

## **Children's Services and Education**

### **Purpose**

For discussion and decision.

### **Summary**

Recent announcements about the ending of the council role in school improvement and new measures to formalise the process for removing failing children's services from local authority control will have significant implications for local government. The Children and Young People Board and the Improvement and Innovation Board will discuss an LGA response to these significant developments at their January meetings and their Chairmen will present the outcome of these discussions to the LGA Executive for discussion and agreement.

### **Recommendation**

The LGA Executive is invited to provide a steer to the Children and Young People and Improvement and Innovation Boards following their recent discussions on local authorities' role in school improvement and support for Children's Services.

### **Action**

Officers to take action as directed by members.

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## **Children's Services and Education**

### **Children's services announcements**

1. On 14 December 2015, the Prime Minister announced a series of children's services reforms, including new measures to formalise the process for removing failing children's services from local authority control. Children's services departments rated inadequate by Ofsted will now be given six months to demonstrate significant improvement, or risk being taken over by "high performing local authorities, experts in child protection and charities".
2. The key proposals in the announcement included:
  - 2.1 Greater DfE scrutiny of councils judged inadequate by Ofsted, including a requirement on them to produce an effective improvement plan within three months, with progress against this plan reviewed every six months.
  - 2.2 For councils considered to be making insufficient progress, a commissioner will be appointed to review whether services should be removed from council control.
  - 2.3 For councils that DfE considers to be persistently or systemically failing, a Commissioner will be appointed immediately, with a presumption that the service will be placed outside of the council's control.
3. There are currently 20 inadequate children's services departments across the country, with just over half of children's services authorities inspected since the current inspection framework was introduced in 2012. If this trajectory continues, 38 local authorities will have been found inadequate and therefore subject to potential takeover by April 2017.
4. The LGA has previously expressed concerns that the current Ofsted inspection regime does not effectively drive improvement in children's services, and recent research we commissioned from independent consultancy firm iMPower suggested that it may in fact hinder a council's ability to improve.
5. iMPower found that of the 86 councils inspected twice or more since 2010, approximately 25% of those rated as inadequate in 2010 remained inadequate over the five year period. And 56% of those requiring improvement / considered adequate in 2010 maintained that rating on re-inspection.
6. iMPower also highlighted the stark change in ratings since 2007/8:
  - 6.1 In 2007/08, Ofsted reported that none of the councils inspected were considered inadequate, 22% were adequate, 69% were good, and 9% were outstanding.
  - 6.2 Now 28% of councils are rated as inadequate, 55% require improvement (previously described as "adequate") and just 18% are considered good. No council has been rated as outstanding in the last two and half years.
7. Demand for children's social care services increased significantly over that period:
  - 7.1 The number of children on child protection plans has increased by 60%.
  - 7.2 The number of children in care has increased by 17%
  - 7.3 The number of referrals to children's services has increased by 18%

8. Councils have generally worked hard to protect children's services budgets: the *Future funding outlook for councils 2019/20*, found a 1 per cent increase for children and families services spending, from £6.97 billion in 2010/11 to £7.03 billion in 2013/14. However, this still represents a reduction in real terms at a time of sharply increasing demand.
9. With this context in mind, it is clear that a new approach is required to drive sustained improvement within children's services. While the current government focus is on responding to identified failure, there is a role for the LGA to strengthen our existing sector-led improvement programme to better identify areas at risk and provide targeted support before more serious issues arise.

### **Proposed LGA response**

10. Since DfE withdrew the funding for the Children's Improvement Board, the LGA has only been able to provide a limited support offer for children's services. The LGA's current sector-led improvement offer includes safeguarding peer reviews, children's care practice diagnostics and leadership academies. A network of Children's Improvement Advisers has been established, contracted for 10 to 15 days a year per region to support the LGA's Principal Advisers on issues specifically related to children's services.
11. The LGA's peer reviews and diagnostics are provided on a voluntary basis and it is up to each authority to decide whether to make use of the offer. Around 15 children's peer challenges/diagnostics are currently being carried out each year.
12. As part of current discussions with DCLG about the future use of the RSG top slice to fund improvement work, a significant bid to continue and enhance the children's services offer has been submitted. In response to the Prime Minister's announcement the CYP Board is recommended to propose to the Improvement and Innovation Board and to the LGA Executive that:
  - 12.1. Support for children's services should have a high priority within the LGA's sector-led improvement offer, given the number of councils currently in intervention and at risk of being judged inadequate by Ofsted.
  - 12.2. The children's services support offer should prioritise councils that have not yet been inspected under the Ofsted Single Inspection Framework and are at potential risk of an inadequate judgement.
  - 12.3. The LGA's political and professional networks should be used to encourage these councils to have a full Safeguarding Peer Review or Safeguarding Practice/Care Practice Diagnostic.
  - 12.4. An enhanced support offer to councils should be developed to deal with any issues identified following a peer review or diagnostic that put a council at risk of an inadequate judgement at their next inspection.
  - 12.5. For councils judged inadequate, the existing support offer should be retained and enhanced, with a focus on supporting them to produce a credible improvement plan and maintain sufficient progress to avoid full-scale Department for Education (DfE) intervention in line with the new proposals.

## **Education announcements**

13. In the Spending Review and Autumn Statement on 25 November the government announced that:

“The Spending Review and Autumn Statement represent the next step towards the government’s goal of ending local authorities’ role in running schools and all schools becoming an academy. Around £600 million savings will be made from the Education Services Grant (ESG), including phasing out the additional funding schools receive through the ESG. The government will reduce the local authority role in running schools and remove a number of statutory duties. The government will consult on policy and funding proposals in 2016.”

14. Education Services Grant is paid to councils for the schools they maintain and directly to academies at a current rate of £77 per pupil (but academies receive a higher rate as a result of DfE top-ups to dampen the effect of recent cuts). Councils also receive a rate of £15 per pupil for all pupils in all schools including academies for the duties they retain in relation to all schools. In 2015/2016 councils received £570 million out of a total of £815 million. ESG is not ring fenced, but is intended to support services such as school improvement, education welfare and school place planning.
15. It is understood that the £600 million of ESG savings will not be fully implemented until after the 16/17 financial year for councils and 16/17 academic year for academies. This will give time for consultation and for the passage of the legislation needed to achieve the savings by removing duties from councils.
16. Early this year there will be a consultation on the removal of statutory duties and the detail of how the cuts will fall, followed by a Bill. It appears that the main duty the government is looking to remove is the overarching duty on councils “to exercise their relevant education functions with a view to promoting high standards”, but the consultation will look at the full range of council education duties.
17. This overarching educational standards duty is the legislation that Ofsted have relied on to inspect councils on their school improvement support and to also to hold them to account for the performance of academies – an accountability that the DfE has disputed. A number of councils have asked for greater clarity in this area and the removal of this duty would provide greater clarity and would be likely to end the legal basis for Ofsted inspection of council school improvement support.
18. It is understood that the government’s ultimate aim is to end the council role in school improvement, with schools unambiguously responsible for their own self-improvement. This will be supported by an expansion of the infrastructure developed during the last Parliament of teaching schools and National Leaders of Education and Governance and a strengthening of their accountability for supporting a self-improving schools system.
19. There will be no compulsion on schools to become academies, but the government expects that the clear expression of its policy intentions in this area and a more challenging financial climate will encourage more to convert to gain the advantages offered by Multi-Academy Trusts. The Education and Adoption Bill currently before

Parliament, which will require coasting and inadequate maintained schools to become sponsored academies, will also have an impact.

20. There is likely to be a continuing council role in education in other areas, including:

- 20.1 Place planning, admissions and home-to-school transport.
- 20.2 Supporting pupils with high needs and looked after children.
- 20.3 Acting as champions of parents and pupils.
- 20.4 Safeguarding, extremism and children missing education and in unregulated settings.

21. The formal consultation and the forthcoming Bill will provide the LGA with many opportunities to give a view on these proposals and it will not be possible to take a definitive view until the detail is published. However, the Children and Young People Board had an initial discussion of the proposals and the outcome will be reported to by the Board's Chairman, for discussion by the LGA Executive.

22. To gauge a wider range of views, the LGA has commissioned an opinion poll of parents and the results will be available by the time of the meeting. We will also carry out a survey of Lead Members for Children's Services to gauge the views of councils.

### **Education and Children's Services in Devolution Deals**

23. In examining the recent devolution deals, both education and children's services are notable for their absence, despite a number of councils making proposals in this area. Anecdotal evidence suggests that the Department for Education is much less engaged in discussions about devolution than some other parts of Whitehall. This supports points made elsewhere in this paper about government's overall approach.

### **Recommendations to the Children and Young People and Improvement and Innovation Boards**

24. The recommendations that the Children and Young People Board and the Improvement and Innovation Board will consider are that:

- 24.1 Support for children's services should have a high priority within the LGA's sector-led improvement offer, given the number of councils currently in intervention and at risk of being judged inadequate by Ofsted.
- 24.2 The children's services support offer should prioritise councils that have not yet been inspected under the Ofsted Single Inspection Framework and are at potential risk of an inadequate judgement.
- 24.3 The LGA's political and professional networks should be used to encourage these councils to have a full Safeguarding Peer Review or Safeguarding Practice/Care Practice Diagnostic.
- 24.4 An enhanced support offer to councils should be developed to deal with any issues identified following a peer review or diagnostic that put a council at risk of an inadequate judgement at their next inspection.

24.5 For councils judged inadequate, the existing support offer should be retained and enhanced, with a focus on supporting them to produce a credible improvement plan and maintain sufficient progress to avoid full-scale Department for Education (DfE) intervention in line with the new proposals.

25. The LGA Executive is invited to provide a steer to the Improvement and Innovation and Children and Young People Boards following their recent discussions on local authorities' role in school improvement and support for Children's Services.

### **Financial implications**

26. Any recommendation of an enhanced sector-led improvement offer for children's services will have financial implications which will need to be considered in the context of current discussions with DCLG about the future use of the RSG top slice to fund improvement work.