

# Children and Young People Board

## Agenda

Monday 16 July 2012  
11.00am

Civic Hall  
Calverley Street  
Leeds  
LS1 1UR

**To:** Members of the Children and Young People Board  
**cc:** Named officers for briefing purposes

**Children and Young People Board**  
16 July 2012

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There will be a meeting of the Children and Young People Board at:  
**11.00am on Monday 16 July 2012 in the Civic Hall, Calverley Street, Leeds, LS1 1UR.**

**Attendance Sheet**

Please ensure that you sign the attendance register, which will be available in the meeting room. It is the only record of your presence at the meeting.

**Apologies**

**Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting,** so that a substitute can be arranged and catering numbers adjusted, if necessary.

**Labour:** Aicha Less: 020 7664 3263 email: [aicha.less@local.gov.uk](mailto:aicha.less@local.gov.uk)  
**Conservative:** Luke Taylor: 020 7664 3264 email: [luke.taylor@local.gov.uk](mailto:luke.taylor@local.gov.uk)  
**Liberal Democrat:** Evelyn Mark: 020 7664 3235 email: [libdem@local.gov.uk](mailto:libdem@local.gov.uk)  
**Independent:** Group Office: 020 7664 3224 email: [independent.group@local.gov.uk](mailto:independent.group@local.gov.uk)

**Location**

A map showing the location of Leeds Civic Hall is printed on the back cover.

**LGA Contact**

Lucy Ellender Tel: 020 7664 3173  
e-mail: [lucy.ellender@local.gov.uk](mailto:lucy.ellender@local.gov.uk)

**Carers' Allowance**

As part of the LGA Members' Allowances Scheme a Carer's Allowance of up to £6.08 per hour is available to cover the cost of dependants (i.e. children, elderly people or people with disabilities) incurred as a result of attending this meeting.

Children and Young People Board

Date: 2.5.12

## Children and Young People Board - Membership 2011/2012

Councillor	Authority
<b>Conservative (6)</b>	
David Simmonds JP <b>[Chairman]</b>	Hillingdon LB
Paul Carter	Kent CC
David Pugh	Isle of Wight Council
Derrick Murphy	Norfolk CC
Robert Light	Kirklees MBC
<i>Vacancy</i>	
<b>Substitutes:</b>	
Susie Charles	Lancashire CC
Roy Perry	Hampshire CC
John Osman	Somerset CC
<b>Labour (5)</b>	
Rita Krishna	Hackney LB
John Merry CBE <b>[Vice Chair]</b>	Salford City
Catharine Grundy	Birmingham City
Paul Lakin	Rotherham MBC
Anne Burns	Cumbria CC
<b>Substitutes:</b>	
Ebrahim Adia	Bolton MBC
Catherine McDonald	Southwark LB
<b>Liberal Democrat (3)</b>	
David Bellotti	Bath & NE Somerset Council
Liz Green <b>[Deputy Chair]</b>	Kingston upon Thames RB
Kath Pinnock	Kirklees MBC
<b>Substitutes:</b>	
Peter Downes OBE	Huntingdonshire DC
<b>Independent (1)</b>	
Apu Bagchi <b>[Deputy Chair]</b>	Bedford BC
<b>Substitutes:</b>	
Gillian Ford	Havering LB
Paul Cullen	Richmondshire DC



## LGA Children and Young People Board Attendance 2011-2012

<b>Councillors</b>	<b>6.9.11</b>	<b>20.10.11</b>	<b>25.01.12</b>	<b>28.03.12</b>	<b>21.05.12</b>	<b>16.07.12</b>
<b>Conservative Group</b>						
David Simmonds	Yes	Yes	Yes	Yes	Yes	
Paul Carter	No	No	No	Yes	No	
David Pugh	Yes	Yes	Yes	Yes	Yes	
Derrick Murphy	No	Yes	Yes	Yes	Yes	
Robert Light	Yes	No	Yes	Yes	Yes	
<b>Labour Group</b>						
Rita Krishna	Yes	No	No	Yes	Yes	
John Merry CBE	No	Yes	No	Yes	Yes	
Catharine Grundy	Yes	Yes	No	No	No	
Paul Lakin	Yes	Yes	Yes	Yes	Yes	
Anne Burns	No	Yes	Yes	Yes	Yes	
<b>Lib Dem Group</b>						
David Bellotti	Yes	Yes	Yes	Yes	Yes	
Liz Green	Yes	Yes	Yes	Yes	Yes	
Kath Pinnock	Yes	Yes	No	No	No	
<b>Independent</b>						
Apu Bagchi	Yes	Yes	No	Yes	Yes	
<b>Substitutes</b>						
Susie Charles	Yes	Yes		Yes	Yes	
Roy Perry	Yes	Yes	Yes		Yes	
Catherine McDonald	Yes	Yes	Yes	Yes		
John Osman		Yes				
Pete Robbins			Yes			
Chris Maines			Yes			
Paul Cullen			Yes			
Peter Downes OBE				Yes		



## Agenda

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### Children and Young People Board

16 July 2012

11.00am

Civic Hall, Leeds

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**Date of next meeting:** 5 September 2012, 11.00am, Local Government House.





## **Yorkshire and Humber Safeguarding project**

### **Purpose of report**

For discussion.

### **Summary**

Councillor Paul Lakin and Professor David Thorpe will give a presentation about the Yorkshire and Humber region's safeguarding project.

### **Recommendation**

Members are asked to consider the presentation and discuss the findings.

### **Action**

LGA Officers to proceed as directed.

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## **Yorkshire and Humber Safeguarding project**

### **Background**

1. The aim of the project was to improve the efficiency and effectiveness of children's social care services by exploring the potential regionally for improving services. It arose out of the Child Protection Review conducted by Lord Laming in 2009 which was the Government's response to the death of Peter Connolly. The project was widely supported throughout the region with 14 of the 15 local authorities in the Yorkshire and Humber Region becoming involved.
2. There were two phases to the project:
  - 2.1. Phase 1 identified patterns of inefficiency and potential error in referral-taking. By making comparisons across all 14 local authorities it became possible to identify strengths and weaknesses. Data for the research was collected by professionals in each local authority and the research team.
  - 2.2. Phase 2 created a programme of practice development for social workers and their managers aimed at improving referral-taking practices, supervision and regular management reviews of service performance which included partner agencies. The collaboration aimed to enable local authorities to learn from each other and develop new, local performance measures.
3. Councils are now building on the original work by focussing on two sub regional projects. These will look at common assessment frameworks and intensive family support activity as part of the region's sector-led improvement plan.



**Item 2**

**Children's homes, child sexual exploitation and children missing from care**

**Purpose of report**

For discussion and direction.

**Summary**

A joint inquiry of two All Party Parliamentary Groups (APPG) and an interim report by the Office of the Children's Commissioner, along with recent prosecutions, have highlighted serious concerns about failings in the system to effectively protect children who go missing from care and the associated risk of sexual exploitation. Both reports have criticised the residential care home system.

On 3 July the Government published its combined response to both reports, setting out plans for urgent reform.

This paper sets out key issues and a number of suggested LGA policy positions for members' discussion and agreement.

**Recommendations**

That members discuss the issues set out in the paper and:

1. Make suggestions about how the system can be improved
2. Subject to discussion, agree recommendations at **paragraphs 3, 4, 5, 13, 17 and 20.**

**Action**

LGA officers to action as directed.

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**Item 2**

**Children's homes, child sexual exploitation and children missing from care**

**Background**

1. Two All Party Parliamentary Groups (APPG) have highlighted serious concerns about failings in the system to protect children who go missing from care and the associated risk of sexual exploitation. The majority of children that have suffered sexual exploitation are not in care, but looked after children account for a disproportionate number of the victims<sup>1</sup>. In addition, following the recent case in Rochdale, the Secretary of State asked the Office of the Children's Commissioner (OCC) for an interim report of its two year child sexual exploitation inquiry with specific recommendations on children's homes. This was published on 3 July, as was the Government's combined response to it and the APPG report, alongside a progress report on the Child Sexual Exploitation National Action Plan.
2. The Government has stated the need for urgent reform and announced measures aimed at: creating a clear picture of children missing from care; ensuring children's homes are properly protected and located; helping children be located in homes nearer to their local area; driving up the quality and effectiveness of children's homes. Further detail on these is provided below, along with suggested LGA policy positions for member discussion and agreement.
3. The implication of these reports is that councils are not fulfilling their corporate parenting duties. Councillors can play a hugely important leadership role in providing challenge and scrutiny to drive up standards of services for looked after children. **It is recommended that the LGA does further work to actively promote and support councillors' role in corporate parenting. Members are asked to suggest how this can best be achieved.**

**Creating a clear picture of children missing from care**

4. The APPG report demonstrated that the differing ways services record incidents of children missing from care has caused significant statistical discrepancies. Recommendations include achieving consensus on recording data and a local authority performance scorecard. The Government is establishing an expert group to develop 'a robust, transparent and high quality data system'. **It is recommended that the LGA:**

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<sup>1</sup> Estimated at circa 20-35%, with only 1% of the child population in care.

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- 4.1. supports harmonisation of definitions and reporting in order to achieve a clearer picture of the problem. This should draw on work already undertaken by the Children's Improvement Board on data sets where possible;
- 4.2. opposes the introduction of a scorecard on the basis that: it is a multi-agency responsibility; a plethora of scorecards is not consistent with wider government policy on local government performance and improvement; the vast majority of the public are not service users and so scorecards will not be used by them to hold councils to account; and the data discrepancy must first be resolved, so that the problem is clearly measured and understood; and
- 4.3. ensures the link is made to sector-led improvement, where appropriate, and seek representation of a relevant representative on the working group.

**Ensuring children's homes are properly protected and located**

5. The Government will make changes to regulations so that Ofsted can share information about the location of children's homes with the police and other relevant bodies. This has been a widely shared criticism of the current system, as it prevents the police from effectively protecting victims and targeting perpetrators. **It is recommended that** the LGA supports this as a sensible change.

**Helping children be located in homes nearer to their local area**

6. There are around 65,000 children in care in England. The majority live in foster care, but around 7% live in the 1,810 children's homes across the country. They are more likely to be older and have complex needs. 29% of children in children's homes have had at least five previous placements.
7. The Children's Act 1989 requires local authorities to take steps that secure, so far as reasonably practicable, sufficient accommodation within the authority's area which meets the needs of children that the local authority are looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area ('the sufficiency duty').
8. However, almost half of all children in children's homes (46%) are placed outside of their home authority, for various reasons. In some cases, children need to be placed away from their home area for their own safety, but it is unlikely that all out of area placements are for that reason. Distant placements



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would be less likely if councils had good value, high quality homes locally, but achieving that would require more effective commissioning.

9. There is a mixed market of provision, with councils owning 24% of homes and the majority in the independent sector, run either by charities or private businesses. There is significant geographic clustering of children's homes, most likely due to private companies attracted by lower property prices. This has caused tension between councils and the Minister is also concerned about the suitability of vulnerable children being placed in areas that he considers have high levels of social problems.
10. There appears to be a fundamental mismatch between the clustered supply of provision and the desire for children to be placed nearer to their home area. Local government is limited in its ability to control where businesses locate children's homes, although could potentially play more of a 'market shaping role through working together to commission services. Councils could also consider setting up more children's homes themselves to fill gaps in the market.
11. In addition to the debate about why councils place a large proportion of children in homes out of area, there is also the issue of the effectiveness of the relationship between the 'home' and 'host' authorities and the balance of responsibilities. The APPG reported that guidance on the notification process for out of area placements is too often not observed, impacting on councils' ability to fulfil their safeguarding duties. There is also an argument that large distances make it difficult for social workers to maintain support, exacerbated by the lack of an established relationship with other local agencies such as the police and health.
12. Ministers have announced a Task and Finish Group to look at these issues, which will report in September, with a consultation on changes to follow in the autumn. Cllr Simmonds has been invited to sit on this group.
13. **Members are asked to consider the following positions and make any additional suggestions about how the system could be improved.**
  - 13.1. Accept that looked after children are particularly vulnerable and that there needs to be reform of the highly complex children's home system, but going missing and child sexual exploitation are wider issues that can affect children from all backgrounds and areas.
  - 13.2. Support a review of how decisions are made and risks assessed when placing children out of area.

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- 13.3. However, flexibility must be maintained so that decisions can still be made in the interests of each individual child and there are limitations to the market's current ability to provide local placements for all children. An arbitrary distance limit should not be imposed.
- 13.4. The market could be developed in the longer-term by supporting councils in their 'market shaping' role, so that they can better encourage private providers to locate in certain areas by leveraging collaborative commissioning power or establish more children's homes themselves.
- 13.5. There has been some suggestion of creating what essentially amounts to 'no go areas' for children's homes as a result of risk mapping. Vulnerable children must be safe, but a more sensible approach would be to ensure other planned measures enable better risk management and improved working with the police to address the challenges in some areas.

**Driving up quality and effectiveness of children's homes**

14. The APPG reported that many witnesses raised the issue of variable quality of staff in children's homes and the low levels of training as a key factor in low standards. Councils rely on Ofsted ratings of independent children's homes to inform their decisions on procuring placements. Despite the criticism levelled at the system, only 2 percent of homes are rated inadequate, although Ofsted has a revised inspection framework for children's homes, in force from 1<sup>st</sup> April this year.
15. Ministers are setting up a further expert working group that will have a broad remit to review and develop a clear action plan to drive up the quality of provision being delivered within children's homes, including the qualifications and skills of the workforce. It will review questions relating to: the location of homes and models of ownership and commissioning practice; how homes can offer a more therapeutic environment to help children overcome their difficulties; what staff development is needed to manage children's behaviour, including when it is appropriate to use restraint; and the effectiveness of current arrangements to drive improvement across the sector.
16. The group will report to ministers by December, with a clear reform timetable. Cllr David Simmonds has been invited to sit on this group.
17. **It is recommended that the LGA:**
- 17.1. Supports a review of skills and training for children's home staff, drawing on existing social work reform programmes where relevant;

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- 17.2. Encourages councils to lead by example in its own children's homes when training and appointing staff;
- 17.3. Calls for Ofsted to ensure its judgments better support appropriate placement and commissioning decisions; and
- 17.4. Supports councils to improve commissioning in children's services, linking to the LGA's wider work on commissioning.

## Conclusion

- 18. This is a complex set of issues, which has highlighted system-wide challenges. It has also specifically raised concern about councils' fulfilment of the sufficiency duty and their corporate parenting role for a very vulnerable group of children, with implications for local government's reputation.
- 19. The Government has set out its plans for reform and the LGA will continue to liaise with the Department and other stakeholders, including through Cllr Simmonds' position on two of the working groups. Children's Improvement Board officers are also in discussion with the Department for Education about a possible role in supporting improvement on these issues in the sector.
- 20. **Members are also asked to consider** whether any research may be useful in supporting this work strand, for example in identifying good practice in council-run children's homes that could be shared or how councils are meeting their sufficiency duty and the associated challenges.



**Item 3**

**LGA/DfE action research into the evolving role of the local authority in education**

**Purpose of report**

To provide background information for a discussion about the final report of the LGA/Department for Education (DfE) action research into the evolving council role in education.

**Summary**

The Ministerial Advisory Group on the council role in education (MAG), chaired by Education Secretary Michael Gove MP, commissioned action research last November to show how councils in eight areas are responding to the challenges of fulfilling their key statutory education roles in a schools system with greater number of academies. The report of the research, which was co-funded by the LGA, was launched at a session at LGA Annual Conference on 26 June and the executive summary is attached to this report. The MAG will discuss the findings of the research in November and the Board is invited to give its views on the research, to feed into that discussion. The Board is also invited to consider what the formal LGA response to the research should be.

**Recommendation**

The Board is asked for its views:

1. on the outcome of the action research and the key messages in the report, to inform discussion at the Ministerial Advisory Group in November; and
2. on how the LGA should respond to the research – some suggested responses are set out in **paragraphs 8 to 12** of this report.

**Action**

To be taken forward by officers as directed by members of the Board.

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## **LGA/DfE action research into the evolving role of the local authority in education**

### **Background**

1. The final report of the action research that LGA jointly funded with DfE was published at a session at LGA Annual Conference on 26 June 2012 and the executive summary is **attached**. It was commissioned by the Ministerial Advisory Group on the Council Role in Education (MAG) that has been meeting under the Chairmanship of Michael Gove MP, Secretary of State for Education, since the General Election. Cllrs David Simmonds, John Merry CBE, Gerald Vernon-Jackson and Stephen Castle are the LGA representatives on the Group and Cllr David Pugh is also a member in a personal capacity. The Association of Directors of Children's Services (ADCS) and academies are also represented. Cllr Castle represented the LGA on the Steering Group overseeing the research.
2. The MAG will meet on 8 November to discuss the report and the Board is invited to give its views on the results of the research and the key messages it sets out, to feed into that discussion.

### **Key messages**

3. The purpose of commissioning action research was to move away from a theoretical debate about the council role in education and focus on how councils are actually adapting to the rapid increase in the number of academies maintained by central Government rather than local councils. It seeks to answer the calls for greater 'clarity' about the future council role in education by showing examples of what is working in practice, rather than by seeking changes in primary legislation or Government guidance.
4. The final report shows the 8 councils involved as very positively engaged in partnership working with local schools to respond to the challenges of greater school autonomy. It contains case studies of excellent practice from across the country, not just the participating authorities, following suggestions from the Children and Young People Board. The aim is to help support other areas in finding local solutions to the challenges of school place planning, driving school improvement and protecting vulnerable children in a schools system with increasing numbers of academies. It provides a firm foundation for our lobbying for a strong continuing role for councils in education.
5. It contains 'key messages' for local partners in education – councils and schools. The messages to councils include (these are summarised from the 'key messages' in the research):

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- 5.1. Councils should work with schools to develop a local education culture which supports schools to take decisions which are in the collective interest of pupils in the wider community as well as in the interests of pupils and parents at their school.
  - 5.2. They need to further develop the scrutiny role of councillors so this becomes a powerful route for championing and advocating on behalf of children and young people.
  - 5.3. They need to keep a close eye on the sufficiency of support available for vulnerable children, which was a particular area of concern for the councils involved in the research.
6. The research also has some key messages for the national partners in education, including the LGA. The big challenge is to share good practice more effectively and to support any councils that might be struggling to adapt to their new role. The report suggests that this might be an area which would benefit from the kind of sector-led improvement approach represented by the Children's Improvement Board (CIB) and a number of the improvement plans coming from the regional CIB groups feature the evolving council role as a priority.
7. The report also flags up a number of challenges for DfE, which focus on situations where local partnership working between councils and academies is not working effectively. These include:
- 7.1. Providing greater clarity about how performance in academies will be monitored and underperformance tackled, particularly in 'stand alone' converter academies.
  - 7.2. More clarity about who will be responsible for closing, merging and reorganising academies that are failing or are no longer needed because of competition from more successful schools.
  - 7.3. Greater clarity about how the DfE assesses the suitability of potential academy and free school sponsors and how it monitors the performance of sponsors.
  - 7.4. Evidence that delays by the Education Funding Agency (EFA) in using their powers to direct academies to take 'hard to place' pupils are causing difficulties locally.
  - 7.5. Concerns about how the changes to the Special Educational Needs (SEN) system, including changes to funding, will impact on a system where schools have greater autonomy and responsibility.



### **The LGA response to the research**

8. Although the LGA co-funded the research, it was carried out by an independent research organisation, so it would be appropriate for the LGA to make a formal response to its conclusions and ‘key messages’. The obvious forum for this response is the MAG meeting on 8 November and the Board is asked for views that can be fed into the discussion.
9. The research report is quite lengthy and it is proposed that ‘a guide to the council role in education’ for Lead Members for Children’s Services should be produced to summarise its key messages and set out the LGA view of the role of councils in education, with a particular focus on the role of Lead Members.
10. The potential role of sector-led improvement in sharing best practice and supporting all councils to adapt to a new role in a more autonomous schools system is highlighted in the report. Regional CIB groups are already beginning to identify this as an area for regional support and there may be scope for discussing how the CIB can continue to provide support to councils on the council role in education.
11. The potential role of scrutiny is also highlighted in championing the interests of children and parents in relation to schools and it is proposed that the LGA should work with the Centre for Public Scrutiny to see how councils can be supported in this area.
12. The LGA business plan priority in this area is: “councils are supported in their role in school place provision, fair admissions, driving school improvement and supporting vulnerable pupils”. This priority has been supported by a series of reports, seminars, events and research projects (including this action research) for officers and elected members. It is proposed that this focus on the specific elements of the key council roles in education should also continue.

### **Financial implications**

13. No additional financial implications – this is a priority in the LGA Business Plan.





## **Item 3**

### **Appendix A**

#### **Action research into the evolving role of the local authority in education**

Executive Summary of the final report for the Ministerial Advisory Group

Natalie Parish, Andrew Baxter and Leigh Sandals

June 2012

## Executive Summary

The purpose of this research has been to explore how local authorities are evolving and adapting their role to meet the needs of a more autonomous education system. The particular focus of the research has been on three core responsibilities of the local authority in education:

1. Ensuring a sufficient supply of school places
2. Tackling underperformance in schools and ensuring high standards
3. Supporting vulnerable children.

There has been considerable, and useful, discussion in the system about what the function of the middle tier and local authority should be in the future, but this research does not aim to second-guess that ongoing policy debate. Furthermore, just as local authorities are evolving in the context of a new education landscape, so too have schools been contending with how their role as system-leaders develops. However it has been beyond the scope of this project to examine this schools-led transition in detail. Instead its purpose is to provide a picture, drawn from a small number of local authorities from across the country, of how, right now, local authorities are practically responding to the challenges and opportunities afforded by a more autonomous education system.

Nine local authorities were selected to take part in the action research, based on criteria which were designed to ensure a broadly representative sample.<sup>1</sup> The selection included authorities with a high percentage of well-established academies, authorities with a high percentage of newly converted academies, authorities with a rich diversity of schools including academies, free schools, and teaching schools, and authorities with a high proportion of community, voluntary aided and voluntary controlled schools.

The action research took places in two broad phases. In the first phase, from November 2011 to February 2012, fieldwork visits to each of the local authorities were carried out alongside interviews with national stakeholders in order to develop a snap-shot of how local authorities were responding to the changes in the education system and a sense of emerging opportunities and challenges. The findings of this phase of the research were published in an interim report.<sup>2</sup> In the second phase of the research, from March 2012 to June 2012, the focus shifted to action learning. In practical terms this meant that the local authorities were organised into two groups or “action learning sets”, broadly configured

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<sup>1</sup> The nine local authorities were Bolton, Bristol, Gloucestershire, Hertfordshire, Middlesbrough, Oxfordshire, Thurrock, Warwickshire and Westminster. Unfortunately Westminster were not able to commit to the second phase of the action research due to other time pressures, therefore the second phase of the research proceeded with just eight local authorities.

<sup>2</sup> The interim report can be accessed at <http://media.education.gov.uk/assets/files/doc/m/action%20research%20interim%20report%20%20%20february%202012.pdf> and [http://www.local.gov.uk/web/guest/home/-/journal\\_content/56/10171/3480152/ARTICLE-TEMPLATE](http://www.local.gov.uk/web/guest/home/-/journal_content/56/10171/3480152/ARTICLE-TEMPLATE)

around areas of common interest and challenge. Each authority was encouraged to identify one or more areas of focus for the duration of the research that they would work on. Each action-learning set met twice together as an opportunity to share practice, identify successes and challenges, and benefit from each others' expertise. This final report captures the findings that have emerged from the action research process.

### Strategic vision

All the local authorities taking part in the research had recognised and sought to respond to the vision for a more autonomous and self-improving school system, and they demonstrated a clear commitment to enabling schools, irrespective of their status, to lead their own improvement. In many cases this increasing autonomy was viewed as the next stage in a much longer process of transition, rather than a very rapid transformation simply associated with the growth in academies. Indeed, the delegation of increasing powers and responsibilities to schools is something that many of the local authorities involved in the research have actively encouraged for a number of years. Overall the eight local authorities felt confident that they had established a coherent vision about how they could work with schools to support the quality of education over the next period, and that key partners were signed up to this. However, they all also recognised that they were going through a period of transition and that none had yet reached the end of that journey.

Some particular tensions and challenges emerged for local authorities as they focused on redefining their responsibilities. All the local authorities are currently working in the context of a mixed economy of schools, typically with a high proportion of academies in the secondary sector and a much smaller proportion in the primary sector. Continuing to balance the demands of being a maintaining authority, and the responsibilities that that entails, with the development of a different type of role as a facilitator and enabler within a more diverse and devolved school system is a tension that had been felt quite acutely in some instances. It is certainly the case that, in the context of ongoing budget cuts, tighter focus and prioritisation on the part of local authorities is a subtext that underlies all other activity.

Local authorities have also wrestled with achieving the right balance between speed and comprehensiveness. There is an appetite to maintain momentum, and a real urgency expressed by some maintained primary schools, in particular, to establish greater clarity around the level of support, challenge and engagement that might be available from local authorities in the future. However, the action research has clearly demonstrated this is not a process that can be rushed and still be successful. There is a real danger that in developing a local vision, and defining the responsibilities, both individually and jointly, of the local authority and schools, the final result is a superficial consensus to which everyone can sign up simply because it fails to tackle the really difficult questions. The local authorities participating in the action research have recognised that unless they engage with the detail that sits behind the high-level aspirations, and really be precise and specific about what this means for their role, and the interface with local schools and other partners, the resulting "agreement" might quickly become meaningless.

An associated challenge, is the extent to which this dialogue about the local role of the middle tier is led by local authorities or by schools. In many ways the dialogue is about those functions that extend beyond what a school can achieve individually, and is focused on responsibilities that schools need to work together to discharge and where external input beyond the school is beneficial. It is therefore right that the local authority should play a key role in leading the dialogue. However, some of the local authorities taking part in the action research have observed and reflected that at times they need to deliberately step back and not try to secure the solution to a difficult issue which requires coordination and commitment among schools, and instead allow schools space to arrive at a solution themselves. This can be a more time consuming process, but ultimately may lead to a consensus which is more binding on schools as participants.

A consistent reflection of the local authorities taking part in this research is that in the new world, 'relationships are king'. They recognise that without the power to direct schools over particular issues, their ability to carry out certain functions is likely to depend on their capacity to motivate, persuade and exercise principled leadership. The primacy of relationships in the new landscape carries the risk that the effectiveness with which the education system operates in the collective interest of children and young people could become too dependent on specific individuals who are in post and who have developed effective ways of working together over a period of time, and therefore too prone to disruption when those key individuals move on and relationships have to be created afresh.

Schools, too, are very clear that the future of the education system lies in the strength of their partnerships, and it is encouraging that schools are mobilising themselves to capitalise on these opportunities. For some, the chance to strengthen existing partnerships was one of the main attractions of becoming an academy. The range of partnerships, from teaching schools alliances, to individual federations, transition groups, and subject networks, is very broad and speaks volumes of the vibrancy and dynamism of the school system. However, headteachers are also aware that these partnerships can be fragile and very dependent on the good will of the individuals involved. To counteract this, a lot of consideration is being given, by local authorities and schools, to local governance mechanisms that bring key partners together around specific issues or decisions, that demonstrate their worth to those involved, and that create a sense of moral obligation that makes it difficult for schools to "opt out" of decision making processes that serve the collective interests of children and young people.

Through the course of the research three distinct 'roles' for how local authorities are exercising their responsibilities in relation to ensuring a sufficient supply of school places, tackling underperformance in schools and ensuring high standards, and supporting vulnerable children have emerged. These roles can be summarised as the local authority as a convenor of partnerships; the local authority as a maker and shaper of effective commissioning; and the local authority as a champion for children, parents and communities. These provide a helpful lens through which to view the emerging practice of local authorities.

### **Ensuring a sufficient supply of school places**

One of the chief concerns of local authorities identified in the interim report, and reinforced here, are the challenges associated with ensuring that school places match demand in a system in which, with the growth in academies, many more schools are free to set their own admissions numbers. There are two particular issues which have been highlighted by the action research. The first is how to increase the supply of places when demand rises, and the second is how to manage the consequences of oversupply.

With increasing numbers of primary aged pupils nationally, and a significant concentration of growth in urban areas, the challenge of meeting the increased demand for places is affecting large swathes of the country. The specific issues are created by demographic pressures, but the coincidence of this trend with a period in which schools are exercising greater autonomy in terms of determining pupil numbers makes it more difficult for local authorities to plan ahead effectively. It is also the case that in around five years the current bulge in primary numbers will feed through into the secondary sector. As there is a far higher proportion of academies in the secondary sector, some of the challenges being experienced now could become much more acute when translated to the secondary phase. In areas where the demand for places is rising sharply, particularly at primary, there is some evidence that academies are using their freedom to choose not to expand or community schools are looking to academy status as a means of avoiding expansion in the future. Schools have a range of very valid individual reasons for these decisions, including respecting the wishes of existing parents at the school for a particular size and style of education, the belief that expanding would compromise their effectiveness and quality, and being unwilling to expose the school to the financial risk of not being able to completely fill a new form of entry. These decisions make complete sense for an individual school, but in some cases the combined effect of many individual school decisions can lead to a shortfall of places in a particular area.

Where supply outstrips demand, for example as a result of a school expanding or a new school entering the market, a potential consequence may be that a neighbouring school becomes unviable and has to close. This is an important element in the government's agenda to drive increased quality in the education sector through the mechanism of parental choice. However, it also poses challenges for local authorities in managing the consequences of oversupply. The first issue is that, historically, the process of school reorganisation which might lead to federation, downsizing, academisation or closure of a school that has become unviable has not always been handled, either locally or nationally, with sufficient speed and purpose to ensure that the education of children at the school in question does not suffer. A real concern raised by local authorities in the action research is that it is not currently clear who will be responsible for overseeing the necessary school reorganisation in the event that a stand-alone convertor academy becomes unviable, if the individual governing body does not have the capacity or inclination to take the difficult decisions needed without external support.

A second associated issue for local authorities is how they can safeguard the interests of pupils, parents and communities in circumstances where the planned expansion of one school places the viability of another school at risk, but closure of the school is not a good solution. This might be because the school is a good school, because closure would leave a

particular community without a local school, or because demographic projections suggest that a school would again be needed on the site within a few years. Far from being a hypothetical case, the eight local authorities involved in the research have yielded two instances where this is already happening. Both these examples are where new Free Schools are opening and creating a significant new influx of places. While many local authorities welcome the capacity and diversity that Free Schools can offer, there is a concern that the short notice that local authorities sometimes receive in relation to Free School applications from the Department for Education can make forward planning difficult and lead to abortive work.

A further specific and complex aspect of the place planning agenda is in determining the pattern of post-16 provision. The particular challenges post-16 relate to the need to plan place provision across a very diverse partnership of providers, in a context where the autonomy of many of these providers is well established. Local post-16 partnerships are also contending with changes in the profile of demand created by the raising of the participation age, rising youth unemployment, shifting demographics and significant changes to qualifications. The diversity of the post-16 landscape is also increasing, with new Studio Schools and University Technology Colleges offering exciting opportunities to expand the range of options for young people, but requiring adjustments on the part of local schools and other providers.

Local authorities and schools together are finding a range of different ways to tackle the challenges related to place planning in a more autonomous system. One key strategy employed has been to reshape the negotiations around school expansion to give headteachers greater ownership of the agenda. This means facilitating an open and transparent dialogue between schools about the implications of setting their admissions numbers, and devolving responsibility for collective rather than individual decision-making to groups of schools. In one local authority they have trialled bringing together partnerships of headteachers in areas where there are particular peaks and troughs in demand, presenting them with the data, and supporting them to arrive at a joint conclusion about where expansions would be required. Although just a small-scale trial this has proved a smoother and more constructive process than individual bilateral discussions with headteachers that were held previously. Another authority used its expertise in forecasting and analysing data to highlight forthcoming issues in terms of demand for places and used that as a way to stimulate headteachers to plan collectively. Where demand is rising, a number of authorities have also engaged strategically and productively with potential Free School promoters in order to incentivise applications for new and high quality schools in the specific areas where they are needed.

### **Tackling underperformance in schools and ensuring high standards**

A key tenet of the schools white paper is that the driving force for improvement in the education system should come from schools themselves. This means schools taking active responsibility for their own improvement, but also playing a role in supporting the improvement of other schools in the system. The opportunities for school-to-school improvement arising out of the new education landscape are significant, and both schools



and local authorities are excited about the potential for transformation. One of the great strengths of the model is that it is a bottom-up approach to change – drawing on the existing skills and capacity of teachers and leaders in the school system. Many of the headteachers interviewed for the research have highlighted these opportunities for school-to-school support as one of the most significant benefits arising out of the new education landscape, and are of the opinion that much more teaching and learning activity is now growing organically out of schools, than being delivered “from above”. The potential for innovation and informed sharing of good practice is therefore very great.

Nonetheless, local authorities continue to hold a democratic accountability for securing good outcomes for all children and young people in a local area, and a statutory duty in exercising their education and training functions to do so with a view to promote high standards and promote the fulfilment of learning potential. In this context, the question for them is how to ensure that a school-to-school support model is coherent and comprehensive and not piecemeal; that every school has a wide range of high quality support to draw upon and that every school receives the informed external support and challenge that is crucial in securing improvement or sustaining outstanding quality.

In a more diverse and devolved education system the capacity of schools and sponsors to access effective school improvement support from other schools and external providers is a critical element in ensuring a self-improving system. Headteachers and academy sponsors who have contributed to the action research were generally confident about their ability to source and commission high-quality support for school improvement and in general local authorities share this view. However, authorities were less sure about the ability of primary schools to do so, particularly emphasising the need to build the understanding of primary schools in relation to the commissioning cycle, so that they can be confident in carrying out all elements from effective needs analysis through to robust quality assurance.

It is clear from the action research that teaching school alliances are rapidly becoming a very important route for schools to source high quality support from other schools in their local area, and as they grow in number may provide the underpinning infrastructure which ensures *all* schools can access the support they need. In some local authorities their positive and strategic engagement with teaching schools can lead to strong collaborative partnerships. In the best examples, local authorities have been invited to become members on the boards of teaching school alliances and are using this as an opportunity to contribute to their strategic direction. They are also working with teaching schools to provide technical support; to help them broker relationships with other schools and partners; to provide and interpret data, to signpost schools to the training and support that the teaching school offers; to commission programmes and training from the alliance; and to help them identify the schools locally which are most in need of support.

However, it is clear from the feedback of teaching schools nationally that not all local authorities are able to play such a productive role. It is also apparent from the action research that local authorities, while seeing the huge potential of teaching schools, continue to have some misgivings. Specifically, they are concerned that teaching school designation can be fragile because it is tied to an individual headteacher who might move on. This means

that significant ongoing investment in an alliance infrastructure could be wasted and that the benefits that a teaching school alliance brings over individual school-to-school support, namely the systematic and comprehensive nature of the offer, might prove to be fleeting.

While, broadly, local authorities were confident about the capacity within a more autonomous education system for schools to access high quality support, they identified a number of concerns in relation to how underperformance or poor performance might be tackled in future. The first is an anxiety about whether, in the future, local authorities will continue to have sufficient capacity to effectively support and challenge their maintained schools, given the reductions in local authority school improvement capacity. This is certainly a risk that was flagged by some of the headteachers who participated in the research whose perception was that local authority school improvement teams had been stripped back to the core and that, in the process, some long-standing expertise had been lost.

The second challenge is how to ensure that school-to-school support is a really effective means of driving improvement in schools which are failing or underperforming. The pragmatic experience of the local authorities and schools involved in this action research suggests that school-to-school support mechanisms are far more effective when they are sharply brokered and robustly held to account by someone external to the two schools involved. A question raised in the interim report, and which has continued to be a theme throughout the action research, is who would continue to play that brokerage and accountability function in a fully devolved system? A number of headteachers who were interviewed for the research concurred with the view that schools can find it very difficult to challenge each other, unless that challenge is invited or objectively brokered in by a third party. For example, one teaching school headteacher remarked that school-to-school challenge works well if the head is open to this and sees it as a professionally valuable experience, but felt that most of the schools which need to be challenged are in that position because the head is defensive or complacent and therefore unlikely to be open to challenge from a peer.

The third issue is more systemic. A key anxiety for local authorities, also echoed by some national stakeholders and schools, is whether there is sufficient shared intelligence in a more autonomous school system, in which support and challenge is accessed from a range of different sources, to spot the signs of declining performance in a school before it impacts on results. Headteachers pointed to the fact that it is the least self-aware school leaders who are least likely to seek external challenge and most likely to be susceptible to declining performance. This is particularly a risk for maintained schools in those authorities which have had to very significantly scale back their school improvement capacity and for convertor academies which are not part of a wider chain or multi-academy trust. A related challenge is where evidence of poor performance or declining performance in stand-alone convertor academies becomes apparent, whose responsibility it is to tackle this? In the first instance it will be for the academy trust, which in many cases will essentially be the same as the school's governing body, to take action. But if they should prove unable or unwilling to turn the school around, it is not yet clear what the mechanisms are to secure improvement.

The final challenge is the ability of local authorities to work effectively with the Department for Education and other partners to broker in a sponsor to take on schools that are failing. Many local authorities are now looking to actively engage sponsors to shape the pattern of provision in their local areas. In particular, they are keen to build good relationships with a small number of sponsors who can develop a deep understanding of local needs and contexts, and where sponsored chains and federations can help to cement relationships between schools locally. One of the frustrations expressed by local authorities is a perceived lack of clarity in how the Department for Education goes about lining up a sponsor for a poorly performing school, the criteria that are used to determine selection, and the contribution, if any, that the local authority is expected to make to the dialogue.

Again, the action research has provided evidence of how local authorities are responding to these opportunities and challenges. The policy context and the experience of the local authorities taking part in the research make clear that to a great extent the future for school improvement lies in the ability of schools to support each other successfully. The emerging good practice illustrates how local authorities can facilitate and contribute to a vibrant system of school-to-school support. Many local authorities are working with schools to maintain opportunities to address improvement issues as ‘a local family of schools’, brokering effective school-to-school partnerships to address underperformance and halt declining performance, supporting the creation of academy-led federations to turn around failing schools, and actively promoting the conversion of schools to academy status as part of multi-academy trusts. Local authorities are also refining their own traded services, creating opportunities for schools to engage in the leadership and governance of local authority traded services, and supporting schools to navigate and quality assure the full range of additional services available from other providers. Finally, local authorities are also taking the opportunity to more tightly define what it means to be a champion of pupils and parents in an autonomous system, and the specific implications this might have for the roles of members of and officers, and the relationships between local authorities and schools, including academies.

### **Supporting vulnerable children**

An important observation from the action research is that, overall, authorities appear to be less confident that, together with schools, they will continue to be able to offer good quality support for the most vulnerable children than they are in their capacity to establish a strategic direction, ensure a sufficient supply of school places or contribute to school improvement. Local authorities’ concerns broadly relate to two main areas of activity– the first is securing a good quality school place for every vulnerable child and the second is how to ensure every vulnerable child receives the best possible combination of services and support to enable them to succeed.

Schools’ participation in local Fair Access arrangements is critical to ensuring that a good quality place is available for every vulnerable child. The interim report found that, in general, in those areas where Fair Access Protocols were seen as objective, fair and transparent schools were continuing to engage with them well. However, where Fair Access had not historically been administered successfully schools had been swift to disengage from the

process. As the action research has progressed, local authorities have expressed increased anxiety as to whether Fair Access arrangements will continue to hold strong even in those areas where they have historically been effective. There is a fear among some local authorities that the climate of increased autonomy could lead to individual schools deciding to “opt out” of taking their fair share of students who face multiple challenges and are consequently hard to place. Some local authorities also reflected that the pressure of forced academisation for schools at or near the floor target increased their reluctance to accept pupils who might have a negative impact on the school’s results. A further complicating factor is that disputes with academies which are escalated by local authorities to the Education Funding Agency are not being resolved quickly enough.

However, despite these anxieties, evidence from the action research continues to suggest that the issue of whether schools engage effectively in fair access arrangements appears to have more to do with the individual motivations of headteachers and governors, and their commitment to principles of inclusion, than it has to do with whether a school is an academy or a local authority school. Headteachers engaged in the action research suggest that schools clearly recognise the need to have transparent and objective fair access arrangements that work well and to which all schools are committed, and that the way local authorities approach the task of convening Fair Access partnerships can have a critical role in supporting their future success.

In terms of securing the right support that will enable vulnerable children and young people to succeed, local authorities believe that schools are not as confident in commissioning services for the most vulnerable pupils as they are in commissioning services for school improvement. Furthermore there appears to be a narrower and less well-established range of provision in many areas for vulnerable children and young people than there is for school improvement more generally. To some extent headteachers reinforced the view put forward by local authorities. While many would attest to being confident commissioners in this area, they often concurred with the view that the range of potential support services was too limited. Some headteachers also pointed to the greater challenges associated with successful commissioning for vulnerable children. In addition to their concerns around schools’ ability to commission successfully for vulnerable children, local authorities were also wrestling with the difficulties of restructuring their own services for vulnerable children with the devolution of a greater proportion of centrally retained funding to schools and trying to continue to join up services for vulnerable children and families in the context of a much more diverse system.

Despite the significant concerns raised in relation to supporting vulnerable children, some local authorities and schools have worked together to develop highly effective strategies for not just sustaining, but improving the quality of their provision for the most vulnerable in the context of a more autonomous system. One local authority has, in partnership with their schools, completely refreshed their approach to Fair Access so that there is a far greater emphasis on preventing exclusions, more transparency about how vulnerable children are placed, and greater ownership of the agenda by headteachers. Another local authority has pioneered the delegation of both funding and responsibility for preventing exclusions and commissioning alternative provision to partnerships of schools. A third local authority has

worked with schools to completely review their commissioning of SEN support bases to be sharper around outcomes and to set clearer expectations on both sides.

### Emerging issues

This action research has taken place during a period of very significant financial, policy, contextual and demographic change. It has focused on practical solutions that local authorities have put into place to address some of the immediate challenges that emerged as a result of the first wave of mass conversion of schools to academies, and which were outlined in the interim report. However, as the action research has progressed new issues and themes have emerged, the implications of which are still not clear. The first issue is that the “mixed economy” of schools in which local authorities are working is changing all the time. As increasing numbers of schools opt to become academies, local authorities will need to be sufficiently flexible to adapt. A second key area of change is the impact that the new Ofsted inspection framework will have on the system. It is likely that, as the bar has been raised, more schools over the next year will enter categories of concern leading to a possible further surge in the creation of sponsored academies. It is also possible that some of the newly created convertor academies that were previously good or outstanding will receive a less favourable inspection outcome. These will be important tests for the new system of how schools, local authorities, sponsors and the Department for Education can work together to secure rapid improvement.

The third and final significant change is the recently published consultation on moving towards a national funding formula and introducing significant reforms to how funding for children and young people with high needs will be managed. To some extent the new funding arrangements resonate well with the local authority’s emerging roles as a convenor of partnerships, as a maker and shaper of effective commissioning and as a champion of children and young people, and given the early consultative nature of these proposals it is impossible to be definitive about what the implications of the changes might be. However, local authorities have some significant concerns about the tighter restrictions on priorities for which the Schools Forum can decide to centrally retain funding. There is also some uncertainty about the implications of the new high-needs funding proposals on local authorities’ ability to commission flexibly for children and young people.

### Conclusion

Overall the evidence in this report suggests that in many cases local authorities and schools, working together, are creating local solutions to some of the challenges that have arisen as a result of the new education landscape and are at the same time finding ways to maximise the opportunities. The first part of the conclusion to the report therefore summarises some of the key emerging messages for schools and local authorities about how they might approach this period of transition and what effective practice may look like. However, the research also points to issues and challenges which, so far, have not proved amenable to local solutions and where some additional clarity, further action, or ongoing reflection may be needed on the part of national government and its partners. These are summarised in the

second part of the conclusion. These messages, for local and national partners in education, are reproduced below:

### *Key messages for local partners in education*

The action research strongly suggests that there are some emerging areas of good practice which local authorities might find helpful to consider as they make the transition into a new role and set of responsibilities:

- Be systematic in working through, with schools, where the local authority can add most value in the new education landscape, prioritise what to focus on and then confidently inhabit the space agreed. Seize the agenda, rather than be apologetic and wait for instruction.
- Treat schools as partners and leaders in the education system, and provide the space for them to develop solutions to community-wide issues that are owned by schools.
- Where existing relationships with schools are strong, begin to develop the governance mechanisms and, if appropriate, more formal partnerships with and between schools so that good relationships have a life beyond the particular individuals involved at any one time. Where relationships with schools are not strong, then take immediate action to turn these around as a matter of priority.
- Look for quick wins to demonstrably contribute to the resolution of new and pressing issues that are emerging as a result of the changing education system. This will help address the concern that there is too much theory and not enough action.
- Focus on co-creating, with schools, a local education culture based on a clear moral purpose and identify the headteacher advocates who can lead that process. Work with schools to support the conditions in which headteachers are prepared to challenge each other to take decisions which are in the collective interest of pupils in the wider community as well as the interests of pupils and parents at their school.
- Find mechanisms to learn from other local authorities, to avoid re-inventing the wheel at a point when all local authorities are wrestling with a similar set of issues.
- Develop the capacity to carry out really sharp and high quality data analysis that will enable schools, parents, and other partners to understand the system-level needs and how they can best be addressed.
- Work in partnership with local academies and sponsors to jointly understand what the local authority's role as "a champion of pupils and parents" means in relation to standards of performance for all children and for groups at risk of underachieving, so that it is clear and agreed what each partner can deliver.
- Invest in support for governors overall so that they can add real value to the schools they govern, and strategically target local authority governors as a group who can

provide a conduit between the local authority and academies, and can provide more systematic intelligence about the performance and capacity of education locally.

- Map and establish systems for regularly scrutinising “soft” performance indicators available from a range of sources including engagement with individual schools, local authority traded services, parents, members and governors.
- Develop strong relationships with local academy sponsors and free school promoters and maximise local intelligence to become a valued partner in the commissioning dialogue related to future school provision.
- Further develop the outward facing scrutiny role of members so that this becomes a powerful route for championing and advocating on behalf of children and young people.
- Keep a close watching brief on the sufficiency of support available for vulnerable children both within schools and externally, and the effectiveness with which schools are able to commission that support to meet needs. If it becomes apparent that the needs of vulnerable children are not being served, work closely with schools, providers and other partners to build capacity and strengthen the quality of what is on offer.
- Identify opportunities to delegate further powers, responsibilities and budgets to schools, within a framework of strong partnership working and robust quality assurance for outcomes.

In parallel the shift to a more autonomous system also places new responsibilities on schools, not just for their own performance but for the ability of a community of schools to meet the needs of all children and young people in their area. In some of the best examples of where schools and local authorities together are making the new constellation of responsibilities work well, schools are taking much greater responsibility for collective, rather than individual, outcomes in relation to exclusions, admissions, fair access, post-16 planning and supporting better teaching and learning. Schools are owning the agenda, have an appetite to get underneath the issues, recognise that one school’s decisions can have far-reaching implications, for good or ill, across a community, and are finding the confidence to challenge their peers on the basis of evidence. Schools also have a responsibility to grow their own capacity to make the most of the new opportunities that come with a changing education landscape. In particular, becoming an expert commissioner, with confidence to define need, identify the right support, and quality assure the service delivered by an external provider will be essential skills in the new system.

### *Key messages for national partners in education*

The thrust of this report has been to demonstrate how local authorities, working with their schools and other local partners, are responding to the opportunities and challenges emerging from a more diverse and devolved education system. For the most part there are encouraging signs that practical local solutions are emerging. However, there are some

challenges which, on the basis of this early evidence, do not appear to be amenable to locally developed solutions and where further thought at a national level will be required. These are summarised briefly below:

- Historically, there has been a very wide range in local authority performance. The extent to which local authorities have the skills to adapt to the new agenda successfully is therefore likely to be very varied. Furthermore, the collective capacity of schools in different local areas to assume a system leadership role will also be varied. The Children’s Improvement Board and sector-led improvement initiatives provide a means for sharing good practice across local authorities, and the mechanism for identifying local authorities which are struggling to get to grips with the new agenda and brokering in support from a peer or other appropriate source. The evolving role of the council in education may well be a particular issue on which councils would welcome greater opportunities to share practice and learn from peers going forward.
- It is clear that responsibility for closing or federating schools where supply is outstripping demand is proving very difficult. Where the school whose viability is threatened is a community, VA or VC school the local authority has a role in leading the reconfiguration of pupil places to manage the risk, however as more schools become academies their flexibility is increasingly constrained. In the case of any convertor academy whose future viability may become uncertain there is no obvious point of accountability in the system to take the difficult decisions about what should happen to that school, and manage the repercussions for other neighbouring schools.
- A similar issue has emerged in relation to the future performance of stand-alone convertor academies. Although in some areas academies are continuing to welcome challenge and support from the local authority, and in others the concept of “challenge partners” (through which schools challenge each other) is taking root, there is no mechanism to ensure that the performance of every stand-alone convertor academy is scrutinised and that where such an academy is poorly performing an effective intervention is put into place.
- In the interests of high quality commissioning and sharing intelligence it would be helpful if the Department for Education could offer greater clarity on the criteria it uses to assess the suitability of a potential sponsor for a school and how it monitors sponsors’ performance. This would enable local authorities to make better informed decisions in circumstances where they are looking to commission a new school or find a sponsor for an existing school. There is also some unevenness in how local authorities are engaged in the dialogue about the choice of sponsor for a school that is failing. This may be a reflection of local authorities’ own capacity, but clearer expectations of the role that the Department would like local authorities to play in these circumstances, and how local authorities might contribute to the Department’s ongoing quality assurance of sponsored arrangements may be helpful.



- Teaching school alliances are emerging as a critical component in orchestrating and providing a wide range of services and high quality support. However, while teaching schools are designated based on a range of demanding criteria, there is a concern among some local authorities that some teaching schools could lose their designation if the head teacher moves on. They argue that this makes the sustainability of the support feel fragile and a difficult basis on which to build a local strategy. The National College is taking action to mitigate this risk by allowing for two or more schools to be designated together and so share the responsibilities and, where the current head teacher of a teaching school does move on, looking at the succession plans and overall leadership capacity of an alliance before taking the decision to de-designate. However, this is an issue, along with the attendant risk that if a teaching school's performance drops or it loses its Ofsted outstanding rating, it will face almost certain de-designation. Where this does happen, the College is committed to trying to manage the impact as far as possible in the interests of stability.
- There is considerable anxiety among local authorities that current processes for escalating disputes around fair access to the Education Funding Agency are not proving timely, and that the education of vulnerable children and young people may suffer as a result. It would be helpful if the Department could review the existing processes to ensure that they are fit for purpose. It may also be helpful to establish a system for monitoring the levels, pattern and nature of fair access disputes in order to ascertain, over time, how well the needs of the most vulnerable children are being served within a more autonomous system.

The full report can be downloaded from <http://bit.ly/MOvGJJ>



## **LGA topslice funded Children & Young People research programme 2012/13**

### **Purpose of report**

For discussion.

### **Summary**

This paper provides an overview of the requests for research work received by the LGA and the Board are asked to consider which ones they wish to commission.

### **Recommendation**

Members are asked to consider which research projects that would like to commission.

### **Action**

LGA Officers to proceed as directed.

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## **LGA topslice funded Children & Young People research programme 2012/13**

### **Background**

1. For the 2013/14 financial year, the Children and Young People Board agreed that up to £500,000 of topslice funds be made available for research commissions to be completed by the National Foundation for Educational Research (NFER).
2. At the March 2012 Board it was agreed that officers would canvass lead members and others (through the lead member regional member networks) for potential research project areas and report back to the Children and Young People Board. In addition to the views of the lead members, LGA has also received requests from senior officers within local authorities for potential research work. This short paper provides an overview of those requests and the Board are asked to consider which ones they wish to commission.

### **Potential research projects for 2012/13**

3. Areas suggested for potential research projects are:
  - 3.1. Research on the development of partnerships with Independent Fostering Agencies (IFAs) and adoption agencies to investigate how councils are working with local providers to shape and develop the market;
  - 3.2. Work around the issue of sexual exploitation of children and specifically children in care;
  - 3.3. Exploration of the impact on schools of the revised OFSTED inspection regime categories;
  - 3.4. Review of the extent to which levels of parental drug and alcohol misuse impact on the number of looked after children. In addition, the issue of whether those local authorities with excellent drug and alcohol misuse support programmes are attracting a proportionately higher number of misusers and their children with the knock-on effect of a higher demand on looked after children (LAC) services in the area, should be investigated;
  - 3.5. Best-practice case studies of home to school travel;
  - 3.6. Review of the unintended consequences of government policy on children and young people;
  - 3.7. A study investigating the perceptions of social workers to the current fostering and adoption processes;
  - 3.8. The impact of the service premium in terms of improving outcomes for children who are part of service families;

**Item 4**

**Projects in commission**

4. Since the previous Children and Young People Board (May, 2012) a number of commissions have been suggested by LGA officers to support the sector and to address emerging issues. Members are asked to agree that work on these projects can continue as planned. The projects are:
  - 4.1. A study of local Authority Adoption performance;
  - 4.2. An evaluation of the Children Improvement Board (CIB) peer challenge programme (jointly funded by LGA topslice and CIB);
  - 4.3. An evaluation of the safeguarding peer review programme (jointly funded by LGA topslice and CIB);
  - 4.4. An investigation into work on careers, education, information, advice and guidance (CEIAG) provided by local authorities to children and young people in school.

**Financial Implications**

5. Fully costed proposals will be available for each of these projects and can be circulated to the Board.

## **Schools funding update**

### **Purpose of report**

For information.

### **Summary**

This report updates members on recent developments in schools funding issues.

### **Recommendations**

That members:

1. Note this report and
2. Agree to receive further reports on any future developments.

### **Action**

Officers to continue to provide updates to the Board.

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## **Schools funding update**

### **Schools' Funding**

1. The DfE confirmed on 28 June that it is to proceed with reforms to local funding formulae as outlined in the consultation document "School Funding Reform; Next Steps towards a Fairer System" which was issued in March.
2. The key points are:
  - 2.1. Ministers have said that their aim remains to move towards a national funding formula. But they will not do this until the next Spending Review period.
  - 2.2. The proposals concentrate wholly on local funding formulae. From April 2013 local authorities will be constrained to a small number of factors in the formula (the consultation says that the current 37 permitted factors will be reduced to 12). These are:
    - 2.2.1. Basic Entitlement. The Government has confirmed that there will be a separate basic entitlement for key stages 3 and 4. They have also confirmed that they will not introduce any thresholds, at least for 2013-14.
    - 2.2.2. Deprivation. Only free school meals (FSM) at school level or IDACI (income deprivation affecting children index – a DCLG developed measure which aims to measure deprivation affecting children in small areas) will be permitted. The IDACI banding system will be slightly different to that first proposed.
    - 2.2.3. Looked after children.
    - 2.2.4. SEN at school level ('low cost'); authorities will not be able to use direct measures such as numbers of children on school action or school action plus and will have to use measures of prior attainment.
    - 2.2.5. English as an additional language for a period of 3 years in the school system.
    - 2.2.6. A lump sum – this has been increased to a maximum of £200,000.
    - 2.2.7. Premises factors – split site schools and rates.
    - 2.2.8. PFI costs.
    - 2.2.9. A new factor for mobility, based on in year changes to rolls.
    - 2.2.10. The Schools Forum will be permitted to agree to a ring-fenced sum for pupil number growth to be held back from initial distribution. It will be distributed to schools and academies at a later stage.

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- 2.3. The proposals confirm that there will be no provision for a small schools factor other than the lump sum.
- 2.4. All schools will get a minimum funding guarantee of -1.5% per pupil. It will be up to authorities in consultation with schools forums as to the level of any ceiling.
- 2.5. It is confirmed that Schools Budget LACSEG will disappear in its current form. Instead the resources currently provided in LACSEG will be delegated to both academies and maintained schools. Maintained schools will be allowed to 'de-delegate' allowances for services such as insurance and services for ethnic minority pupils. Academies will also be allowed to buy in if they want to but not to 'de-delegate' as they do not have delegated budgets. This will replace LACSEG within the schools budget.
- 2.6. The LGA issued a response to the consultation with ADCS, which was cleared by members. This is on the LGA's website:  
[www.local.gov.uk/c/document\\_library/get\\_file?uuid=6cfb0a25-fe75-4e61-91bf-697eb164d66a&groupId=10171](http://www.local.gov.uk/c/document_library/get_file?uuid=6cfb0a25-fe75-4e61-91bf-697eb164d66a&groupId=10171)

**Capital**

3. There has also been no Government response to the consultation on the James Review into schools capital; which reported in April 2011. The key issues remain the scope of any single capital pot to distribute funding locally and how new school building is to be procured.
4. Allocations for the Priority Schools Building programme were announced on 24 May; it was confirmed that 261 schools, of the 587 which applied, will be rebuilt, with the first schools opening in 2014.
5. The LGA's response to this announcement quoted Cllr Simmonds as saying that the funding was the result of councils' pressure on DfE and will go some way to addressing the problems facing some of our most dilapidated schools, but that we were still in a situation where more than 300 run-down schools had been left in limbo after lengthy delays in Government decision making. This was reported by the 'FT Online', 'Times Online', 'Independent Online' and 'BBC Online' as well as dozens of regional and trade publications.

**Academies top-slice**

6. There have not been any formal developments on 11-12 and 12-13 LACSEG since your last meeting. However there have been contacts between the DfE and LGA officers with a view to settling the legal case pursued by 29 councils, which is currently stayed, with the LGA officers acting as a sounding board for

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the authorities involved in the legal action. On that basis we understand that the DfE will shortly issue revised proposals for the top-slice in 11-12 and 12-13.

7. We also understand that the consultation on 2013-14 and the future will come out at the same time as the consultation on the baseline for business rates retention, before 17 July. This is likely to involve DfE paying a national rate of LA LACSEG. Local Authority central education functions will be removed from funding through formula grant and will be funded by separate DfE grant. There will be one grant to local authorities for central functions which remain with the authority or which are performed on behalf of maintained schools and a separate grant for academies for functions formerly covered by the local authority LACSEG element.
8. The key issue will be how to establish the correct baseline for the services to be removed. Initial contact with the DfE suggests that this baseline will be high. LGA officers are meeting DfE officials to consider this in detail on Thursday 11 July.

**Financial/Resource Implications**

9. None specific to this report.



## **Children’s Improvement Board (CIB) – update on sector-led improvement**

### **Purpose of report**

To update members of the Board on the work of the Children’s Improvement Board (CIB) and to invite feedback.

### **Summary**

This report updates the Board on the work of the CIB and invites comments.

### **Recommendation**

That members of the Board reflect on the work of the CIB for reporting back to the next meeting of the Children’s Improvement Board.

### **Action**

That the CIB delivery team take forward the work programme, working closely with LGA colleagues in the light of members’ comments.

That members encourage the active promotion of the work of CIB within political networks as part of the approach to set out in “Sector-led improvement in local government” (June 2012 – see below).

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## **Children’s Improvement Board (CIB) – update on sector-led improvement**

### **Background**

1. The Children’s Improvement Board (CIB) is a partnership between the LGA, the Association of Directors of Children’s Services (ADCS) and the Society of Local Authority Chief Executives (SOLACE), supported by the Department for Education (DfE). The work of the Board draws extensively upon in kind contributions from the sector, particularly in terms of time and expertise. It is also supported by a DfE grant of £8.85 million in this financial year.
2. Updates on the work of CIB are a standing item on the agenda for the Children and Young People Board. This report gives an overview on progress so far, particularly on the first quarter of 2012-13.
3. Significant progress has been made in building ownership of sector-led improvement in councils amongst members and officers with direct responsibilities for children’s services but much remains to be done in embedding this more corporately as part of local government’s approach to sector-led improvement. This report gives a summary of progress and key learning from what has been, effectively, the first nine months of CIB operation.
4. The LGA has set out its approach in “Sector-led improvement in local government” which was published in June<sup>1</sup>. This narrative, aimed at council leaders, portfolio holders, chief executive and directors describes a coordinated approach and offer of support, including support in children’s and adults services.
5. A significant part of sector-led improvement for children’s services is delivered regionally, supported by funding devolved by CIB within a national framework. Each region has also been allocated a sum of money for programme management and delivery.

### **Priorities for 2012-13**

6. The CIB’s priorities for 2012-13 are: reducing the number of councils in intervention, establishing an effective system of peer challenge and support, better engagement of stakeholders and supporting councils in managing the impact of policies. Support for councils in managing the impact of policies is grouped in four areas:

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<sup>1</sup> [www.local.gov.uk/sector-led-improvement](http://www.local.gov.uk/sector-led-improvement)

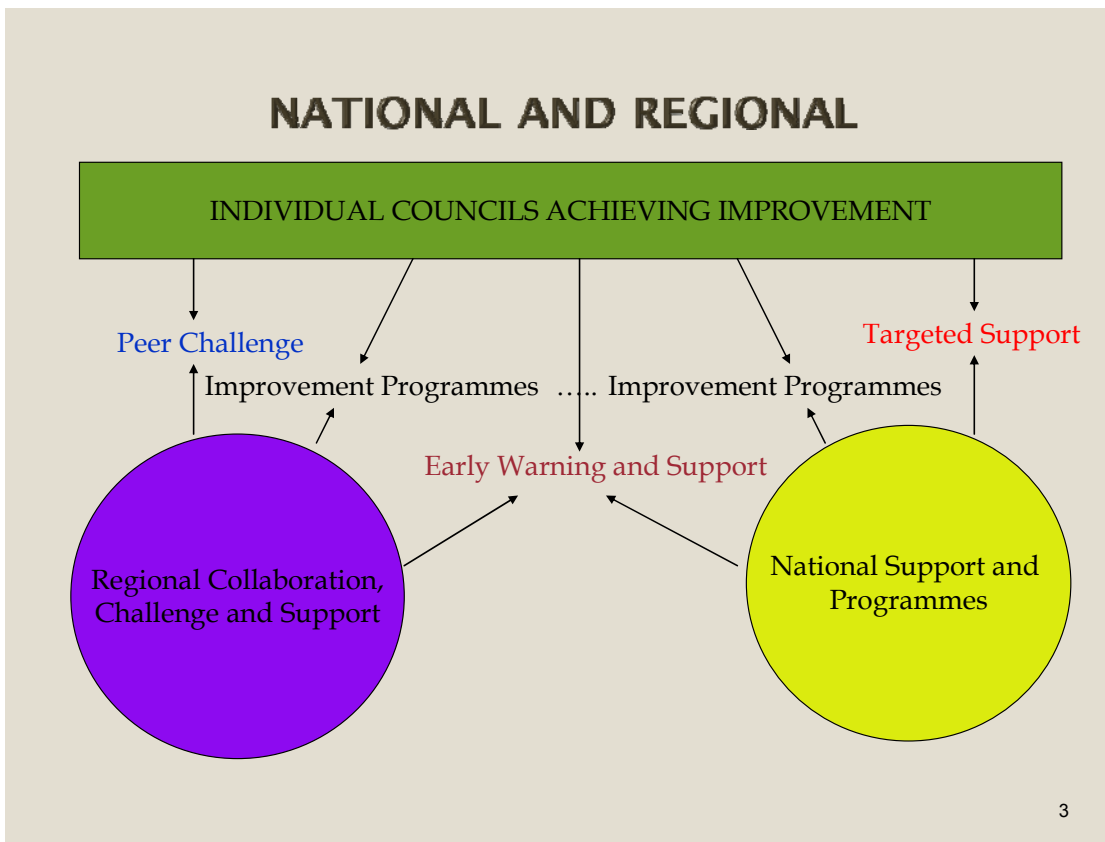
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- 6.1. The Munro Review, social work reform and early help.
  - 6.2. Adoption, children in care and the Family Justice Review.
  - 6.3. Early and foundation years, commissioning sufficiency and quality and narrowing the gap in achievement for children up to five.
  - 6.4. And three more discrete issues – data profiles, innovation and commissioning for youth services and integrated workforce (legacy of the Children's Workforce Development Council).
7. These national priorities will be delivered through a mix of national and regional activity. All regions have been asked to prioritise peer challenge between councils and the identification and support of councils who might be in difficulty. Regions support the national policy programmes but are also planning work which goes beyond the issues identified nationally. Examples of regional work planned for this year which extends the scope of policy support include child poverty, the relationship between councils and schools, links with health, the SEN Green Paper and child sexual exploitation. Support for councils in managing the impact of policy changes fits within the universal “improvement programmes” in the strategic model below.

**The strategic model**

8. The first year of operation for CIB involved effort and time spent on establishing ways of working and the regional infrastructure. It is now possible to have an overview of how the new arrangements work.
9. The following diagram shows how both national and regional programmes support improvement in councils. Regions are expected to develop their capacity to identify those councils who might be at risk (“early warning”) and therefore in need of “early support” from their peers. Where councils are subject to DfE improvement notices, their “targeted support” is resourced nationally and the CIB team is in direct contact with these councils. All regions have a systematic approach to peer challenge in place and every council will have received a peer challenge from others by the end of 2012.
10. In order to ensure that the work supported by CIB builds on and forms part of the wider drive for sector-led improvement, CIB works closely with the leadership and productivity team at the LGA and with the policy and development programmes team. In terms of support for individual councils, the CIB’s “Children’s Improvement Advisers” who provide the direct, targeted support to councils, carry out this work in partnership with the LGA’s Principal Advisers. By working together the CIB and LGA teams can make sure that the support offer to councils is coherent and that both corporate and children’s services improvement needs are addressed appropriately.





**Overview at the end of the first quarter of 2012-13**

11. The first quarter has seen the CIB consolidate previous work and mark out a clearer strategic direction. Considerable time has been spent in strengthening key stakeholder relationships, particularly through direct dialogue with the regional leads and this work is being extended to member networks in the next six months. The end of the quarter has seen an increased level of delivery and examples of early impact, reflected through the activities now underway at both regional and national level. This includes examples of effective preventative work to avoid safeguarding failure and support in managing policy impact around early years, youth and adoption.
12. Nevertheless the incidence of inspection failure remains unacceptably high. This means that significant resources from CIB are needed to support the small minority of councils in intervention and away from contributing to the work of early support and universal improvement. The CIB is in dialogue with Ofsted about the relationship between their developing inspection programme and sector-led improvement but the sector needs to accept that the best defence is stronger self-assessment with the rigour of external referencing and peer challenge.

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13. CIB has also taken the view that it should offer support to any councils who fell below the performance thresholds on timeliness for adoption set by the Government, despite concerns about the Government's overall approach. CIB has offered direct support to any councils who have been identified by DfE as causing particular concern. CIB has also commissioned, jointly with DfE, a diagnostic assessment which is being used in some cases to provide further information about an individual council's performance on adoption and to allow the council to tell the story behind the data.

**Key learning from the first quarter of this year**

14. The most efficient and effective basis of improvement in children's services is through a realistic system of self-assessment and a commitment to change policy and practice in implementing its recommendations for improvement. Current evidence from early warning and inspection indicates that external referencing and challenge is fundamental to understanding what "good" or "adequate" looks like in practice and in giving a perspective on the pace and momentum required to effect improvement. Intelligent use of comparative data, professional development opportunities and processes of peer challenge and safeguarding peer review are important tools for providing this.
15. Individual councils remain pivotal to sector-led improvement. The best peer support and challenge can still be misplaced, rendered ineffective or in contrast can become truly transformational depending on the readiness of the internal organisation and its partners to change. A whole sector approach relating to the wider corporate agenda (bringing different strands of sector-led support together) is essential in tackling each of the key elements of leadership, workforce and systems and in creating a climate with central Government that enables the necessary cultural shift to co-operative learning and improvement endeavour.
16. Regional structures and more importantly, relationships, are at different stages of development and require both opportunities for sharing ideas between them and continued capacity for programme support. CIB Children's Improvement Advisers must provide both challenge and support around the critical area of early warning and support. As the system matures there may be scope for a differentiated approach based on a reward grant for effective prevention.
17. There is a considerable amount of planned activity in councils involving councillors and senior officers. Even the judicious use of meetings needs to be done with a fuller awareness of these other demands and as much early notice as possible. Consistent feedback is that learning and development needs to be interactive, applied to current challenges and that theory is best understood in an applied context with meaningful exemplification and through observed

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practice. There needs to be a rigorous approach to support activity determined by the criteria that it leads to changed policy or practice which, in turn, promotes, facilitates or leads directly to improved outcomes for children.

18. The window for demonstrating the effectiveness of the strategic model and addressing the sustainability of the CIB approach is until the end of Q3 2013-14 (December 2013). By that time a comprehensive and rigorous evaluation needs to have been completed looking at the impact from October 2011 until October 2013 and recommending a sustainable future approach. Anticipation of this and the learning from the current year will need to be reflected in decisions on how to deploy a reduced resource grant from April 2013.
19. The Board is asked to note and to comment on the update on activity and the learning from CIB's experience at this point.

**Financial implications**

20. Funding for the programme is provided by DfE. The programme is being hosted by the LGA which claims part of this funding as payment for services provided by the organisation. In addition to this, the LGA provides staff time to contribute to the CIB's work, in support of the LGA's business plan priority to deliver an effective approach to sector-based support in children's services.



## **Appointments to Outside Bodies – 2012/13**

### **Purpose of report**

For approval.

### **Summary**

This report details the Local Government Association's (LGA) appointment process for outside bodies and sets out a refreshed list of bodies and LGA structures to which the Children and Young People Board is asked to appoint to for the 2012/13 meeting cycle.

### **Recommendations**

1. The Board is asked to agree the list of bodies/LGA structures set out at **Appendix B** to which the Children and Young People Board will appoint to for the 2012/13 meeting cycle.
2. Members interested in representing the Board on any of the bodies/LGA structures listed in **Appendix B** are asked to put their names forward to the political groups for consideration.

### **Action**

Appointments will be reported to the September Children and Young People Board for their information and to the October Executive for endorsement.

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## **Appointments to Outside Bodies – 2012/13**

### **Background**

1. The Local Government Association (LGA) currently benefits from a wide network of member representatives on outside bodies across a wide range of the LGA member structures.
2. In July 2009, the LGA Executive agreed a procedure for appointments to outside bodies to govern and monitor this network. The procedure, attached at **Appendix A**, sets out that all appointments to outside bodies are reviewed on an annual basis across the organisation to ensure that the aims and activities of those outside bodies remain pertinent to the LGA.

### **Review and Appointment Process**

3. The first stage of this process was undertaken in May 2012. All outside bodies to which the LGA made appointments to in 2011/12 were asked to complete a questionnaire to inform the review process. Likewise, the LGA's representative(s) on each body for 2011/12 were asked to provide their views about future LGA representation on the organisation in question.
4. Using the feedback received from the outside bodies and LGA representatives, individual Boards are required to review their appointments to external organisations to take account of bodies that have been abolished, new organisations that have been created and the LGA's priorities as set out in the 2012/13 Business Plan.
5. For the July meeting cycle, all Boards are required to agree a refreshed list of outside bodies/LGA structures that they will appoint to for the 2012/13 meeting cycle. Appointments to these bodies/LGA structures will then be reported to the Board in September and submitted to the October meeting of Executive for endorsement.

### **Children and Young People Board Arrangements**

6. Using the principles detailed in paragraph 4, Officers have reviewed the list of outside bodies to which the Children and Young People Board appointed members to for the 2011/12 year. As a result of this review, a refreshed list of bodies is attached at **Appendix B** for approval. There have been a number of changes since last year's appointments including, the conclusion of the Children's Workforce Development Council and the inclusion of the new Shadow Early Intervention Foundation.

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7. Members interested in being the Board's representative on any of the named bodies/structures set out in **Appendix B** are asked to put their name forward at the meeting or subsequently in writing to the political groups.
8. Appointments will be made in line with the LGA Political Conventions which state that:

*“Every effort will be made to ensure that all groups recognised by the Association are fairly represented on outside bodies both numerically and in terms of the range/type of appointments made. Each Board or Panel responsible for making appointments should agree the means by which this is achieved ... Appointments to individual outside bodies should reflect political balance where possible, subject to the constraints set by the number of appointments to individual bodies.”*

9. The political groups will put forward nominations for the outside bodies for each appointment. These will then be approved by the lead members on the Board for each of the political groups and reported to the September meeting.

**Next Steps**

10. Following the receipt of nominations and selection process set out in paragraph 9, the September Children and Young People Board will receive a report confirming the nominated members to the refreshed list of outside bodies for the duration of the 2012/13 meeting cycle.
11. This list of Children and Young People Board appointments will be submitted to the October Executive as the body responsible for overseeing all LGA appointments to outside bodies.



## **Appendix A**

### **Procedure for LGA appointments to outside bodies**

#### **1. List of Outside Bodies**

- 1.1 It is the responsibility of the Boards to review the need for representation on outside bodies as part of their annual appointments process. Boards should:
- Ensure that the list of outside bodies reflects LGA priorities, both by ending appointments where these are not felt to be of value and by actively seeking representation on new organisations;
  - Evaluate both the value of the LGA's relationship with the organisation and the level of LGA influence on that body; and
  - Have consideration of when it is necessary to appoint a member representative and when an officer appointment would be more appropriate.
- 1.2 The Boards will submit a report to LGA Executive setting out their current list of outside bodies every year in October.

#### **2. Political Proportionality**

- 2.1 As stated in the LGA Political Conventions:

*Every effort will be made to ensure that all groups recognised by the Association are fairly represented on outside bodies both numerically and in terms of the range/type of appointments made. Each Board or Panel responsible for making appointments should agree the means by which this is achieved ... Appointments to individual outside bodies should reflect political balance where possible, subject to the constraints set by the number of appointments to individual bodies.*

- 2.2. While the Boards are responsible for ensuring appointments are made in accordance with the LGA's political proportionality, the political group offices have oversight of this process through:
- a) Considering individual appointments in the context of all appointments to outside bodies across the organisation.
  - b) Maintaining lists of members of Boards and other councillors willing to serve on outside bodies, together with details of their particular skills and experience.
  - c) Discussing nominations to outside bodies with their members at the political group meetings preceding September Board meetings.
  - d) Being kept informed of any additional appointments that arise during the course of the board cycle.

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- e) Finding a representative if a Board is unable to secure an appointment.

**3. Appointments**

- 3.1 It is the responsibility of each Board to review their current list of Outside Body appointments. In July, each Board must approve an updated list of Outside Bodies for appointment for the forthcoming meeting cycle.
- 3.2 Appointments will be agreed by each Board at their September meeting and will be time limited – set according to the outside body’s governance arrangements.
- 3.3 The Member Services PSO will then write to each organisation notifying them of the appointment.
- 3.4 Certain appointments are made centrally and appointments are also made by LGE to negotiating bodies and by the European and International Unit. While the process for making these appointments will be different, this information will be recorded on the central database and the same requirements for review and for support to members apply.

**4. Recording information about appointments**

- 4.1 A database of existing outside body appointments will be maintained centrally by the member support team, to include:
- Councillor details, including political party;
  - Term of Office;
  - A key contact at the organisation;
  - Any allowances or expenses paid by the outside body; and
  - Named LGA link officer.
- 4.2 The Member Services team will add details of the appointment to the notes on the appointed councillor’s CRM entry and on the organisation’s CRM entry.
- 4.3 The list of Outside Bodies, broken down by Board, will be published on the LGA website and details will also be added to each member’s web profile. The Member Services team has responsibility for ensuring this is kept up to date.
- 4.4 This list will also include any ‘member champions’ – board members appointed to hold a particular portfolio area of responsibility within the LGA, for example the European and International Champions on each Board.

**5. LGA support for members appointed to Outside Bodies**

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- 5.1 Members appointed to outside bodies must receive support from LGA officers in order to maximise their contributions to outside bodies, including being kept informed of key LGA lobbying messages. Support will therefore be provided in line with the following Scrutiny Panel recommendations, agreed by the LGA in 2003:
- For each Board making appointments to outside bodies, there should be a designated LGA member of staff to oversee the appointment process for that executive, including the provision of introductory briefing for new appointees.
  - A named member of staff should be appointed as the liaison person for each outside body.
  - Each Board should consider the need for induction support for appointees in relation to particular outside bodies.
  - Where deputies or substitute representatives are appointed, they should also be made aware of arrangements for support and report back.
  - Details of any financial support from either the LGA or the outside body should be provided for all appointees.
- 5.2 Member Services PSO will oversee the appointment process and in most cases will be the liaison officer for outside bodies linked to their Boards; however, in certain cases it may be more appropriate for a Policy Adviser to act as the liaison.
- 5.3 Member Services PSOs will ensure that appointees receive a letter setting out the details of the appointment, term of office, future meeting dates, arrangements for expenses and the contact details of both the organisation's named contact and the LGA's link officer.
- 5.4 New appointees will receive an initial briefing on the work of the outside body and relevant LGA lobbying messages from the link officer and will also be kept informed of any arising policy issues and of other LGA contact with the organisation.
- 6. Mechanisms for feedback**
- 6.1 All appointees should be encouraged to provide updates to the link officer following meetings and when important issues arise.
- 6.2 All appointees, including non-board members, should be encouraged to feed into board 'other business' reports every 2 months. Appointees who are not board members may also wish to attend a board meeting to report back.
- 6.3 Towards the end of each year, all appointees will be contacted by the Member Services PSO and invited to feed back their views of the appointment, in preparation for the Boards' annual review of appointments. This should cover how many meetings they have attended, how useful they feel their role has

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been, whether they wish to continue and whether they have any additional support needs.

- 6.4 The named contact at the outside body should also be contacted annually to confirm details of attendance, provide an update on any changes and details of forthcoming meeting dates.

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**Appendix B**

**Children and Young People Board Outside Bodies for appointment to for  
 2012/13**

<b>Organisation/contact details</b>	<b>Number of places</b>	<b>Background</b>
<a href="#"><u>Membership Forum National Children's Bureau</u></a>	1 place	NCB are one of our strategic partners as members of the children's inter-agency group.
<a href="#"><u>National Foundation of Education Research</u></a>	1 place	Their overall mission is to contribute to improving education and training nationally and internationally by undertaking research, development and dissemination activities and by providing information services
<a href="#"><u>National Youth Agency</u></a>	2 places	Aim to advance youth work to promote young people's personal and social development, and their voice, influence and place in society
<a href="#"><u>British Agency for Adoption and Fostering</u></a>	1 place	Works for children separated from their birth families. It has four main roles. 1. Supports improvements in practice; 2 Raises public and professional awareness of issues affecting looked after children; 3 Advocacy and influencing policy makers; 4 supports child placements.
<a href="#"><u>Ministerial Advisory Group</u></a>	3 places	The Ministerial Advisory Group (MAG) considers the role of the local authority in relation to education and children's services - to enable dialogue between ministers and local authorities to consider all such issues, in partnership between central and local Government.
<a href="#"><u>Education Forum</u></a>	2 places	The purpose of the Education Forum is to engage its members in the implementation of DfE

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		policy, particularly its implications for the school workforce. The Forum discusses the Government's priorities and is a bi-monthly forum for professional organisations representing the school workforce and their employers to work together with DfE.
<a href="#"><u>Children's Improvement Board</u></a>	2 places	The Children's Improvement Board (CIB) is a partnership between the LGA, the Association of Directors of Children's Services (ADCS) and the Society of Local Authority Chief Executives (SOLACE), supported by the Department for Education (DfE).
<a href="#"><u>Social Work Reform Board</u></a>	1 place	The Social Work Reform Board is implementing the recommendations made by the Social Work Task Force to improve the quality of social work.
<a href="#"><u>Supporting local authorities' corporate parenting role advisory group</u></a>	1 place	The Advisory Group seeks to support local authorities in their corporate parenting role.
<a href="#"><u>Shadow Board of Trustees Early Intervention Foundation</u></a>	1 place	The LGA is part of a consortium bidding to establish the Early Intervention Foundation, which the DfE is currently procuring. The purpose of the independent Foundation will be to build a strong evidence base on the effectiveness of different programmes and to support local commissioners. A 'shadow' Board of Trustees is currently in place until the outcome of the bid is known.

## **Other business report**

### **Purpose of report**

For information.

### **Summary**

This section provides reports on other business relevant to the Board.

### **Recommendation**

That the Board note the update.

### **Action**

LGA officers to action as necessary.

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## **Other business report**

### **Update on Raising the Participation Age (RPA)**

1. The Education and Skills Act 2008 introduced legislation to Raise the Participation Age (RPA) of young people in learning to 17 from 2013 and until their eighteenth birthday from 2015. They must continue in education or training either through full-time education (school, college or home education); work-based learning (Apprenticeship) or part-time education or training if employed, self-employed or volunteering for over 20 hours a week. Local authorities take on a new statutory duty to support RPA, and have a significant role in bringing together schools, colleges, employers, and other learning providers to coordinate action for this cohort, and therefore have an interest in how RPA will work.
2. DfE launched a three-month consultation (January to April) on taking forward RPA implementation. The LGA responded and recommended:
  - 2.1. Working not for reward, holding an office, and self-employment should constitute as productive 'participation' if accompanied by part-time learning, as should registered carers.
  - 2.2. The local authority ability to fine employers for breach of duties would be used as a last resort, based on local discretion and could be introduced on a staggered and/or tiered approach according to size/type of employer. Surplus from fines must be reinvested by local authorities to raise participation (not returned to DfE).
  - 2.3. Micro enterprises (less than 20 employees) which are in many cases predominant employers in local areas, while exempt from financial sanctions, could be subject to non-financial sanctions which should be a matter for local negotiation.
  - 2.4. That Government, in discussions with local authorities, review the potential new costs as a result of these duties.
3. On 2 July, the DfE published its response to the consultation. The most important issue to report is that the Government will now not require employers to carry out their obligations for 16 and 17 year olds in checking a young person is enrolled on a course before employing them, and arrange work hours to fit around learning. Councils were tasked to enforce this, and fine employers where it was evidenced they had failed to discharge these obligations. The Education Secretary has said that the duties on employers, together with the enforcement process against young people and parents, will remain in statute,

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and introduction may be reviewed at a later stage. The local authority duty to support RPA remains.

4. On the same day, DfE announced reforms to post 16 funding, which in essence means funding will move from per qualification to per learner. It is effective from September 2013, in parallel with the commencement of RPA. It suggests that learners will have to follow a defined programme of study, rather than a number of individual courses. The Government expects that this will provide young people with a better mix of skills, and chimes with LGA calls under the Hidden Talents campaign to support young people to be better prepared for the future. The proposals require further detailed work and to provide this, the DfE will establish a Ministerial working group for learning providers to implement some of these changes. The LGA will call for involvement given out strategic role in post 16 planning, and our role as a provider, particularly for vulnerable young people.
5. The LGA has organised a roundtable session on RPA on 26 July for councils from across England to discuss directly with lead DfE officials next steps for implementation, which will include developing guidance and regulations. The LGA will call for involvement given councils' strategic role in post 16 planning, in maintaining schools and as a provider of post-16 education and training.

**Inquiry into schools duty to provide careers guidance**

6. The Education Select Committee has announced an inquiry on careers guidance for young people in light of the new statutory duty to secure access to independent and impartial careers guidance for pupils, which passes from local authorities to schools from September 2012. Written evidence must be submitted by 3 September 2012. An LGA draft response will be circulated to Board members during August.
7. A key line of inquiry is how local authorities have supported schools to take on this duty. It will also look into the quality and impartiality of careers guidance provided by schools and colleges; preparedness of schools; and support for vulnerable groups. Local authorities maintain responsibility to support young people not in education, employment or training (NEETs) as they will not be in receipt of careers guidance from a learning institution.
8. The LGA has commissioned NFER to conduct evidence based research into this issue. The findings from this report will be useful if the LGA is invited to give oral evidence.
9. Special Educational Needs and Disability
10. The Government has confirmed that, along with changes to the funding of mainstream schools, it will radically transform the way it will fund provision for children and young people with special education needs, including those aged

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16-24. Through their funding formula schools and colleges will be provided with budgets to meet the needs of learners with low levels of special need. Local authorities will be expected to provide 'top up' funding for individuals with high levels of need. Local authorities will receive a 'high needs block' as part of the DSG which will bring together a number of existing pre and post 16 special needs budgets. The Education Funding Agency plans to provide LAs with the initial notification of the high needs block allocations by the end of July. LGA officers continue to work with local authority partnerships, providing support and information.

**Hidden Talents Campaign**

11. In June the LGA launched new research assessing the level of match between the further education qualifications provided to young people, and the jobs available to them in the local economy. The conclusions are a cause for concern as nationally there is an oversupply of skills in some sectors and an undersupply in others. The LGA is optimistic that local solutions exist, and that local partnerships – including schools, colleges and employers – need the levers over skills provision locally to give young people the skills they require for local labour markets.
12. On 27 June, Cllr Shona Johnstone, Vice Chairman of the LGA Economy and Transport Board, gave evidence on behalf of the LGA to the Work and Pension Select Committee Inquiry into youth unemployment and the Youth Contract, specifically focusing on the £126m available for 16-17 year olds not in education, employment or training. She emphasised the complexity of the current system where young people can receive support from at least 8 national organisations, funding 33 schemes and said that local authorities should be the glue that links learning providers with young people themselves. Further supplementary evidence has been submitted to emphasise the need for local authorities to have an oversight role in how nationally selected Youth Contract providers are delivered provision in local areas.
13. On Tuesday 10 July Cllr David Simmonds chaired a Parliamentary Roundtable in the House of Commons – held jointly with the Princes Trust – on youth unemployment. We used the roundtable to explore the activity local authorities are leading to support the most disengaged young people into work and learning, and to discuss how these approaches might be better enabled by the national system. Around 20 MPs attended the event.

**Children and Young People's Health Outcomes Strategy**

14. In January the Secretary of State for Health (SofS) announced a children and young people's health outcomes strategy would be unveiled later this year, an independent forum was set up to develop a set of recommendations.

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15. In June the forum invited a number of stakeholders including the LGA to take part in its assurance process ahead of presenting the forum's recommendations to the SofS in early July. We will update members when the report is published which is due in Autumn.
16. Read the full LGA submission here: [www.local.gov.uk/web/guest/childrens-health/-/journal\\_content/56/10171/3597908/ARTICLE-TEMPLATE](http://www.local.gov.uk/web/guest/childrens-health/-/journal_content/56/10171/3597908/ARTICLE-TEMPLATE)

**Children's Commissioner**

17. The Government has announced that it will be reforming the office of the Children's Commissioner in line with the recommendations of John Dunford's independent review of the role of the Children's Commissioner. It has accepted in principle all of his recommendations and has said that they will consult on the legislative changes needed to implement them.
18. The draft legislation would create a new role for the Children's Commissioner, focused on promoting and protecting the rights of children. The Children's Commissioner would have powers to:
  - 18.1. carry out investigations;
  - 18.2. carry out assessments of the impact of new policies and legislation on children's rights;
  - 18.3. undertake research;
  - 18.4. monitor the effectiveness of complaints and advocacy services for children and young people;
  - 18.5. access places where children are cared for or accommodated away from home, so that their concerns can be heard;
  - 18.6. request the information needed to carry out full and robust investigations;
  - 18.7. require those to whom recommendations are made to set out how they intend to respond.
19. The aim of the draft legislation will be to make the Children's Commissioner more independent from Government and more directly accountable to Parliament, in particular through an annual report to Parliament that will allow for more effective scrutiny of the impact that the Children's Commissioner's activities have had on the promotion and protection of children's rights.

**National Youth Agency (NYA)**

20. The NYA has have engaged in several activities around the youth agenda this year. Membership of its Supporting Services for Young People Group on the Knowledge Hub (KHub) is now 337, and we have complimented this with a monthly e-bulletin highlighting developments on the KHub as well as producing a 'how to' guide.

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21. Alongside youth work the NYA have also been focusing on three other areas of work this year; troubled families, business involvement with the sector and measuring outcomes.
22. The troubled families work seeks to identify and highlight the role that youth work plays in the troubled families agenda. To this end they will be holding a conference on the troubled families agenda on 12 September in Birmingham. Speakers include Robert McCullough Graham (Associate Director of the DCLG Troubled Families Team), Councillor Ken Meeson and Fiona Black, NYA Chief Executive.
23. The business involvement work will focus on piloting the role of business brokerage in Manchester with the British Chambers of Commerce. This will be a joint piece of work with the North West Regional Youth Work Unit.
24. The third area of work is continuing with our work on evidencing the value of youth work. They will fund and work with the Young Foundation in two pilot areas – Norfolk and Staffordshire and work with four further local authorities including Solihull and Oxfordshire to test practical tools for measuring the impact of their services.
25. The NYA are also provide tailored support to 40 councils, 16 of which started in April 2012 – Wolverhampton; Walsall; Reading; Herefordshire; Ealing; Manchester; Ipswich; Derbyshire; East Cheshire; Luton; Central Bedfordshire; Hillingdon; Norfolk; Sheffield; Rotherham; Salford. They have a further 6 Councils with no confirmed start date as yet: Lancashire; Hounslow; Bristol; North East Lincs; Kirklees; Nottingham City and 2 Councils with a September start date: Camden; Telford.

**National Foundation for Educational Research (NFER)**

26. Reporting activity in the April to June 2012 period has included the publication of reports on:
  - 26.1. Alternative Provision for Young People with Special Educational Needs
  - 26.2. Developing Indicators for Early Identification of Young People at Risk of Temporary Disconnection from Learning;
  - 26.3. Fostering Partnerships – A Review of Current Practice;
  - 26.4. Children and young people’s Experiences of Fostering and Adoption Processes: A Literature Review;
  - 26.5. The Impact of Safeguarding Peer Reviews;
  - 26.6. Changes to the Funding of SEN Provision: Views of Lead Members;
  - 26.7. A Best Practice Review of the Role of School Forums; and
  - 26.8. The Soulbury Committee Workforce Survey 2010-11.
27. Newly commissioned studies included the aforementioned Fostering Partnerships – A Review of Current Practice and most recently Practice

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examples of effective transition of CEIAG from local authorities to schools. Researchers are also working on proposals for a study looking at the longer term impact of safeguarding children peer reviews and an evaluation of peer challenge activity across regions in the context of sector-led improvement and support (jointly commissioned by LGA and CIB).

## Note of decisions taken and actions required

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<b>Title:</b>	Children and Young People Board
<b>Date and time:</b>	21 May 2012, 11.00am
<b>Venue:</b>	Local Government House

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### Attendance

Position	Councillor	Council
Chairman	David Simmonds	Hillingdon LB
Vice chair	John Merry CBE	Salford City
Deputy chair	Liz Green	Kingston upon Thames RB
Deputy chair	Apu Bagchi	Bedford BC
Members	David Pugh	Isle of Wight Council
	Derrick Murphy	Norfolk CC
	Robert Light	Kirklees MBC
	Paul Lakin	Rotherham MBC
	Anne Burns	Cumbria CC
	Rita Krishna	Hackney LB
	David Bellotti	Bath & NE Somerset Council
Substitutes	Susie Charles	Lancashire CC
	Roy Perry	Hampshire CC
In attendance	Cllr Toni Coombs	SW regional network Chair
	Cllr Ivan Ould	East Midlands network Chair
Apologies	Catharine Grundy	Birmingham City
	Kath Pinnock	Kirklees MBC
	Paul Carter	Kent CC

**Officers:** Helen Johnston, Ian Keating, Cassandra Harrison, Mike Heiser, Lucy Ellender

Item	Decisions and actions	Action by
	<p>The Board held a minute's silence in memory of Baroness Shireen Ritchie.</p>	
<p><b>1</b></p>	<p><b>Free Schools</b></p> <p>Sarah Counter, Principal of Canary Wharf College and Tom Philpott, Head of Partnerships for the New Schools Network, attended the meeting to discuss the role of free schools, the benefits and challenges of setting them up and how councils and Free School proposers can work together.</p> <p>It was noted that the process for setting up a free school involved several different stages, including interviews with the local council and the Department for Education (DfE). The key foundation for a free school proposer was to show that there was a strong parental demand and a positive need for the new school in the area.</p> <p>Members were concerned about the lack of scrutiny that councils would have in new free schools. Members asked what measures were in place to improve standards if they fell. It was noted that free schools would be subject to Ofsted inspections and if there were issues with the school, DfE had the power to intervene.</p> <p>Members raised a number of other issues including:</p> <ul style="list-style-type: none"> <li>• In areas of need there were potential difficulties in identifying people with the appropriate skills to run free schools.</li> <li>• how free school sites were decided and their interactions with sites that councils might hold. It was noted that the process of finding a site for a free school was by negotiation.</li> </ul> <p><b>Decision</b> <i>Members thanked Tom Philpott and Sarah Counter for their presentation and noted that there would be a session at the National Children and Adults Services Conference (NCAS) on this subject.</i></p> <p><b>Action</b> Officers to proceed with arrangements for the NCAS session on free schools.</p>	



## **2 The role of local government in promoting positive wellbeing for children**

Enver Solomon, Policy Director, and David Hounsell, Economic Adviser, from the Children's Society attended the meeting to discuss the role of local government in promoting positive wellbeing for Children following the release of their report *Promoting positive wellbeing for children*.

Members raised a number of queries including:

- whether there were particular elements which contributed the most to young peoples' wellbeing? Enver replied that relationships within the family and in the wider community were key to achieving positive wellbeing.
- concerns around the how the structured changes in the health service and communications between the different agencies involved would effect the services provided to young people
- concerns about a lack of visibility amongst young people on the services already provided for young people in local areas by councils

It was noted that the Children's Society were hoping to compare wellbeing over time in the future, but they were currently not able to do so.

The Children's Society's work had created a Charter for all agencies involved in working with children in care in conjunction with officials from DfE. This work would compliment the revised guidance that would be released shortly. Members commented on the Charter.

### ***Decision***

*Members agreed that the use of the Charter would be helpful however they felt that further work was needed to make it appropriate to the audience.*

### **Action**

Officers to proceed as directed in discussions with the Children's Society on the Charter.

## **3 Adoption Scorecards**

Members discussed the introduction of the adoption scorecards. It was felt that the LGA should continue to lobby

against the use of scorecards as these were still not accurate depictions of the effectiveness of local adoption processes. Members discussed the role of the Children's Improvement Board in supporting councils.

***Decision***

*Members commended the media work already done by the LGA and agreed to continue lobbying on the use of scorecards.*

**Action**

Officers to proceed as directed.

**4 Children and Families Bill**

Members commented on the new Children and Families Bill. Some members were concerned about behaviour being taken out of statements for special educational needs. Officers agreed to keep monitoring the Bill as it developed.

***Decision***

*Members noted the report.*

**Action**

Officer to monitor progress of the Bill.

**5 Schools funding update**

The closing date for the School Funding Reform Next Steps consultation was 21 May. The Association of Directors Children's Services and LGA draft response to the consultation was shared at the meeting.

Members discussed the role of the Education Funding Agency, the lack of an announcement on capital from the Government as well as academies topslice and School Forums.

***Decision***

*Members agreed the School Funding Reform Next Steps response.*

**Action**

Officers to proceed as requested.

**6 Children's Improvement Board update – May 2012**

***Decision***

*Members noted the report.*

**Action**

Officers to continue to provide updates to the Children and Young People Board.

**7 End of year review 2011/12**

***Decision***

*Board members noted the progress made against the Business Plan priorities.*

**Action**

No further action.

**8 Other Business Report**

***Decision***

*Members noted the report.*

**Action**

No actions arising.

**9 Note of the last meeting – 28 March 2012**

Members **agreed** the note of the meeting held on 28 March 2012.

# Leeds Civic Hall

