

Post-election lobbying priorities

Purpose

For discussion and direction.

Summary

This report proposes key post-election priorities for consideration and discussion by the Board. It focuses on education and children's services, but other issues which are a shared responsibility with other Boards, such as child and adolescent mental health and Unaccompanied Asylum Seeking Children, will continue as Board priorities.

Recommendations

The Children and Young People Board is asked to;

1. Discuss and consider the proposed post-election priorities set out in the report.
2. Agree the post-election priorities for the Children and Young People Board.

Action

Officers to action as appropriate.

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Post-election lobbying priorities

Children's social care funding

1. In many parts of the country, financial pressure on children's services is now exceeding that on adult social care. LGA analysis shows a £2 billion funding gap for children's services by 2020, fuelled in part by a significant rise in demand.
2. The rate of section 47 enquiries into child protection concerns have increased by 140 per cent over the past decade, and the number of children needing child protection plans have increased from 26,400 to more than 50,000 over the same period – an increase of more than 23,000 children needing social work support to stay safe from significant harm. Councils have worked hard to protect funding for front-line child protection services in response to this rapidly rising demand, but the wider context of 40 per cent cuts to local authority budgets over the previous parliament have left many areas facing extremely difficult decisions in deciding how to allocate increasingly scarce resources.
3. Recent LGA analysis shows that the government's Early Intervention Grant has been cut by almost £400 million since 2013, and is projected to drop by a further £300 million by 2020. Without this funding, councils have found it increasingly difficult to invest in early help services as resources are taken up by the provision of urgent support for the rising numbers of children and families already at crisis point. This is perhaps most starkly illustrated by the closure of 365 children's centres and 603 youth centres since 2012, as local authorities are forced to make difficult decisions about the way in which they deliver these services.
4. Working with our partners across the children's services sector, **we will continue to urge government to act quickly to close this significant funding gap and ensure that councils can continue to provide essential services for vulnerable children and families.**

Children's services improvement

5. We are concerned about the effectiveness of the Department for Education's (DfE) social care improvement model, which remains overly-reliant on structural change as a driver for improvement despite its high cost and a lack of evidence of effectiveness.
6. DfE investment has, to date, focused on councils judged to be Inadequate by Ofsted and in Good/Outstanding councils than can act as innovators and beacons of good practice (via the Partners in Practice and Innovation programmes). We believe that to achieve the National Audit Office aim of seeing more Good or better children's services by 2020, a more comprehensive improvement offer needs to be made available to councils, with a specific offer to the majority of councils that Require Improvement. This needs to make use of the expertise of the whole sector, including the political and corporate leadership of councils.

7. The LGA will lobby government to **support sector-led improvement in children's services by committing to devolve a proportion of DfE's £300 million budget for improvement and innovation in children's services to councils**. This will allow the LGA, together with our partners at ADCS and Solace, to deliver an enhanced programme of sector-led support for children's services, offering everything from regular 'health checks' and training for lead members and senior officers, to specific support for those councils judged to require improvement.

The council role in education and school improvement

8. In January this year Office Holders wrote to the Secretary of State for Education Justine Greening MP, calling for a 'reset' in relationships between the Department for Education (DfE) and clarity on the council role in education and school improvement. The Chair and LGA Officers have engaged in detailed discussions with DfE officials to take forward a 'reset' with a first aim being the production of new non-statutory Government guidance on the role of councils and other partners in the local education system.
9. Following a pause during the General Elections, discussions will continue with a focus on changes to the current arrangements that will not require primary legislation, as no education bills were announced in the Queen's Speech or are expected in the current two-year Parliamentary Session.
10. A key issue is the continuing council role in school improvement. Councils have the primary responsibility for ensuring that every child has access to a place at a good school and an excellent track record in supporting school improvement, with 91 per cent of council maintained schools now rated as either good or outstanding by Ofsted.
11. As there are no proposals to change the legislation that requires inadequate maintained schools to be converted to academies and a shortage of high-performing academy sponsors in many areas, **Government policy should be changed to allow councils and maintained schools to set up Multi Academy Trusts and take over failing maintained schools and academies if they have a good track record in school improvement**. This would not require legislative change.
12. Another key issue is that council responsibility to protect the interests of the most vulnerable pupils is not matched by adequate powers in relation to academies if local agreement cannot be reached. **Councils must be given the same powers to direct academies to admit vulnerable pupils as they currently hold for maintained schools**. In the absence of legislative change in this area, the Education Funding Agency (EFA), which currently has the power to direct academies must make decisions in a transparent way which are in the best interests of children. Currently 88 per cent of council requests for direction are rejected, which suggests a greater EFA focus on academy freedoms.

Providing new school places

13. Councils have the unique responsibility to make sure that there are enough school places in their area. They have responded well to sharply increasing demand for new school

places, creating nearly 600,000 new places since 2010, mostly by expanding existing council-maintained primary schools. However, they are unable to directly commission the building of new schools with final decisions about where and how places are provided taken by the Secretary of State in Whitehall. **Councils should have the lead role in commissioning new free schools to make sure they provide places where they are most needed and do not destabilise existing good and outstanding schools.**

14. By 2021, an additional 420,000 new school places will be needed. The majority of these will need to be created in secondary schools as the demand spike moves through the school system. With nearly 70 per cent of secondary schools now academies or free schools, the lack of any council power or influence over the expansion and admissions policies of these schools is a real concern. **Councils should have the same power to direct academies to expand to meet increasing local demand for school places if local agreement cannot be reached as they currently have for maintained schools.** This is likely to require legislative change.
15. A recent National Audit Office report found that “the system for funding new schools and new places in existing schools is increasingly incoherent and too often poor value for money”. The system is centrally controlled and highly fragmented, with three separate funding streams for rebuilding schools, school maintenance and new school places. **The system for allocating schools capital should be urgently reviewed to allow schools and councils to work together to join up fragmented funding streams locally in a single local capital pot** and provide best value for money in the spending of limited capital resources for schools.

School funding

16. A national formula to ensure fairness between schools in different areas is welcome. But under Government proposals published before the election, the budgets of 22,000 schools will be set in Whitehall, with no possibility that schools and councils can agree a slightly different allocation to reflect local needs and circumstances.
17. **An element of local flexibility must be retained in the implementation of a new national school funding formula.** Schools should also be given greater certainty of future funding, with three year budgets, to help them plan for the spending pressures they face.
18. We are disappointed that the Queen’s Speech did not give schools and councils any detail on how much additional funding, if any, will be committed to education or how the Government’s school funding reforms will be implemented. If there are to be changes for 2018/19, schools will need certainty about their future funding by the autumn at the latest, to ensure no schools lose out.
19. With schools funding maintained at a cash flat level since 2015, the High Needs budget that finances SEND provision has been frozen, putting local budgets under increasing pressure. However, demand for more expensive places is increasing sharply. In the past four years there has been a substantial increase in the number of pupils with SEND who attend a specialist school setting, up from 5.6 per cent in 2012 to 8.5 per cent in 2016.

Councils must be adequately funded to meet the needs of children and young people with SEND in their communities.

Implications for Wales ¹

20. There are no specific implications for Wales.

Financial Implications

21. None.

Next Steps

22. The Children and Young People Board is asked to;

22.1. Discuss and consider the proposed post-election priorities set out in the report.

22.2. Agree the post-election priorities for the Children and Young People Board.

¹ The WLGA pays a membership fee to the LGA on behalf of all Welsh councils and we lobby for them on "non-devolved" issues - e.g. DWP work. The WLGA provides "top-slice" for workforce support, but none for "improvement".