

7 April 2016

Educational Excellence Everywhere White Paper

Purpose

For discussion and direction

Summary

This report provides a brief summary of the proposals affecting councils in the Education White Paper published on 17 March, following announcements in the Budget on the previous day. A copy of the initial LGA response is attached as an annex (item 3a). Comments are invited on the LGA's current and future work in response to the White Paper and the forthcoming Bill.

Recommendation

The Board is asked for views on the proposals in the White Paper and on the LGA response and lobbying in preparation for a Bill in the Queen's Speech in May.

Action

Officers to take action as directed by members.

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Educational Excellence Everywhere White Paper

1. The Government's White Paper *Educational Excellence Everywhere* was published on 17 March 2016. A copy of the initial LGA response is attached as an annex (item 3a) and the main points of interest to councils and the LGA key messages, agreed through the political groups, are summarised below.

Forced academisation

2. As announced in the Budget 2016 on the previous day, 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:
 - 2.1 Using the powers for Regional Schools Commissioners (RSCs) in the Education and Adoption Act 2016 to forcibly convert to academy status maintained schools judged by Ofsted to be inadequate or by the RSCs to be coasting.
 - 2.2 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'.
 - 2.3 A new duty on councils to facilitate the process of all maintained schools becoming academies.
 - 2.4 If schools have not started the process of becoming academies by 2020 they will be directed to do so by the Secretary of State.
3. In the new educational landscape most schools will be expected to form or join a Multi Academy Trust (MAT), often referred to as 'academy chains'.

Conversion costs and land transfers

4. Schools will continue to get financial support to become academies, but there is no mention of funding the cost to councils of wholesale conversion of schools to become academies. 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.

Remaining education roles for councils

5. As well as the duty to maintain schools, responsibility for school improvement will move away from local authorities to a school-led improvement system and their role in allocating funding to local schools will be overtaken by the move to a National Funding Formula, as outlined in the school funding consultation.
6. To achieve this, 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, as set out below. In the short term, councils 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 and when every school has done so, they will fall away entirely.

7. In the future the council role in education will be focused in three areas:
 - 7.1 **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.
 - 7.2 **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.
 - 7.3 **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.
8. The Government will review council 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 and consult on any changes to statutory guidance.

School accountability

9. A new online Parent Portal will be established in 2017 to set out clearly the key things a parent needs to know about schools and a new duty will be placed on academies to ensure that they listen to views and needs of all parents.
10. The Government will produce new guidance for schools and Multi Academy Trusts on handling complaints and make it simpler for parents and communities to escalate complaints to the 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.
11. 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.
12. Academy trusts will no longer be required to reserve places for elected parents on governing boards.

LGA initial key messages in response to the White Paper

13. 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.
14. 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.
15. 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.
16. 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.
17. The accountability arrangements proposed for a fully academised school system fall far short of the current accountability to democratically elected local authorities.
18. The Board's comments are invited on the development of the LGA's key messages.

LGA work in response to the White Paper and in preparation for a forthcoming Bill

19. The LGA issued strong press lines prior and following the announcements in the Budget and in response to the White Paper, which received widespread coverage across all media outlets. The LGA briefing was sent out to Leaders and Chief Executives on the day following the announcement and more widely in the LGA Children and Young People Bulletin in the following week.
20. The LGA Chief Executive, a small group of council Chief Executives and LGA officers met with DfE Permanent Secretary Chris Wormald and his Deputy Directors on 21 March. They agreed to continued engagement around the issues of place planning, the role of councils in supporting the conversion process (including new burdens), the impact on traded services and the discharge of continuing council safeguarding duties, including Prevent and children from missing education and Special Education Needs.
21. The CYP Office Holders met, together with Cllr Paul Carter representing the County Councils Network on 23 March and the actions agreed for future LGA work on the White Paper and forthcoming Bill included:
 - 21.1 A focus in our lobbying on the value added by a continued council role in education, supported by a strong evidence base.

- 21.2 Lobbying to ensuring that councils are adequately funded and have the appropriate levers to meet their residual obligations in a fully academised education system, especially on place planning and vulnerable children.
 - 21.3 A review of existing research work undertaken on place planning and the performance of maintained schools as compared to MATs and academies, with new projects commissioned where gaps are identified.
 - 21.4 A survey of member councils about the costs of academy conversion, including capital spend and costs of inherited school deficits.
 - 21.5 Work on additional proposals that would allow councils to set up their own MATs, through the creation of arms-length bodies.
 - 21.6 Identification of key partner organisations to support our lobbying.
 - 21.7 Identification of key questions on the council role in a fully academised system, including: What happens when an academy fails in the new system?, What levers will councils have to deliver new school places? and what happens if no local schools will accept a particular child into their intake?
22. The LGA Group Leaders wrote to the Observer outlining our concerns about the White Paper and the letter was published on Easter Sunday and also received extensive coverage in other media outlets.
23. The Children and Young People Office Holders have written to the Secretary of State for Education, Nicky Morgan, outlining the LGA's concerns and seeking a meeting.
24. The Board's comments are invited on current and future LGA work in response to the White Paper and Bill, including the key questions that should be the focus of our lobbying.

Financial implications

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