

12 July 2011

Item 3

Education update

Purpose of report

For noting

Summary

This report provides an update on recent developments in relation to education and asks for views on the proposed changes to the schools admissions codes.

Recommendations

That the Board should note the report, subject to any comments that members might wish to make.

Action

Officers to take account of any comments.

Contact officer: Ian Keating
Position: Senior Adviser (Children and Young People)
Phone no: 020 7664 3032
E-mail: ian.keating@local.gov.uk

Education update

Schools admissions codes

1. The Schools White Paper committed the government to simplifying the schools admissions codes. A new draft School Admissions Code and draft School Admission Appeals Code was issued on 27 May for consultation. Comments are invited by 19 August. The LG Group will be responding to the consultation and the Board may wish to express its view on the proposed changes, to inform the Group response.
2. The current Codes stretch to over 130 pages of text, with more than 660 mandatory requirements. The draft Codes are around a third of their original size and impose about half as many requirements. The consultation paper says:

“These changes are not about weakening the admissions system but removing many of the unnecessary burdens for schools and local authorities to allow them to focus on setting clearer, fairer admission arrangements.”
3. Although the focus is on simplifying the codes, a number of policy changes are being consulted on and the main ones of interest are:
 - 3.1 **The removal of the requirement on local authorities to coordinate in year admissions** – the paper says that some councils are facing a real challenge in managing the large and growing numbers of applications for a school place outside the normal admission rounds. It proposes that while a parent applying for a school place outside of the normal admissions round would still make initial contact with their local authority, parents would then apply directly to the schools and those schools would process the forms, notifying the council of both the application and the outcome.
 - 3.2 **Changes to the Published Admission Number (PAN)** – currently, all schools must have a PAN and there are detailed requirements about the process for changing PANs including a process for local consultation. The paper proposes that schools that are not maintained by the local authority will no longer have to get the approval of the authority where they want to admit pupils in-year above PAN. And where a school wants to change its PAN it will just have to notify the council and to make reference to it on the school website. Anyone who feels a proposal to increase PAN is unreasonable will have to right to make an objection to the Schools Adjudicator.
 - 3.3 **Random allocation** - Since 2007 the School Admissions Code has allowed random allocation (often referred to as 'lotteries') as a

Item 3

permitted oversubscription criterion. The paper proposes that these should not become the principal route for awarding school places across an entire council area and that random allocation should only be an oversubscription criterion available to individual schools.

- 3.4 **Giving admissions priority to children attracting the Pupil Premium.** The Government is consulting on the proposal to give academies and free schools (not maintained schools) permission to give priority in its admissions policy to children that qualify for the pupil premium.
- 3.5 **Reducing the bureaucracy associated with references to the schools adjudicator,** including “allowing anyone to object to the admission arrangements of a state funded school”. DfE have confirmed that this change will allow councils to refer academies to the adjudicator where they have concerns about their admission arrangements.

Local freedom or central control II – The council strategic role in education

4. *Local freedom or central control II – The council strategic role in education* was launched at the LG Group Annual Conference on 30 June. It sets out a vision for a more strategic role for councils in education, supported by case studies demonstrating the initiatives that are already being taken by councils. It also begins to identify the types of support that councils will need to help them fulfil their new role in education.
5. Copies have been sent to the Secretary of State for Education, the other members of the DfE Ministerial team and the members of the Ministerial Advisory Group and Baroness Ritchie has requested a meeting with the Education Secretary to discuss next steps. Members of the Board should have received a hard copy of the report as well.

Special Educational Needs and Disability (SEND) Green Paper

6. Following the discussion at the last meeting of the Board, the LG Group has submitted its response to the DfE’s Green Paper: *Support and aspiration: A new approach to special educational needs and disability*. Our key messages are that:
 - 6.1 Many local councils are already working to achieve the aims described in the green paper but find their ability to do so is often restricted by bureaucracy, legal impediments, lack of clarity of responsibility and the ways in which funding is made available.
 - 6.2 We support the proposal of a ‘single assessment’ for children and young people with special educational needs and disability (SEND), which needs to be an assessment fully owned and supported by all

12 July 2011

Item 3

the agencies involved, eliminating the need for duplication between health, education and social services.

- 6.3 We welcome the proposal to establish an 'Education Health and Care Plan', but councils must have the financial, legal and administrative means to develop and support this approach.
- 6.4 We support the concept of early identification and support, but this needs to take into account that some special needs or disabilities interact, change and express themselves over time.
- 6.5 We welcome the consideration of extending personalised budgets to some aspects of SEND, as long it is linked to the review of funding formulae and enables councils to have the means to develop a greater choice of providers. Communication with parents must be careful so that they understand they are expressing a choice based on what is available.
- 6.6 We support the proposal to create a single system for SEND from birth to 25, but we think that this will require greater transformational change than the green paper suggests.
- 6.7 We are in favour of mediation but believe that increased transparency, especially around assessment and funding, will be more effective in reducing the 'frustrations' as described in the Green Paper.
- 6.8 There should be a new focus on developing educational programmes to meet the outcomes expected for young people with special needs, rather than designing the programmes in response to the funding.

7. Our full response will be available on the LG Group website.

Education Bill

8. The Education Bill has begun its Committee Stage in the House of Lords. Early debate during the first couple of sessions looked at "foundation years" development of young children, free early years provision for two-year olds (where the Minister announced that the Government would consult in the autumn on revisions to the code of practice on free entitlement), and inserting a reasonableness test for the searching of pupils in schools.
9. At the time of the preparation of this report the Committee had not yet reached the first of the LG Group's main concerns (provisions relating to the establishment of new schools). However, Baroness Ritchie intervened during debate on an amendment tabled by Lord Laming which sought to reinstate the duty for schools to co-operate with councils (which the Bill currently removes). Citing the LGA's report *Local Freedom or Central Control*, Baroness Ritchie made it clear that whilst you cannot legislate for good partnership working, the duty to co-operate is

12 July 2011

Item 3

a helpful tool for councils to encourage schools to participate. Lord Laming made it clear that these duties were not simply bureaucratic procedures as many others are - but genuinely helped local authorities and other partners develop stronger relationships. The Minister, Lord Hill, assured Peers he would discuss this further with Lord Laming.

10. Baroness Ritchie has also tabled an amendment relating to the establishment of new schools which removes the obligation on councils to report progress on establishing an academy to the Department for Education; removes the restrictions on a councils flexibility to decide what model of school is established; and removes the requirement for a council to get approval from the DfE before it proceeds with a model alternative to that of an academy. There has been cross-party support for such an amendment and it is likely that this matter will have been debated between the writing of this report and the Board's meeting. An oral update will be provided at the meeting.

Education Funding Agency

11. Since the Board's last meeting DfE has announced Partnerships for Schools (PfS) will be wound up and its functions transferred to the DfE policy directorates and the new Education Funding Agency (EFA), in April 2012. In making the announcement Education Secretary Michael Gove said:

"Following Sebastian James's proposals for a new system for managing capital expenditure and the wider reform of arms length bodies, I have decided the time is right to bring together, in a single agency, the allocation and management of revenue and capital funding, including the delivery of capital programmes."

12. The Secretary of State also announced the appointment of Peter Lauener, the current Chief Executive of the Young People's Learning Agency, as the Chief Executive of the EFA once it comes into existence.

School Teacher Industrial Action: 30 June 2011

13. On 30 June school teachers from two unions, the National Union of Teachers (NUT) and the Association of Teachers and Lecturers (ATL), took part in industrial action to defend the current Teachers' Pension Scheme. They joined forces with the Public and Commercial Services (civil service) union (PCS) to undertake co-ordinated action.
14. The source of the current dispute is the Government's proposals for the reform of public service pension schemes and it is therefore with the Government, not schools or employers (including local authorities). The Government has been clear about this in its communications with schools and local authorities.
15. In response to the threat of industrial action by school teachers, the National Employers' Organisation for School Teachers (NEOST) produced guidance for

Item 3

local authorities in managing the workforce implications of the action. It was emailed to councils as well as being placed on the workforce pages of the LG Group website. In drafting this guidance, NEOST sought to produce a generic document that would apply to nearly all instances of industrial action by teachers, rather than simply the specific action proposed on 30 June. Whilst the guidance seeks to cover the more 'teacher specific' issues, it also includes a link to the more comprehensive guide to industrial action that can be found on the website.

16. The other large teacher union, the National Association of Schoolmasters/Union of Women Teachers (NASUWT) is continuing to engage in the negotiations with Government about changes to public sector pension schemes, but retains the option of balloting for industrial action later in the year if no agreement is reached. The National Association of Head Teachers (NAHT) has voted to ballot its members and the Association of School and College Leaders' (ASCL) ruling executive has said that it will "take every action necessary to defend a fair pension entitlement" with a possible ballot for strike action being held some time after June.

Careers Guidance

17. Under the Education Bill currently before Parliament, councils' role in relation to careers advice and guidance will change. Although their formal statutory powers will not change, councils will no longer be responsible for providing universal careers advice to all young people through Connexions. Instead, DfE has made it clear in guidance that they will have a particular role in supporting vulnerable young people to obtain the information, advice and guidance that they need. Responsibility for general careers guidance passes to schools from September 2012, subject to the passage of the Bill. A new, Government-funded all age Careers Service will be established from April 2012 and schools will be free to use this service, but will not be required to do so.
18. The LG Group is working with DfE and BIS on the Careers Guidance Transition Summit on 15 July in London, designed for local authorities to share information with one another about how best adapt to their changing role when the Education Bill becomes law. It aims to share practice by councils for councils' role in supporting vulnerable young people, working with schools and academies, working with outside partners such as Job Centre Plus. The event, advertised through the Career Community of Practice (CoP), is fully booked with 70 local authorities attending. A summary will be provided on the CoP for those authorities unable to attend.

Financial Implications

19. This programme of work is a key business plan priority for the LG Group and will be resourced from within existing budgets.