

# Local Government Association Submission to the Education Select Committee Inquiry into Certain Aspects of the Academies Programme December 2013



## Introduction

The LGA supports greater autonomy for schools as a way of driving up standards. We believe that giving frontline professionals the freedom to innovate and respond to the needs and priorities of local children and young people and their families will improve educational attainment and overall outcomes. We have called for greater devolution of power from the Government to councils and would not want to deny schools greater freedom.

We have encouraged councils to play a more strategic role and to work with all local schools - including the increasing numbers of academies - to drive improvement; promote fair access; support pupils with Special Educational Needs; and ensure there are sufficient school places at a time of sharply increasing demand. Councils across the country have also supported a greater role for school-to-school improvement in improving educational outcomes for children and young people<sup>1</sup>.

However, we have argued that as schools are given more freedom, it becomes more important that they are effectively held to account and swift action is taken in the case of underperformance. As more schools take responsibility for their own admissions, it is also vital that admissions are fair, and seen to be fair, particularly for the most disadvantaged children and young people and those with special educational needs.

### **1 The process for approving, compelling and establishing academies and free schools, including working with sponsors**

1.1 Councils alone have a legal responsibility to make sure sufficient school places are provided to meet local need. The Education Funding Agency (EFA) estimates that an additional 417,000 primary school places will be needed over the lifetime of the current Parliament and councils face an enormous challenge in providing these places in time and with limited capital resources. Until now, the majority of places have been provided by expanding existing schools because this is the most cost-effective way of providing new places.<sup>2</sup>

1.2 However, as the room for expansions is exhausted, councils are concerned that the process of building new schools will be hampered by the 'academies presumption' which places all the final decisions about new schools in the hands of the Secretary of State and Department for Education-approved academy sponsors. We believe this hampers effective local decision-making and partnership working with schools and sponsors. In many cases, it is likely

<sup>1</sup> See the LGA report on 'the council role in school improvement' (June 2013):

[http://www.local.gov.uk/web/guest/schools-and-education/-/journal\\_content/56/10171/4024029/ARTICLE-TEMPLATE](http://www.local.gov.uk/web/guest/schools-and-education/-/journal_content/56/10171/4024029/ARTICLE-TEMPLATE)

<sup>2</sup> The National Audit Office's report, *Establishing Free Schools*, highlighted that expenditure on the free schools programme is over the sum originally allocated: <http://www.nao.org.uk/wp-content/uploads/2013/12/10314-001-Free-Schools-Book.pdf>

# Submission

to override the input of local parents and local communities. It is not sustainable to continue to remove decision-making from councils in this way.

1.3 We would like to see the restoration of decision-making on the provision of new schools to local level, as it was prior to the Academies Act 2011. Councils need the flexibility to deliver whatever new type of school is required to fulfil their statutory duty to offer places and to contribute to the local education offer. This may include the option of establishing community schools if that is the locally preferred option. Where academies are the preferred option, decisions about sponsors should be taken locally to meet the needs and wishes of local parents and communities.

1.4 The process for establishing and funding free schools is completely outside the control of local councils, although councils are increasingly trying to engage potential free school sponsors to make sure that new schools are established in areas of need. The Department for Education (DfE) have said that they are taking local need into account more in making decisions about free schools. However, we would like councils to be given a greater role in judging and approving free school proposals to ensure that new free schools are established where they are needed and in a way that supports councils in their place planning duties.

**2 The role of the Secretary of State in intervening in and supporting failing academies, and how this role will work as the programme expands; and the functions and responsibilities in relation to academies and free schools of local authorities and other organisations operating between the Secretary of State and individual schools; what these functions and responsibilities should be; and what gaps there are in support for schools at this level**

2.1. Currently there is a two-tier system of school accountability. Local councils have oversight of the performance and finances of maintained schools. They have powers to intervene in the case of underperformance and to direct them to take individual pupils to support local fair access protocols. However, they do not have these powers for academies – these rest with the Secretary of State for Education and the EFA.

2.2. This two-tier system might have been viable while there were low numbers of academies, however we do not believe that the DfE has either the capacity or the local knowledge and connection to exercise effective oversight of standards and financial propriety in a situation where the majority of secondary schools and a growing number of primary schools are now academies.

2.3. The DfE's recent advertisements for Regional Schools Commissioners to exercise the Secretary of State's powers in relation to underperforming academies are an acknowledgement that the current arrangements are no longer sustainable. However, we do not believe that this is a sustainable long-term solution either. A region is too big an area to carry out detailed oversight of the performance and financial propriety of schools. If all 24,000 schools become academies, rather than the current 3,500, then a middle tier at the level of a council is likely to have to be re-introduced.

2.4. We believe that the Regional Commissioners will add a new confusing layer of bureaucracy for parents. The regions covered by the Regional Commissioners do not align with the standard regions, and London will be split in three by the new regions, which will confuse parents who are familiar with the standard regions. Furthermore, it is unlikely they will be able to raise

their concerns about a local primary school with a Regional Commissioner which might be hundreds of miles away, in the same way as they do with the local council. It is unlikely that the Regional Commissioner will be able to deal with all the issues a parent is likely to raise – they are likely to have to refer them back to the EFA, the DfE or to the local council.

- 2.5. The Ofsted framework for inspection of council school improvement support, introduced in June 2013, makes clear that councils are expected to have a role in driving and supporting improvement in all local schools, including academies. In support of this, Ofsted point to Section 13A of the Education Act 1996. This places a duty on councils to exercise their relevant education functions with a view to promoting high standards.
- 2.6. With the increasing number of academies, we do not think it is sustainable for oversight of, and intervention in, failing academies and free schools to rest with the Secretary of State or with regional bureaucrats. We do not believe it is reasonable for Ofsted to hold councils accountable for performance in academies when they have no funding or powers in this area.
- 2.7. Parents ask for clear accountability in order to ensure swift action when issues arise during their child's one opportunity to get a good education. The proliferation of different agencies with different areas of responsibility and improvement offers puts this at risk. Parents with concerns will be faced with dealing with local and national Ofsted offices, their local council, and potentially a Regional School Commissioner. Councils responding to their concerns may have to engage the DfE, the EFA, regional and national Ofsted and a Regional School Commissioner. This is not an efficient way of supporting improved standards.
- 2.8. We believe that councils, as local champions of children and young people, their families and their communities, are best placed to provide the local oversight needed to continue to drive up standards and ensure that all children and young people have fair access to a good local school. We think that councils should have the same powers in relation to all local schools to intervene in cases of underperformance or designation in an Ofsted 'category of concern', including the power to select new academy sponsors.

### **3 What role academy chains play or should play in the new school landscape; how accountable they are; and what issues they raise with regard to governance arrangements**

- 3.1 We think academy chains will have an increasing role to play in the new school landscape with the growing number of academies, particularly in supporting school-to-school improvement and providing additional capacity for severely underperforming schools. However, if councils' improvement support to maintained schools is to be inspected by Ofsted, we think academy chains should also be open to inspection on the support they provide for schools in their chain. In addition, academy chains, as proprietors, have too close an interest in their own schools to replace the current role of councils as champions of children, young people and their families with statutory duties to promote high educational standards in their areas.

### **4 The appropriateness of academy status for primary schools and what special factors apply; and what evidence there is that academy status can bring value for money either for individual primary schools or for the system as a whole**

- 4.1 We are concerned that many primary schools are just too small to become stand-alone converter academies. We have called for a radical rewiring of public services<sup>3</sup> which will allow decision-making for public services to be brought together in one place. We argue that what people want more than anything else is for services to be built and integrated around the needs of children and their families, not around buildings, institutions and wasteful bureaucracy. Therefore, we do not believe that a fragmentation of the school sector into more than 24,000 separate public service units will promote value-for money in spending of public money, particularly if accountability lies with the Secretary of State for Education or remote Regional Commissioners.
- 4.2 Many primary schools rely heavily on the central services procured and provided by councils and would not have the desire or capacity to negotiate a good deal for the taxpayer with other suppliers. Our concern is that too many primary schools lack the scale to provide efficiently the range of services that they need. One solution is for smaller primary schools to federate or form a multi-academy trust with other schools and this is likely to be a more sustainable arrangement than individual primary schools becoming academies.

## **5 What alternatives to sponsored academy status should be offered to failing primary schools**

- 5.1 Councils need the flexibility to make whatever arrangements are required to deliver improvement, engaging the resources of the local education community and outside support whether through a sponsored arrangement or a federation. We believe that federations, mergers and partnerships with other high-performing schools in an area offer an alternative to sponsored academy status, if that is the preference of governors, local parents and children.

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<sup>3</sup> <http://www.local.gov.uk/campaigns/>