

**Open Report on behalf of Debbie Barnes, Executive Director of Children's Services**

Report to:	<b>Children and Young People Scrutiny Committee</b>
Date:	<b>15 April 2016</b>
Subject:	<b>Synopsis of the Government White Paper "Excellent Education Everywhere"</b>

**Summary:**

This report summarises the key elements of the Government White Paper "**Excellent Education Everywhere**", highlighting potential benefits and concerns particularly with regard to the enforced academisation of all schools.

**Actions Required:**

The Children and Young People Scrutiny Committee is invited to receive the report and comment on the proposals contained in the White Paper

## **1. Background**

- 1.1. In March, 2016, in the same week as the Budget, the Department for Education published its White Paper "Educational Excellence Everywhere" (EEE). Significantly, this followed the announcement of a proposal to introduce a National Funding Formula for schools that would eliminate the need for a locally agreed formula brokered by the local authority.
- 1.2. The White Paper asserts a vision of "unapologetically high expectations for all children" and "intensively tackling areas of the country that have lagged behind for too long". The approach proposed is described as "supported autonomy". The paper celebrates the steps taken since 2010 to secure "an historic devolution of power from central and local government to the best school leaders". It explains that the current government believes that "the fastest and most sustainable way for schools to improve is for the government to trust in the country's most effective educational leaders, giving them freedom and power, and holding them to account for unapologetically high standards for every child, measured rigorously and fairly."
- 1.3. The government asserts that the proposals in the White Paper seek "to take (their) reforms to the next level – supporting improvement by building capacity and creating the conditions that will allow schools in all areas to use their freedom effectively, rather than just intervening in the case of failure". It acknowledges that autonomy alone will not achieve this. It argues

that, for the *school-led* system to be successful across the country, the government must do more to “scaffold” its development “so that there are no areas where autonomous leaders are unable to access the support and tools they need from within the system”. It guards against what it sees as a previous history of “micromanaging government”.

1.4. The following section of this report summarises the most significant elements of the White Paper proposals to provide that scaffolding:-

#### **1.4.1. Reformed teacher training**

- 1.4.1.1. Replace the current "Qualified Teacher Status" with a “stronger, more challenging accreditation based on a teacher’s effectiveness in the classroom”. Strong headteachers from Outstanding schools will be the arbiters.
- 1.4.1.2. Reform the National College for Teaching and Leadership “ensuring that, in addition to delivering our leadership remit, we are better able to design and deliver well-targeted incentives, teacher recruitment campaigns and opportunities that attract sufficient, high-quality new entrants to the profession”.
- 1.4.1.3. Reform the allocation of teacher training places so that initial teacher training “is delivered by the best higher education institutions and school-led providers where new entrants are most needed, where places are most likely to be filled, and where training is most likely to be delivered well”.
- 1.4.1.4. Continue to “increase the proportion of ITT offered by the best schools” rather than Higher Education Institutions (HEI).
- 1.4.1.5. Strengthen initial teacher training content, “focusing on helping new teachers enter the classroom with sufficient subject knowledge, practical behaviour management skills, understanding of special educational needs, and a greater understanding of the most up-to-date research on how pupils learn”.

#### **1.4.2. Teacher recruitment**

- 1.4.2.1. Create simple web tools that enable schools to advertise vacancies for free, and to launch a new national teacher vacancy website.
- 1.4.2.2. Legislate to create *Achieving Excellence Areas* where there are not enough pupils going to a good school and not enough high-quality teachers.
- 1.4.2.3. Encourage “great teachers” to “work where they are most needed, including through the National Teaching Service”.

#### **1.4.3. School Improvement**

- 1.4.3.1. Legislate to transfer responsibility for school improvement from local authorities to school-led systems. The aim is to create a comprehensive network of school-led support, building on the

London Challenge. There will be 300 more Teaching Schools and 800 more National Leaders of Education.

- 1.4.3.2. “Ensure that Regional Schools’ Commissioners (RSCs) are able to commission support and intervention for schools identified as underperforming”.
- 1.4.3.3. “RSCs will intervene promptly where academies or MATs are underperforming”.
- 1.4.3.4. Establish an independent “College of Teaching” to support the development of a “high status, world-leading teaching profession”.
- 1.4.3.5. Promote access to evidence-based teaching through partnership with the Education Endowment Foundation (EEF), particularly in regard to the deployment of Pupil Premium funding.

#### **1.4.4. Improve Continuing Professional Development (CPD)**

- 1.4.4.1. Create a new standard for teachers’ continuous professional development to help schools improve the quality and availability of CPD.
- 1.4.4.2. Examine the feasibility of incentivising teaching schools to publish their research and CPD materials on an “open-source” basis.
- 1.4.4.3. Establish a new peer-reviewed British education journal, independent of government.
- 1.4.4.4. Design new voluntary National Professional Qualifications for each level of school leadership including the leadership of Multi-Academy Trusts. These will not be mandatory, but will “set a ‘gold standard’ against which licensed providers can develop their own innovative programmes for leadership development”.

#### **1.4.5. Every school an academy**

**Note:** The new Education and Adoption Act hastens the process by which all schools rated as Inadequate become Sponsored academies. It also introduces a new class of schools and academies- “Coasting Schools” - and gives new powers to enable the DfE to intervene with them.

- 1.4.5.1. By the end of 2020, all remaining maintained schools will have become academies or will be in the process of conversion.
- 1.4.5.2. Most schools will be expected to form or join multi-academy trusts (MAT).
- 1.4.5.3. “Apart from in exceptional circumstances, the smallest schools will have to form or join a MAT” but “other successful, sustainable schools will still be able “to continue as single academy trusts if they choose to do so”.
- 1.4.5.4. Ensure “national coverage of high quality sponsors”.
- 1.4.5.5. Create new government powers to direct schools to become academies in local authority areas which are underperforming or where the local authority no longer has capacity to maintain its

schools or where schools have not started the process of becoming an academy by 2020.

- 1.4.5.6. To speed up the process of academy conversion, the land associated with a converting Community School will automatically transfer from the Local Authority to the Secretary of State who will then grant a lease to the academy trust. The ability for maintained schools to convert to Foundation Schools (in which the Foundation or the Governors own the land) will be removed.
- 1.4.5.7. By the end of 2022, local authorities will no longer maintain schools. “Local authorities play an important role in the education system: ensuring every child has a school place, that the needs of all pupils are met and championing parents and families. They will step back from running schools and school improvement”.
- 1.4.5.8. Seek views on a number of changes to the school admissions system to make it simpler and clearer, including “requiring local authorities to coordinate in-year admissions and handle the administration of the independent admission appeals function”.
- 1.4.5.9. “Review the responsibilities of local authorities in relation to children, including the implications for the roles of the Director of Children’s Services and the Lead Member for Children”.
- 1.4.5.10. Consider how parents may be able to petition regional schools commissioners for their school to move to a different MAT “where there is underperformance or other exceptional circumstances”. Launch new accountability measures for MATs, publishing MAT performance tables in addition to the continued publication of, and focus on, inspection and performance data at individual school level.
- 1.4.5.11. Introduce new, fair national funding formulae for schools (that will not involve a local formula: Local authorities will retain responsibility for Special Educational Needs and Disabilities (SEND) and some Alternative Provision (AP) funding).
- 1.4.5.12. Improve and maintain the school (academy) estate to make best use of resources and continue to rebuild and refurbish schools in the worst condition across the country.
- 1.4.5.13. 500 new Free Schools to be opened by 2020. (Free Schools are academies).

#### **1.4.6. Leadership**

- 1.4.6.1. “Rebalance” incentives in the accountability system “so that great leaders are encouraged to work in challenging schools and areas. This links with proposal 1.4.8.2 below which will give new heads up to 30 months to turn a failing school around.
- 1.4.6.2. Launch a new Excellence in Leadership Fund to encourage the best MATs and other providers “to develop innovative ways of boosting leadership in areas where great leaders are most needed”.

#### **1.4.7. Students and parents**

- 1.4.7.1. Make all mainstream schools responsible for the education of students they place in alternative provision.
- 1.4.7.2. Expand the National Citizen Service (NCS) and expect schools to give every pupil the opportunity to take part.
- 1.4.7.3. Make available funding so that up to 25% secondary schools can extend their school day to include a wider range of activities.
- 1.4.7.4. Improve careers provision for young people.
- 1.4.7.5. Create a new online "parent portal" to provide parents with a "one-stop shop", clearly and simply setting out the information they need to know about the school system and how to support their child in education.
- 1.4.7.6. No longer require trusts to reserve places for elected parents on governing boards but require governing boards to take a skills-based approach supported by a competency framework, with help to identify skills gaps.
- 1.4.7.7. Introduce a duty on academies to "ensure that they listen to the views and needs of all parents, particularly when key decisions are made about the school".

#### **1.4.8. Ofsted**

- 1.4.8.1. Ask Ofsted to consult on removing the separate graded judgements on the quality of teaching, learning and assessment to improve the focus on Outcomes. Inspectors will still report on the impact of teaching, learning and assessment through the other graded judgements, but will no longer separately grade the quality of teaching.
- 1.4.8.2. Introduce an "improvement period" during which schools won't be inspected by Ofsted, to allow the time and stability to put in train sustainable improvement. 30 months has been proposed.

#### **1.4.9 Fairer Funding**

- 1.4.9.1 The white paper confirms that no pupil should be disadvantaged because their school arbitrarily receives less funding than a school with similar costs and pupils. Fair allocation of funding supports every other part of our education system. Schools will only be able to achieve high standards for every pupil, everywhere, when the resources they receive are properly matched to the challenges they face. And as schools are asked to absorb more pressures from within their protected budgets, they will have to reform their current spending: implementing fair national formulae asks the most generously funded to support their less-generously funded peers, many of whom are already operating more efficiently. This is subject to a separate consultation.

1.4.9.2 **National funding formulae:** the careful, well-planned design and implementation of new national funding formulae for schools and high needs is one of our highest reform priorities. The formulae mean funding will reflect the circumstances of children and local costs – weighting funding by the level of challenge, not arbitrary historical factors.

1.4.9.3 **Pupil premium:** government will continue the pupil premium, and improve its effectiveness by encouraging schools and virtual school heads to adopt evidence-based strategies, drawing on evidence from the Education Endowment Foundation.

1.4.10 Members may also wish to note the following additions to the Department for Education’s “Schools Causing Concern” Guidance to Local Authorities and RSCs following the passage of the Education and Adoption Act, 2016:-

#### 1.4.10.1 Responsibilities of the Local Authority

To minimise any delays to the academy conversion process, when an academy order has been made by the RSC under section 4(A1) or (1)(b) of the Academies Act 2010, the **governing body and local authority are under a duty** to take all reasonable steps to facilitate the conversion of the school into an academy. Further advice will be given to the governing body and the local authority about what steps they will be expected to take, and to what timescales, to facilitate the conversion.

Where an academy order has been made under section 4(A1) or (1)(b) of the Academies Act 2010, the **RSC can also direct the governing body or local authority** to take specific steps to facilitate conversion. This can include requiring the governing body or local authority to prepare a draft of a scheme for the transfer of local authority owned land which is no longer, or about to be no longer, used for the purposes of the school, or for the transfer of other assets from the local authority or governing body. The RSC is able to set a date by which these steps must be taken”.

#### 1.4.10.2 Non-Viable Schools that would otherwise be subject to an Academy Order

The RSC has the power to revoke an academy order which was made because a maintained school is eligible for intervention. This power will only be used in very exceptional circumstances – for example, should the maintained school **not be viable** and therefore it is most appropriate that it should close. In such circumstances, where the maintained school is not viable and the RSC has taken the decision to revoke the academy order, then the local authority will be expected to close the maintained school”.

#### 1.4.10.3 Power of the Secretary of State to direct the closure of a maintained school

Section 68 of the 2006 Education and Inspections Act enables the Secretary of State to direct a local authority to discontinue a maintained

school, where that school is eligible for intervention, on a date specified in the direction” (unless the reason for eligibility is failure to comply with a Teachers’ Pay and Conditions Warning Notice).

This will usually be done where there is no prospect of the maintained school making sufficient improvements” (or where it is considered too small to be viable, even as an academy). “Before this power can be exercised the Secretary of State must consult:

1. the local authority and the governing body of the school;
2. in the case of a Church of England school or a Roman Catholic Church school the appropriate diocesan authority;
3. in the case of any other foundation or voluntary school the person or persons by whom the foundation governors are appointed; and
4. such other persons as the Secretary of State considers appropriate.

If the direction to close a maintained school has been given, **the local authority will be expected to meet any costs of terminating staff contracts and make appropriate arrangements for the pupils’ continuing education**, whether in a replacement school, or through transition to an alternative existing school”.

## 2. Conclusion

2.1. There are many positive developments in the White Paper which the sector will welcome although more detail is required. In Lincolnshire the supply of teachers at all levels will be pivotal to the success of our schools over the next few years. Any attempts to address this crucial issue are worthy of consideration.

2.1.1. Experience has shown that teachers trained through the school-based system are more likely to be retained. Supporting the best teachers and leaders to work in our more remote and challenging schools is a long-standing imperative.

2.1.2. Additionally, Lincolnshire has a significant issue with the continued inclusion of pupils exhibiting challenging behavioural difficulties. We have recognised that our exclusion rates are far too high and significant measures are being implemented to address this including the “Inclusive Lincolnshire” Strategy. Paragraph 6.72 of the White Paper makes clear the intention for the home school of the child to retain accountability for her/his outcomes even is placed in Alternative Provision. This is a much awaited regulatory change that will, if enacted, reinforce Lincolnshire’s inclusion strategy and should ensure far better outcomes for these vulnerable young people. The lack of ability to move funding from the schools block to the higher need block to fund any increase in exclusions is a significant financial risk for Local Authorities

2.1.3. Looked After Children are our particular concern as their Corporate Parents. It is pleasing to see the role of the Virtual Headteacher acknowledged and promoted and potentially expanded to include support for adopted children.

2.1.4. The vision of the Lincolnshire Learning Partnership (LLP) includes the widespread sharing of best practice and increased accountability for schools and groups of schools for their own outcomes. This notion is also supported by the White Paper, with a strong emphasis on evidence based approaches.

2.1.5. However, representatives of the local government community have made it clear that they do not support forced academisation for all schools and they have argued about the lack of evidence for the efficacy of this proposal. The shift of power from locally accountable, democratically elected councils to unelected civil servants has also been raised as a concern.

2.1.6. Councils are also concerned about the additional costs to councils, often to their non-schools' budgets for facilitation of schools to become academies.

### 3. Consultation

#### a) Policy Proofing Actions Required

n/a

### 4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Councillor Mrs P A Bradwell's letter to the Secretary of State, Rt. Hon Nicky Morgan MP, in relation to the White Paper

### 5. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Educational Excellence Everywhere (EEE)	<a href="https://www.gov.uk/government/publications/educational-excellence-everywhere">https://www.gov.uk/government/publications/educational-excellence-everywhere</a>
The Local Government Association response to EEE	<a href="http://www.local.gov.uk/briefings-and-responses/-/journal_content/56/10180/7753398/ARTICLE">http://www.local.gov.uk/briefings-and-responses/-/journal_content/56/10180/7753398/ARTICLE</a>
Association of Directors	<a href="http://adcs.org.uk/education/article/educational-excellence-everywhere-briefing-note">http://adcs.org.uk/education/article/educational-excellence-everywhere-briefing-note</a>

of Children's Services briefing note on EEE	
Inclusive Lincolnshire Strategy	<a href="http://lincolnshire.moderngov.co.uk/documents/s12917/6.0%20Appendix%20A%20Inclusive%20Lincolnshire%20Strategy%20v2.2%20-%20Post%20LLPB.pdf">http://lincolnshire.moderngov.co.uk/documents/s12917/6.0%20Appendix%20A%20Inclusive%20Lincolnshire%20Strategy%20v2.2%20-%20Post%20LLPB.pdf</a>

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