

Children and Young People Overview & Scrutiny Committee

30 January 2013

Academies Task & Finish Group Report of the Chair

Recommendation

To endorse the recommendations of the Task & Finish Group.

1.0 Overview

The report of the Chair of the Task & Finish Group is enclosed. For ease of reference, the recommendations are also printed below:

1. The Local Authority (LA) should provide a timely response to any school that indicates an intention to convert to academy status, and ensure that the response contains up-to-date and accurate guidance and contact information.
2. The LA should co-ordinate an event, such as a seminar or conference, for headteachers of all schools, lead officers/members of the LA and other appropriate stakeholders. The intention would be for headteachers to network, share issues and build relationships, and to work towards agreed protocols with the LA around key issues such as school-place planning.
3. The LA should strongly encourage academies to sign up to a data-sharing protocol that guarantees the transparency of key school information.
4. The LA should investigate options for a jointly agreed protocol between elected members and headteachers to clarify and define members' role as "champion of the learner". This should include guidance about how members can get to know their local schools and how they can engage with headteachers and governing bodies.
5. The LA should review the Governor Training service it offers to academies on a traded basis, to ensure it is up to date, fit for purpose and provides governors with clear guidance on their roles and responsibilities. This review should also explore the training offered to clerks to ensure they are equipped with the appropriate skills.
6. The Children and Young People Overview & Scrutiny Committee should investigate whether the School Improvement team has sufficient capacity to ensure it can carry out its role.
7. a) The LA should actively promote closer working arrangements between the different agencies that provide services for vulnerable children, including better integration of their different systems, processes and terminology, so that families receive a more consistent experience.

- b) The Children and Young People Overview & Scrutiny Committee should consider if further scrutiny of services to vulnerable children is required in the context of academisation.
8. a) The LA should urgently review its statutory duties for school-place planning in the context of an increasingly fragmented and diverse educational landscape.
 b) The LA should adopt a co-ordinating role between all relevant stakeholders (e.g., district councils, property developers, headteachers) to address the risks to sufficiency of school places caused by potential new housing developments.
 c) The Children and Young People Overview & Scrutiny Committee should request a report on the LA's strategy for addressing the risks to both insufficiency and oversufficiency of school places.
9. The LA should review its approach to future planning developments to ensure it has the strongest possible evidence base to access Community Infrastructure Levy (CIL) funds.

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**ACADEMIES
TASK & FINISH GROUP
FINAL REPORT**

*Working for
Warwickshire*

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1.0 Introduction

1.1 Executive Summary

Since the coalition government came to power in 2010, there have been significant reforms in the education sector. Existing schools are now able to acquire greater independence from the Local Authority (LA) by converting to academy status. All new schools (including “free schools”) will automatically have this status as well.

In Warwickshire, the majority of secondary schools have already become academies. The conversion rate among primary schools has been slower, but it is becoming a serious consideration for many.

This Task & Finish Group was established to ensure the LA is doing all it can to be the “champion of the learner” for all children in Warwickshire, no matter what type of school they attend.

1.2 Members and Contributors

Cllr Ashford
Cllr Balaam
Cllr Boad
Cllr Fox
Cllr Hopkinson (Chair)
Cllr Jackson
Cllr Rickhards
Cllr Ross
Cllr Tooth
Cllr Tandy

Wendy Fabbro (Strategic Director - People Group)
Mark Gore (Head of Service, Learning and Achievement)
Fay Ford (Senior Solicitor and Education Team Leader)
Simon Smith (Strategic Finance Manager)
Peter Thompson (Service Manager - Access and Organisation)
Paul McIntyre (Headteacher, Myton School)
Carl Lewis (Headteacher, Water Orton Primary School)
Sheila Dentith (Senior Learning Improvement Officer)
Shona Walton (Principal Inspector)
Richard Maybey, Democratic Services Officer

1.3 Evidence Used

- Briefing note on financial implications of academisation
- School funding presentation
- Briefing note on legal implications of academisation
- Verbal evidence on impacts of academisation relating to:
 - A school that has undergone conversion
 - School-place planning
 - School improvement
 - Vulnerable children
- Research on scrutiny recommendations from other LAs

1.4 Dates and Timescales

- 25 July – scoping meeting
- 16 August – financial and legal implications
- 7 September – Q&A with headteacher of an academy
- 26 September – school-place planning
- 19 October – school improvement
- 27 November – vulnerable children
- 19 December – conclusions

1.5 Recommendations

1. The LA should provide a timely response to any school that indicates an intention to convert to academy status, and ensure that the response contains up-to-date and accurate guidance and contact information.
2. The LA should co-ordinate an event, such as a seminar or conference, for headteachers of all schools, lead officers/members of the LA and other appropriate stakeholders. The intention would be for headteachers to network, share issues and build relationships, and to work towards agreed protocols with the LA around key issues such as school-place planning.
3. The LA should strongly encourage academies to sign up to a data-sharing protocol that guarantees the transparency of key school information.
4. The LA should investigate options for a jointly agreed protocol between elected members and headteachers to clarify and define members' role as "champion of the learner". This should include guidance about how members can get to know their local schools and how they can engage with headteachers and governing bodies.
5. The LA should review the Governor Training service it offers to academies on a traded basis, to ensure it is up to date, fit for purpose and provides governors with clear guidance on their roles and responsibilities. This review should also explore the training offered to clerks to ensure they are equipped with the appropriate skills.
6. The Children and Young People Overview & Scrutiny Committee should investigate whether the School Improvement team has sufficient capacity to ensure it can carry out its role.
7.
 - a) The LA should actively promote closer working arrangements between the different agencies that provide services for vulnerable children, including better integration of their different systems, processes and terminology, so that families receive a more consistent experience.
 - b) The Children and Young People Overview & Scrutiny Committee should consider if further scrutiny of services to vulnerable children is required.

8.
 - a) The LA should urgently review its statutory duties for school-place planning in the context of an increasingly fragmented and diverse educational landscape.
 - b) The LA should adopt a co-ordinating role between all relevant stakeholders (e.g., district councils, property developers, headteachers) to address the risks to sufficiency of school places caused by potential new housing developments.
 - c) The Children and Young People Overview & Scrutiny Committee should request a report on the LA's strategy for addressing the risks to both insufficiency and oversufficiency of school places.

9. The LA should review its approach to future planning developments to ensure it has the strongest possible evidence base to access Community Infrastructure Levy (CIL) funds.

2.0 History of the Review

2.1 Scoping meeting (1)

In defining the terms of reference of this review, we (the members of the Task & Finish Group) invited senior officers Wendy Fabbro and Mark Gore to join us for a discussion about the key issues around academisation.

Based on the discussion, we agreed that:

- The review should not duplicate any work being undertaken by the Warwickshire Education Services (WES) Board – therefore the issue of Traded Services would be excluded
- The two headteachers seconded to the LA for the Autumn term should be invited to contribute to the review, as they would provide a useful school perspective
- The review should consider how the LA will fulfil its role as “champion of the learner”
- The review should focus on the core themes of school-place planning, school improvement and vulnerable children
- The initial two meetings should provide some contextual information about funding and legal implications and the experiences of a recently converted academy

The Council's Scoping Document was completed and circulated for approval.

The notes of meeting 1 are available at appendix A.

2.2 Financial and legal implications (2)

At this meeting, we received brief introductions to the financial and legal implications of academisation from Simon Smith and Fay Ford. Further documents were requested and received to provide us with more background. The overall conclusion was that the picture is still unclear in terms of the statutory duties the LA has to fulfil and there are still unknowns with regard to certain elements of funding.

The notes of meeting 2 are available at appendix B.

2.3 Q&A with headteacher (3)

This was a very useful meeting with the Headteacher of Myton School, Paul McIntyre, who shared with us his experience of converting to an academy. It was enlightening on a number of issues, dispelling some of the myths around academisation. For example, Paul explained that extra funding was not the motivator for conversion and that his school would actually have been slightly better off as a maintained school. He also explained that the school is working closer than ever before with local partners (e.g., police, health, housing etc.) and now has a more purposeful relationship with the LA, which provides a very effective brokering service for them.

The notes of meeting 3 are available at appendix C.

2.4 School-place planning (4)

Peter Thompson provided us with a very clear account of what he sees as the main issues and risks to the LA around school-place planning. We heard that the LA's statutory role in ensuring a "sufficiency of places", which it undertakes via commissioning and de-commissioning of provision, is being complicated by many factors.

For example, the birth rate is changing and uncertainty around local housing plans will have a huge (but hard-to-predict) impact on local demographics. Added to this, the policy changes from central government are bringing about an increasingly fragmented education provision – alongside maintained schools, private schools and independent schools, there are now academies, free schools, university technical colleges and studio schools. Apart from its maintained schools, the LA simply has no power to influence the admissions of these other institutions – which makes it very hard to ensure a sufficiency of places. For example, if new housing is built near to an academy, the LA has no power to force it to increase its admissions numbers – but still has a duty to ensure a sufficiency of places for those new residents.

There was consensus among the group that the LA needs to develop a consistent and coherent approach to addressing these risks, and clarification is needed on what powers are available to us in order to fulfil our statutory duties.

The notes of meeting 4 are available at appendix D.

2.6 School Improvement (5)

During this meeting, we invited in staff from the Learning and Achievement team to look at how the School Improvement service operates currently, and what the challenges are with regard to supporting school improvement in academies.

Of note, we learned that the staff reductions in the Learning and Achievement team (from 38 FTE to just 3.5 FTE) has completely changed the nature of school improvement. Schools no longer have a linked officer from the LA. Instead, the LA has become a commissioner and broker of improvement services – and all efforts are directed to schools that have an Ofsted judgement of "satisfactory" or below.

In terms of school improvement for academies, it was clear that the LA's influence could disappear completely unless relationships were built with them. And those relationships should allow for local elected members to visit, raise issues of concern and receive alerts about Ofsted inspections and results.

We were especially concerned over the uncertainty around failing academies, and what role/duty the LA will have in those circumstances.

The notes of meeting 4 are available at appendix E.

2.7 Vulnerable children (6)

As members, we identified very early on that our responsibilities to vulnerable children are the same no matter what institution they attend. So our key concern was how the LA was going to fulfil its duties to those children attending academies.

Officers agreed that while the LA has no formal accountability over academies, it has a responsibility to all Warwickshire children – therefore, it should be drawing issues of concern to the attention of academy heads and governing bodies.

Paul McIntyre, as a headteacher, stressed that governance over schools is the key mechanism for escalating issues and he encouraged us, as local elected members, to engage with governing bodies and contact the Chair to raise any issues of concern around vulnerable children.

Paul also stated that support for vulnerable children would be improved if there was more continuity between all the different agencies involved. As members, we felt there was a strong co-ordinating role for the LA to play in that regard.

The notes of meeting 6 are available at appendix F.

3.0 Recommendations

Members of the Task & Finish Group met on 19 December to conclude the review. Paul McIntyre was also present and we thank him for his valuable input. At this meeting, we were provided with the following documentation, which had been requested much earlier in the review:

- Letter from the LA to schools considering academy conversion
- Letter from the LA to all schools regarding academisation
- Guidance document for schools considering conversion (including a Memorandum of Understanding between the LA and academies)

We were disappointed that these documents had been delayed for so long, and were also concerned to learn that they had not (at that point in time) been issued to all schools. We also noted with concern that the letters were under the name of the outgoing Head of Service, with no further point of contact offered. We felt that the Task & Finish Group should have been consulted on the contents and timeliness of these communications.

The discussion then moved on to members' overall feelings of the review – and we felt that the key issue was around relationship building. This was an occurring theme in all the meetings. It relates not only to the relationship between the LA and academies, but also school-to-school relationships, the relationship between elected members and their local school/governing body, the link between different agencies that deliver other children's services and the complex inter-relationships associated with school-place planning.

Our discussion resulted in the following recommendations for the Children and Young People Overview & Scrutiny Committee to consider:

- 1. The LA should provide a timely response to any school that indicates an intention to convert to academy status, and ensure that the response contains up-to-date and accurate guidance and contact information.**
- 2. The LA should co-ordinate an event, such as a seminar or conference, for headteachers of all schools, lead officers/members of the LA and other appropriate stakeholders. The intention would be for headteachers to network, share issues and build relationships, and to work towards agreed protocols with the LA around key issues such as school-place planning.**
- 3. The LA should strongly encourage academies to sign up to a data-sharing protocol that guarantees the transparency of key school information.**
- 4. The LA should investigate options for a jointly agreed protocol between elected members and headteachers to clarify and define members' role as "champion of the learner". This should include guidance about how members can get to know their local schools and how they can engage with headteachers and governing bodies.**

5. **The LA should review the Governor Training service it offers to academies on a traded basis, to ensure it is up to date, fit for purpose and provides governors with clear guidance on their roles and responsibilities. This review should also explore the training offered to clerks to ensure they are equipped with the appropriate skills.**
6. **The Children and Young People Overview & Scrutiny Committee should investigate whether the School Improvement team has sufficient capacity to ensure it can carry out its role.**
7.
 - a) **The LA should actively promote closer working arrangements between the different agencies that provide services for vulnerable children, including better integration of their different systems, processes and terminology, so that families receive a more consistent experience.**
 - b) **The Children and Young People Overview & Scrutiny Committee should consider if further scrutiny of services to vulnerable children is required.**
8.
 - a) **The LA should urgently review its statutory duties for school-place planning in the context of an increasingly fragmented and diverse educational landscape.**
 - b) **The LA should adopt a co-ordinating role between all relevant stakeholders (e.g., district councils, property developers, headteachers) to address the risks to sufficiency of school places caused by potential new housing developments.**
 - c) **The Children and Young People Overview & Scrutiny Committee should request a report on the LA's strategy for addressing the risks to both insufficiency and oversufficiency of school places.**
9. **The LA should review its approach to future planning developments to ensure it has the strongest possible evidence base to access Community Infrastructure Levy (CIL) funds.**

4.0 Acknowledgements

We would like to thank everyone involved in this review, particularly the lead officers from the Learning and Achievement team, and Paul McIntyre and Carl Lewis who provided valuable insights from a school perspective.

**Academies Task and Finish Group
Meeting notes, 25 July 2012, 11am**

Present

Cllr Ashford
Cllr Boad
Cllr Hopkinson
Cllr Rickhards
Cllr Ross
Cllr Tooth
Cllr Watson

Apologies

Cllr Balaam
Cllr Fox
Cllr Jackson
Cllr Tandy

Wendy Fabbro
Mark Gore
Richard Maybey

1. Cllr Hopkinson was elected as Chair of the Task & Finish Group
2. Richard Maybey introduced a short presentation setting out some of the concerns raised by the Children and Young People Overview & Scrutiny Committee. This also highlighted some of the practical issues for members to consider (structure of the review, timings, possible outcomes, information required etc.)
3. The Chair invited Wendy Fabbro and Mark Gore to contribute their thoughts and advice. Comments included:
 - Extra officer support will be available from September 2012, as the People Group has seconded two headteachers for the Autumn term. Carl Lewis (Water Orton Primary School) and Paul McIntyre (Myton School – a secondary academy) will help define and specify the Council's relationship with schools and assist with Mark's handover prior to his retirement.
 - Members can play a valuable role in helping to set the strategic aims for how the service achieves its goal of being "champion for the learner".
 - The initial impression from academies is that they are keen to work collaboratively with schools in their area, and to utilise the peer-to-peer support that the Council has been implementing. While academies are free to make their own choices, there has been loyalty from many of them to date.
 - The issue of Traded Services and the sustainability of Council services to schools is being examined in a lot of detail by the Warwickshire Education Services (WES) Board, chaired by David Carter. The main objective of this Board is to improve the range and quality of services to all schools, which will improve their sustainability. Given that this work is on-going and well-advanced, members were advised not to include Traded Services as a main area of review for the Task & Finish Group.

It was suggested that members focus on the following key areas of work:

- a. Approach to new academies – how should the Council respond to schools who wish to convert to academies; what relationship should be developed with them; what services can be offered to them; what information can be gleaned from them to fulfil the role of champion of the learner
- b. Planning of school places, including post-16 provision – how can the Council ensure there are sufficient places in all areas of the county, when academies are free to set their own admission numbers; how can the Council prevent the quality of post-16 provision from being diluted as more and more academies establish their own 6th forms
- c. Learning improvement – how can the Council ensure that academies continue to improve; what measures can be put in place if standards fall; how can the Council intervene
- d. Vulnerable children – how can the Council manage and negotiate with academies to ensure vulnerable groups (those with special educational needs; Gypsy and Roma travellers; Looked After Children etc.) can access a suitable education should academies turn them away
- e. Legal and financial implications – what are the implications for the Council of the new legislation and how are we responding to the changes

4. Members then agreed an approach for the review, using the fields within the scoping document as a basis for discussion. Richard Maybey agreed to complete the scoping document and circulate for approval.

5. The next meeting date was scheduled for Thursday 16 August at 11am in Committee Room 3.

**Academies Task and Finish Group
Meeting notes, 16 August 2012, 11am**

Present

Cllr Ashford
Cllr Boad
Cllr Fox
Cllr Hopkinson
Cllr Jackson
Cllr Rickhards
Cllr Tandy

Apologies

Cllr Balaam
Cllr Ross
Cllr Tooth
Cllr Watson

Wendy Fabbro
Mark Gore
Fay Ford
Simon Smith
Richard Maybey

1. Confirmation of Chair

Members agreed that Cllr Hopkinson should continue in the Chair, following her election at the first meeting.

2. Recap on last meeting

For the benefit of those not at the previous meeting, the Scoping Document was reviewed to ensure all members agreed with the terms of reference of the review.

Cllr Tandy questioned what contingencies and processes the LA has in place now, should something go wrong at an academy. Wendy Fabbro confirmed that work is currently underway to establish clear procedures and guidance, and this will be available for scrutiny by members towards the end of November 2012.

There was discussion about the value of sending the Scoping Document to Community Forums, and the practicalities of how it would be considered at each meeting. Cllr Boad stated she would be happy to mention it to her Community Forum as part of the Chair's introduction. Cllr Fox stated that perhaps an information sheet outlining the key facts (and debunking myths) about academies would be more useful. Cllr Jackson stated that there is a wider issue about how the LA engages with the community in general, and this may be something the Overview & Scrutiny Board should address.

Wendy Fabbro and Mark Gore agreed to provide draft correspondence for key consultation groups, containing factual information about academies.

3. Legal implications

Fay Ford described how the Academies Act 2010 and the Education Act 2011 is changing the statutory duties that the Local Authority has in relation to schools.

There are over 250 statutory duties to maintained schools, but not all of these disappear when a school converts to academy status. At last count, the LA still has around 100 statutory duties to academies/free schools. The Department for

Education (DfE) has not published a list of these duties, so work is on-going in the legal team to record these.

Fay agreed to provide members with the current lists of statutory duties to maintained schools and to academies (Richard Maybey to circulate).

Cllr Rickhards asked for clarification on the LA's obligations in relation to new schools. Fay confirmed that if a new school is proposed, the LA must, by law, first invite proposals for an academy.

Cllr Jackson asked for clarification that if a school judged as "satisfactory" is forced to become an academy, the LA will no longer have an influence over its improvement. Mark Gore confirmed this was correct, but the LA would still have residual responsibilities around school improvement in its role as "champion of the learner". This will require the building of relationships with academies so the LA can offer advice and guidance. Work is on-going around this, and the message is being reinforced that the LA wants to continue working with all schools.

4. Funding implications

Simon Smith provided an overview of the changing funding arrangements for schools. Simon agreed to circulate this as a briefing note, along with a presentation on school funding reform.

In conclusion, it was stated that the LA is very restricted in terms of how it distributes money to academies, and there are still unknowns with regard to certain elements of funding (e.g., LACSEG).

5. Possible outcomes of the review

Wendy Fabbro suggested that members may wish the review to focus on 2 strands of work, as follows:

- The practical arrangements the LA should adopt locally in relation to academies
- The overall view from the LA about national education policy, and the risks associated with it

There was agreement from members towards this suggestion.

6. Next meeting

The date of the next meeting was agreed: **7 September, 11am, Committee Room 1**
Paul McIntyre, Myton School, will attend to provide a headteacher's perspective on the benefits of being an academy.

Richard Maybey agreed to circulate:

- The LA's statutory duties (from Fay Ford)
- The school funding briefing note and presentation (from Simon Smith)
- A list of the current status of all secondary schools (academy vs maintained etc.)
- A schedule of future monthly meeting dates for the Task & Finish Group

**Academies Task and Finish Group
Meeting notes, 7 September 2012, 11am**

Present

Cllr Ashford
Cllr Boad
Cllr Hopkinson (Chair)
Cllr Jackson
Cllr Rickhards
Cllr Tandy
Cllr Tooth
Mark Gore
Paul McIntyre
Richard Maybey

Apologies

Cllr Balaam
Cllr Fox
Cllr Ross
Cllr Watson

The Chair opened the meeting and invited Paul McIntyre, headteacher at Myton School, to introduce himself and share his experience of academisation.

- Paul explained that he was the current headteacher at a successful multi-cultural school of around 650 students, which converted from Foundation status to an academy around 1 year ago.
- As a Foundation school, Myton was already slightly detached from the Local Authority, so academisation was not a huge step.
- The transfer of staff (via the TUPE process) was well managed and agreement was reached with the unions over pay and conditions. In fact, staff have benefited from improved pay and conditions due to the school having greater flexibility.
- Myton is not bound by the National Curriculum, but does largely follow it.
- The school has a long history with the Local Authority regarding access to capital funding for school building improvements; a big incentive to convert to an academy was that it allows them to apply directly to the Department for Education (DfE) for this funding.
- Its relationship with the Local Authority is better and more mature now under the new arrangements.

Members asked Paul to explain some of the positive differences the school has experienced since converting to an academy:

- There are now positive and mature relationships with partners based on mutual interest. There is no longer any dependency or paternalism.
- The school is working closer than ever with social services, police, health and housing, who offer a broader perspective on the local area and needs of families.
- The Local Authority acts as an effective broker of services, especially those for vulnerable learners. And the school recognises its responsibility to identify problems early in order for the LA to identify the most efficient approach.
- The school works in partnership with others from the Central Area Behaviour Partnership, offering spaces for children from other schools to visit and re-focus their behaviour.
- School-to-school support is becoming ever-more important. While there is room for improvement and more consistency across the county, it is getting better.

How has the curriculum changed since becoming an academy? Are there plans for expanding it in a certain direction?

- It has not changed much, and is still based around the core subject areas.
- The focus has grown towards RE, with an emphasis on ethics and philosophy.
- Myton would like to expand its community work, particularly around learn-to-learn initiatives, but this requires identifying areas of the curriculum to withdraw from.

There has been a lot of press coverage about the financial incentives of academisation for schools. What happens when this extra funding stops?

- Myton would actually have been slightly better off as an LA-maintained school.
- The real incentives were the increased choice and freedoms that come with being an academy.

How has the make-up of the governing body changed since academisation?

- It has largely stayed the same, but there has been the need to bring people in with certain expertise, such as those with knowledge of running a charity or financial accounts etc.
- The governing body is not yet at capacity, but the school is working to get more on board.

Will you be co-operating with the Local Authority on access to information and performance data etc.?

- The school is happy to share performance data, but it has to consider what the benefit is of doing so.
- The school would be keen to work together with all other schools, via the Local Authority, on all-authority response to certain issues, such as GCSE grade boundaries etc.

How do you manage your admissions process?

- Myton uses the Local Authority's admissions service, on a traded basis.
- Numbers are down this year and next, due to competition from private, independent and grammar schools. Plus, the local primary catchment is currently only 300 students (but demographics suggest that this will have risen dramatically by 2017).
- Myton has issued information leaflets to primary schools about the places it has available, but has also promoted open days for other schools to help families make the right choices.

What problems/challenges have you encountered as an academy?

- We are now more financially accountable, with strict reporting requirements to the DfE. We have therefore expanded our finance team.
- We are not getting the clarity we need from the DfE about future funding. We used to have a 3-year indicative budget, which we no longer get.
- As an academy, we often become associated with the views of academy chains, which we do not necessarily agree with.

What could the Local Authority do better for you as an academy?

- There could be greater cohesion between different policy areas (social services, housing, health, police etc.) to pull together an overarching vision for what we want for children and families.

How are standards being driven and monitored? Who has responsibility for that?

- The school itself is responsible for maintaining standards, and does this by working with training schools (e.g., Lawrence Sheriff, Bilton) to share best practice.
- The school works with the National College for leadership development, and it promotes inward coaching – e.g., peer-to-peer support in classrooms with colleagues sharing their expertise.
- Responsibility for standards rests with the governing body. However, the obvious question is: can they fix the problems they created?
- The Local Authority's role in investigating standards is still unclear.
- It will be important for School Improvement teams to monitor performance data closely in order to identify gaps, and for governors to be trained appropriately.

Based on the discussion and the questions raised, Mark Gore suggested the Task & Finish Group should focus its future lines of enquiry around the following 3 areas:

What is the role of the Local Authority in relation to:

1. School improvement.
 - a. How can we play a part in raising standards?
 - b. What is our role in preventing decline?
 - c. What is our role should a school fail?
2. School-place planning.
 - a. With a statutory duty to ensure every child has a place in suitable education, what is our role in securing this?
3. Vulnerable children.
 - a. How can we better provide services to vulnerable groups by brokering arrangements between different agencies?

Actions:

- Mark Gore to circulate a copy of a DfE report about the evolving role of the local authority in education
- Mark Gore to circulate a link to an event in October, expanding on the above report

Future meetings:

- 26 September 2012, 11am, CR1
 - What is the role of the Local Authority in relation to school improvement?
- 19 October 2012, 11am, CR3 [*replaces the meeting scheduled for 30 October*]
 - What is the role of the Local Authority in relation to school-place planning?

**Academies Task and Finish Group
Meeting notes, 26 September 2012, 11am**

Present

Cllr Ashford
Cllr Jackson
Cllr Tandy
Cllr Tooth (Chair)
Mark Gore
Peter Thompson
Richard Maybey

Apologies

Cllr Boad
Cllr Rickhards

Cllr Tooth was nominated as Chair in the absence of Cllr Hopkinson, and invited comments on the notes of the previous meeting.

Mark Gore explained that the Local Authority (LA) is still drafting letters to schools, which will include a formal request to include a LA governor on their governing body, and these would be made available to the Task & Finish Group (TFG) in due course.

Members agreed that this session would focus on the topic of **school-place planning**, rather than school improvement as originally scheduled. Mark introduced Peter Thompson (Service Manager, Access and Organisation) to talk through the key issues.

Peter circulated a handout (see attached pdf), outlining his interpretation of the impact that academisation is having on school-place planning and school organisation. This was the basis for a lengthy discussion, the key points of which are noted below:

1. Schools are realising that academisation makes them more **“inter-dependent”**, rather than “independent”, and they need to collaborate to succeed.
2. The LA has a statutory role in ensuring **sufficiency of places**, which it undertakes via commissioning (and possibly de-commissioning) of provision.
3. However, this statutory role is complicated by increasingly **diverse provision**:
 - a) The LA has no control over the establishment of new free schools, studio schools, University Technical Colleges and academy 6th forms
 - b) New provision is appearing around the county borders, which will attract Warwickshire students away from our own schools
4. **Rising birth rates** are a current national phenomenon, creating demand for school places. This is beneficial for the academy system now, as it means less competition for numbers. However, demographics do change and a drop in the birth rate could threaten the long-term sustainability of certain establishments
5. Ensuring **diversity of provision** is a difficult issue for the LA – e.g., if a minority faith school opens in a rural area, families may not have the provision they want. While the LA has no power to enforce diverse provision, it can play a role in influencing the type of applications being made for academies and free schools
6. The LA has an extensive **planning process** for school places, which looks as much as 18 years into the future. This involves:

- a) Forecasting demand across the county by analysing birth rate, migration, housing plans and parental preferences
 - b) Assessing the supply of school places; looking at current capacity, priority areas and planned admission numbers (PAN)
 - c) Redressing any imbalance – if there is demand for places, then the LA may need to commission new provision; or decommission* provision if there is surplus capacity (such as when birth rates fall) – this may involve closing schools or reducing the size of schools. The new school funding formula, starting in April 2013, will put further pressure on the viability of smaller schools
**The LA can only decommission LA-maintained schools. academies/free schools can only be decommissioned by the Education Funding Agency, which holds the contract with the Academy Trust*
 - d) Acknowledging that school place planning will always be affected by unknowns, such as new school developments and new legislation
7. There is a risk of **oversufficiency of places**, as successful academies can expand their PAN and increase capacity as they wish – this could threaten the sustainability of other local schools. Academies can also open 6th forms without the consent of the LA, which could dilute the quality of provision in an area
 8. There could also be a risk of **insufficiency of places**, e.g., if academies choose not to expand their PAN in line with rising birth rates etc., it will fall back on the LA to ensure sufficiency of places. In this scenario, the LA would need to engage with sponsors and encourage a new school to open – or, failing that, open a maintained school itself
 9. The LA is a statutory provider of **early years provision**, and Children’s Centres are often sited on school campuses. If a school converts to an academy, the land is usually leased from the LA to the Academy Trust – who may choose not to host the Children’s Centre any longer. The LA is currently working on a protocol to help avoid this situation
 10. The LA will soon know the outcome of the **Local Plans** from the five districts/boroughs, which will show projected housing/population growth across the county – this will allow the LA to plan better for demand on school places
 11. The LA should develop a consistent and **coherent response** to all the different issues from its various teams (property, legal, learning and achievement)
 12. The **future role of the LA** needs to be defined and clarified – e.g., what powers are needed in order to fulfil its statutory obligations? And now that academies are their own admissions authorities, is there still a role for a central admissions forum – especially as the Admissions Forum is no longer a statutory body?

Members were in agreement that this had been a highly informative and enlightening session, revealing a number of issues of concern. Cllr Tandy suggested that all elected members would benefit from understanding these issues, and asked if a seminar could be arranged accordingly.

Next meeting: **19 October 2012, 11am, CR3**

Topic: **What is the role of the LA in relation to school improvement?**

The meeting ended at 12.35

Academies Task and Finish Group Meeting notes, 19 October 2012, 11am

Present

Cllr Ashford	Sheila Dentith
Cllr Boad	Mark Gore
Cllr Hopkinson	Carl Lewis
Cllr Jackson	Paul McIntyre
Cllr Rickhards	Richard Maybey
Cllr Tandy	Shona Walton

11.00am-11.40am: Member discussion – Progress

The Chair outlined progress of the Task & Finish Group to date, recapping on the agreed objectives of the Scoping Document and the findings of previous meetings (see attached summary document).

Key points of the discussion were:

- Some recommendations from other Local Authorities (in the provided research paper) have associated costs, and members acknowledged that any recommendations proposed should take account of the Council's current financial constraints
- The future of Local Authority (LA) governors is uncertain at best, and they will likely disappear altogether in the future
- There are risks to the LA caused by the new "free market" of education, with a potential loss of students to studio schools, University Technical Colleges (UTCs) etc. that could threaten the future viability of local schools

Key topics identified for future/further scrutiny were:

- Funding arrangements in the new system
- How to build and maintain relationships with academies
- Admission arrangements for vulnerable children/LAC/SEN

11.40am-1.20pm: Member/Officer/Head discussion – School Improvement

Mark Gore explained that a document setting out the LA approach to school improvement for both LA-maintained schools and academies is being developed. He introduced the supporting officers for school improvement, Shona Walton (secondary) and Sheila Dentith (primary), to provide a verbal summary of the issues. Carl Lewis and Paul McIntyre (head teachers seconded to the LA) were present to act as critical friends for the discussion.

The role of the Learning and Achievement team

1. As Champion of the Learner, the team monitors academies as best it can using the official data it receives, plus informal data and links with professional bodies
2. The Department for Education (DfE) has amended the regulations, so the LA will receive GCSE data for all schools
3. A protocol is being developed with academies on the sharing of information
4. The LA has asked academies for copies of their funding agreements with the DfE

5. The team is working with the Private/Voluntary/Independent sector to monitor organisations that provide alternative provision (following the PRU closure)
6. The team employs a RAG (red/amber/green) system to rate all schools, and a series of interventions can be employed for those at the red end of the scale
7. The LA has statutory powers to intervene in schools that are placed in Special Measures by Ofsted – for example, it can remove the governing body
8. The LA's statutory assessment unit ensures schools are applying assessments correctly at early years/Key Stage 1/Key Stage 2 – e.g., at the end of SATS week
 - **Confirmation was sought as to whether Primary academies have to conduct SATS**

The current context

1. The Learning and Achievement team has been reduced from 38 to 3.5 FTE staff
2. Schools therefore no longer have their own linked officer. A new way of working has been introduced, whereby the LA is a commissioner and broker of services
3. The team no longer has a presence in good and outstanding schools; all efforts are put into schools that are satisfactory or below
4. Despite the huge loss of capacity, the team still gets into a third of all schools and has a good record of improving schools' Ofsted category
5. The Ofsted inspection regime is now tighter and tougher. It focuses on all students (which is positive), but small pockets of under-performance in a school will now affect its overall rating
6. The team has a close relationship with teaching schools in Warwickshire. They provide continuous professional development (CPD) for head teachers and meet with them regularly to discuss issues
7. A core offer for primary schools includes a "partner diagnostic visit" to help schools self-identify what they need to improve and how to do so. Schools then buy in their own support
8. For schools that are "stuck" (two successive "satisfactory" Ofsted ratings), the team can act as a broker to access funding for self-improvement
9. Relationships with schools need to be reviewed in the context of reduced funding and capacity. The team is monitoring the expectations of all schools. It is also being guided by the academic research of David Hargreaves
 - **Members to be invited to the upcoming conference at which David is speaking**
10. Where a school undergoes a forced academy conversion, the LA looks to influence who the sponsor will be
 - This has been positive so far, with the LA successfully helping schools to work with their sponsor
 - Sponsors have not been resistant to the LA providing services or having LA governors or sharing information
11. There was discussion about the accountability of academies to the LA, and the need for a mechanism to alert local members about upcoming Ofsted inspections and judgements
 - Paul McIntyre stated that he, as an academy head, is happy to talk with local members about issues/complaints, but would likely be resistant to a protocol for intervention by the LA
 - Members discussed a possible recommendation for an annual discussion opportunity between local members and heads to build and maintain relationships with the school and local community

- Paul stated that the relationship between academies and the LA has to be based on trust and reasonableness; otherwise there is a risk that the academy will pull away from the relationship completely
12. Regarding system leadership, the reduced Learning and Achievement team is helping to build a culture of inter-school networks (for SENCOs, heads of subjects, area behaviour managers etc.) who meet regularly and take forward improvement work themselves
- Head teachers are stepping up to a leadership role beyond their own institution as Leaders in Education

Areas of continuing uncertainty

1. How will the LA assist/intervene in failing academies?
2. What does autonomy really mean for schools and the LA (there are different interpretations even within the DfE itself)?
3. Which issues should be prioritised for inclusion within the Memorandum of Understanding between academies and the LA?
4. Should the LA try to influence academy sponsors, or let the market decide?
5. Should the LA offer training for school governors as a traded service?
6. How will the LA manage situations where Early Years provision is being provided on an academy site (i.e., a Children's Centre or nursery within a primary school)?
7. How can the LA influence the future of post-16 education to prevent the dilution of quality provision?
8. How will the LA collaborate with sub-regional partners to benefit from economies of scale, improved efficiency etc.?

Head teacher perspective

- Primary – Carl Lewis provided an overview of his secondment role with the LA:
 - Primary schools are a long way behind secondaries in terms of academisation
 - He will be trying to raise awareness among primary heads about the issues and options
 - He is helping heads and governors to undertake objective discussions, by removing some of the myths around academisation so they can make informed decisions
 - He will help develop a list of steps to take, an awareness of the implications, clear timescales and the choices available
 - There is a natural affinity among primaries to work with bigger schools in order to address non-teaching issues like HR, utilities, building maintenance – and many are looking at potential academisation via academy Chains rather than risk going it alone
- Secondary – Paul McIntyre provided an overview from a secondary perspective:
 - The educational landscape is changing quickly and schools must anticipate these changes and work together if they want to thrive
 - Academisation is just a mechanism for serving children and the community more effectively. It's essential for schools to be proactive in shaping their own future
 - Head teachers do not want to see duplication of effort/resources when schools could share and collaborate; they don't want additional layers of bureaucracy; they don't want a fragmented school system, but a focus on

working together with other institutions (like studio schools, UTCs) for mutual benefit

Conclusions

- Building relationships with academies is key, otherwise the LA could become irrelevant
- The LA has a vastly reduced capacity, but can play a crucial role in brokering improvement services for schools
- Relationships need to be balanced, with academies providing relevant information to the LA and allowing elected members to visit, raise issues and receive alerts about Ofsted inspections and results

Future meeting dates

- ~~21 November 2012, 11am, CR3~~ (replaced by meeting below)
- 27 November 2012, 11am, CR3 (Vulnerable Children)
- 19 December 2012, 11am, CR3 (Conclusions / Recommendations)
- 8 January 2013, 11am, CR3 (Agree draft report)

**Academies Task and Finish Group
Meeting notes, 27 November 2012, 11am**

Present

Cllr Ashford
Cllr Jackson
Cllr Rickhards
Cllr Tandy

Mark Gore
Paul McIntyre
Richard Maybey

Apologies

Cllr Boad
Cllr Fox
Cllr Hopkinson
Cllr Tooth

Introduction:

Cllr Jackson agreed to take the Chair in the absence of Cllr Hopkinson.

Mark Gore was asked to provide an introduction to the theme of the meeting:

“In the new educational landscape, what is the role of the Local Authority (LA) in relation to vulnerable children?”

Overview:

- Academisation is bringing about a shift in thinking for LAs, from being the champion of schools to the champion of children
- While they are not all “our” schools any longer, they are still all “our” children – and our responsibilities to vulnerable children are the same no matter what institution they attend
- There are many different types of vulnerable children: Special Educational Needs (SEN), risk of NEET, teenage parents, hard-to-place, Gypsy Roma Travellers, asylum seekers and Looked After Children

Funding implications:

- For pupils with SEN, schools have a delegated budget to meet a range of needs
- For children with a Statement, a multi-agency assessment will consider if additional support is needed – which would then be funded by the LA
- The schools funding formula allocates additional money to schools for vulnerable children via the Free School Meal indicator
- The LA provides additional support for “low-incidence, high-need” children, such as those with hearing or visual impairments
- Reductions to LA grants as a result of funds being diverted to academies (i.e., LACSEG) will have a financial impact on generic LA services, but should not impact on LA support for vulnerable children

The LA role:

- Schools and governing bodies are responsible for progress, attainment and achievement of their institution
- The LA role (for LA-maintained schools) is to monitor attainment data and offer support and challenge to improve
- The LA has no formal accountability over academies. But it has a moral responsibility towards all Warwickshire children, so should draw issues of concern to the attention of academy heads and governors

Admissions:

- To ensure that hard-to-place children (with complex needs and/or behavioural difficulties) are placed fairly between schools, the LA has an In-Year Fair Access Protocol (IYFAP)
- Since January, around 250 children have been placed successfully via the protocol
- If a school or academy refuses to accept a child that falls within the IYFAP criteria, the LA can report the case to the Education Funding Agency (EFA) and/or Ofsted
- The perception is that schools/academies, heads and governors accept the principles behind the IYFAP and are not seeking to abdicate responsibility for difficult children

Role of elected members:

- Although the LA and members don't have a right to intervene in academies (e.g., if they feel vulnerable children are not being supported effectively), they can offer support to the academy and, ultimately, refer it to the EFA and/or Ofsted
- While there are some examples of academies not wanting to engage with elected members, many are open and welcoming. Schools are accepting the need to grasp any opportunity to work with interested parties, particularly in the context of diminishing resources
- Governance over schools is the key; elected members are encouraged to work with the governing bodies and contact the Chair of Governors to escalate issues

Looked After Children:

- The LA has a duty as a Corporate Parent to ensure provision for Looked After Children (LAC) is as good as would be expected for one's own children
- The LA offers support to schools for LAC via the Virtual School, helping those children to perform as well as they can
- The Virtual School collates and monitors all data for LAC, whether they attend an LA-maintained school or any other type of institution (**Mark Gore to confirm**)

Multi-agency working:

- Continuity of provision between different agencies is essential for supporting vulnerable children effectively
- Academisation is forcing schools to reach out and build strong relationships with those agencies (e.g., CAMHS, Priority Families, EBD)
- The Common Assessment Framework (CAF) is helping to bring the right support to vulnerable children/families, but it still needs to improve

- The national Think Family initiative and local Priority Families initiative will yield positive outcomes for vulnerable children by helping to change the family environment

A wider view – Paul McIntyre (Head of Myton School):

- The challenge of the new educational landscape is not necessarily the relationship between the LA and academies, but the fragmentation of provision from University Technical Colleges, studio schools and free schools etc, which don't seem to share the same values/motivations as academies and LA-maintained schools
- Academy chains will be the future, and it is important for the LA to acknowledge this and explore how it will engage with these chains, which will not necessarily be based locally

Final comments:

- Members agreed that the Task & Finish Group needs to be forward-thinking about its recommendations, taking into account the LA's wider provision for vulnerable children
- Cllr Jackson invited Mark Gore and Paul McIntyre to input their own suggestions with regard to the group's recommendations
- Cllr Jackson invited Paul McIntyre (and interested colleagues) to attend the next Overview & Scrutiny Committee at which the Task & Finish Group report would be presented

Next steps:

- Mark Gore to confirm that academies will be required by statute to provide attainment data of Looked After Children to the Local Authority
- Mark Gore to arrange for an officer to attend the next meeting of the Task & Finish Group to support members in forming recommendations
- Richard Maybey to remind all Task & Finish Group members of the next meeting date and to encourage full attendance

Meeting dates:

- 19 December 2012, 11am, CR3 – Conclusions / Recommendations
- 8 January 2012, 11am, CR3 – Agree draft report