

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

Report to:	Children and Young People Scrutiny Committee
Date:	6 September 2013
Subject:	Relationship with Academies

Summary:

Through the publication by OfSTED of 'The Framework for the Inspection of Local Authority Arrangements for Supporting School Improvement' in May 2013 it has been made clear that the Local Authority has the responsibility to discuss with the leadership of an Academy any concerns about its performance.

This paper outlines the proposed process which should be in place from June 2013.

Actions Required: Discussions have already been held with headteachers of academies. Once the process has been approved a detailed paper will be written and shared with headteachers at the headteacher briefings in September and October.

1. Background

Up until the publication of 'The Framework for the Inspection of Local Authority Arrangements for Supporting School Improvement' in May 2013 it was not clear where the Local Authority's responsibilities lay in regard to the performance of academies.

The statutory basis has always been within 13A of the Education Act 1996:

"A local authority in England must ensure that their relevant education functions are exercised by the authority with a view to

- a) promoting high standards,*
- b) ensuring fair access to opportunity for education and training,*
- c) **promoting the fulfilment of learning potential by every person to whom this subsection applies**"*

In effect, the Local Authority was responsible for all pupils if not all schools. OfSTED have now made the position clear. Within the inspection framework they state:

'Inspectors should note that local authorities have no specific powers of intervention in relation to academy schools. Local authority powers of intervention as set out under part 4 of the Education and Inspections Act 2006 do not apply to academy schools, which are state-funded independent schools. In terms of standards in academies, and holding sponsors to account for this, the lead responsibility lies with the Department for Education and the Schools Commissioner.'

The form of relationship between academies and local authorities is largely for the academies to determine. There is no statutory requirement for them to establish such a relationship beyond that which is required for the delivery of local authority statutory duties, such as the making and reviewing of special educational needs statements, securing sufficient education in an area and provision of home-to-school transport for eligible children.

Despite this, local authorities retain a legal responsibility for performance in the area as a whole, under the 1996 Education Act. In addition, the Secretary of State has made clear the expectation for local authorities to act as strategic commissioners for all schools. Where the local authority has concerns about the performance of an academy, inspectors should explore whether the local authority has, within the confines of its responsibilities, taken reasonable steps to discuss this with the individual establishment, the executive leadership and governance of the chain, and/or the Department for Education, where appropriate.”

Or in simple terms where the Local Authority has concerns it must discuss these concerns with the appropriate body.

As a result of discussions with a group of academy headteachers a clear process is proposed. Academy headteachers who were present saw no problem with the process outlined and some wanted a more thorough process.

The principles:

- All Lincolnshire children to attend a good school
- Supportive of academies
- Constructive relationship – working with academies
- Open, honest and transparent relationship
- No surprises
- Minimal bureaucracy

The process:

1. Annual desk top review of academy using; school’s website, local intelligence, LA information, OfSTED information and data. There would be two areas of focus:

- Learning of pupils
- Leadership and management of school

As well as the annual desktop review if information comes to light during the year that is of concern this will be fed into Schools Causing Concern meetings.

2. Discussion with the academy

As a result of the desk top review two possible courses of action:

- If no concerns then no further action
- If there are concerns then the academy, (trust, governors and headteacher), are contacted. Discussion to include:
 - LA outline concerns
 - Academy leadership to respond and outline actions if necessary to remedy concerns
 - Decision made as to next steps

3. Next steps could be;
- No further action as academy has resolved/is resolving issue or concerns unfounded
 - Agreed follow up to review progress and broker further support if required.
 - If an academy refuses to engage in discussions re concerns, is unable or unwilling to take appropriate course of action they become an academy causing concern. If this happens a meeting will be held with the DCS and appropriate key local authority officers to decide whether to discuss with DfE

Schools Causing Concern meetings are held three times a year for maintained schools. From September 2013 any concerns about the performance of academies will also be discussed at these meetings. Local Authority officers from all parts of Children’s Services attend these meetings, so they will have an opportunity to share any issues. This will allow the Local Authority to monitor the performance of academies between annual reviews. If a concern is highlighted at a SCC meeting then steps 2 and 3 (above) will be followed.

Brief records will be kept with a log of actions for each academy.

2. Conclusion

The Local Authority retains a responsibility for all pupils therefore has to discuss any concerns about the performance of academies with the leadership of the academy, or where necessary the DfE. Lincolnshire has just over 100 academies with the vast majority maintaining strong links with the Local Authority. These links need to be maintained. The process outlined above would help to ensure that, where any concerns are highlighted about the performance of an academy, these would be discussed in an open, honest and transparent way initially with the academy, but if necessary with the DfE. We have yet to determine what the costs will be and how they will be met.

3. Consultation

a) Policy Proofing Actions Required

4. Appendices

These are listed below and attached at the back of the report	
A	Handbook for the inspection of local authority arrangements for supporting school improvement
B	The framework for the inspection of local authority arrangements for supporting school improvement
C	A good education for all: inspection of local authority services- a report on responses to consultation

5. Background Papers

None

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