

The Council Role in Education and School Place Planning

Purpose

For discussion and comment.

Summary

This report summarises recent LGA work on the council role in relation to schools and school place planning.

Recommendation

That the LGA Executive discusses and comments on the report and identifies the priority areas for LGA work.

Action

Officers to take forward work on the council role in education and school place planning, as directed by members.

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Introduction

1. Over the course of the last Parliament, although councils' formal statutory education duties remained largely unchanged, their role has changed significantly with the growth in the number of academies directly accountable to, and funded by the Secretary of State for Education. As of February 2015 there were 4,461 academies in England, comprising 60 per cent of secondary schools and 13 per cent of primaries.
2. Over this period the LGA has supported a strong, continuing role for councils in education and has supported councils to adapt to a changing role. Councils continue to have wide legal duties to promote high standards in education and to support the most vulnerable pupils and those with Special Educational Needs and Disabilities. They are the first place where parents turn when they have concerns about a school, whatever its legal status. They still employ the staff and own the land and buildings for the majority of schools.
3. Recently-amended Department for Education (DfE) statutory guidance makes clear that "local authorities should focus their school improvement activity on the schools they maintain" However, Ofsted has taken a different view, criticising some councils for poor GCSE results, even if the majority of their secondary schools are academies. Prior to the Election the Commons Education Select Committee called on the next Government to "consider whether the existing dual system is beneficial in encouraging the development of more effective and earlier challenge to, and remedies for, underperformance."
4. There is no dispute about the unique local authority role in school place planning and councils have responded well to rapidly increasing demand for school places in many areas. A high-profile LGA campaign won an additional £2.35 billion of schools capital and three-year allocations which are helping councils to better plan ahead to meet increasing demand, but the picture remains challenging. **Appendix A** gives an LGA analysis of current forecast demand for primary school places, using DfE figures (based on returns from councils). The spike in demand is already moving into to secondary schools and shortfalls in secondary places are forecast from 2016 in some areas.
5. Following the inclusion of a Bill in the Queen's Speech to extend the powers of DfE and Regional Schools Commissioners to convert failing and coasting maintained schools to academies, it is timely to take stock of the LGA's position on the council role in education and the Executive is invited to identify the priority areas for future LGA lobbying.

Evidence on the performance of maintained schools and academies

6. The DfE statutory guidance on 'Schools Causing Concern' sets out a clear expectation that where a school has been judged as 'Inadequate' by Ofsted, "conversion to an academy with a strong sponsor will be the normal route to secure improvement". The Education and Adoption Bill will extend government powers to quickly convert inadequate maintained schools to sponsored academies. However, there is a growing body of evidence that conversion to academy status does not guarantee improved performance:

- 6.1. Analysis of the 2014 GCSE results by the National Foundation for Educational Research (NFER) for the LGA (as yet unpublished) found no statistically significant difference in the performance of academies compared to similar maintained schools.
- 6.2. Recently-issued DfE measures of the 'value added' of the larger academy chains and councils and showed that only three out of 20 academy chains performed above the national average, compared to 42 of the 100 councils included in the measure.
- 6.3. Analysis of Ofsted statistics show that 73 per cent of academies have received Good or Outstanding grades in inspections after they have become academies, compared to the 82 percent of council-maintained schools currently rated Good or Outstanding.

100 Days: Making sure every child has a place at a good local school

7. Shortly before the Election, we launched a policy and case study report: [*Making sure every child has a place at a good local school*](#) which called for an end to two-tier school accountability and decision-making by:
 - 7.1. supporting the creation of local education trusts to drive school improvement, building on the successful school/council partnerships already developing across the country;
 - 7.2. streamlining top-down Ofsted inspection and putting peer challenge by local heads, senior leaders and governors at the heart of school-to-school improvement;
 - 7.3. restoring to councils the powers to hold all local schools, including academies and free schools, to account for education standards and to intervene when they start to slip;
 - 7.4. returning to councils responsibility for safeguarding and special educational needs provision in academies and the power to direct them to admit hard-to-place pupils; and
 - 7.5. allowing councils to open new schools and paying schools capital into single local capital pots to allow councils and schools to work together to make best use of scarce resources.
8. Copies of the report will be available at the meeting and members are invited to comment on which areas should continue be a priority for future LGA work on education and school place planning.

Financial Implications

9. There are no specific additional financial implications for the LGA arising from this report.