

Local Government Association briefing

Educational Excellence Everywhere White Paper

March 2016



Key messages

- The White Paper *Educational Excellence Everywhere* sets out the Government's intention that all schools will be expected to become, or be in the process of becoming, academies by 2020, with all converted by 2022.
- The LGA opposes both forced academisation and the transfer of significant powers relating to education to unelected civil servants who parents and residents are unable to hold to account at the ballot box.
- Councils are among the country's most effective education leaders with 82 per cent of council maintained schools rated by Ofsted as Good or Outstanding. It defies reason that councils are being portrayed as barriers to improvement. It is vital that we concentrate on the quality of education, rather than on the legal status of a school.
- There are no proposals in the White Paper to reimburse councils for the significant costs that they will face in the conversion of up to 18,000 maintained schools. The forced academisation of all schools, backed by new government powers, is a new burden and new burdens funding must be provided for this.
- We have serious concerns about whether councils will have adequate powers to properly discharge their remaining education duties, for example in school place planning and protecting vulnerable pupils. This includes children and young people with Special Education Needs and Disabilities (SEND).
- The accountability arrangements proposed for a fully academised school system fall far short of the current accountability to democratically elected local authorities.

Briefing

Background

Educational Excellence Everywhere

The Government's White Paper *Educational Excellence Everywhere* was published on 17 March 2016. The full document can be found [here](#).

The White Paper covers teaching and leadership in schools, (Chapters 2 and 3), preventing and tackling underperformance in academies (Chapter 5), curriculum reform (Chapter 6), governance and standards (Chapter 7), and fair funding for schools (Chapter 8), which is the subject of a separate consultation. This briefing summarises the main issues which will directly affect councils.

Forced academisation

As announced in the Budget 2016, all schools will be expected to become, or be in

the process of becoming, academies by 2020, with all converted by 2022. This will be achieved by:

- Using the powers for Regional Schools Commissioners (RSCs) in the [Education and Adoption Act 2016](#) to forcibly convert maintained schools judged by Ofsted to be Inadequate.
- In council areas that are underperforming or the council no longer has capacity to maintain its schools, new powers will be given to the Secretary of State to ensure schools become academies 'to a faster timescale'.
- A new duty on councils to facilitate the process of all maintained schools becoming academies.
- If schools have not started the process of becoming academies by 2020 they will be directed to do so by the Secretary of State. (page 55, paragraph 4.7)
- Most schools will be expected to form or join a Multi Academy Trust (MAT) (page 57, paragraph 4.15)

LGA view

The LGA opposes both forced academisation and the transfer of significant powers relating to education to unelected civil servants who parents and residents are unable to hold to account at the ballot box. Forcing schools to become academies strips parents, teachers and faith groups of any local choice.

Councils are among the country's most effective education leaders with 82 per cent of council maintained schools rated by Ofsted as Good or Outstanding. It defies reason that councils are being portrayed as barriers to improvement. It is vital that we concentrate on the quality of education and a school's ability to deliver the best results for children, rather than on the legal status of a school, to make sure that we are providing the education and support needed in each area.

We are concerned about the track record and capacity of MATs to become the primary agents for school improvement. Currently, only 15 per cent of the largest multi-academy trusts perform above the national average when it comes to how much progress pupils make, compared to 44 per cent of councils. There are also serious concerns about the availability of good new sponsors, with councils in some areas reporting difficulty in finding new sponsors and some inadequate schools having to wait more than two years to find a suitable sponsor.

Conversion costs and land transfers

- Schools will continue to get financial support to become academies (page 56, paragraph 4.8).
- To speed up the process of academy conversion, when a community school converts to academy status and the council owns the land, the land will transfer to the Secretary of State. The Secretary of State will then grant a lease to the academy trust. If the land is owned by the school, a Diocese or a charitable trust, it will not transfer. (page 56, paragraph 4.12/13).

LGA view

There are no proposals in the White Paper to reimburse councils for the significant costs that they will face in the conversion of up to 18,000 maintained schools. Councils have normally supported and funded the voluntary choices of schools to

convert to academy status. However, the forced academisation of all schools, backed by new government powers, is a new burden and new burdens funding must be provided for this.

We oppose the proposal to strip councils of the ownership of school land and transfer ownership to the Secretary of State for Education and then to the academy trust.

Remaining education role for councils

- As well as the duty to maintain schools, responsibility for school improvement will move from local authorities to the school-led system and their role in allocating funding to local schools will be overtaken by the move to a National Funding Formula, as announced on 7 March (page 68, paragraph 4.71).
- Therefore, the Government intends to legislate to change local authorities' powers and duties. Instead of running schools or school improvement, local authorities will focus on delivering their core functions. In the short term, local authorities will continue to have responsibilities which include: employment of staff in community schools; ownership and asset management of school buildings; and responsibilities relating to the governance, organisation and curriculum of maintained schools. Those responsibilities will shrink as each school in their area becomes an academy; when every school has done so, they will fall away entirely (page 69, paragraph 4.72-73).
- In the future the council role in education will be focused in three areas:
 - **Ensuring every child has a school place.** The Government will continue to provide 'substantial funding' to councils to do this. Councils will keep a duty to work with schools and parents on home to school transport; giving schools the opportunity to provide school transport services where that makes sense locally. Councils will take a lead in crisis management and emergency planning.
 - **Ensuring the needs of vulnerable pupils are met.** This includes retaining current responsibilities for pupils with Special Educational Needs and Disabilities (SEND) and looked-after children; school attendance and tackling persistent absence; alternative provision for excluded children; safeguarding, radicalisation and extremism.
 - **Acting as champions for all parents and families.** This includes a continuing role in coordinating admissions; supporting parents to navigate local SEND arrangements and provision; and championing high standards locally for all pupils and, where necessary, calling for action from the Regional Schools Commissioner to tackle underperformance (page 70, paragraph 4.77).
- The Government will review the responsibilities in relation to children in the light of the policy changes proposed, including the implications for the roles of the Director of Children's Services and the Lead Member for Children (page 71, paragraph 4.79) and consult on any changes to statutory guidance.

LGA view

We have serious concerns about whether councils will be able to properly discharge their remaining education duties without any corresponding powers over academies. For example, their ability to ensure a sufficiency of school places without any power to compel unwilling academies to expand and limited control

over the provision of free schools will leave them with responsibilities which they have no powers to enforce.

Their duties to protect the interests of vulnerable pupils, including those with SEND, will be similarly compromised without sufficient powers. In cases where agreement cannot be reached about the placing of individual pupils, the powers to direct academies will rest with the Secretary of State, rather than councils. We do not believe that the Secretary of State for Education or the Education Funding Agency are the appropriate bodies to make informed decisions about the best interests of individual vulnerable pupils in a local area.

The introduction of the statutory roles of Directors of Children's Services and Lead Members for Children was intended to ensure that decisions about educating and protecting children and young people were taken in a holistic way, focused on the needs of the child rather than in institutional silos. We are concerned that removing councils from a significant part of their role in promoting high standards in schools and intervening in schools to protect the interests of the most vulnerable pupils is a retrograde step.

School accountability

- The White Paper says that in an academised system, where schools will be more locally accountable to academy trusts with whom parents have a direct relationship, it is even more important that parents and governing boards should be able to challenge schools and hold them to account' (page 21, paragraph 1.58).
- A new online Parent Portal will be established in 2017 to set out clearly the key things a parent needs to know about schools (page 66, paragraph 4.51 – 53).
- A new duty will be placed on academies to ensure that they listen to views and needs of all parents (page 66 paragraph 4.55).
- The Government will produce new guidance for schools and Multi Academy Trusts (MATs) on handling complaints and make it simpler for parents and the local community to escalate complaints to the Department for Education (DfE) and beyond that to a public service ombudsman. DfE will consider how parents might be able to petition RSCs for their child's school to move to another MAT in cases of underperformance or other exceptional circumstances (page 67, paragraphs 4.56 – 4.59).
- DfE will consult on changes to the admissions system to make it easier for parents to navigate, including simplification of the admissions code. They will consult on the council role in coordinating admissions, including requiring councils to handle the administration of the independent admissions appeals function (page 67, paragraphs 4.61 – 62).
- Academy trusts will no longer be required to reserve places for elected parents on governing boards (page 51, paragraph 3.30).

LGA view

We consider that the accountability arrangements proposed for a fully academised school system fall far short of the current accountability to democratically elected local authorities. Expecting parents to take up their concerns with remote Regional Schools Commissioners or with the Department for Education will be no substitute for their current ability to raise concerns with local councils and councillors who know their local schools and the communities that they serve.

We welcome the Education Select Committee's announcement that they will hold an inquiry into Multi-Academy Trusts and look forward to engaging with the inquiry.

For further information

The LGA will provide further updates as we develop our consultation response and invites councils to share their thoughts with us. Please contact Ian Keating, Principal Policy Adviser, ian.keating@local.gov.uk.