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Local authority role in education – final report from the ISOS Partnership for the Ministerial Advisory Group

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Summary

The final report for the Ministerial Advisory Group on the action research into the evolving role of the local authority in education (undertaken by ISOS Partnership) has been published. It includes much useful information, and valuable insights, on how local authorities are adapting to the increasingly autonomous school system and how they are approaching key elements of their role.

Overview

The DfE's Ministerial Advisory Group on the role of LAs, established in summer 2010, commissioned the Local Authority Action Research (LAAR) project in autumn 2011 (from ISOS partnership) to explore how local authorities (LAs) are adapting to the increasingly diverse and autonomous school system. The DfE has now published its final report, which includes much useful information, and valuable insights, on how local authorities are adapting to the increasingly autonomous school system and how they are approaching key elements of their role. This is the latest contribution to a series of documents exploring the evolving role of LAs (see 'related briefings'). The research focused on three core responsibilities of the LA in education:

1. ensuring a sufficient supply of school places;
2. tackling underperformance in schools and ensuring high standards;
3. supporting vulnerable children.

The project was conducted in two phases, with nine LAs (one of which dropped out for phase two) covering a range of different contexts in terms of the type and proportion of schools (especially Academies) in their areas; the sample was balanced in terms of size, geography, urban and rural, and political leadership. Phase one, covered by the interim report (see related briefing), was evidence gathering through fieldwork visits to each of the nine LAs and interviews with key stakeholders, and a brief review of relevant published literature. Phase two supported the participating LAs to further develop aspects of their role, in the context of growing numbers of Academies and Free Schools, by using action research methodologies. The authorities completed a self-evaluation matrix at the beginning and the end of the process, and a log of their activities, the successes and challenges – which were used to inform the final report, which makes use of many case studies to illustrate different approaches to the issues.

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The report is in five sections: the context and strategic response; ensuring a sufficient supply of school places; school improvement; supporting vulnerable children; and looking forward.

Briefing in full

The context and strategic response

The LAs taking part in the action research represent four different educational contexts: a high proportion of established Academies; a high proportion of recently converted Academies; a diverse mix of different types of autonomous school; and a high proportion of community, VA or VC schools. The period during which the research was conducted (November 2011 to May 2012) saw rapid change at both national and local levels, with most LAs undergoing a period of restructuring and transformation to meet savings targets, and many seeing changing patterns in demand for education (eg. rising demand for primary places, changes in demand for post-16 provision, and rising demand for places in special schools). And between 30 November 2011 and 31 May 2012, the number of sponsored Academies nationally increased by 38 and the number of convertor Academies increased by 348. The rate of change across the participating LAs varied greatly. Two other significant changes were the introduction in January 2012 of Ofsted's new inspection framework for schools (which raised the bar, and increased the focus on the quality of teaching), and the DfE consultation on the future of schools' funding from 2013-14. Local authority roles in public health, community safety, housing, planning and regeneration, and the localism agenda are also evolving.

The interim report concluded that LAs are at very different points in managing the transition necessitated by the growth in the numbers of Academies and Free Schools, and the research has gained some insights into both the process of transition and how the shape and nature of the participating LAs' role is being defined differently according to local contexts and priorities. The consolidated list of returns to the self-evaluation questionnaire is an annex to the report, which makes frequent reference to the findings.

Key points from this section include:

- most of the LAs believed they had a clear and well-defined vision of how they will support the quality of education for all local pupils over the next two years, which they felt is shared and understood by stakeholders; some were less confident that the vision was shared between members and officers, with both clear what role they are playing in achieving it and some highlighted tensions between the views of the leadership (lead members and senior officers) and those of 'backbench' councillors
- only half were confident they had the capacity to take the vision forward
- unless/until all schools become Academies, LAs will have to balance their responsibilities as a maintaining authority with the new demands of the evolving system
- LAs are more confident about having constructive discussions with local Academy sponsors when issues arise than with convertor Academies (particularly 'stand-alone' ones)
- there is pressure to arrive at a solution quickly (with maintained schools especially keen for clarity), but one lesson from the research is that this is not a process that can be rushed

and still be successful; there is a danger of arriving at a superficial consensus to which everyone can sign up because it fails to tackle the difficult questions

- a second lesson is that there is a benefit in using practical and current challenges as a way of exploring how the LA can add most value in the new landscape, enabling the debate about the LA role and the nature of the partnership with schools to be evidence-based and experiential

- one differentiating factor in how well LAs are adapting appears to be the strength of existing relationships with schools and Academy sponsors. This carries a risk that future effectiveness could become too dependent on specific individuals and too prone to disruption when they move on; local governance arrangements that bring key partners together and create a sense of moral obligation help counter this

- schools feel that now is the time for LAs to be confident, seize the agenda and demonstrate their leadership on difficult and intransigent issues (eg. fair access)

- there is significant concern amongst schools about the paring back of LA services, and the ability of LAs to retain good quality staff

- schools are clear that the future of the education system lies in the strength of their partnerships, but headteachers are aware that these can be fragile, and dependent on the goodwill of the individuals concerned

- LAs are beginning to develop three broad roles:
  - convenor of partnerships – at times providing the external and objective arbitration which helps keep them effective, and facilitating partnerships between a broad range of providers and services
  - maker and shaper of effective commissioning – engaging as an intelligent commissioner of schools, becoming a provider of support services and challenge, and facilitating schools and parents in making effective commissioning decisions
  - champion of pupils, parents and communities – which sits well alongside their broader responsibilities in developing effective, cohesive 'places' and their democratic mandate to ensure good outcomes for children and young people.

Ensuring a sufficient supply of school places

Evidence from the research suggests that school place planning is becoming more problematic in the context of increasing school autonomy, as the sum of decisions by individual schools (made in the best interests of pupils and parents at the school) does not meet the interests of a whole community. The current bulge in primary pupil numbers will feed through to the secondary sector, with a far higher proportion of Academies; there is already evidence of Academies choosing not to expand, and community schools looking to Academy status to avoid expansion. While most of the LAs felt they had the skills and understanding to run a successful competition for a new school, half felt they lacked a good understanding of the market place of potential providers. LAs perceived two main areas of risk to their ability to act as intelligent commissioners of new school places: a lack of transparency in central government about potential Academy sponsors and their strengths, weaknesses and track record; and the short notice they sometimes receive of Free School applications.

A potential consequence of the policy to allow successful schools to expand is that, in areas with static or falling pupil numbers, a neighbouring school may become unviable – but (for a variety of reasons) its closure may not be a good solution. To date, it appears that local collective self-

regulating mechanisms are not proving effective in influencing the decisions that schools make individually.

Another complex aspect of place planning is determining the pattern of post-16 provision, which arose as a specific issue in more than half of the LAs during the research. There is a very diverse partnership of providers, and there are changes in the profile of demand created by the raising of the participation age, rising youth unemployment, shifting demographics and significant changes to qualifications. A critical issue is ensuring the right balance between vocational and more academic routes when many newly formed Academies wish to open sixth forms.

A series of case studies describe the different ways in which LAs have addressed these issues.

School improvement

With Teaching Schools, National Leaders of Education (NLEs) and Local Leaders of Education (LLEs) there is significant capacity in the system to deliver school-to-school support. Sponsored Academy chains also provide a mechanism for sharing support, challenge and expertise between schools in the chain, some of which have become Teaching School alliances. But LAs remain accountable for securing good outcomes for all children and young people in their area, and have a statutory duty to exercise their education functions with a view to promoting high standards and the fulfilment of learning potential – so they need to try and ensure that a school-to-school support model is coherent and comprehensive, and that every school has access to a range of high quality support and receives the necessary external support and challenge to secure improvement or sustain outstanding quality.

LAs are more confident about the ability of secondary schools to commission this external support effectively than primary schools. They emphasised the need to build understanding of the commissioning cycle in primary schools, from needs analysis through to robust quality assurance. The research showed that teaching school alliances are becoming an important route for schools to source high quality support from other schools in their area, and there is evidence from the experience of some of the participating LAs that their positive and strategic engagement with teaching schools can lead to strong collaborative partnerships; but feedback from teaching schools suggests that not all LAs are able to play this productive role. And the research found that, while LAs see the potential of teaching schools, there are concerns that the designation can be fragile because it is tied to an individual headteacher who might move on (a risk that the National College is working to mitigate); there is also concern that some teaching schools are only keen to work with schools which have the capacity to improve, and not tackle the really hard cases.

LAs and headteachers shared an anxiety about how the education system as a whole, in the context of greater autonomy, will ensure that there is a coherent and sufficient response to school failure and persistent underperformance. There is a question about whether LAs will continue to have sufficient capacity to effectively support and challenge their maintained schools, and they are likely to draw increasingly on expertise from within their schools to support improvement. A further anxiety for LAs, echoed by others, is whether there is sufficient shared intelligence in a more autonomous school system to spot the signs of declining performance in a school before it impacts on results at Key Stage 2, or GCSE, by which time outcomes for children have already been affected. Headteachers themselves suggested that it is the least self-aware school leaders who are least likely to seek external challenge and most likely to be susceptible to declining performance. A number of headteachers said that by the time poor performance shows up in results or in an Ofsted inspection "it will be five years too late." For stand-alone convertor

Academies, it is not clear whose responsibility it is, other than the governing body's, to monitor a school's performance and identify early signs of decline – but LAs identified sources of information which (in the absence of School Improvement Partners) can be used to gather intelligence about schools, including:

- good ongoing discussions with heads and governors
- schools buying into LA school improvement services or vulnerable children services, and other LA support for back-office functions
- questions and complaints from parents to elected members or officers
- LA governors on governing bodies, including Academies.

The research also identified several 'soft indicators' that can provide an indication of performance at risk, including levels of exclusion, pupils moving to different schools, first preference choices by parents, complaints from parents, staff or residents, and staff turnover, vacancies and sickness levels – but LAs have not frequently mapped these sources of intelligence.

This is an area of continuing uncertainty for LAs, which continue to feel a responsibility for the outcomes of all children in their area, and have a democratic accountability to their communities. The research indicates that LAs find it easier to engage in a dialogue about performance with sponsored academies than with stand-alone convertors (which account for 1430 of the 1928 approved applications to date). LAs expressed frustration about a perceived lack of clarity in how the DfE finds a sponsor for a poorly performing school, the criteria used for selection, how sponsors are to be held to account and the contribution, if any, that the LA is expected to make. Emerging evidence from the action research suggests that the LAs which feel best able to advocate for their local communities in dialogue over a new sponsor are those which are well informed, able to offer a clear and evidence-based view, and are actively engaging with sponsors and school providers on a regular basis.

The case studies offer information about a range of mechanisms and partnerships being developed and implemented by LAs to address these issues, and to secure effective arrangements for school improvement in which they retain a significant role.

Supporting vulnerable children

Overall, the research suggests that LAs are less confident that, together with schools, they will continue to be able to able to offer good quality support for the most vulnerable children than they are in their capacity to establish a strategic direction, ensure a sufficient supply of school places or contribute to school improvement. Factors contributing to this include:

- a sharp rise in some LAs in the special educational needs of children and young people
- high levels of mobility in some areas, particularly among children of asylum seeking families and families moving as a result of economic pressures
- difficulties in securing a good school place for every vulnerable child, and in ensuring that every vulnerable child receives the best possible combination of services and support.

LAs retain important responsibilities to manage Fair Access Protocols for the benefit of hard to place children, and ensure the provision of full-time education for pupils excluded from school, so their ability to successfully support, enable and sometimes persuade schools to take decisions for the collective good is crucial. Where Fair Access has not historically been administered successfully schools have disengaged

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from the process, and there is increased anxiety among LAs about whether arrangements will continue to hold strong even where they have historically been effective. It is feared that increased autonomy could lead to more schools failing to take their fair share of students who face multiple challenges, and that the increase in forced academisation of schools at or near the floor targets will increase the reluctance of those schools to accept pupils who might have a negative impact on results. This is potentially compounded by the removal in the new Admissions Code of LAs' responsibility for coordinating in-year admissions, and further complicated by reported concerns about the speed and effectiveness with which disagreements with Academies about such cases are resolved when escalated to the Education Funding Agency.

Difficulties in ensuring the services and support for vulnerable children arise from the change from provision of many such services (eg. education welfare, behaviour support and education psychology) being largely provided free at the point of need, funded from centrally-retained budgets to provision of (and budgets for) non-statutory aspects being largely devolved to schools. A particular concern is the potential impact on vulnerable children of the redistribution of LACSEG (Local Authority Central Spend Equivalent Grant), which evens out the distribution of such funding between Academies without regard to the level of need of their particular pupils. Almost half of the participating LAs did not believe that schools have the skills, confidence or capacity to commission high quality support for vulnerable children, and some did not believe that core traded services for vulnerable children (eg. behaviour services or support for children for whom English is an additional language) will continue to be viable in the short to medium term. The extent to which these concerns were borne out by headteachers engaged in the research was mixed. Many felt very confident in their ability to commission the right support, or that collaboration between schools to make such provision was potentially powerful; but there is evidence that the range of providers may not be as strong as that for school improvement services, with instability caused by a tendency for providers (especially providers of Alternative Provision) to enter and leave the market rapidly. And some schools, particularly primary schools, described a lack of confidence in commissioning such services.

There is also anxiety amongst LAs about the conversion of special schools to Academies, and the location of specialist support units in schools which have converted to Academies; this centred around a potential mismatch arising between provision for special needs locally and the needs of individual children and young people, and LAs' ability (as commissioners for and champions of the most vulnerable) to ensure joined up and coherent services as the diversity of providers and commissioning routes increases.

Again, the case studies illustrate a variety of approaches to meeting these challenges.

Looking forward

While there is a significant range of interesting activity emerging that may be transferable more widely, most of these approaches are still in their early stages – and the policy landscape and pattern of provision continue to change. The proportion of Academies is increasing both in the secondary and primary sectors, with many LAs expecting all of their secondary schools to be Academies within one or two years, and some actively promoting Academy status in their primary schools; the new Ofsted inspection framework might lead to more schools entering categories of concern, and a possible further surge in the creation of sponsored Academies – and it is likely to lead to some Academies receiving less favourable inspection outcomes; proposed changes in school funding have several implications, including for the commissioning of places for vulnerable children in special schools and other high-needs provision.

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The report concludes that, while the research describes a system still going through a period of significant change, there are a number of key areas where the evidence suggests that action taken now may support a more seamless transition to new and effective ways of working. It lists a number of key messages for local partners in education, and for national partners. These include:

For local partners:

- be systematic in working through, with schools, where the local authority can add most value in the new landscape, prioritise what to focus on and then confidently inhabit the space agreed
- treat schools as partners and leaders in the education system, and provide the space for them to develop solutions to community-wide issues that are owned by schools
- where existing relationships with schools are strong, begin to develop the governance mechanisms and, if appropriate, more formal partnerships with and between schools so that good relationships have a life beyond the particular individuals involved; where relationships with schools are not strong, then take immediate action to turn these around as a matter of priority
- look for quick wins to demonstrably contribute to the resolution of new and pressing issues that are emerging
- focus on co-creating, with schools, a local education culture based on a clear moral purpose and identify the headteacher advocates who can lead that process
- find mechanisms to learn from other local authorities
- develop the capacity to carry out really sharp and high-quality data analysis that will enable schools, parents, and other partners to understand the system-level needs
- work in partnership with local Academies and sponsors to jointly understand what the LA's role as 'a champion of pupils and parents' means
- invest in support for governors overall so that they can add real value to the schools they govern, and strategically target LA governors as a group who can provide a conduit between the LA and Academies
- map and establish systems for regularly scrutinising 'soft' performance indicators available from a range of sources
- develop strong relationships with local Academy sponsors and Free School promoters and maximise local intelligence to become a valued partner in the commissioning dialogue on future school provision
- further develop the outward facing scrutiny role of members so that it becomes a powerful route for championing and advocating on behalf of children and young people
- keep a close watching brief on the sufficiency of support available for vulnerable children both within schools and externally, and the effectiveness with which schools are able to commission that support to meet needs
- identify opportunities to delegate further powers, responsibilities and budgets to schools, within a framework of strong partnership working and robust quality assurance for outcomes.

For national partners:

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- historically, there has been a wide range in LA performance. The extent to which LAs have the skills to adapt to the new agenda successfully is therefore likely to be very varied. Furthermore, the collective capacity of schools in different local areas to assume a system leadership role will also be varied. The Children's Improvement Board (CIB) and sector-led improvement initiatives provide a means for sharing good practice, and the evolving role of the LA in education may be a particular issue on which LAs would welcome greater opportunities to share practice and learn from peers
- in the case of any convertor Academy whose future viability may become uncertain there is no obvious point of accountability in the system to take the difficult decisions about what should happen to that school, and manage the repercussions for neighbouring schools; a similar issue has emerged in relation to the future performance of stand-alone convertor Academies
- in the interests of high quality commissioning and sharing intelligence it would be helpful if the DfE could offer greater clarity on the criteria it uses to assess the suitability of a potential sponsor for a school and how it monitors sponsors' performance; clearer expectations of the role that the DfE would like LAs to play, and how LAs might contribute to the Department's quality assurance of sponsored arrangements may be helpful
- it would be helpful if the DfE could review the existing processes for escalating disputes around Fair Access to the Education Funding Agency to ensure that they are fit for purpose.

Comment

This is a crucial issue for LAs, and this 100-page report provides much food for thought and many examples of action already being taken; jointly funded by the DfE and the LGA, its findings raise important questions for central and local government (and partners). Together with other recent papers offering different perspectives around the theme of LAs' evolving role (see 'related briefings'), it provides a solid basis for a discussion in which all authorities need to be engaging with some urgency (notwithstanding other matters also requiring their attention); the report identifies the potential role of the CIB in supporting this process.

A letter sent by the Secretary of State to the Chair of the Education Select Committee in May, following his last appearance before the Committee, gives a good indication of Michael Gove's views then on the need for an 'intermediate tier', the future direction of school improvement and the role played by local authorities. It will be interesting to see how much these views will be modified by the work of the Ministerial Advisory Group (MAG), established in 2010 by Mr Gove – which commissioned (and will doubtless be informed by) this research. The MAG membership includes DfE Ministers and officials, and senior representatives (members and officers) of LAs, schools (including Academies), the LGA and ADCS; its papers provide a lot of information about its work.

External links

Action research into the evolving role of the local authority in education – final report

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Related briefings

[The evolving role of the local authority: Local Authority Action Research (LAAR) project interim report](#)

[The growth of academy chains: National College for School Leadership report](#)

[The Future Role of Local Authorities in School Improvement](#)

[Schools causing concern](#)

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