure every child gets that opportunity. They have a proven track record in driving up school standards and have risen to the challenge of creating new school places. It's time they were acknowledged by government as strategic local leaders of education and as education improvement partners who can help deliver the outcomes our young people deserve.

Councils are champions of school autonomy and do not 'run' schools themselves, but as local leaders, play a key role in supporting school improvement and holding schools to account for their performance. Not only are 91 per cent of council-maintained schools now good and outstanding¹ but evidence shows that underperforming schools are more likely to improve when supported by their local council than by an academy sponsor.² In all areas of the country maintained schools outperform academies. Councils also make sure there are enough school places in an area and have responded to sharply increasing demand, with the creation of over 800,000 new places since 2010.³

However, although councils have a duty to make sure all children and young people receive a good education, they do not have sufficient powers to fulfil this role effectively. Increasing numbers of academies, directly answerable to Ministers in Whitehall, mean councils only have limited powers to hold many local schools to account for their standards. They are barred by government policy from creating their own multi-

academy trusts, even in cases where struggling schools cannot find a good sponsor, despite their excellent track record.

The legal requirement that all new schools must be established as free schools means councils aren't able to build new schools, even though they have the unique responsibility to make sure there are sufficient school places for local families.

Councils are also working with one hand tied behind their backs when it comes to home education. They have duties to check that children are receiving a suitable education but no real powers to do so if parents do not cooperate.

While councils fully support the rights of parents to educate their children at home and the vast majority of parents who home educate do it very well, we know that for a minority of children, 'home education' is used to disguise attendance at illegal schools. These can be in dangerous buildings or linked to extremism – but legislation makes it difficult for councils to take action.

The Government has recognised that the existing mixed economy of education provision, made up of maintained, free schools and academies, will remain in place for the foreseeable future. It now needs to publicly clarify both the continuing council role in school improvement and place-planning and ensure councils have sufficient powers to protect pupils, whatever kind of school they go to.

1 www.local.gov.uk/academy-maintained-schools

2 Ibid

3 'School Capacity 2017: academic year 2016/17', Education and Skills Funding Agency, SFR 07/2018 15 March 2018

Councils have a duty to promote the wellbeing of all children in their area and have a particular responsibility for the most vulnerable, including looked-after children, unaccompanied minors, and pupils with special educational needs and disabilities (SEND). We need to make sure that councils can place vulnerable children in the best school for their needs and have adequate funding to give children high quality support that allows them to get the very best from their education.

We believe that it is only through working in partnership that councils, central government, schools and academies can come together to meet the challenges currently facing the education system. The Commons Education Select Committee⁴ agrees, recommending that the Government should partner with, and use, the expertise of local authorities.

The Local Government Association (LGA) has been campaigning for a 'reset' in the relationship between councils and the Government on education and calling for councils to have the powers and funding they need to get on with delivering excellent education for all children. Through commissioned research, working groups, lobbying, media campaigns and detailed work with government and partners, we have been making our case. Our focus must be on outcomes, not structures or organisational silos, to make sure our children and young people receive the education that they deserve.



⁴ 'Multi-academy trusts: Seventh Report of Session 2016/17', House of Commons Education Committee, 2017

Improving standards in all schools

Every child deserves a good school place, but that isn't currently available to everyone. Government rules ban councils and council-maintained schools from helping academies and free schools improve. But given their excellent track record in maintaining high educational standards and in turning around failing schools, councils need to be recognised as effective education improvement partners, ready and able to support schools of all types.

While the council role in education continues to evolve, one thing that has remained constant is the vital role that councils play in driving school improvement and maintaining oversight for educational standards. Using a variety of models, councils have worked with schools to establish authority-wide school improvement partnerships and have encouraged and supported schools to work in local clusters, federations, multi-academy trusts (MATs) and teaching school alliances.⁵

Councils have a strong track record in school improvement, with 91 per cent of council-maintained schools now good or outstanding. Maintained schools outperform academies in every regional schools commissioner region. By contrast, the most recent Department for Education (DfE) figures showed that in terms of GCSE results, over half of MATs had Progress 8⁶ scores that were below the national average for state-funded mainstream schools and 45 per cent of MATs were performing at significantly below national averages.⁷

The Commons Education Select Committee⁸ recommended that the Government should partner with, and use the expertise of, local

authorities. Noting a shortage of academy sponsors, particularly in rural areas, they have joined our call for councils with a good track record in school improvement to be allowed to create MATs to support failing schools.

Councils stand ready to work with the Government and other partners to support any failing school in their area, irrespective of whether these schools are maintained, academies or free schools. To ensure improvement support is available as soon as possible, we believe that the Government should allow maintained schools to sponsor failing academies without having to become academies themselves.

As well as improving standards in all schools, councils have an excellent track record in turning around failing schools. Before recent legislation⁹ to require all inadequate maintained schools to convert to academy status, some stayed with their council until their next Ofsted inspection. Comparison with previously maintained schools that became a sponsored academy shows that since 2013 a larger proportion of council-maintained schools (75.7 per cent) are now good or outstanding, compared to sponsor-led academies (59.4 per cent).¹⁰

⁵ www.local.gov.uk/enabling-school-improvement

⁶ Progress 8 is the headline accountability measure for secondary schools and aims to capture the progress a pupil makes from the end of primary school to the end of key stage 4 (GCSEs).

⁷ 'Official Statistics: Multi-academy trust performance measures: England, 2016 to 2017, Department for Education, SFR 02/2018, 1 March 2018

⁸ 'Multi-academy trusts: Seventh Report of Session 2016/17', House of Commons Education Committee, 2017

⁹ Education and Adoption Act 2016

¹⁰ www.local.gov.uk/academy-maintained-schools



THE FIGURES IN THE TABLE INCLUDE OFSTED INSPECTIONS CARRIED OUT AND PUBLISHED ON OR BEFORE 31 DECEMBER 2017 (AS PUBLISHED IN OFSTED MONTHLY STATISTICS).

| | LA-maintained schools* | Academies** | Sponsored academies | Converter academies*** | Free schools**** |
|-----------------------------|------------------------|-----------------------|---------------------|------------------------|---------------------|
| Total inspected | 13,906 | 6,016 | 1,246 | 4,770 | 203 |
| Outstanding or good | 91% (12,592) | 86% (5,149) | 69% (863) | 90% (4,286) | 85% (173) |
| Outstanding | 19% (2,651) | 24% (1,453) | 9% (110) | 28% (1,343) | 32% (64) |
| Good | 71% (9,941) | 61% (3,696) | 60% (753) | 62% (2,943) | 54% (109) |
| Requires improvement | 8% (1,134) | 12% (714) | 23% (289) | 9% (425) | 11% (23) |
| Inadequate | 1% (180) | 3% (153) | 8% (94) | 1% (59) | 3% (7) |
| Not inspected | 26 | 785 | 742 | 43 | 128 |

* Limited to community schools, community special schools, foundation schools, foundation special schools, voluntary aided and voluntary controlled schools.

** Includes converter, special converter, special sponsor-led and sponsor-led. Excludes alternative provision, free schools, studio schools and UTC.

*** Includes converter and special converter. Excludes alternative provision.

**** Excludes alternative provision.

Of those schools judged inadequate in 2013, 75.7% of council-maintained schools are now good or outstanding, compared to 59.4% of sponsor-led academies.

To improve standards in all schools, Government must:

- Recognise the strong track record of councils in school improvement and allow them to help all local schools to improve.
- Allow maintained schools to sponsor failing academies without having to become academies themselves.
- End the ban on high-performing councils creating MATs to support failing schools.

Cumbria Alliance of System Leaders

Schools and academies, the council, and other key partners in Cumbria have been developing their 'system-led approach' to school improvement over the last five years. It is based around three tiers of engagement:

- school/academy clusters with clear agreements for peer review, sharing data, and providing peer-level support and challenge
- three local alliances of system leaders that meet to review school improvement needs across their area, broker school-to-school support, and review and monitor impact
- the Cumbria Alliance of System Leaders, a county-wide partnership that sets the vision and overall priorities, brings together all key players (including dioceses and headteacher associations), and has the county-wide strategic conversations about priorities and progress.

Wigan Partnership

Wigan has a well-developed and mature school improvement system that has been in place for a number of years. It was developed by schools and the council, working closely together. The model is based on local consortia, which are led by 'lead headteachers' who are funded by the council to undertake the role.

There are five primary consortia covering 102 primary schools and a single secondary consortia covering all 18 secondary schools. The consortia report to two separate Primary and Secondary Improvement Boards, which are currently chaired by the council and which review the performance of all schools and identify schools needing support.

Consortia are then responsible for providing challenge and commissioning and brokering support locally for these schools.

London Borough of Tower Hamlets

Schools, the council and other key players have established the Tower Hamlets Education Partnership (THEP) as a schools-led vehicle for driving continued school improvement and innovation. THEP arose out of a desire among Tower Hamlets schools to avoid fragmentation and retain the 'family of schools'; maintain the school improvement support from the council; and recognise that previous education success across the borough had been achieved through cohesion and community.

A school place for every child

Councils want to make sure that there is a place for every child and young person in a good local school, but legislation is holding them back from delivering the right school places in the right locations. Councils must be given the powers they need to expand and open schools that meet local needs and priorities.

Councils have an excellent history of ensuring a sufficient number of good school places are available. In response to sharply increasing demand, they have secured the creation of an extra 825,000 school places since 2010, made up of 577,000 primary and 248,000 secondary places.¹¹ This has ensured that 91 per cent of primary school pupils and 82 per cent of secondary school pupils were offered their first choice of school in 2018.¹²

Although councils have a duty to ensure all local children have fair access to a school place, the ability to create additional places is hampered by nationally imposed restrictions. While they have power to expand existing council-maintained schools, they can only expand academies and free schools with the agreement of those schools. Councils cannot build new schools themselves and the option of new council-maintained schools is no longer available.

The Public Accounts Committee has been critical of existing arrangements for school capital funding, finding that the DfE is spending well over the odds in its bid to create 500 more free schools while already existing schools are in poor condition.¹³ We believe that councils are ideally placed to support the Government in its plan to build new free schools and ensure existing school buildings are fit for purpose for children and young people. This would be best achieved by replacing the existing highly fragmented school capital funding system with a single local funding pot, which brings together programmes to create additional places, and rebuild, maintain and repair schools.

To ensure schools adequately meet local need it is essential councils are given back the power to open new maintained schools where that is the local preference. In keeping with their democratic mandate, councils must be free to make decisions about the opening of all new schools in their communities. They must be free to direct free schools and academies to expand, powers that they currently hold for maintained schools.

¹¹ 'School Capacity 2017: academic year 2016/17', Education and Skills Funding Agency, SFR 07/2018, 5 March 2018

¹² 'Secondary and primary school applications and offers: March and April 2018', Department for Education, 14 June 2018

¹³ 'Capital funding for schools: Fifty-seventh Report of Session 2016/17', House of Commons Committee of Public Accounts, 2017

To make sure there's a school place for every child, Government must:

- Replace the existing highly fragmented school capital funding system with a single local funding pot, bringing together existing programmes to create additional places, and rebuild, maintain and repair schools.
- Give councils the power to open new maintained schools where that is the local preference.
- Give councils back the responsibility for making decisions about opening new schools.
- Give councils the same powers to direct free schools and academies to expand that they currently hold for maintained schools.

We believe that councils are ideally placed to support the Government in its plan to build new free schools and ensure existing school buildings are fit for purpose for children and young people.

Making sure every school is adequately funded

The National Funding Formula (NFF) was an important step to ensure fairness of school funding between different areas. However, with school budgets squeezed across the country, we not only need to revisit the overall level of funding, but also retain local flexibility to distribute school funding to meet residents' needs.

The funding pressures facing schools are well known, with teacher and parent-led campaigns continuing to receive extensive coverage in the media. The Institute for Fiscal Studies estimates schools will see a real terms cut of 4.6 per cent in schools funding between 2015 and 2019.¹⁴ Given these funding pressures, it is vital that schools and councils are given certainty over future funding, to help them better plan for the spending pressures they face.

We support the principle of an NFF to ensure fairness of funding between different areas. However, we remain concerned that the NFF, which came into effect in April, will not address the significant budgetary pressures that schools are currently experiencing. As the new funding system beds in, councils have a key role to play in helping schools with the transition. We are clear that the current local flexibility allowed under the 'soft' implementation of the new NFF formula must continue beyond 2020 to allow councils to work with schools locally make sure that it addresses local needs and priorities.

To make sure every school is adequately funded, Government must:

- Provide greater certainty over future funding by introducing three-year budgets, and ensure that the overall level is sufficient for all schools.
- Retain local flexibility allowed under the 'soft' national funding formula for schools.

¹⁴ Reported in: 'School funding in England will have fallen nearly 5% in real terms by 2019, says IFS', The Independent, 18 July 2017

Championing pupils with special educational needs and disabilities

Where children need extra support to achieve their potential, councils have a vital role in championing them and supporting their development. With demand for support rising and council flexibility in providing support diminishing, this is becoming increasingly difficult.

Councils retain a unique role in protecting the interests of children and young people with SEND. Councils act as their champions, supporting their development and helping them to achieve the best possible educational and other outcomes. To do this successfully, councils work to ensure that the views, wishes and feelings of children, young people and their families are listened to and acted upon.

A key area of concern for councils is the lack of funding provided by the Government to meet sharply increasing demand for SEND support. Since the Children and Families Act became law in 2014, the number of children and young people with statements of education, health and care (EHC) plans increased from 237,111 to 287,290 (21 per cent).¹⁵ The proportion of pupils with SEND who attend special schools has increased from 5.6 per cent in 2012 to 8.8 per cent in 2017 and the proportion in independent schools has moved from 4.5 per cent to 6.5 per cent. By their very nature, these places are more expensive than mainstream provision.¹⁶

While we are pleased that the DfE has provided some additional high needs funding since 2015/16, we are calling on the Government to go much further. To avoid a crisis in high needs funding, the Government must urgently provide additional and ongoing funding to meet this rising demand to ensure that councils are able to meet their statutory duties, otherwise children with high needs or disabilities could miss out on a good education.

Another key area of concern is the impact of Government changes to the NFF for schools, which reduce local flexibility. Under the changes councils have reduced ability to move money between schools and high needs budgets. While we do not believe it is right that maintained school budgets should be raided to meet increasing demand support for children with SEND, this local flexibility to move money between budgets must be retained to meet the needs of local children and young people.

¹⁵ National Statistics, Statements for SEN and EHC plans: England, Department for Education, 2017

¹⁶ National Statistics, Special educational needs in England: Department for Education, January 2017

Councils act as champions of children and young people with SEND, supporting their development and helping them to achieve the best possible educational and other outcomes.

To make sure all children and young people with SEND can get the help they need, Government must:

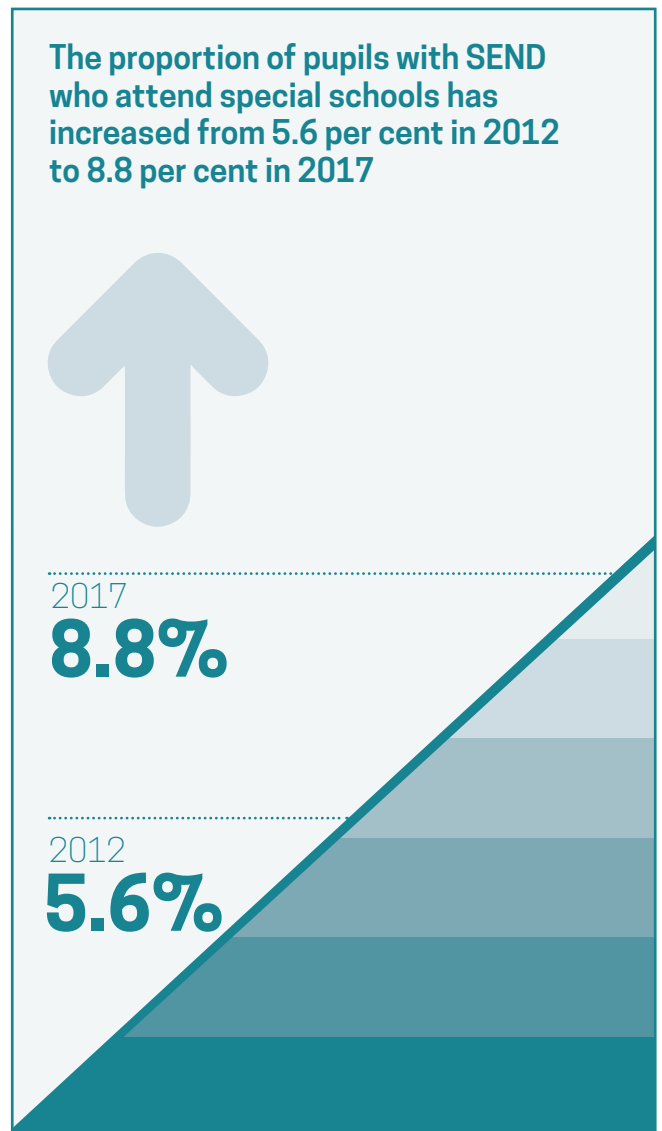
- Provide additional funding to meet the increasing demand from children for SEND support so councils can meet all aspects of their statutory duties.
- Restore flexibility for councils, with the agreement of schools, to move money between schools and high needs budgets.

The proportion of pupils with SEND who attend special schools has increased from 5.6 per cent in 2012 to 8.8 per cent in 2017



2017
8.8%

2012
5.6%



Protecting the interests of vulnerable children

Every child and young person deserves an education that allows them to meet their academic potential and develop the skills they need to succeed in adulthood. For more vulnerable children that might mean extra support or a specific environment, and councils must be able to deliver that to children quickly. Councils also need the powers to check that children who are educated at home are getting a suitable education in a safe environment.

Fair admissions are a key underpinning of the protections for the most vulnerable pupils. All pupils have a right to fair access to good schools and settings whatever their disability or special needs. Local Fair Access Protocols, overseen by councils, make sure that children without a place, including those who have been excluded from schools, are quickly placed in suitable settings.

These local arrangements rely on the goodwill of partners and they are working well in most areas. But there is not a level playing field between schools because councils cannot direct academies to accept pupils even if the local decision is that they are the most appropriate school for a particular pupil. Councils must be given similar powers to protect the interests of all pupils, including the power to direct academies and free schools to accept a pupil in need of a place.

An increasing number of parents are choosing to educate their children at home.¹⁷ The vast majority do a good job and work well with their local council to make sure that a good education is being provided. However, councils are concerned that as there is no requirement on parents to register homeschooled children, they do not have the full picture.

Although councils have the duties to ensure homeschooled children are receiving a good education, they currently don't have the powers to allow them to do this. If parents are uncooperative they are powerless.

¹⁷ 'Summary Analysis of the ADCS Elective Home Education Survey', Association of Directors of Children's Services (ADCS), October 2017

We are calling for councils to be given powers to register and enter the homes of, or otherwise see, homeschooled children in order to establish whether they are receiving a suitable education and meet their duties to safeguard and promote the welfare of children. These new duties on councils must be fully funded.

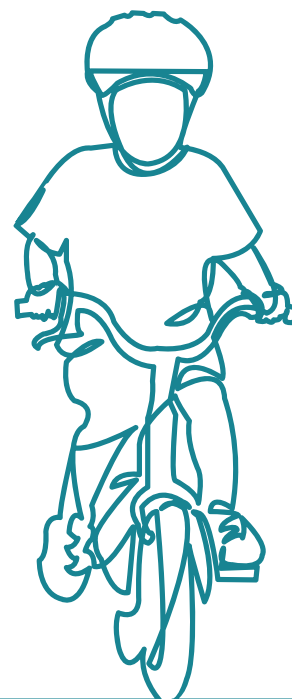
At least one in 10 children and young people have a diagnosable mental health condition. The unreported figure is likely to be even higher and growing. While the delivery of high quality child and adolescent mental health services (CAMHS) is essential to meet the needs of local children, historical underfunding – only 6 per cent of mental health spending is spent on CAMHS¹⁸ – has led to a lack of capacity in the system.

We are calling for a roll out of independent school based counselling for every secondary school in England, and alternative provision, to ensure all young people have the opportunity to access support from experienced qualified professionals when they need it. As well as being core to the whole school approach being supported by the Government in its current Green Paper, such a service would reduce waiting times, pressure on the CAMHS system, and children's distress.

Importantly, such support would cost less than investing in traditional CAMHS services. We estimate, based on work by British Association for Counselling and Psychotherapy (BACP) and The Children's Society¹⁹, that to roll out school counselling for every secondary school would cost about 5.3 per cent of all the new money pledged for children's mental health since 2015.

To make sure councils can protect the interests of vulnerable children, Government must:

- Give councils the power to protect the interests of all pupils, including the power to direct academies and free schools to admit pupils that need a place.
- Give councils powers to ensure home-schooled children are receiving a suitable education and to ensure that councils can meet their duties to safeguard and promote the welfare of children.
- Provide funding to councils so they can work with schools to commission independent school based counselling in every secondary school.



¹⁸ Briefing: Children's Mental Healthcare in England, Children's Commissioner, 2017

¹⁹ 'School based counselling learning from Wales and Northern Ireland', BACP and The Children's Society, 2015



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REF 15.36