

## **The Council Role in Education**

### **Purpose of report**

For discussion.

### **Summary**

Following the General Election the new Secretary of State for Education, the Rt Hon Michael Gove MP, convened a Ministerial Advisory Group (MAG) on the council role in education, with representation from the LGA, the Association of Directors of Children's Services (ADCS), the Society of Local Authority Chief Executives (SOLACE) and representatives of academies and academy chains. The Board has received regular reports on the evolving LGA position on the council role in education.

The MAG will meet on 8 November and the intention is that the Group will move towards a final conclusion of its deliberations about the council role in a more autonomous school system. Attached in **Appendix A** is a draft report setting out the LGA's contribution to that discussion, for comments and approval by the Board and the Lead Members attending the Board meeting.

### **Recommendation**

Members are asked to discuss and approve the draft paper in **Appendix A** for submission to the Ministerial Advisory Group.

### **Action**

Any comments made to be incorporated in the final draft of the report.

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## **The Council Role in Education**

### **Background**

1. Following the General Election the new Secretary of State for Education, the Rt Hon Michael Gove MP, convened a Ministerial Advisory Group on the council role in education, with representation from the LGA, the Association of Directors of Children's Services (ADCS), the Society of Local Authority Chief Executives (SOLACE) and representatives of academies and academy chains. The Group have been meeting under the Chairmanship of the Secretary of State to discuss schools capital and revenue funding; the promotion of educational excellence; sufficiency of school places and fair access; and the council role in supporting vulnerable children and young people.
2. The Group commissioned *action research into the evolving role of the local authority in education*<sup>1</sup> which was funded jointly by LGA and DfE and was launched at the LGA Annual Conference on 26 June 2012. The aim of the 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. The 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,
3. The research will be discussed by the Ministerial Advisory Group on 8 November and the intention is that the Group will move towards a final conclusion of its deliberations about the council role in a more autonomous school system. Members are asked to discuss and approve the draft paper in **Appendix A** for submission to the Ministerial Advisory Group.

### **Summary of the draft report**

4. The draft report identifies the challenges facing education and training as being to:
  - 4.1. Improve education and training to support growth and to make sure that all children and young people are given the opportunity to fulfil their potential and achieve their ambitions.
  - 4.2. Secure sufficient new school places to meet the trend of sharply increasing demand. A substantial investment in a national school building programme also has the potential to contribute to growth in local economies.
  - 4.3. Make sure that the most vulnerable children and young people, including those with special educational needs have fair access to educational opportunities to narrow the gap in attainment between these groups and their peers.
  - 4.4. Successfully implement the Raising of the Participation Age (RPA) to improve the skills and employment prospects of our young people and reduce youth unemployment.

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<sup>1</sup> <http://bit.ly/MOvGJJ>

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5. It sets out the wide range of statutory duties that mean that councils have an absolutely central role in meeting these challenges and argues that councils also have a democratic mandate to promote and protect the interests of local children, young people and their families. It makes a number of proposals and recommendations, which members are invited to comment on and approve:
  - 5.1. We propose that cost savings should be realised by eliminating the duplication by the Education Funding Agency (EFA) of functions already being carried out by councils for the schools they maintain. This would include allowing councils to take over the roles of the EFA in funding academies and providing financial assurance for academies. Eliminating this duplication will allow the DfE to disband the EFA's regional structure, close its 10 regional offices and allow it to become a lean and focused national funding agency.
  - 5.2. We propose that responsibility for commissioning and funding of post-16 education and training should revert from the EFA to councils, as was the intention of the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009. This will allow them to effectively support RPA by commissioning new provision that is suitable to meet the needs of local learners that currently disengage from education or training at the age of 16.
  - 5.3. We believe that that sustainable school improvement is best achieved by a self-improving system based on school-to-school improvement. Improvement partnerships are likely to be more effective when they are sharply brokered and robustly held to account by someone external to the two schools involved. A number of partners in the schools system will have an important part to play in bringing this accountability, including academy chains, school improvement partnerships and teaching schools. But it is not clear who will play this support role and brokerage role for the majority of academies which do not have a sponsor. We believe that councils are best placed to ensure that all schools are held accountable in this way, including stand-alone converter academies.
  - 5.4. We propose that in council areas where more than half of secondary schools are academies (currently 72 councils), the functions of the EFA in relation to funding, financial assurance, monitoring performance and intervention in the case of underperformance should revert to the local council. However, the DfE has indicated that this proposal would require a change to primary legislation.
  - 5.5. We ask for reassurance that the new role of the Secretary of State in making decisions about all new school proposals will not introduce unnecessary bureaucracy and delay into the process of bringing forward new schools to meet rising demand.
  - 5.6. We would like to see more transparency in the decision-making process within DfE for agreeing new school proposals, including the publication of information about the way in which decisions will be taken and the criteria against which new schools proposals will be judged. We would also ask for reassurance that if the Secretary of State does not agree the recommendation made by a council, the reasons for his decision will be published and there will be an opportunity for the council to make further representations before a final decision is taken.

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- 5.7. Given the urgent need to respond to sharply increasing demand for school places we urge the Government to announce its response to the James Review and move forward quickly with reform to schools capital funding based on a 'single capital pot' based on local authority areas.
- 5.8. Councils have a proven capacity over many years to deliver cost effective, well-designed and efficient school buildings on time and to budget. Recent experience of Government procurement at a national level suggests that it is inefficient and introduces delay, so we believe that school procurement should be carried out at the local authority level.
- 5.9. An announcement on when the Priority Schools Building Programme will commence; how it will work in practice; and how it will be phased is urgently required to allow urgent work to start to bring school buildings up to an acceptable state of repair.
- 5.10. We believe that if councils are to effectively discharge their duties to secure sufficient places for young people over compulsory school age and realise the ambition of RPA, the commissioning model needs significant change. Funding, planning and commissioning need to be carried out a more local level and responsibility should be devolved to local partnerships which include representatives from councils, providers and local employers rather than being run by the EFA. These partnerships would have the local knowledge and connection to effectively commission provision for young people which matches the needs of local employers and provides a better match with local labour markets.
- 5.11. The system to re-engage young people in learning to support RPA and reduce the number of young people not in education, employment or training is complex and fragmented. A variety of providers offering multiple interventions are competing at a local level to target the same group of young people. We believe that all the funds that seek to support young people to stay in learning or re-engage them, should be brought together into one reengagement programme, planned and commissioned at a local level, to allow councils and their partners to identify, plan, target and tailor provision to meet the needs of local young people.

**Financial Implications**

6. There are no additional financial implications as this is a priority in the LGA Business Plan.