

CYPF Scrutiny Committee

Policy Update

MAY/JUNE 2012

1. £500,000 scholarship scheme launched for SEN support staff

- a) Hundreds of school support staff are to get degree-level and specialist training in helping children with special educational needs and/or disabilities (SEND), under a new £500,000 programme set out recently by Children's Minister Sarah Teather
- b) The annual SEN support scholarship programme will provide up to £2000 each to boost the skills of talented teaching assistants and school staff who work with children with SEND. The scholarship cash will fund staff through rigorous, specialist courses and qualifications
- c) *Support and aspiration*, the SEN green paper published in March 2011, set out major reforms to develop the expertise and expert knowledge of the wider school workforce – so the most vulnerable children have their needs identified early and get the specialist help they need
- d) The green paper pointed to evidence that in many schools, pupils with SEND were left to be supported almost exclusively by teaching assistants – risking children becoming increasingly isolated from the rest of the class and classroom teachers
- e) It said the best schools proved that highly-skilled support staff could be crucial in raising standards – if they were trained, supported, deployed and managed effectively – and it proposed a national scholarship scheme to send a clear message that high-level professional development should be the norm throughout a support staff career
- f) The scholarship scheme will fund 50% of the total course costs – up to a ceiling of £2000 each
- g) There will be a competitive application process, open to support staff who hold A level or equivalent qualifications or hold higher level teaching assistant (HLTA) status. It will fund staff to take a wider range of degree-level equivalent qualifications and specialist diplomas in specific impairments e.g. dyslexia or autism
- h) Applications will open on 30 April and close on 17 May 2012, with the first scholarships awarded later this year
- i) This new fund for support staff scholarships is in addition to the national scholarship fund for teachers which opens its second round this month
- j) The Children's Minister has also confirmed funding in 2012/13 to train 1000 new special educational needs coordinators (SENCOs) through the masters-level National Award for SEN Coordination – on top of almost 9000 training places funded to date since September 2009
- k) This year the scheme has also been extended to include qualified teachers working in pupil referral units, to support improved SEN provision, following the government's behaviour expert Charlie Taylor's recent review into the quality of alternative provision
- l) SENCOs are teachers with specialist qualifications who play a lead role in a particular school on planning and delivering provision for pupils with additional needs
- m) SENCOs work with senior leaders and other teachers to:
 - o Identify pupils in need of more help

- Advise on the most effective provision
- Liaise with outside specialist agencies
- Oversee the delivery of targeted help for pupils with SEN

2. Reform of alternative provision – consultation

- a) The DfE has published for a short period of consultation until 15 May its proposals for the reform of alternative provision (AP)
- b) A separate consultation until 25 May concerns the recognition of initial teacher training in pupil referral units
- c) AP has been under some scrutiny recently. The 2010 White Paper, *The importance of Teaching*, identified the need to improve AP in the context of a sharper focus on behaviour in schools. Ofsted published a critical survey in June 2011, and in September 2011 the Secretary of State asked Charlie Taylor, the government's expert adviser on behaviour, to conduct a review of the AP sector
- d) His report, *Improving Alternative Provision*, published in March 2012 described AP as an important but often neglected sector and a flawed system that fails to provide suitable education and proper accountability for some of the most vulnerable children in the country
- e) The Secretary of State has called the report a 'superb review' and has accepted all 28 of its recommendations
- f) The Education Act 2011 provided the legislative basis for some changes (creation of AP Academies and AP Free Schools, and delegation of PRUs' budgets) and this consultation covers the implementation of most of Charlie Taylor's recommendations
- g) The reforms are intended to bring significant changes to AP. They will see local authorities' role as direct providers greatly diminish as the majority of PRUs become AP Academies over the next few years and other providers establish AP Free Schools – though local authorities will retain a major role as commissioners of provision
- h) The consultation is short (6 weeks) to enable the DfE to publish finalised guidance and relevant regulations before the summer holiday, to come into force in September 2012. Unless there is significant change in policy intentions after consultation, there will be no consultation on the regulations themselves
- i) The document groups the proposals and the recommendations from which they flow into 6 issues

Issue 1: failing and underperforming PRUs; local authorities cooperating with PRUs seeking Academy status; and opening new alternative provision

- j) The Secretary of State already has powers to direct a LA to close a failing PRU in special measures. Regulations to apply the Academies Act 2010 to PRUs will allow the Secretary of State to issue an AP Academy Order for PRUs in Ofsted categories, making the PRU an AP Academy with a sponsor
- k) Ofsted is currently consulting on changes to the inspection arrangements for schools that proposes that a new 'requires improvement' category (new category 3) should replace the previous 'satisfactory' (old category 3) and 'notice to improve' (part of old category 4) classifications, and that schools or PRUs in this category will be deemed to 'require significant improvement'
- l) If these proposals are implemented (planned for September 2012) it will mean that the Secretary of State can issue AP Academy Orders to PRUs that are

judged as 'requiring improvement' (new category 3) in the same way as for PRUs in the current Ofsted category 4

Issue 2: headteacher and school representation on PRU management committees

- m) PRU management committee regulations will be amended to change how 'community members' are chosen. They will make it explicit that representatives of local schools can be community members; clarify that when appointing a community member the committee or LA should first seek to appoint a representative of a local school; state that LA staff – apart from school staff – are not eligible to be community members

Issue 3: how long pupils can stay in AP

- n) Current regulations on the power of maintained schools to direct pupils off-site to improve their behaviour will be amended so that they:
 - o Do not include any limit on the length of the placement
 - o Require the school to keep the placement under review (included if requested by a parent), and how the review should be carried out (e.g. involvement of parents) but not how often it must be reviewed
 - o Require the school to provide certain information to parents (and the LA if the child has a statement) – as at present
 - o Require the school to have regard to guidance from the Secretary of State on this issue

Issue 4: delegated budgets and control over staffing

- o) The relevant regulations will be made later this year to allow PRUs to be given delegated budgets (as provided for in the Education Act 2011) and control over staffing from April 2013. This will allow time for LAs and PRUs to plan and ensure that a fair methodology is developed

Issue 5: allowing initial teacher training in PRUs

- p) A separate consultation is being conducted on changes to allow initial teacher training in PRUs from September 2012. This includes allowing trainee teachers to carry out practical teaching experience for the purposes of an ITT course and for trainees on an employment-based teacher training scheme to be employed to teach in PRUs. It also covers the closer involvement of PRUs and AP Academies in ITT through school-centred initial teacher training (SCITT) and school direct and asks for feedback on how to encourage PRUs and AP Academies to apply to become teaching schools. Consultation has already taken place on allowing the NQT year to take place in PRUs and AP Academies

Issue 6: new guidance on AP

- q) Alongside the consultation is a draft document (also subject to consultation) of guidance for local authorities, headteachers and governing bodies of schools, PRUs and other providers of AP. The first part sets out the statutory powers and duties that apply in relation to AP, and takes account of the changes outlined above.
- r) The second part contains statutory guidance to which specified parties must have regard. The draft guidance is 9 pages long, and will replace 5 separate guidance documents on AP and PRUs
- s) The statutory guidance covers a number of issues that have been the subject of criticism both by Ofsted and Charlie Taylor. These include the need to:

- Check and obtain evidence of the provider's ability to meet the pupil's needs e.g. curriculum, opportunity to take exams, full-time provision, registration as independent school if criteria are met, CRB checks for staff
- Visit the provider and assess suitability
- Ensure the provider is given all appropriate information about the pupil, and there are procedures for information to be given to the school by the provider
- Ensure there are clear objectives, possibly in the form of a personal education plan
- Monitor the pupil's progress against objectives to an agreed timescale
- Ensure progress is reviewed regularly
- Maintain a full record of placements, including outcomes and assessment of the success of the placement
- Provide a final report on pupil's progress, and pupil's view on the success of the placement
- Make a reintegration plan or information about the pupil's next destination (if not returning to school e.g. when reaching end of Y11 in AP)
- Consider local arrangements to assess local providers and develop a directory for local use
- An overall policy for admission to PRUs

3. The future role of local authorities in school improvement

- a) The Association of Directors of Children's Services (ADCS) has published 2 related research reports on the role of local authorities in an increasingly autonomous school system
- b) The reports considers their evolving role as the 'middle tier' supporting school improvement, as well as focusing on schools causing concern with an emphasis on local authorities' role
- c) The reports provide an evidence base to help inform ADCS' response to the anticipated consultation on revision of the statutory guidance on schools causing concern, and to inform local authority thinking and planning about the changing nature of the 'middle tier' (between central government and schools)
- d) These reports are further contributions to the ongoing discussion of the rapid changes taking place in the school system and the implications for local authorities
- e) The future role of the local authority paper is aimed at helping DCSs and others to consider 2 key questions: what kind of middle tier will develop over the next 5 years, and how will Las need to change if they want to continue to play that role?
- f) The key message of the paper is that it is in Las hands whether or not they want to play a lead role in the improvement of all their schools. It argues that the unprecedented pressure on schools means that this role was never more needed; that in some ways Las and schools have more room than usual (albeit with fewer resources) as the DfE stands back and waits to see what emerges in the form of a middle tier as a result of the changes they have put in place; and that the greatest threat lies in Las failing to meet the needs of their schools. Whilst Academy chains are an alternative middle tier for aspects of the LA role, they cannot undertake it fully
- g) Russell Hobby, General Secretary of the NAHT, is quoted as describing many LAs as 'shell-shocked' and 'on the back foot', often failing to articulate a vision

of how they would provide support in a way which recognises the new relationship – but that primary schools in particular would bite their hands off if LAs could do that effectively

The national context

- h) The Government's position (formally set out in the 2010 Schools White Paper) is summarised as intending profound structural change and rigorous attention to standards, with autonomous schools driving the shape of the support they need. It sees the system as seriously underperforming, or even failing (evidenced by England's fall in the OECD's PISA international rankings, the failure to close the gap between the 20% most deprived and the rest, loss of confidence in the secondary curriculum and qualifications, and inequity in current school funding formulae). The paper suggests that Ministers have avoided closer scrutiny because everyone feels the force of these arguments after a period in which school funding has been doubled, and profound changes are being achieved by exploiting existing policies which have cross-party support – namely the move towards establishing academies and free schools, with Ofsted as the enforcer
- i) The key unresolved question is what form of 'middle tier' or middle tiers will manage the market
- j) The key features of the Government's programme are:
 - A self-improving school system
 - The National College for School Leadership programmes
 - Initiatives to improve teaching quality
 - A transformed school curriculum
 - Prioritisation of favoured capital projects e.g. Free Schools and University Technical Colleges rather than primary schools with expanding rolls
 - Changes to performance tables and floor targets
 - Ratchetting up of Ofsted standards, with a much stronger focus on teaching quality and behaviour
 - The introduction of a national school funding formula (now deferred until the next spending review period)
- k) The paper highlights the unprecedented pressure that the combination of these changes is placing on schools, with little support other than Academy status, National College programmes, free market providers and LAs with greatly reduced resources – and observes that this is why LAs were never more needed

The DfE's view on the role of LAs

- l) The White Paper said the Government would give local authorities a strong strategic role as champions for parents, families and vulnerable pupils. They will promote educational excellence by ensuring a good supply of high quality places, coordinating admissions and developing their school improvement strategies to support local schools
- m) The DfE has yet to make up its mind about which functions should stay with local authorities in the long run, but has established a Ministerial Advisory Group on the role of LAs – this is due to produce its final report at the end of May, so a more explicit view can be expected later this year
- n) The paper suggests that there is no solid evidence that the HMCI Michael Wilshaw's kite flying for a network of Regional Commissioners, run by the DfE, is taking hold, but he has put his finger on a serious problem for the DfE – how

to prevent academy failure. This will become more acute with the implementation of the reform changes. It provides another opportunity for local authorities to provide a service.

- o) Questioned about his 'commissioners' idea by the HoC Education Select Committee (29 February 2012), Sir Michael said, 'if there are going to be more academies and more independent, autonomous schools...we need to think about how we are going to manage underperformance. Who is going to do it? Is it going to be the Secretary of State and his officials at the centre or is it going to be another form of intermediary organisation? It seems to me that, if we do not think about this one carefully, we could have a situation where Whitehall is controlling an increasing number of independent and autonomous schools, finding it very difficult to do so'

How far has the Academy programme developed?

- p) The paper outlines progress towards the DfE's stated ambition of Academies being the norm: including those currently in the pipeline, approaching half of secondary schools and more than 4% of primaries will be Academies by the end of this year
- q) 3 in 5 outstanding secondary schools are academies and 1 in 10 outstanding primary schools
- r) This proportion of outstanding schools reflects the criteria for successful application for converter status but it will not be lost on local authorities that very significant numbers of schools that provide leadership to the system are already academies or on route to becoming one
- s) 200 underperforming primary schools have been targeted to join academy chains and a further 500 primaries are potentially in the frame for failing to meet floor targets
- t) Predicting how many schools will become Academies is hard but apart from those forced to do so because of their performance, many schools, both primary and secondary, are weighing up what will best meet their needs, and the paper lists the likely important factors:
 - o How quickly a tipping point is reached
 - o The capacity of sponsored Academy chains to grow
 - o Schools, especially primaries, confidence in their local authority to provide alternative ways of securing support to meet the challenges they face
 - o How schools, and public opinion more generally, will react as it becomes clear that Academy status is not an instant cure (the results now emerging, show a much smaller advantage compared to other types of school, especially for standalone academies)
 - o What actions the DfE takes to influence schools' choices and to shape the kind of middle tier required – which will be influenced by political as well as practical considerations

LA view of Academy status

- u) The paper points out that it has been hard for LAs to be positive about schools converting because of the excessive financial penalty which LACSEG (the grant in place of central services) imposes, despite its reduction by 40% from 2011
- v) It also reports concerns about the inability to intervene when Academies underperform, their withdrawal from the wider education community (which appears to have happened in only a minority of cases) and the danger of this

increasing under the next generation of school leaders, whose whole career may have been within Academies

- w) Academy chains vary greatly, whilst some are mostly self-contained, others work with LAs. The ability of LAs to ensure effective school improvement is key to their ability to meet the needs of schools and to maximise their influence on the local system as a whole, including on Academies

The effectiveness of LAs school improvement

- x) According to Ofsted, 26% of LAs are outstanding or good at school improvement and 21% are in need of improvement
- y) The paper observes that it is important that a way is found to tackle the LAs that are ineffective in school improvement, which is undermining the argument for LAs to continue playing a leading role
- z) The importance is emphasised of retaining the support of elected members and chief executives, to guard against the temptation, as the next round of budget pressures bites, to reluctantly conclude that, in view of the DfE's perceived indifference to LAs, this is an area where costs can be reduced further

The effective LA of the future

- i) The paper sets out 7 suggested key features and linked activities of the effective LA of the future, focusing on school improvement, but not viewing it in isolation from other functions as they are interdependent
- ii) It highlights the features that could also be carried out by an Academy chain, to illustrate the similarities and differences
- iii) Key potential advantages that the LA has over an academy chain is in setting the vision and priorities for the area, in being able to use influence to shape the system, in identifying and filling gaps in provision both of schools and services, securing additional funding, and in facilitating partnerships with stakeholders and agencies
- iv) The importance of local knowledge and connection to a particular place, with a particular history, is often underestimated by Westminster
- v) The 7 key features are:
 - o An inspiring and inspirational vision
 - o Maximise use of influence to shape the system
 - o Building a self-sustaining improving school system for all schools
 - o Ability to use engagement with all schools to strengthen other functions
 - o Securing sustainable funding to deliver the self-improving system
 - o Facilitate partnerships and operational links with local stakeholder agencies
 - o Facilitate communication between schools and government, and understanding of the wider system
- vi) Underpinning all the features is a shift in relationship to one where schools drive the agenda. This means continuing to pay attention to schools' bread and butter needs, particularly primary schools, and for giving basic information on issues like government policy, and providing services at a price that schools can afford
- vii) The paper also observes that the best Academy chains have taken a very different approach to school governance, and suggests that LAs which are not already doing so should look at ways of streamlining governance and increasing the focus on standards

Current LA practice to inform the future

- viii) Three different models are discussed in the paper:
- The traditional model – where LAs commission and provide most of the services from their own teams, most LAs in this category provide services for all their schools, not just those causing concern, and charge to varying degrees
 - Where LAs commission services to support schools, in some cases almost entirely from other schools, most seek to provide services for all their schools
 - LAs which have handed commissioning over to an overarching partnership body

School to school support

- Most LAs offer this as an important, and growing, strand of their offer (for some it is the main method)
- The benefits are listed as:
- Promotes school ownership of their own improvement
- Develops school capacity, including future leaders
- Enables schools to retain high quality staff
- Is potentially the most cost effective
- Provides a local framework for National College programmes
- Promotes values of moral purpose, collaboration and professionalism
- The paper cautions against formulaic approaches and suggests that LAs are in an unrivalled position to offer a whole range of school-to-school support, depending on the opportunities and needs of their area at a particular time
- It outlines the development of such support through 4 stages: consortia, formal contracted work for leading heads with selected schools needing intervention; meeting the needs of the whole system through engagement of all schools; and the capacity for unsupported peer-to-peer challenge

Conclusion

- The paper concludes by suggesting there is a huge opportunity on offer for LAs if they can meet schools' needs
- The LAs that are already rising to the challenge of raising standards, with much fewer resources, seeking to work closely with academies and free schools, should receive more recognition and profile, and be enabled to support the rest of the system
- Local authorities that are not effective need to improve – there is no mystery about what effective practice looks like

4. Schools causing concern

- a) The Association of Directors of Children's Services (ADCS) has published a research report on local authorities' role in schools causing concern
- b) The report provides an evidence base to help inform ADCSs response to the anticipated consultation on revision of the statutory guidance on schools causing concern, and to inform LA thinking and planning about the changing nature of the 'middle tier' (between central government and schools) over the next 5 years or so, and how LAs will need to change if they wish to continue in that role
- c) The report is based on analysis of mainly Ofsted data, a literature review, a survey of 152 LAs (to which 89 responded), interviews with a wide range of stakeholders, and a number of case studies
- d) It considers:

- What creates a successful school system
 - Measuring the success of LAs in supporting and challenging schools
 - The nature of the mediating layer aka 'middle tier', and LAs role
 - Other parts of the picture (academies, academy chains and school-to-school support)
- e) The current statutory guidance on schools causing concern says that they are not just those schools eligible for intervention within the meaning of Part 4 of the 2006 Act, but are also those about which the local authority has other serious concerns e.g. those below the floor standards, and it describes the powers and types of intervention available to LAs and the powers of the Secretary of State
- f) It is important to note that the number of schools causing concern is likely to increase significantly in the near future as a result of the introduction of more ambitious floor standards and proposed changes in Ofsted inspection judgements, replacing 'satisfactory' with 'requires improvement' and making such schools eligible for intervention

What creates a successful school system?

- g) The report considers evidence from a range of sources. Key points include:
- The quality of the education system cannot exceed the quality of its teachers
 - It is continuing collaboration amongst teachers, with an unrelenting focus on improvement based on data analysis and knowledge of pupils, which drives ever increasing improvement
 - The best schools and LAs nurture and develop collective capacity, and the National College supports leadership development which encourages collaboration of this kind
 - There remains significant variation in children's achievements in school – context is important, but evidence shows that schools in similar contexts produce very different outcomes
 - Where there is good leadership and management there is good teaching and learning – where leadership and management are not good, teaching and learning is, at best, inconsistent
 - Governors need to understand their role in holding the school to account – in weaker schools this does not happen
 - Without an effective headteacher a school is unlikely to have a culture of high expectations, or to strive for continuous improvement

Measuring the success of LAs in supporting and challenging schools

- h) Drawing largely on Ofsted judgements from school inspections, the report describes a mixed picture in terms of the proportion of schools in authorities judged either good/outstanding or in an Ofsted category (requiring significant improvement or special measures)
- i) It finds that 20% of LAs were at 31/08/2011 above average on both indicators, and 16% were below on both
- j) The report suggests there is no correlation between the use of warning notices and effective methods to address schools causing concern, saying that many high-performing LAs find the process slow and cumbersome. It finds that the differences between LAs generally lie not in their processes but in the way they are applied. It lists key characteristics of successful and less successful practice, and concludes by saying that there is significant evidence that good practice by LAs makes a very positive difference to the children who attend

their schools, suggesting there is little evidence that it is the size of the authority or of its budget which has limited or supported the effectiveness of an LA, and that a minority of LAs do not appear to understand that what they can do really makes a difference

The mediating layer

- k) Researchers and practitioners identify the need to have a mediating layer between central government and schools, and some suggest increasing reliance on it to improve school systems
- l) All types of schools, including Academies and Free Schools, are at risk of decline and failure, and early intervention limits the negative impact on children and the longer-term costs of turning the school around. This poses the question of how to ensure that all schools are allowed, challenged and supported to be the best they can
- m) Governing bodies are responsible for the performance of academies and free schools (as they are maintained schools), and the DfE is responsible for monitoring their performance (through the Office of the Schools Commissioner for education performance and the Education Funding Agency on matters of financial accountability). Concerns raised during the research included:
 - o The retrospective nature of monitoring means that schools could be in decline for some time before being picked up
 - o The reliance on robust governance, for which many governing bodies are not suited (except in academy chains)
 - o The capacity of the DfE in meeting the challenge of a growing academy sector
 - o The capacity within academy chains (which are under DfE pressure to take on more schools)

Powers of local authorities

- n) The report outlines LAs' powers, and observes that there is not a common understanding of the statutory guidance and when some of the powers (e.g. appointment of an interim executive board) can be applied
- o) It sets out on the basis of interviews, insights into the challenges facing governors and the value of IEBs, and briefly considers the appointment of additional governors, warning notices and structural changes e.g. federation, merger and movement to becoming a sponsored academy

Will and capacity of local authorities

- p) The survey of LAs for the research demonstrated a strong commitment to working with schools causing concern
- q) What was less definite was whether all LAs currently had the capacity to continue successfully in that role, partly due to diminishing local knowledge as more schools become academies
- r) LAs now operate a range of models for supporting schools, with the majority using a mix of direct and commissioned services to varying degrees
- s) The report says it is striking that it is not the model that makes the difference (some LAs achieve good outcomes with very few central staff), but the culture and calibre i.e. how LAs use the capacity they have
- t) Key requirements are:
 - a. The commitment to work with all schools
 - b. The courage to be willing to take risks and to challenge

- c. A collaborative attitude that recognises that schools and LAs have distinct but complementary roles
- d. Staff who: earn the respect of heads; develop trust and productive relationships; can make hard decisions and have difficult conversations; demonstrate the characteristics required for the culture

Advantages and disadvantages of LAs operating as the mediating layer

- u) There is a mixture of factors and views on whether LAs should act as the mediating layer, or whether this could be undertaken by the private sector or the DfE with a regional structure
- v) Drivers for the involvement of LAs include:
 - The LA has a responsibility for all children and young people, with a particular role for the most vulnerable, so has a moral duty and imperative
 - The LA has a range of statutory duties with regard to children and young people which provide them with holistic information, access to soft intelligence and a need to work with partners to benefit children and young people
 - Strong schools make strong communities, and local people hold the LA to account for schools; local elected members are accountable to their communities, bring their local knowledge to the table, and can provide challenge, support and communication networks
 - Using existing structures and avoiding duplication is desirable
- w) Reasons for the non-involvement of LAs (particularly in academies) include:
 - a. LAs have too many responsibilities, and can lose focus
 - b. The quality of elected members is variable
 - c. The quality of the work undertaken by local authorities is variable, and some is poor
 - d. An LA operates at one removed from schools, as autonomous bodies (compared to academy chains)
 - e. Sometimes local and national political considerations override what is right educationally

Lessons and learning from schools that have declined

- x) The report quotes Ofsted's recipe for turning around inadequate schools, the principal ingredients of which are:
 - a. Instil or install effective leadership
 - b. Provide high quality technical guidance, particularly in teaching and assessment
 - c. Ensure effective governance
 - d. Monitor and evaluate progress to provide useful feedback and a mechanism for accountability
- y) It considers at some length methods used by successful LAs; special measures, finance and capability; and several case studies of schools coming out of special measures
- z) Amongst the key issues raised are:
 - The benefit of LAs holding regular conversations (ideally visits) with all their schools
 - Holding a challenging conversation with the headteacher, looking at evidence together

- Using the opportunity of a move into a category to make radical changes if needed
- Brokering school-to-school support, using good headteachers, additional governors, IEBs, federations, and supporting moves to academy status
- Close engagement with governors
- Joined up support from the range of LA services (especially good HR support)
- Many headteachers and some LAs have no experience of special measures – limiting their understanding
- There is a range of costs associated with coming out of special measures – these are met by the LA, school or DfE (or even an academy chain) depending on the circumstances
- There are often difficult conversations, and sometimes actions required with the headteacher and other staff which need a lot of effort and energy

Other parts of the picture

- i) The report considers the increased pressure on schools to perform well arising from higher floor standards, 'academisation', and the proposed changes in Ofsted inspection judgements
- ii) It draws on the National College report on the growth of academy chains, and looks at the developing use of school-to-school support, including National Leaders of Education (NLEs), Local Leaders of Education (LLEs) and National Teaching Schools (NTSs)
- iii) It outlines briefly issues around the growing number of academies, and the implications for the future role of LAs
- iv) Key points include:
 - The danger of a simplistic approach to floor standards, with inadequate consideration of context
 - A sponsor academy chain has far greater direct powers over its academies than an LA has over maintained schools
 - The proposed change of the Ofsted judgement 'satisfactory' to 'requires improvement' will give considerable opportunities to LAs which have previously been restricted
 - Strong attachment to the notion of 'one school, one head, one board of governors' may limit the potential for increased capacity and improvement through academy chains and federations
 - The majority of schools, including academies, collaborate with each other and the LA to some extent
 - School-to-school support has significant potential, but is not yet mature or comprehensive, and requires a mediating layer
 - As more schools become academies, the capacity of the LA to respond to the needs of the remaining schools reduces
 - Some academies will fail, and the role of the LA as champion of children and young people needs to be considered
 - LAs retain a variety of roles with academies e.g. child protection, coordinating admissions, SEN and excluded pupils - providing (and requiring) access to a range of information about their pupils
 - The DfE has so far remained silent on the potential role of LAs with academies and free schools, but there will be a mixed economy for some years whatever the long-term outcome

- There is a vacuum which LAs may choose to fill, acting as champion for the children in their area by:
 - Maintaining good relationships with all schools
 - Monitoring all schools using data at their disposal
 - Identifying concerns and discussing them with schools
 - Referring significant concerns to the governing body, sponsor, Ofsted and the DfE as appropriate
- Neither school-to-school support nor academy chains yet have the capacity to fill the vacuum but LAs, individually or collectively, could do so – but LAs offering inadequate support need to consider the reality of the situation
- There is a capacity issue caused by LA budget cuts, but the best LAs are maintaining (and even raising) their game – and the best LAs have used their moral authority, rather than powers, without waiting for central government to tell them what to do

Conclusion

- The report ends by drawing together the main points from the preceding sections
- The issues of particular relevance to LAs as they take stock of their current position and how to move forward are:
 - There is much good practice in most LAs, with excellent practice in some – but some lack capacity, skills or commitment to identify effectively schools causing concern and do something about it quickly and sustainably
 - Good practice needs to become common practice if LAs are to have statutory duties with all schools
 - The majority of schools, including academies, wish to work in collaboration with each other and the LA; and collaboration is the key to raising standards and supporting the best outcomes for all children, including the most vulnerable

5. Improving attendance at school

- a) The DfE has published 'Improving attendance at school', the report of a review by Charlie Taylor, the Government's Expert Adviser on Behaviour
- b) In response, the Secretary of State, who commissioned the work, described it as an excellent review. He has agreed with the need for a fundamental change of approach, outlining some proposed actions, and has already amended regulations to increase the penalties payable on the issue of a fixed penalty notice to parents whose child is not attending regularly from September 2012
- c) The Secretary of State talked in a speech in September last year about the 'missing million' of children who were absent for 10% of the school year, and announced a review of attendance issues and policies to be led by Charlie Taylor (whose role has just been extended for a further year)
- d) Mr Taylor spoke to headteachers, teachers, LA officers, education welfare officers and magistrates in more than 20 LA areas across England. His report acknowledges that attendance has been improving steadily in the last few years – but there were still 57 million days of school missed in 2009/10. There is a clear link between poor attendance and low academic achievement, and a small number of children are persistently absent (recently re-defined as missing more than 15% of school, from 20%)

- e) He draws a distinction between 'truancy' (mostly by older children) and non-attendance which is approved by parents; the latter tends to start in the early years, and is often an underlying cause of truancy later. For this reason, the report argues for a focus on attendance, starting in the early years. It is a short report, and makes 13 recommendations
- f) The number of children who are persistently absent grows as they move up through the school system, most significantly in the final years of secondary school. The majority of children whose parents are taken to court for bad attendance are in years 10 and 11 – by which time it is often too late for prosecution to solve attendance problems. The review has identified that patterns of attendance of this group are established much earlier in their school career, and evidence shows that children who miss significant amounts of their education in primary school are more likely to truant later on
- g) There are no national data on attendance in nursery and reception classes, and many schools take no action to improve attendance until children reach statutory school age. Children with low attendance in early years are more likely to come from the poorest backgrounds, and are likely to start school already behind their peers – particularly in language acquisition and social development
- h) Schools attendance data is published each term, but the second half of the summer term is not reported on. The report suggests that an unintended consequence of pressure to reduce unauthorised absence was an increase in authorised absence (though DfE 2010/11 statistics show that for the past 5 years authorised absence has declined steadily from 5.5% to 4.7%), whilst unauthorised absence has remained very constant at 1% or 1.1%
- i) Primary schools currently allow children to have twice as much time off for holidays and religious observance as secondary schools. They are often not thorough enough at analysing their data, spotting patterns of absence and dealing with them swiftly. If children are taken away for a 2 week holiday every year and have an average number of days off for sickness and appointments, then by the time they leave at 16 they will have missed a year of school. DfE 2010/11 statistics show the percentage of absence due to agreed holidays and religious observance is 12.1% in primary schools and 4.6% in secondary schools
- j) Poor attendance is often a sign of more serious issues in a child's home, but many schools report difficulty in getting social workers to take this seriously enough. If such issues are addressed early, more serious and costly interventions may be avoided
- k) Parents have the legal responsibility to ensure that their children attend school from age 5 to 16, and the best schools work with parents to improve attendance, and offer a range of support. Fining parents and taking them to court is a last resort but, when needed, the system should be efficient and effective
- l) Schools or LAs may impose a fixed penalty notice (FPN) on parents whose child is not attending regularly. The parent has 28 days to pay the penalty (currently £50, to increase to £60 from September 2012). If they fail, then it is doubled. If it is not paid after 42 days, the parent is prosecuted under section 444 of the Education Act 1996. Currently 50-60% of FPNs are paid. The review recommends that penalties are not paid within 28 days should be recovered directly through child benefit or (where parents receive child benefit) through the county court

- m) Only a LA can prosecute a parent under section 444 and, unless prioritised, cases can take months to reach court. When parents are found guilty, the punishments imposed by courts vary greatly. In 2010, of 9,147 parents found guilty 6,591 received a fine or more serious sanction. The average fine was £165
- n) The report outlines some measures taken by schools to support parents in getting their children to school, from nursery onwards e.g. walking buses, home visits and even staff collecting children from home. In addition, when parents do not cooperate they use EWOs, social services, the police and the courts. Parents are taught to understand the difference between minor ailments and the sort of illness that warrants a day off, and headteachers refuse requests for holidays unless there are exceptional circumstances. Headteachers see attendance as one of their most important responsibilities, and are prepared to spend time and money to improve it
- o) If the review's recommendations are accepted:
 - The government will look to primary schools to improve attendance in the early years
 - Parents will be supported to get their children into school
 - Primary schools will allow far fewer term-time holidays
 - Data will be available on attendance in reception classes and for the second half of the summer term
 - Ofsted will set clear and measurable targets when it finds attendance is not good enough
 - A more effective penalty system will mean fewer parents need to be taken to court
- p) In his letter responding to the review the Secretary of State undertakes to:
 - Publish a full range of absence data
 - Amend the pupil registration regulations to strengthen the rules governing leave of absence (while headteachers will retain full discretion)
 - Work with colleagues in government to make the payment of penalty notices swift and certain (having already increased penalty levels)
- q) Recommendations include:
 - That the language of government focuses more on improving attendance and there is less use of the word 'truancy'
 - That Ministers focus on improving the attendance of vulnerable pupils in primary schools
 - That the Government changes the focus away from unauthorised and authorised absence, towards making overall absence and persistent absence the headline figures
 - That apart from Year 11, statistics on attendance are produced for the whole year
 - That consideration is given to whether there needs to be changes in what data is collected and how study leave is recorded in Year 11, and to the implications of raising the participation age
 - That changes are made to the pupil registration regulations to strengthen the rules on term-time holidays
 - The data on attendance in reception is published and considered when Ofsted inspects
 - That Ofsted sets specific, timed targets for improving low attendance in schools

- That all primary schools analyse their data on attendance and quickly pick up on children who are developing a pattern of absence
- That primary schools focus on supporting parents in nursery and reception who are failing to get their children to school
- That the system of fines is changed to make it simpler for schools and local authorities to use and for parents to understand. Parents who allow their child to miss too much school should receive a fine of £60. If they fail to pay within 28 days then the fine should double and be recovered directly through their child benefit or, where parents who do not receive child benefit, through the county court. In addition, the local authority should continue to have the right to take persistent offenders to court, but magistrates will be aware that a fine will have been paid for previous offences and therefore their response needs to be firm
- Persistent failure to send children to school is a clear sign of neglect and children's social care services should work with schools to address underlying difficulties
- That Academy chains, sponsors and individual schools are allowed to prosecute their pupils' parents for poor attendance

6. Statutory framework for the Early Years Foundation Stage (EYFS)

- a) The government has published a revised statutory framework for the Early Years Foundation Stage, following a review by Dame Clare Tickell. This review noted the general popularity of the 2008 framework, which has been credited for improving standards and outcomes within the EYFS. However, it has also been criticised for being too burdensome, too bureaucratic and inaccessible for parents. The revised framework is intended to be more flexible, less bureaucratic and to strengthen the partnership between providers and parents. It introduces a new focus on 3 prime areas of learning – which set the foundation for all learning – and 4 specific areas; the 69 learning goals are reduced to 17 and the assessment procedure is simplified. The new framework ensures that the transition from the Foundation Stage to Year 1 is easier for practitioners and teachers. The welfare requirements are largely unchanged, although they have been made more explicit
- b) The new framework for the EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. It aims to ensure quality and consistency within early years settings, ensuring that the focus is on the individual's learning and development needs. The EYFS encourages partnership working with practitioners, parents and/or carers, and promotes equality of opportunity, with every child included and supported. The framework is based on 4 overarching principles: that each child is unique, that children learn to be strong through positive relationships, that they learn and develop well in enabling environment, and that children develop and learn in different ways and at different rates
- c) The new framework outlines 7 areas of learning and development that must shape educational programmes in early years settings. 3 areas of learning – called the prime areas – are particularly crucial in enabling children's learning, as they reflect the key skills and capacities all children need to develop and learn effectively. These 3 areas are:
 - Communication and language
 - Physical development, and
 - Personal, social and emotional development

- d) Providers must also support children in 4 specific areas, through which the 3 prime areas are strengthened and applied. These areas are:
 - Literacy
 - Mathematics
 - Understanding the world, and
 - Expressive arts and design
- e) It is expected that practitioners working with the youngest children will focus more strongly on the 3 prime areas, as they are the basis for successful learning in the other 4 areas. However, as the children grow in confidence and ability within these areas, the balance will shift towards a more equal focus on all areas of learning
- f) Throughout the early years, if a child's progress in the prime areas gives cause for concern, practitioners must discuss this with the child's parents and/or carers, and agree how to support the child, in partnership with other agencies if appropriate
- g) The framework attempts to strike a balance between supporting the home language development for children whose home language is not English, and ensuring that the English skills of these children is sufficiently developed by Year 1 to enable them to benefit from school. It requires practitioners to take reasonable steps to support the home language in play and learning whilst ensuring that children have sufficient opportunities to learn and reach a good standard in English during the EYFS. Moreover, if a child does not have a strong grasp of English, providers need to explore the child's skills in the home language with the parents and/or carers, to establish whether there is cause for concern about language delay
- h) The framework emphasises the importance of planned, purposeful play as central to children's learning and development, as it builds their confidence as they learn to explore, to think about problems and relate to others. Play should be a mix of adult-led and child-initiated activity and, as they get older, it is expected that the balance will shift towards more activities led by adults, to help children prepare for the more formal learning of Year 1
- i) The framework identifies 3 characteristics of effective teaching and learning:
 - Playing and exploring
 - Active learning, and
 - Creative and thinking critically
- j) Children's expected attainment at the end of the EYFS is defined within the much reduced and simplified early learning goals, covering key aspects of the 3 prime areas and the 4 specific areas. In 'communication and language' the 3 goals cover skills in listening and attention, in understanding and in speaking. The 2 goals in 'physical development' relate to moving and handling, and to health and self-care, whilst in the other prime area of 'personal, social and emotional development' the early learning goals assess progress in self-confidence and self-awareness, managing feelings and behaviour, and making relationships. In the specific area of literacy there are 2 goals measuring progress in reading and writing, and in mathematics the early learning goals relate to skills with numbers and with shape, space and measures. In 'understanding the world' the early learning goals cover 3 areas: people and communities, the world and technology. Finally, there are 2 goals within the 'expressive arts and design': exploring and using media and materials, and being imaginative

- k) The new framework emphasises the importance of ongoing assessment as an integral part of the learning and development process, enabling practitioners to shape learning experiences for each child dependent on their observations of children. However, it also emphasises that such assessment should not require excessive paperwork, nor deflect from a practitioner's interaction with children. Ongoing assessments allow practitioners to keep parents and/or carers informed of their child's progress and help to identify any potential learning and development needs
- l) The framework introduces a new progress check for children aged between 2 and 3. Practitioners must review a child's progress and provide parents and/or carers with a short written summary of their progress in the prime areas. It is for practitioners to decide what other information should be included, reflecting the development level and needs of the individual child. However, the summary must highlight areas in which a child is progressing well, areas in which some additional support might be needed, and any areas where there is a concern that a child might have a developmental delay. It must describe the strategies the provider intends to adopt to address any issues, and if necessary, providers should develop a targeted plan to support the child's future learning. Practitioners must discuss with parents and/or carers how the summary can be used to support learning at home, and should encourage them to share the information with other relevant professionals e.g. health visitors. Practitioners should agree with parents and/or carers when to provide such a summary, but it should be provided in time to inform the Healthy Child Programme review at age 2 whenever possible
- m) At the end of EYFS, all children must be assessed against each of the early learning goals, and their processes recorded. Practitioners should indicate whether children are meeting the expected levels of development, or if they are exceeding them, or not yet reaching them. This assessment forms the EYFS Profile, which provides parents and carers, practitioners and teachers with a well-rounded picture of a child's knowledge, understanding and abilities, their progress against expected levels and their readiness for Year 1. A copy of the profile must be given to Year 1 teachers, alongside a short commentary on each child's skills and abilities in the 3 characteristics of effective learning, to assist the transition to Year 1. The results of the profile must also be shared with parents and/or carers, who should also have the opportunity to discuss the profile with the teacher who completed it
- n) The profile must be completed for all children, including those with SEN or disabilities, although providers should consider whether they need specialist assistance to help with this. A full assessment of all areas of a child's development will inform plans for future activities and identify any additional support needs
- o) The results of the EYFS Profile must be reported, upon request, to local authorities, who are under a duty to return these data to the Government. Providers must allow local authorities to enter the premises to observe the completion of the Profile, and take copies of relevant documents. They must also take part in reasonable moderation activities specified by the local authority

The safeguarding and welfare requirements

- p) The safeguarding and welfare requirements of the new framework are largely unchanged, and emphasise the importance of keeping children healthy, safe and secure, so that they can enjoy learning and grow in confidence. To do

this, providers need to safeguard children, ensure the suitability of adults who have contact with children, promote good health, manage behaviour and maintain records, policies and procedures

- q) Child protection is a major consideration, and the framework clarifies the specific safeguarding requirements that providers must have and what areas child protection training must cover. It emphasises the requirement to have a suitably trained practitioner designated to take lead responsibility for safeguarding children, and that providers must train all staff to understand their safeguarding policies and procedures, to enable staff to identify signs of possible abuse and neglect, and to respond appropriately at the earliest opportunity. Settings must have a policy to safeguard children, which must cover the action to be taken in the event of an allegation against a member of staff, and cover the use of mobile phones and cameras on the premises
- r) All providers must ensure that people looking after children are suitable, including obtaining an enhanced CRB check, and recording information about staff qualifications, identity checks and vetting processes that have been completed. This will no longer be done through Ofsted for managers of early years settings, giving employers full responsibility for suitability checks for all staff. Childminders will continue to be checked through Ofsted. In the event of a disqualification the provider must not continue as an early years provider and must inform Ofsted
- s) The framework also specifies that practitioners should have relevant qualifications at an appropriate level, and that all staff should have effective supervision and training, including induction training and continuing professional development. Effective supervision is seen as an essential part of the child safeguarding procedure. Childminders must have completed a local authority approved training course to help them understand and implement the EYFS before they can register with Ofsted, a change from the previous framework. At least 1 member of staff with a current paediatric first aid certificate must be on the premises at all times, and all staff should have sufficient understanding and use of English to ensure the wellbeing of the children. It should be noted that the final report of Professor Nutbrown's review of early education and childcare qualifications is due to be published in June 2012
- t) Staffing ratios, which vary according to the age of the children and the setting, are clearly outlined within the framework. However it is the providers' responsibility to decide how to deploy staff to ensure children's needs are met. The new framework allows children to be left in the sole care of a childminder's assistant for a maximum of 2 hours in a day
- u) The framework outlines what providers must do with regards to medicines, accidents and first aid, and behaviour management to promote the good health of children attending the setting. Corporal punishment must not be given, however this does not exclude physical intervention if absolutely necessary
- v) Providers must ensure that their premises are fit for purpose and meet indoor space requirements
- w) Providers are responsible for assessing any risks to children's safety, and reviewing them regularly. However, to reduce paperwork, the new framework specifies that providers no longer need to complete a written risk assessment for outings, although an assessment still has to be made
- x) The framework also specifies providers' responsibilities to maintain records and share information, noting their duties to respect the privacy of children and

their responsibilities under the Data Protection Act, and lists the changes that must be notified to Ofsted

7. Guidance on Exclusions from maintained schools, academies and PRUs in England

- a) The DfE has issued revised guidance and regulations on exclusions from maintained schools, academies and pupil referral units in England
- b) These relate to exclusions which occur from 1 September 2012
- c) The guidance includes statutory guidance to which head teachers, governing bodies, local authorities, academy trusts, independent review panel members and clerks, and special educational needs experts must have regard when carrying out their functions in relation to exclusions
- d) The guidance and regulations reflect the significant changes made by the Education Act 2011 (section 4). The term 'head teacher' applies equally to the teacher in charge at a PRU and the principals of academies; 'governing body' applies to the management committees of PRUs and the board of directors of the academy trust company
- e) The main changes from the present system are:
 - The decision of a governing body to uphold a permanent exclusion can be challenged through independent review panels which have increased access to expertise on special educational needs
 - Review panels will not be able to direct a school to reinstate a pupil
 - Parents will be able to request the presence of a SEN expert to advise the panel and will also be able to apply to the first-tier Tribunal (special educational needs and disability) to hear cases of alleged disability discrimination, in addition to their current right to apply to a county court to hear other cases of discrimination under the Equality Act 2010. The first-tier tribunal will be able to direct reinstatement. Decisions of governing bodies and of independent review panels are subject to judicial review
 - Independent review panels can decide to uphold an exclusion; to recommend that the governing body reconsiders its decision, taking account of the findings of the panel; or, where a panel considers that the decision of a governing body to uphold an exclusion is flawed in light of the principles applicable in a judicial review, to quash the decision and direct the governing body to reconsider the case
 - If directing (but not if recommending) a governing body to reconsider its decision, the panel's decision letter should direct a financial readjustment of the school's budget (or, in the case of an academy, a payment to the local authority) of £4,000 in the event of the governing body again choosing not to reinstate the pupil. The panel may also direct that information reflecting its decision must be recorded on the pupil's record
- f) Other differences from the current arrangements include:
 - The information headteachers must provide to parents following an exclusion
 - Ending the requirement for headteachers to arrange a reintegration interview following a fixed period exclusion
 - Time limits and information requirements affecting governing bodies
 - Training requirements for independent review panel members

8. DfE – Statutory Guidance for schools and local authorities on careers guidance and consultation on extending the age range

- a) The DfE has published statutory guidance for secondary schools and local authorities in England on the provision of careers guidance for pupils in years 9 to 11
- b) The key aspects of the guidance are:
 - That from September 2012 schools will be under a duty to secure access to independent and impartial careers advice and guidance. Till then, local authorities will remain responsible for providing such services
 - While schools have this new duty for their pupils, local authorities will maintain responsibility for encouraging, enabling or assisting young people's participation in education and training
 - But there is no expectation that local authorities should provide universal careers services or continue Connexions in its present form once the duty on schools has been commenced
 - While schools will be free to make arrangements that fulfil the needs of their pupils the duty requires that advice and guidance is provided by somebody who is not employed by the school to ensure that it is independent and impartial
 - Schools should secure face-to-face careers guidance where there is the most suitable support, particularly for children from disadvantaged backgrounds and those who have special educational needs, learning difficulties or disabilities
 - Schools should consider a range of wider careers activities such as engagement with local employers, work-based education and training providers and local colleges and universities
 - Pupils should receive independent and impartial advice about all of the mainstream education, training and employment opportunities regardless of their individual circumstances
- c) The Education Act 2011 sets out a range of changes to the duties of schools, colleges and local authorities in relation to careers advice. Schools will, from September 2012, be under a duty to secure and fund access to independent, impartial careers advice and guidance for their pupils, which are currently provided by local authorities via Connexions services. The Act also removes compulsory careers education from the school curriculum
- d) The Government is developing new destination measures at Key Stage 4 and 5 to look at the success of schools in helping their pupils to progress on to positive post-16 destinations. Consultation is taking place in summer 2012 on extending the duty down to Year 8 and up to Year 13 associated with raising the age of participation in education and training to 18 by 2015
- e) While schools will be free to make arrangements that fit the needs and circumstances of their pupils, the duty requires that advice and guidance is provided by somebody who is not employed by the school to ensure that it is independent and impartial. But they will have no additional money beyond their dedicated schools grant, so the money to pay for these services will need to come out of existing funds
- f) Local authorities will maintain their statutory responsibility (section 68 of the Education and Skills Act 2008) to encourage, enable or assist young peoples' participation in education and training. They will be required to assist the most vulnerable young people and those at risk of disengaging with education or work through their Early Intervention Grant – which from 2011 has subsumed

the ring-fenced funding for Connexions services. Local authorities are also expected to have arrangements in place to ensure that 16 and 17 year olds receive an offer of a suitable place in post-16 education or training, and that they are assisted to take up a place. This will become increasingly important as the participation age is raised

- g) Section 69 of the 2008 Act is repealed meaning that the Secretary of State will no longer have the power to direct local authorities to provide careers services such as those that have been provided by Connexions. Separate statutory guidance issued to local authorities (April 2011) makes clear that while it is for local authorities to determine what services are necessary to fulfil their statutory responsibilities there will be no expectation that they should provide careers services or continue Connexions in its present form once the new duty on schools commences in September 2012. In the interim period, local authorities are still obliged to provide universal information, advice and guidance to all young people
- h) A National Careers Service was launched in April 2012 providing specialist information, advice and guidance on careers, skills and the labour market, covering further education, apprenticeships and other types of training and higher education. It replaces the Next Steps service, which focused on adults, and provides a whole age service as promised in the Conservative Party Election Manifesto. The service is a key element of the Government's further education and skills strategy which sees high quality information about careers and skills, and independent, professional advice and guidance for people who need it most as a vital part of an efficient labour market which drives growth. Although the national careers service will include face-to-face services for adults, young people will only have access to telephone and web-based services. Face-to-face services will be for schools to commission in accordance with statutory guidance

Key elements of the guidance

- i) From September 2012, section 29 of the Education Act 2011 places schools under a duty to secure access to independent careers guidance for their pupils in school years 9 to 11, which must:
 - o Be presented in an impartial manner and promote the best interests of the pupils to whom it is given, and
 - o Include information on the full range of post-16 education or training options, including apprenticeships and other work-based education and training options
- j) The term 'independent' is defined as external to the school, and 'impartial' as showing no bias or favouritism towards a particular education or work option
- k) The guidance is statutory which means that schools must have regard to it when carrying out their duties. It has been issued to all community, foundation or voluntary schools and special schools that provide secondary education and for local authorities that maintain pupil referral units. Academies and free schools will be subject to the same requirement through their funding agreements. The guidance will be reviewed by March 2013 following a consultation on extending the age to which the new duty will apply when young people are required to participate in education or training until to 17 from 2013 and 18 from 2015
- l) The guidance sets out the expectations that schools must have regard to in carrying out their duties, including:

- Schools should secure face-to-face careers guidance where it is the most suitable support and particularly for children from disadvantaged and those who have special educational needs, learning difficulties or disabilities
 - Where schools deem face-to-face careers guidance to be appropriate for their pupils, it can be provided by qualified careers professionals
 - They may work individually or in consortia or partnerships with others to secure careers guidance from accredited National Careers Service providers or from other providers or individual careers guidance practitioners as they see fit
 - Schools should consider a range of wider careers activities such as engagement with local employers, work-based education and training providers and local colleges and universities
 - Pupils should receive independent and impartial advice about all of the mainstream education, training and employment opportunities regardless of their individual circumstances
 - To assist local authorities in their own duties, schools should support them in recording young people's post-16 plans, offers, circumstances and activities
 - Schools have a responsibility to act impartially and recognise where it may be in the best interests of some pupils to pursue their education in a FE college or a university technical college for example
 - They are encouraged to arrange visits for 14 to 16 year olds to local colleges, work-based education and training providers and universities
 - Where appropriate, to make local college and work-based education and training provider prospectuses available to pupils to assist informed decision making
- m) The guidance reminds schools that under section 72 of the Education and Skills Act 2008 all schools are required to provide relevant information about pupils to local authority support services. It goes on to advise that schools should also work in partnership with local authorities to ensure they know what services are available, and how young people can be referred for support. From 2013, schools will be under a duty to notify local authorities whenever a 16 or 17 year old leaves education
- n) Apart from these elements the guidance makes clear it is for schools to decide the careers guidance to be made available based on the needs of their pupils

9. SOLACE Filling the Gap: the Championing Role of English Councils in Education

- a) SOLACE (the Society of Local Authority Chief Executives) has published a 'call to action' for English councils to ensure that collectively they (i) continue to demonstrate their commitment to keeping councils central to the pursuit of educational excellence to secure the best outcome for communities and (ii) visibly lead and actively shape the policy and implementation landscapes of the coming months and years
- b) It is the latest contribution in a series of papers on the evolving role of local authorities in education and marks the entry of SOLACE into the continuing debate
- c) The paper outlines the changing role of local authorities in education since the 1902 Education Act, pointing out that they have not directly controlled schools for some time but have continued to exert a strategic leadership role in

championing education – and that they still have an invaluable, essential and direct contribution to make to the success of schools and education more broadly

- d) Whilst the Coalition Government has significantly reduced the school improvement resources available to councils, and emphasised the responsibility of schools for their own improvement, its 2010 White Paper *The Importance of Teaching* said local authorities have an indispensable role to play as champions of children and parents, ensuring that the school system works for every family and using their democratic mandate to challenge every school to do the best for their population
- e) The White Paper describes local authorities strategic role as champions of vulnerable pupils, of parents and families and of educational excellence
- f) To these SOLACE proposes a fourth role as champions of relationships. The report describes how local authorities might exercise these roles in practice, acknowledging that there can be no uniform model, but suggesting that councils must work closely with schools and other partners to develop solutions tailored to the requirements of their particular contexts

Champion of relationships

- g) Councils will need to extend and nurture strong, positive relationships with all schools to ensure harmonious working between partners in the interests of children and young people. They may seek to broker relationships across the school community to aid the formation of networks and clusters to strengthen peer-to-peer improvement activity and boost purchasing power through economies of scale in a marketised support service economy
- h) It is through their position at the centre of a complex web of partnerships and services that councils are best placed to act as champions of the most vulnerable and of parents and families. They also have a role brokering relationships between businesses, the voluntary and community sector and schools. Their success in overseeing and coordinating admission arrangements, and ensuring fairness in exclusions, will rely on their reputation as trusted partners and experienced negotiators. And, individually, and through Local Enterprise Partnerships, councils will work with businesses to ensure that education and training matches the demand for skills and work readiness in the local economy

Champion of the vulnerable

- i) The paper suggests that councils' leadership role as 'champion' has tended to be subverted by a focus on 'delivery agent' of weighty and challenging statutory duties but that, as more schools assume some of these functions and responsibilities, councils can focus more on their championing role. SOLACE's view is that councils should position themselves, first and foremost, as enablers of the voice of the child and young person, ensuring that the most vulnerable are not marginalised
- j) The paper observes that diversification potentially heightens the risk of separation, or even disconnection, from pre-existing systems of information, advice, guidance, support and collaborative working, and argues that it remains imperative that every school retains and develops its understanding of safeguarding and the role it plays. It stresses the councils' responsibility to secure the cooperation of named partners in ensuring the effective deployment of multi-agency policies, procedures and practices through Local Safeguarding Children Boards (LSCBs) and suggests it would be helpful for

the Director of Children's Services and Chair of the LSCB to set out the expectations about schools participation in safeguarding arrangements – possibly through a memorandum of understanding involving also the local Children's Trust, Health and Wellbeing Board and Community Safety Partnership with the relevant council scrutiny board and LSCB agreeing an annual audit plan for testing the effectiveness of local systems

- k) Children's Services Authorities are well placed to address the broader issues affecting children, maintaining and coordinating a strategic alliance of key services (including schools) focused on children's overall wellbeing and safety. Health and Wellbeing Boards will be essential to bringing stakeholders together to tackle children's health issues. Local health strategies should include a dedicated section on children's health, and councils should be clear about local arrangements between the HWB, Children's Trust and LSCB

Champion of parents and families

- l) SOLACE believes that councils should actively seek out the opinions of parents, carers and children about the quality of their school experience, and should empower them to support and challenge schools to improve or address issues – where necessary, acting directly as advocates. This could include development of a local Education Watch Network, along the lines of HealthWatch, and councils working with schools, parents and children and young people to co-produce local parental and community communication and engagement plans to create a feedback loop for school leaders
- m) The paper sets out the potential role of councils, as champions of choice and excellence, in encouraging schools to convert to Academies or in the establishment of Free Schools
- n) On admissions, the report goes on to recommend that local authorities will need to position themselves as genuine, helpful and trusted partners, based on their overall knowledge of the system, in order to influence admissions policies and be effective in dissolving tensions. It also suggests that councils have an advocacy role empowering children, young people and parents/carers to get their voice heard by the Secretary of State where they have a clear grievance against an Academy or Free School
- o) The paper sets out the importance of the advice and guidance offered by local authorities on childcare and early years services, and again suggests an advocacy role on behalf of the most disadvantaged groups and families, taking advantage of opportunities arising from the Troubled Families programme and the Early Intervention Foundation
- p) Local authorities' role extends beyond supporting families through children's early years and school days into championing and showcasing a range of opportunities to study and improve skills, both locally and further afield – ensuring that such provision takes account of the demands of the local labour market through brokerage of relationships with employers. Councils also have a responsibility towards those young people who fail to secure some form of education, employment or training, identifying those at risk of disengaging and working with providers to ensure that resources and support are targeted effectively

Champions of excellence

- q) The paper stresses the importance of local authorities having relevant, up-to-date, rounded, proportionate and easily intelligible performance information in order to support and, where necessary, challenge schools. It suggests the co-

production, with all schools, of a simple, high level and publicly available 'dashboard' of core benchmarked performance information that illustrates the past, present and projected effectiveness of each school – which would also enable the local authority to target its attention and scarce resources to support and augment schools' own improvement efforts

- r) A number of specific roles and activities are suggested, including:
- Acting as a critical friend to schools' peer-to-peer assurance and improvement processes
 - Providing information, advice, guidance and a brokerage role to develop schools' self-help pathways – including a single point of reference for finding out what is available
 - Using local authorities' influence and moral authority to ensure that the diversifying education system remains sufficiently coherent and functional to deliver wellbeing to all
 - Working with schools to understand and secure effective market-making and market management roles
 - Investigating the possibilities that not-for-profit social enterprise models might have to offer in provision of services and support
 - Developing a broad-based, mixed economy of scrutinisers within the wider intermediate tier, to improve accountability – and the sharing and application of effective practices – across the whole school system, and adapting councils' formal scrutiny functions accordingly
 - Further developing the leadership role of elected members in respect of education
- t) SOLACE acknowledge the potential difficulties of the support and challenge role in an increasingly autonomous school system. It is suggested that proactive councils might wish to draw up and agree, in partnership with their schools (including Academies and Free Schools where possible), a local protocol which transparently defines the factors that would trigger an intervention, and what intervention would be expected in response to each trigger. SOLACE is concerned to progress a constructive, collaborative and voluntary approach to managing performance and would welcome a dialogue with the DfE and others towards an overarching protocol
- u) SOLACE also supports the principle of representative governing bodies, and is concerned about any tendencies to put in place 'supra' governing bodies e.g. in Academy chains or extended federations. It also encourages councils to devise means of maintaining and developing strong and effective local parental and community representation on governing bodies, and also proposes that they could play a role in strengthening the quality of governing bodies by helping to professionalise further the role of the clerk. It also suggests that councils could devise local schemes to celebrate effective governance and raise the profile and value of this unique form of volunteering