

Education Policy
Sarah Teather MP, Department for Education

Purpose of report

For noting.

Summary

Sarah Teather MP is speaking to the Councillors' Forum about the Government's education reforms and developments in wider policy areas. In particular the Minister will discuss the Government's plans for the future role of councils in local schooling and education.

The Minister may also touch on, and Members may wish to raise, the Special Educational Needs White Paper and the recent report by Professor Munro into children's social services. The LG Group has worked closely with Professor Munro and the Department for Education on both of these matters; however it would be an excellent opportunity for the Minister to hear about the experiences of councils across the country and for members input into two developing policy areas.

Recommendation

Members are asked to note the presentation and raise issues for local government.

Action

As directed by the Forum.

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Education Policy

Sarah Teather MP, Department for Education

Education Bill

Summary

1. The Education Bill includes measures to implement the November 2010 Schools White Paper. It includes measures relating to the authority of teachers and the disciplining of pupils, removes duties on schools and councils whilst giving them greater freedom to fulfil their functions, extends the Academies programme and changes school accountability relating to the national inspectorates.
2. The Young People's Learning Agency (YPLA) will be abolished and its functions for funding academies and 16-19 education transferred to an executive agency, the Education Funding Agency (EFA). It will also have the responsibility for directly funding academy schools and passing funding on to local authorities for maintained schools.

School and college funding

3. The functions for funding academies and 16-19 education will be transferred via the Secretary of State to an executive agency, the EFA. This will also have the responsibility for directly funding academy schools and passing funding onto local authorities for maintained schools. The funding for maintained schools currently goes to local councils without the intervention of a funding agency – the YPLA only deals with 16-19 education.
4. While the majority of schools are local authority maintained schools funding for them will continue to go through local authorities (but via the EFA). The Government is currently consulting on introducing a fairer national funding formula for schools – which was a commitment in the coalition agreement - including how fast they should move to such a formula and any transition measures required.
5. The LG Group is pleased that there continues to be an underlying theme in the Government's statements that councils' will have a continuing role in channelling schools funding to maintained schools. However, whilst the abolition of the Young People's Learning Agency is welcome, we believe that the current approach to funding pre-16 education through the Dedicated Schools Grant (DSG) should be maintained and extended to cover 16-19 funding. This would be more cost effective. We do not see the need to replace the YPLA with a new Education Funding Agency.

6. The LGA is not opposed to the introduction of a national funding formula which provides for fair and transparent funding for schools pre-16. Nor do councils oppose to the reform of post 16 funding to produce a fairer funding system between different types of providers. However, there is no need for a national agency, and the associated costs and bureaucracy, to administer this. The DSG is already, in effect, a national formula which distributes money on a formula basis. It also allows an element of local adjustment to the formula to take account of local needs and circumstances.

Establishing new schools

7. The Bill introduces a requirement that when a council identifies the need for a new school they must first seek to establish this new school as an academy and must seek the Secretary of State's approval for the establishment of the new school or for continuing with alternative models if an academy is rejected.
8. Schedule 11 of the Bill creates a presumption that in the future any new schools will be established as academies. The LG Group has argued that we must ensure that this process does not reduce the ability of local parents, education providers and councils to respond quickly and effectively to new demand and that local choice and diversity of provision is maintained.
9. During the Committee Stage in the House of Commons the Minister made it clear that the Government felt these provisions "require every local authority, in carrying out its planning function, to consider before all other options how they might set up an autonomous school, whether it is a free school or an academy" and that they were driven by "efforts to increase the autonomy, innovation and choice that academies bring.
10. Councils have repeatedly told the LG Group that the primary concern when encouraging new provision in an area should be the needs of parents and children and that will include a balancing of diversity of provision to expand choice. The LG Group therefore believes that if local parents do not want new schools to be established as academies, councils should retain the option to reflect parental demand by establishing other types of school.
11. The LGA believes that the requirements within this proposal risk the creation of a potentially burdensome process which could restrict the ability of local communities to decide what type of school is established in their area by requiring approval and scrutiny by the Department for Education at almost every stage.

The power of the Secretary of State to direct councils

12. A number of sections of the Bill create new powers for the Secretary of State to direct councils to undertake certain steps. For example, one new power allows the Secretary of State to direct a council to issue a performance standards and safety warning notice to a school.
13. Centralisation in such a way is contradictory to the spirit of localism that is at the core of the Government's public service reform agenda and the founding principle behind the Localism Bill.

14. The Education and Inspections Act 2006 already allows for the Secretary of State to direct a local authority to consider issuing a performance standards and safety warning notice. This clause removes the element of local discretion which allows councils to decide whether using their formal intervention powers is the best way to tackle underperforming schools.
15. Research commissioned by the LGA shows that councils, head teachers and school improvement partners (SIPs) prefer a collaborative 'partnership' approach to school improvement. In the vast majority of cases those interviewed said the local system was achieving the desired effect. The study found no evidence that the increased use of warning notices would greatly assist processes of school improvement. In fact, local partners feared that such notices could be counter-productive where a school is in a gradual or fragile process of improvement.
16. The LG Group has argued that councils, working with their partners, are best placed to make judgements about whether or not an improvement notice is likely to be the best way to help a school improve. Top-down "blanket approaches" to intervention cannot deliver the local knowledge that authorities and their partners can, and this is unnecessary centralisation.
17. The Secretary of State has emphasised the lead role of councils in supporting school improvement locally and it is therefore unclear why the Government has continued to seek to establish the ability for the Secretary of State to bypass local decision making regarding school improvement throughout the Education Bill's passage through the House of Commons.

Special Educational Needs and Disability Green Paper

Background

18. The green paper on special educational needs and disability (SEND) was published on 8 March 2011. The green paper focuses on five areas: Early identification and assessment; Giving parents control; Learning and achieving; Preparing for adulthood; and Services working together.

Assessment

19. The government proposes to radically reduce the number of assessments a disabled child requires, ensuring early identification of needs and enhancing the role of health professionals in the years immediately after birth. The current special educational needs statement (for those in schools) and learning difficulty assessment (for those in colleges) will be replaced by a single statutory assessment process and an 'Education Health and Care Plan'.
20. The paper also suggests that there needs to be greater 'independence to the assessment of children's needs' and proposes that the voluntary sector could be given a role.

Giving Parents Control

21. Some parents and young people feel that they have little or no control over the decisions being made about them and wish greater choice and influence. The

paper proposes that councils should publish their local offer of support to parents and that schools should simplify the information they provide.

Learning and Achieving

22. The green paper proposes giving parents of a child with a statement a statutory right to express a preference over the type of school they wish their child to attend, unless this 'would not meet the needs of the child' or 'be an inefficient use of resources'.
23. A new category of school based SEN will be created and increased responsibility for the development of teachers in schools and colleges will be placed with these sectors.

Services working together for families

24. Reflecting the Schools White Paper, the role of local authorities as the champion for vulnerable young people is re-iterated, with three key aspects highlighted: strategic planning of services; securing a range of high quality provision; and enabling families to make informed choices. Work will be undertaken to examine how best to involve GP consortia in this process, working through Health and Wellbeing Boards.
25. Consideration is also given to how the SEN code of practice can be simplified and reference is made to the work underway elsewhere in government to reduce the duties and burdens on local authorities.
26. The paper proposes providing greater flexibility over funding, encouraging increased pooling of education, health and care budgets.
27. The LG Group has submitted its response to the DfE's Green Paper: 'Support and aspiration: A new approach to special educational needs and disability'. Our key messages are that:
 - 27.1 Many local councils are already working to achieve the aims described in the green paper but find their ability to do so is often restricted by bureaucracy, legal impediments, lack of clarity of responsibility and the ways in which funding is made available.
 - 27.2 We support the proposal of a 'single assessment' for children and young people with special educational needs and disability (SEND), which needs to be an assessment fully owned and supported by all the agencies involved, eliminating the need for duplication between health, education and social services.
 - 27.3 We welcome the proposal to establish an 'Education Health and Care Plan', but councils must have the financial, legal and administrative means to develop and support this approach.
 - 27.4 We support the concept of early identification and support, but this needs to take into account that some special needs or disabilities interact, change and express themselves over time.
 - 27.5 We welcome the consideration of extending personalised budgets to some aspects of SEND, as long it is linked to the review of funding formulae and

enables councils to have the means to develop a greater choice of providers. Communication with parents must be careful so that they understand they are expressing a choice based on what is available.

27.6 We support the proposal to create a single system for SEND from birth to 25, but we think that this will require greater transformational change than the green paper suggests.

27.7 We are in favour of mediation but believe that increased transparency, especially around assessment and funding, will be more effective in reducing the 'frustrations' as described in the Green Paper .

27.8 There should be a new focus on developing educational programmes to meet the outcomes expected for young people with special needs, rather than designing the programmes in response to the funding.

Munro review on Child Protection

28. The final report on the Munro Review represents a welcome and significant step towards empowering local practitioners in child protection. Its recommendations for change deliberately step back from attempts to control the detail of local processes and instead emphasise respect for local initiative and professional judgement. The report explicitly endorses the importance of "sector-based" approaches to improvement, particularly peer review and challenge.

29. The process of implementing the review will require some further work by the sector and some clarification from Government over what will be expected from partners:

29.1 Getting inspection right so that it is proportionate, adds value rather than unnecessary bureaucracy and relates intelligently to sector-led improvement for children's services.

29.2 Supporting front line staff and leaders of public bodies to deal with the media, particularly messages about how risk is approached and the need to learn from mistakes separately from dealing with inadequate performance.

29.3 Valuing and supporting local councillors whether they are council leaders, lead members for children or members of scrutiny panels, to allow them to provide leadership and challenge in the system and exercise political accountability.

29.4 Ensuring that all partners deliver on their responsibility to provide early help, despite the pressures of job and budget cuts.

29.5 Thinking through the implications of designating a principal child and family social worker in a local authority.

29.6 Thinking through the role of Local Safeguarding Children's Boards in relation to Children's Trusts and Health and Wellbeing Boards.

30. Baroness Ritchie, the Chairman of the Children and Young People Board, wrote to Tim Loughton MP in June to welcome the Munro Review's emphasis on increasing the scope for professional judgment and reducing overly burdensome central prescription and bureaucracy. The letter also reinforced a

message the Board had made to Professor Munro at a previous meeting: that ensuring that reforms to the health system maximise opportunities to strengthen links with children's health and social care is vital. The letter went on to state that the Board is keen to continue its engagement through implementation of the recommendations and requested that the Minister consider a member sitting on the Implementation Panel. The Government is expected to publish its response to the Review by the summer.

Sarah Teather MP, Minister of State for Children and Families



Elected as the youngest MP in the Brent East by-election of 2003, Sarah Teather rose rapidly to the senior councils of her Party, winning one of the big prizes as Minister of State, number two in the Department for Education in 2010. From the start she developed a high media profile and she was promoted straight to the front bench, speaking on health and then on London.

She then became the youngest member of the Liberal Democrat Shadow Cabinet as Shadow Minister for Communities and Local Government, and the Office of the Deputy Prime Minister. She was an enthusiastic supporter of Sir Menzies Campbell for the succession to Charles Kennedy and reaped another reward when she replaced Ed Davey as Shadow Secretary of State for Education in March 2006, barely a decade after leaving full-time education herself. A year later, when the Education and Skills Department was split, she moved to shadow the new Department for Innovation, Universities and Skills.

Under Nick Clegg she first moved to shadow Business, Enterprise and Regulatory Reform, and then to shadow Margaret Beckett at Housing. Sarah Teather served on the Lib Dem-controlled Islington Council for a year and was deputy executive member for sustainability.