

Action research into the evolving role of the local authority



Introduction

The importance of teaching White Paper published in November 2010 stated that

“In a more autonomous school system, local authorities have an indispensable role to play as champions of children and parents, ensuring that the school system works for every family and using their democratic mandate to challenge every school to do the best for their population. ...

Their key roles will be to:

- Support parents and families through promoting a good supply of strong schools – encouraging the development of Academies and Free Schools which reflect the local community.
- Ensure fair access to all schools for every child.
- Use their democratic mandate to stand up for the interests of parents and children.
- Support vulnerable pupils – including Looked After Children, those with Special Educational Needs and those outside mainstream education.
- Support maintained schools performing below the floor standards to improve quickly or convert to Academy status with a strong sponsor, and support all other schools which wish to collaborate with them to improve educational performance.
- Develop their own school improvement strategies – they will be encouraged to market their school improvement services to all schools, not just those in their immediate geographical area.”

More than a year has now elapsed since the publication of the white paper, and its provisions have been enshrined in the Education Act 2011. During this period local authorities have been working to adapt to the increasingly autonomous school system, and to consider their strategic role as champions of children and parents. The focus of this action research is to explore how, in the context of greater school autonomy, local authorities are approaching three key elements of their role:

1. Ensuring a sufficient supply of school places
2. Tackling underperformance in schools and ensuring high standards
3. Supporting vulnerable children

The research will identify how the role of the local authority has changed, the specific challenges that local authorities are facing, and areas of emerging good practice that may have wider application.

How the action research has been structured

The action research is being carried out with nine local authorities. These have been selected on the basis of objective criteria designed to ensure that the research covered local authorities working in a range of different educational contexts, as set out below:

| Group 1: Local authorities with a high proportion of established academies | Group 2: Local authorities with a high proportion of recently converted academies | Group 3: Local authorities with a diverse mix of different types of autonomous school | Group 4: Local authorities with a high proportion of community, VA or VC schools |
|---|---|--|--|
| Criteria: Local authorities in which over 40% of their secondary schools are academies, and in which at least 25% of their secondary schools are academies which have been open for at least 3 years. | Criteria: Local authorities in which at least 65% of secondary schools are academies, and the majority of these are converter academies. This group also to include at least one local authority with a high proportion of primary academies. | Criteria: Local authorities in which over a quarter of secondary schools are academies, and which also have at least one free school either open or in the process of opening, and at least one teaching school. | Criteria: Local authorities in which between 10% and 15% of secondary schools are academies. |

The final sample of nine was chosen with a view to achieving a balance in terms of size, geography, urban and rural, and political leadership. It was also necessarily determined by only including those authorities which felt that they had the capacity to fully participate in the action research. The final selection of authorities which are now engaged in the project is set out below, and a short profile of each is set out at annex A:

| | Group 1: Local authorities with a high proportion of established academies | Group 2: Local authorities with a high proportion of recently converted academies | Group 3: Local authorities with a diverse mix of different types of autonomous school | Group 4: Local authorities with a high proportion of community, VA or VC schools |
|-------|--|---|---|--|
| Urban | Bristol Middlesbrough Westminster | Thurrock | | Bolton |
| Rural | | Gloucestershire | Hertfordshire Warwickshire | Oxfordshire |

The action research is being carried out in two main phases: an initial phase focused on evidence gathering and establishing a baseline and a second phase focused on action learning during which we will promote and facilitate learning between the authorities involved.

During the first phase of the research, from December 2011 to February 2012, the team has carried out initial fieldwork visits to each of the nine selected authorities, interviewed key national

stakeholders, and carried out a brief review of relevant published literature and research. During the fieldwork visits we interviewed a cross section of members and officers as set out below:

- Elected members, in most cases the lead member for children’s services
- Directors of Children’s Services or their equivalent
- Assistant Directors for education and learning, or their equivalent
- Senior local authority officers with responsibility for the supply of school places, school improvement, and supporting vulnerable children
- Local academy sponsor representatives
- Headteachers of academies
- Headteachers of local authority schools

This interim report reviews the findings of this first phase of the research.

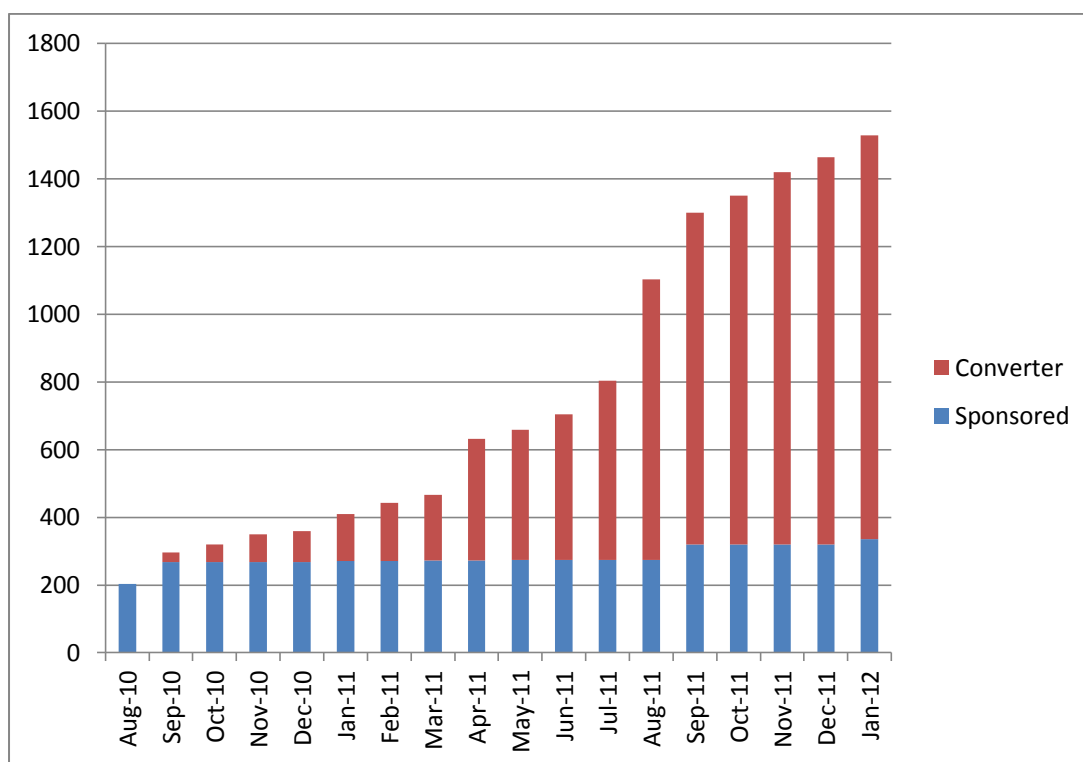
During the second phase of the research we will be working with local authorities to identify the specific challenges on which they would welcome support, facilitating the completion of a simple self-evaluation matrix through which progress can be measured, and bringing the authorities together in structured “action learning sets” which will be an opportunity to collectively solve problems and identify actions to be trialed. The findings of the whole research project will be brought together into a report and a workshop for all participants at the end of May 2012. The diagram below shows the project in its entirety.

| Phase 1 Qualitative research December - January | Phase 2 Interim report End January | Phase 3 Action research - problem solving February – March | Phase 4 Action research - implementation April - May | Phase 5 Final report End May |
|--|--|--|---|--|
| Activity | | | | |
| Project set up and initiation | Producing interim report | Set up the two action learning sets | Hold second action learning set engagement | Workshop of all local authorities involved to test and disseminate findings |
| Designing research tools | Discussions with project steering group | Agree areas of interest and priority action for individual local authorities | Help local authorities to refine their areas of focus in light of the work they have done | Follow up visits to local authorities to develop in-depth case studies or triangulate findings with schools, sponsors or staff |
| Selection of local authorities | Developing detailed areas of focus to inform the action research, based on the three research topics | Hold first action learning set engagement | Support ongoing work through webinars and online forum | Consolidating all the research material into a final report |
| National level interviews with key stakeholders | | Support ongoing work through webinars and online forum | Support local authorities to evaluate impact of their actions | |
| Fieldwork in 8 local authorities | | | | |

The context in which local authorities are working

The growth in the number of academies over the last 18 months has been very rapid, as illustrated in the chart below:

Number of academies open nationally at the end of each month from August 2010 to January 2012



However, the impact of this change has not been uniform across local authorities. This can be seen clearly in the sample of nine local authorities involved in the research. As illustrated in the table below some local authorities, such as Gloucestershire, Warwickshire and Hertfordshire, have experienced a very rapid increase in both the percentage and number of secondary schools that have become academies, from a low baseline. In others, the change has been much less dramatic either because, as in the case of Bristol and Middlesbrough, a relatively high proportion of secondary schools had already become academies before the period in question or because, as in the case of Bolton and Oxfordshire, there has, to date, been relatively low demand among schools to undergo the conversion process.

| | Percentage of secondary schools which were academies prior to September 2010 | Percentage of secondary schools which were academies at the end of January 2012 | Percentage point increase | Number of academies represented by the change |
|-----------------|--|---|---------------------------|---|
| Gloucestershire | 0% | 73% | 73 pts | 29 |
| Thurrock | 20% | 80% | 60 pts | 6 |
| Warwickshire | 0% | 57% | 57 pts | 20 |
| Hertfordshire | 2% | 37% | 35 pts | 28 |
| Westminster | 30% | 50% | 20 pts | 2 |
| Bristol | 38% | 47% | 9 pts | 2 |
| Oxfordshire | 6% | 15% | 9 pts | 3 |
| Bolton | 6% | 12% | 6 pts | 1 |
| Middlesbrough | 43% | 43% | 0 pts | 0 |

The other significant external factor which has influenced how local authorities have responded to the development of a more autonomous school system is funding. In terms of education funding, local authorities have needed to adapt to the ending of National Strategies and SIP grants, the unringfencing of a plethora of initiative based grants and the passporting of these direct to schools and, in authorities with a significant increase in the number of academies, the impact of devolving a high proportion of LACSEG funding to individual academies. This has necessarily meant that all local authorities have been through a process of restructuring services and making staff redundant. This, combined with the practical resource implications of supporting the conversion process for academies, has to some extent limited the capacity of some local authorities to address the strategic implications of the new education context given the pressures of addressing the pragmatic and immediate demands of change.

Local authorities' strategic response to a more autonomous school system

Without exception, all the local authorities taking part in this research have recognised and sought to respond to the vision for a more autonomous and self-improving school system. There is a clear commitment to enabling schools, irrespective of their status, to lead their own improvement and to look to schools themselves as the primary source of support and expertise. Many local authorities are taking a pragmatic and positive approach to the change agenda and using this as a platform to exercise their local leadership role rather than resisting change, falling behind and then becoming irrelevant or isolated.

The fieldwork also identified less variation than might be imagined in the approach that authorities have taken to the academy conversion process. Although, as might be expected from authorities representing the political spectrum, elected members differed in the extent to which they personally supported the academies programme, authorities had generally adopted a pragmatic and neutral position in relation to discussions with their schools. While some authorities actively promoted the academy agenda, they were clear that it was up to schools to make the decision as to whether to become an academy, and unless intervening in a case of failure, they would neither attempt to persuade schools to become academies against their will, or the reverse. Local authorities saw it as their duty to present the evidence and arguments objectively and then support schools to fulfil whatever path they chose.

However, in all nine local authorities it was clear that there were distinctive differences in approach between the primary and secondary sectors. Typically local authorities have been more light-touch and arms-length with secondary schools which they feel have the capacity, know-how and experience to thrive in an autonomous system alone or in partnership with other schools and academies. Primary schools, especially small schools, on the other hand, typically feel less confident about 'going it alone' and local authorities perceive a greater risk of fragmentation across the primary sector if there is no overarching local vision and closer support as the system evolves. Authorities therefore see a greater role in helping primary schools to determine what the area-wide future might look like and supporting the transition towards it than they do with secondary schools. Some local authorities are therefore leading conversations with primary schools about federating either as part of geographical clusters or in partnership with a secondary school as a step along the road to becoming academies. In turn, this process of aggregation helps build larger organisations that have the capacity to succeed in a more autonomous system. This approach may also help to

address long-standing structural issues in some areas such as the under-supply of headteachers and the diseconomies of scale of maintaining many small schools.

Given the very different contexts and histories of the nine local authorities taking part in this research it is not surprising that there is no single or dominant “strategic response” to the opportunities and challenges posed by a more autonomous school system. What is more, it is clear that in many local authorities, the transition process into new ways of working is still in its infancy. Nonetheless, in all nine local authorities, there was evidence that the way they were thinking about their future role in a more autonomous system, might be described in terms of four broad approaches:

| Principle-based leadership | Convenor of partnerships | Market-based approaches | Tighter focus and retrenchment |
|---|---|--|--|
| <ul style="list-style-type: none"> • Creating a unifying local vision • Becoming vocal advocates and champions for pupils and parents | <ul style="list-style-type: none"> • Creating the fora and conditions for collaborative decision making • Facilitating and brokering partnerships | <ul style="list-style-type: none"> • Becoming an expert commissioner • Entering the market as a competitive provider of services | <ul style="list-style-type: none"> • Emphasis on delivering statutory responsibilities • Tighter focus on outcomes for vulnerable pupils, rather than all pupils |

The mix of these approaches in any individual authority tends to be determined by their capacity, where they perceive their strengths to be, the needs of their local communities, and the existing relationships with their schools. These four themes will be returned to throughout this report.

In many of the local authorities the increase in school autonomy seen over the last 18 months was viewed as the next stage in a much longer process of transition, rather than a very rapid transformation. They felt that secondary schools in particular had enjoyed significant autonomy for some time and that becoming an academy simply reinforced and embedded this. Larger local authorities, and those whose schools had a history of grant maintained status, were particularly of this view. However, all local authorities recognised that there had been a very real change in their ability to carry out some of their statutory functions in that they no longer had the ability to direct schools in order to achieve particular outcomes at a system level. In reality few local authorities said that they had needed to use their power to direct schools in the past, but they also recognised that the nature of the discussions they had with schools around issues such as in-year admissions and place planning, were influenced by the fact that they retained the power to direct schools as a last resort.

The nine local authorities all realised that success in a more autonomous system depends on the ability of the authority to persuade, influence and develop common goals and areas of mutual interest. Some people saw this shift as a significant challenge – they were anxious about the implications of having responsibilities which they did not feel they had the levers to effect. Others felt this was an exciting opportunity to recast the role of local government and to develop new and more effective ways of working. All local authorities were, to a greater or lesser degree, making the new system work but all similarly had anxieties about the fragility of some of the current

arrangements. They felt that they were able to exercise an influencing function on the basis of the quality of past relationships with headteachers, but had significant anxieties about whether they would be able to maintain a cohesive and strategic response to local issues at a future time when a high proportion of the current headteachers may have moved on to new posts or if relationships deteriorated for any reason.

What is very clear from all that follows is that the system is in the process of transition and important questions and issues are still being resolved at a local level. Some officers, for example, feel that the role of the local authority would be more clear-cut and straightforward to implement at a point in time when all schools might be academies rather than operating in a mixed economy with some community schools and some academies. Currently all the local authorities engaged in the research are keen to learn from others in the system and predict considerable changes to their ways of working in future. None of the nine feel that they have yet reached the end-point of the transition process.

How schools are responding to the opportunities of increasing autonomy

It was clear from discussions with academy principals that a wide variety of factors influenced their decisions to become academies. In some of the authorities in which a very high proportion of secondary schools have converted to academies there has been a long history of encouraging independence and autonomy, initially through Grant Maintained status and then as Foundation Schools. When describing the decision to become an academy these schools referred to it as being “the logical next step” and “not a significant change”. In many places financial considerations had been the deciding factor, particular in areas where per pupil funding has traditionally been low or in areas where schools felt that they could commission services to meet the needs of their pupils more cost effectively than those historically provided by the local authority. Relationships with other schools, and the local authority itself, were also a significant factor influencing schools’ decisions.

There was rarely a sense, either among sponsored or converter academies, that their rationale in becoming an academy was driven by a desire to become an ‘island’ and cut adrift from other schools in the area or the local authority. Even where a school or academy’s experience of their local authority had been negative, there was still an acceptance that there were key objective functions that had to be carried out above the level of schools and that in principle local authorities were well placed to exercise them, albeit with varying levels of confidence based on their effectiveness historically. Most academies were still highly committed to a sense of local moral purpose for all pupils beyond their own school and to work in partnership with other schools and stakeholders, including the local authority, to improve outcomes for all pupils. In the main, academies were keen to see the local authority taking an effective local leadership role on issues of strategic importance which went beyond the ability of schools to manage individually or collectively. They wanted the local authority to offer good quality services and were happy to buy into these where they offered good value for money. However, in a few cases the more sceptical schools felt that in some cases local authorities were trying to “create” a role that might not be needed.

Schools that had chosen to remain community, foundation or VA/VC schools were similarly motivated by a range of factors. Few had decided definitively against pursuing academy status in future but in general their decisions not to convert were informed by a desire to remain part of a

strong local “family” of schools, a view that it would not be financially desirable, or little wish to take on some of the responsibilities that becoming an academy entails. However some schools, particularly in the larger local authorities, wanted the local authority to take a more proactive lead in setting out the long-term strategy for schools which had not become academies. There was a sense of anxiety about how much local authority capacity would remain 12 to 18 months down the line and whether schools could continue to rely on the same degree of support. This was a particular concern among primary schools. Momentum is certainly a key factor in the system - once a ‘tipping point’ is reached, schools feel as though they might get left behind if they do not convert to academy status.

Ensuring the sufficiency of school places

National expectations¹

Local authorities are to operate as the local champion of choice. In so doing they will:

- ensure an adequate supply of high-qualityⁱ school placesⁱⁱ
- support those with the vision and energy to establish free schools, especially in areas of deprivation or where there is insufficient choiceⁱⁱⁱ
- work with and/or seek out sponsors for academies or free schools required to meet demographic need for additional places^{iv}
- act as strategic commissioners when all schools have become academies.

In order to ensure fair access to school places Local authorities will:

- make admissions processes as fair and simple as possible^v
- administer an efficient local co-ordinated admissions process^{vi}
- ensure compliance with the Admissions Code^{vii}
- operate school transport in ways which contribute to fair access.^{viii}

On a day to day basis local authorities have continued to discharge their responsibilities in this area in the same way as they did prior to the Academies Act and the growth in the number of autonomous schools. Typically this involves working closely with health partners to understand patterns in birth data and combining that with information from planning and other local intelligence to derive projections of pupil numbers. This information is used to plan where additional places or, in some cases, new schools might be needed. Some local authorities have reported that they have been approached by academies for information on pupil projection numbers which they have been happy to provide.

In the case of negotiating additional places local authorities normally conduct individual, or occasionally collective, discussions with schools to encourage and persuade them to take on the additional pupils. This can be supported with capital funding, either from the local authority’s capital allocation or from S106 developer contributions to make the change viable, and in some cases to

¹ Based on *The Importance of Teaching* White Paper and the 2012 Admissions Code. Detailed notes on local authorities’ statutory duties are set out in Annex B.

“sweeten the deal.” Where new schools are needed, which is obviously less common, local authorities are seeing their role as acting as a local commissioner in inviting providers, both local and national, to submit proposals to establish a new academy.

Case study – Oxfordshire are planning the development of new housing estates and the local authority is working with planners and developers to ensure new school provision as part of this. Previously the local authority would have directly provided new maintained schools but they are now inviting potential providers (Sponsors, Free School Groups, Academy Chains, local business etc) to engage in a process to run the new schools via proactive briefings and consultation. The local authority feels well placed to lead this process given its broader responsibility for planning and regeneration and its relationship with developers.

Although, on the face of it, what local authorities are doing in this area on a day to day basis has not yet changed radically, this is an area where authorities are anticipating significant change in future and which potentially presents a number of challenges at a local level. At present, local officers feel as though it is business as usual for several reasons:

- most academies are still very new and have not yet had an opportunity to consider expansion
- in most cases the principal of the academy remains the same as the headteacher of the predecessor school and therefore local authority officers are having negotiations with people with whom they have built up relationships over a number of years.
- Free Schools are new and not of sufficient scale yet to dramatically impact on local provision
- In many areas local authorities have been focused on managing the immediate challenge of rising primary rolls, and in all cases the majority of primary schools remain local authority schools

These factors mean that the success with which local authorities are able to ensure that the provision of places meets need is dependent much more on the quality of the relationship with the individual school than on the status of the school as an academy or local authority school. However, there are challenges for how the local authority’s duty to ensure a sufficient supply of school places might be achieved in future.

Managing growth in pupil numbers – expansion and competitions

In the case of authorities which have seen significant expansion in pupil numbers for some time, there is emerging evidence that academies are beginning to use their autonomy in order to refuse to admit additional pupils over and above their PAN. In Hertfordshire, for example, pupil numbers are rising steadily and this is already affecting primary schools. Schools are clear about the limitations of the local authority’s powers to require them to expand so there is a consequent need to engage in more extended negotiation with schools which might be expanded, often including demands from schools for incentives. This is particularly problematic in view of the more tightly constrained capital budgets. Free schools can be part of the solution to the provision of additional places, but the very late notification received by the local authority of some proposals is counter-productive, and has given rise to a lot of abortive work. Furthermore, the impetus for the establishment of a Free Schools is often more related to the desire to meet parental choice than to ensure the provision of sufficient places at the right time and in the right place for the area.

The challenge is how, in a future system in which potentially all secondary schools and a large proportion of primary schools are academies, the local authority can be confident that it can continue to discharge its statutory duty. It is possible to see how a stalemate might arise, and how the process of arriving at a resolution could become both time-consuming and inefficient. Local authorities believe that effective sharing of information, establishing the right fora for collective discussion and decision making, building good relationships with schools and proactive engagement with providers will go a long way to mitigating these risks, but this approach has not yet been fully tested at the sharp end. There is also emerging evidence that it might pay dividends for local authorities to be more proactive in reaching out to existing or new providers in this more diverse system. Oxfordshire, for example, has been openly sending demographic data and other evidence up front to potential Free School Providers so that decisions about where to put the school can both increase choice and assist a local strategy for growth. Westminster has gone a step further and invested significant officer time and council capital funding in facilitating the establishment of Free Schools to meet local needs in their area.

In the case of establishing new schools the challenge is around the new skills needed at the authority level to act as an effective local commissioner. In particular the market-shaping role - to encourage proposals from providers that fit the local character and specific needs of children and the community - is something that is quite new to some local authorities. In Warwickshire, for example they have identified the need to open a new special school for Additional Learning Needs (principally Emotional, Behavioural and Social Disorders) in the north of the County. As a new school this will be an academy and subject to competition. The authority acknowledges that conducting this competition effectively will require them to develop new knowledge and understanding of potential special school sponsors both nationally and locally, as well as refining their core commissioning skills.

Managing over-supply and closing schools

Although ensuring that the supply of places expands to meet need presents a number of challenges for local authorities, it is managing potential over-supply of places which is a greater source of anxiety for local authorities at present.

Changes introduced through recent legislation and the new admissions code mean that academies are able to expand without consultation or reference to the local authority, and free schools are able to open also without reference to the local authority. This is a deliberate government policy to increase quality through competition and both these new provisions clearly provide exciting opportunities for popular schools to expand and new schools to open which directly meet the interests of parents and local communities. The challenge is how to maximise the improvement potential offered by these changes while mitigating any unintended negative consequences for pupils and parents.

There are two different scenarios that need to be considered. The first is the role that the local authority has in ensuring the smooth transition for pupils and parents in the event that the expansion of a successful school causes a poor school to become unviable, in which case the logical outcome would be the closure of the poorly performing school. The second scenario is how a local authority should respond to the less common situation where school expansion places well performing schools at risk, or where the closure of a school is not a desirable option.

Closing poorly performing schools that become unviable

In areas where rolls are falling and static, and successful schools expand, the likely consequence is that less successful schools will lose pupils, and if they are not able to improve may over time become unviable and close. This should improve the quality of education overall, ensure that more parents are able to get their children into their first choice school, and is an important part of the Government's education strategy. The challenge is how, under a more autonomous system, this process can be managed decisively and swiftly so that the education of those children left in the school that has become unviable does not suffer.

In the past the closure of failing, unviable schools has not always been handled decisively. Typically there is considerable community opposition to and anxiety about school closure and it can be politically extremely difficult to achieve. This has meant that in some cases the time period from a school becoming vulnerable to the point at which it closes has been unacceptably long. When this happens pupils in those schools closing down often receive a poor, and deteriorating, quality of education. Subject choices become reduced, the school is unable to attract and retain high quality staff, and planning for the future is hampered by uncertainty. If, under a more autonomous system, the rate of poor schools becoming unviable increases then both local and national systems and structures will need to adapt to manage school closure more effectively. Some of the particular challenges which local authorities are wrestling with are:

- How can local authorities most effectively work with all schools, including academies, to ensure that the remaining pupils in a closing school will be found places quickly and efficiently?
- Where does responsibility for taking decisive action to close a failing, unviable school lie in the event that the school is a converter academy or a Free School, and what role, if any, should the local authority play in convening and brokering those discussions?

The new powers for academies to expand and new schools to enter the market must mean that, for a period at least, school failure and closure is likely to become more frequent. Finding effective ways to manage this at a local level is therefore a real priority. The case study below illustrates some of the complexities and challenges of managing the over-supply of places in a more diverse and autonomous system.

Case study – One local authority has no need for additional secondary places until 2017. The majority of its secondary schools are likely to be Academies within 12 months, and some of these are looking to expand to become more financially stable and to build on their success. A new Free School has opened in response to local demand and created additional surplus places in some neighbouring schools. The local authority is concerned that 'market forces' could undermine the sustainability of a new academy, in a new purpose built building and now improving. The fall-out for the community, and financial consequences resulting from the termination of the school's PFI contract, would be considerable. The local authority further predicts that there will be population growth in 2017 at which point the places which are now surplus would be required again.

Safeguarding against school closure when it would not be in the best interests of pupils

There are likely to be a small number of cases where closure of a school that becomes unviable is not in the best interests of pupils and parents. Typically these might occur where the following conditions hold true:

- Pupil numbers are static or falling and
- The very large majority of local parents already send their children to local schools and
- All schools in the local area are good or better or
- Increases in selective places or schools with a similar academic offer will narrow choice.

These are clearly a relatively specific set of conditions, and will not be found in all areas. However, when they do occur it is possible that expansion of successful schools may put in jeopardy the future of a school that is performing well or a school that plays a vital role in the system or community that cannot be met by other neighbouring schools. The case study below illustrates one such emerging scenario:

Case study – In one town there are four secondary schools all of which are either good or outstanding. There is no need for additional places at secondary level. One of the outstanding schools, as a local authority school, wanted to expand and was prevented from doing so by the local authority as it would have made the neighbouring good school unviable. The outstanding school has recently converted to academy status and signalled its intention to expand next year. The local authority is now very concerned for the future of the good school which is providing high quality education and is well regarded by parents and the community.

Both local authority officers and academy principals are clear that the best way, in the context of the current powers and duties, to address some of these challenges is to bring schools together, share information transparently, and engage in a principled discussion about how the best interests of children and young people in a community can be served. There is potentially an important role for the local authority in convening and facilitating these discussions, although in a more autonomous system it will be schools and not the local authority who are the decision-makers about the future pattern of provision. However, several large academy sponsors have highlighted the need for these conversations to be carried out with complete objectivity and impartiality and have questioned the ability of local authorities to do so when political considerations may influence their judgement and while they are still operating in a mixed-market of schools (both local authority schools and academies).

Although many academies were excited by the opportunities to expand, both academies and local authority schools expressed anxieties about the system-wide implications in some cases of school expansion and free schools entering the market place. Some academies voiced a wish that local authorities should do more to manage the opening of free schools in areas where the supply of places was already sufficient, although acknowledging that local authorities had limited levers to influence such decisions. Academies themselves are clear that a self-regulating system is unlikely to be sufficient in all cases. Despite the commitment of individual schools to working collaboratively and in partnership with each other they recognise that in certain circumstances the forces of competition are likely to be stronger than those of collaboration. However, there are some examples of emerging good practice from the fieldwork of how collaboration between schools and local

authorities is being used to collectively consider how provision might be best organised in the interests of children and young people in a community as a whole.

Case study – In one community in Warwickshire, three academies, two of them high-performing, have opened sixth forms. These are chiefly academic in focus and are putting at risk the viability of an also high-performing sixth form community college. The potential impact of the sixth form college contracting or even closing would be a very significant reduction in the breadth of the curriculum offer available to young people. The local authority has been engaging in discussions with the schools and college in question, which have now all signed up to an external and independent review of post-16 provision in the area..

School improvement

National expectations²

Local Authorities will develop local school improvements strategies through which they will:^{ix}

- act as champions for excellence
- challenge schools to do their best for their population
- support all schools which wish to collaborate with them to improve educational performance
- participate in collaborations led by schools to secure a more diverse range of professional development providers
- provide opportunities for teachers to get together in formal and informal ways to promote improvement.

In order to challenge under-performance they will:

- act promptly where there are concerns about the performance of individual schools, including informal intervention with the leaders of academies and free schools^x
- support those schools which fail to reach floor targets to improve rapidly or to effect transition to academies
- collaborate with sponsors who take over weaker schools and use local knowledge of potential partners arising from responsibilities for regeneration, and employment and community development

In order to support informed parental choice as a driver for improvement, they will:

- publish more school-level data to inform parental choice^{xi}
- respond to parental concerns about the quality of school provision^{xii}
- arrange for scrutiny of performance

In support of these activities LAs may provide school improvement services on traded basis within and beyond their areas

² Based on *The Importance of Teaching* White Paper. See Annex B for local authorities' statutory duties.

Of the three areas which form the focus of this research, school improvement is the one which has undergone the most radical transformation over the last 18 months. In response to the direction set in the white paper, and the ending of the National Strategies and other ring-fenced grants, all the local authorities taking part in this research have fundamentally reshaped their school improvement service. Although the nine local authorities have adopted a range of different models, there are some consistent features underpinning the change in the majority of authorities:

- In most cases, authorities are not providing targeted school improvement support to academies, unless on a traded basis, although they continue to share information, provide informal advice and engage them in local partnership arrangements
- The support and contact provided to good and outstanding local authority schools has been very significantly reduced, and in most cases has stopped completely
- Direct support for secondary schools is minimal and where the local authority has capacity to support school improvement it is largely directed towards primary schools
- In all but one local authority, School Improvement Partners have either been discontinued or their engagement with schools significantly reduced
- Consequently the school improvement service is considerable smaller than it was previously
- The local authority's core school improvement focus is targeted intervention with low-attaining, declining or stuck satisfactory local authority schools
- In exercising this function the key focus is on brokering school to school support and/or promoting sponsored academisation where schools are failing
- With one exception, non-statutory education improvement services have been moved onto a traded basis with the money passported to schools or stopped entirely

There are some clear examples of innovative practice in how local authorities have re-configured their approaches to school improvement:

Case study: In Hertfordshire, school improvement functions have been streamlined, with the loss of 100 posts, and formed into a single group which will be transferred into a new external structure, possibly a social enterprise company. The County Council will commission this new organisation to provide all its school improvement requirements, and the organisation will be free to trade on an equitable basis with all schools in the County and beyond.

Case study: In Middlesbrough they are working with all their schools, including their academies, to develop a "Middlesbrough cooperative" which aims to preserve a strong collaborative approach to school improvement which schools in the area believe is necessary to raise standards in a town with high levels of deprivation. All schools (including Academies) will be asked to enter into a formal partnership arrangement which will decide on an area wide basis the priorities for early intervention support and school improvement. The local authority intends to stop providing directly a number of services and passport this money to the partnership to create the resource for commissioning. Essentially, a wide range of services will move from being provided by the local authority to being commissioned by schools together in partnership. The local authority role will be to enable this partnership to work effectively. The local authority will continue to provide some specialist services, for example, for Looked After Children and those with significant SEN/disabilities.

Many local authorities are also developing innovative ways to help their schools navigate the range of educational support services on offer on the market. In Bolton, working in close partnership with schools, the school improvement service has reduced to a small core but with a group of associates whose services head teachers can buy in through a system of support for self-evaluation. A further web resource of providers known to Bolton schools is available that sets out the expertise, areas of specialism and day rates which gives schools discretion over who they buy and what they prioritise. Bolton local authority is systematically supporting school to school support via the Education Exchange which is an online system for signposting expertise and enabling schools to support each other (<http://educationexchange.boltonlea.org.uk/>). Gloucestershire has developed “Glos-Ed” – a website which provides a virtual menu of support including access to details of local authority traded support services, quality assured external providers, ASTs, lead teachers and national and local leaders of education in Gloucestershire, alongside case studies of effective practice the support that various practitioners can offer.

In general local authorities had adopted very different approaches to school improvement at the primary and secondary phases. In part this was based on the fact that typically a higher proportion of secondary schools had become academies than primary schools, but also reflects the generally held belief that in many cases secondary schools have greater capacity and confidence to commission their own support and training than primary schools. Local authorities therefore tended to adopt a more hands-on approach to school improvement at primary than at secondary level. As a result the bulk of local authority school improvement work was focused on tackling underperformance in the primary sector. There were a number of good examples of how local authorities were using a school-driven support model to tackle underperformance successfully, as the case study from Gloucestershire below illustrates. This model was applied to underperformance at both the primary and secondary phases, but the far greater numbers of local authority primary schools meant that the majority of work was undertaken in that phase:

Case study: Gloucestershire has established a targeted intervention team of seven people, each dedicated to one of the county’s seven localities. The team has developed a very clear approach to supporting school improvement which is based on brokering support between a local support school (often led by an NLE or LLE) and the school requiring intervention. The local authority acts as a broker and facilitator of the partnership and importantly continues to hold all partners to account through the course of the school improvement journey. The model is based on intensive support in the first phase of intervention, at all levels between the two schools (headteacher, leadership team, teachers and support staff) with a gradual phasing out of support over the course of the intervention which leaves the school able to sustain improvement on its own. The authority invests a lot of time in coaching and developing their partner support schools, and requires all local leaders to go through an accreditation process before they lead an intervention. A large number of academies act as support schools to other schools in the county and engage fully with the local authority in developing and delivering the Gloucestershire model. Since the new approach to supporting schools causing concern has been adopted the number of Gloucestershire schools in categories of concern has reduced from 11 to 5.

The nine local authorities also furnished examples of authorities in which raising attainment remained a very clear political priority. In these cases school improvement services had often not been cut back to the same extent as in other local authorities. In Thurrock, for example, the decision

had been taken to retain the equivalent of school improvement partners, called “Thurrock Improvement Consultants” for local authority schools and to direct their time towards schools that required a higher level of challenge and support. Every maintained school which is in an Ofsted category or below floor standards receives a minimum of 13 days support from the Thurrock Improvement Consultant and satisfactory schools receive 5 days support a year. The council has also created a team of outstanding practitioners seconded from schools for one year to the local authority. These are paid for centrally by the local authority which directs their time in providing teaching support to schools which need it. The local authority feels this team is having a very significant impact on improvement in the primary phase, and is hoping to begin trading out the service in future. The model will remain based on one-year secondments so that teachers take their skills back into schools and so that improvement practice remains fresh and up to date.

Westminster is another local authority where school improvement has been a central political priority. The City Council is positive and assertive about its role in school improvement and is maintaining a level of resource for community and voluntary schools in excess of the levels now typically found elsewhere. Similarly the City Council continues to fund statutory school improvement work, with a particular focus on narrowing gaps, in all of the academies in the City. This was one of only two local authorities visited which directly provided funding to secure school improvement support to academies, in the case of Westminster specifically to help improve GCSE attainment.

In general the academy principals met as part of the research felt confident and self-sufficient in terms of school improvement. They said they were able to access support from a wide range of sources, including informally from each other via local collaborative networks, from NLEs and LLEs, from local authority traded services, from their sponsor where they have one, and from external providers available on the market. Interestingly many schools, both academies and local authority schools, have chosen to continue to buy in the services of their SIP to provide external challenge.

Secondary academies did not generally feel that they needed any engagement with their local authority on school improvement issues. They remained happy to buy into local authority services which they felt were good quality and good value but tended to source support more often from external providers or other schools. Some had also bought into services offered by other local authorities. At primary level academies tended to be slightly less confident commissioners of services and were more likely to buy into local authority provision which was perceived to be a “safe” option. However, at primary there was clear evidence of local networks, with a focus on peer-learning and joint commissioning emerging. Often these had been facilitated initially by the local authority but were increasingly developing a life of their own.

School improvement is clearly an area in which local authorities have thought strategically about their offer, scaled back what they are doing, and focused energy and resources on the schools that need the most support. Within this context of a significantly reduced service, a number of challenges present themselves:

What does it mean to be a champion for the achievement of all children?

Despite the fact that the improvement role of local authorities is much reduced, they retain a clear sense of moral obligation, and in many cases a political commitment, to support all children in their local area to achieve their potential. Within the context of more autonomous school system it is not

yet clear how local authorities can most effectively discharge their responsibility to champion the achievement of all children when they no longer have the direct means to hold schools to account for their progress.

Some local authorities have taken the approach that their role is to articulate and communicate a local vision, or a set of priorities, around which the system can cohere. The most successful of these have done so in a way that makes the authority's ambition specific and provides a set of tangible outcomes to which schools and sponsors can relate. For example Hertfordshire have developed and communicated the following very clear local priorities:

1. Best standards in the country
2. Independently minded schools, working collaboratively
3. Highly effective school improvement arrangements, drawing on the skills and expertise of Hertfordshire schools
4. Halve the gap in outcomes between vulnerable children and all children
5. People eager to come to Hertfordshire to teach and learn.

There is also a clear sense among many local authorities that they have a role in convening a strong partnership to collectively develop a local vision. For example, Bristol has a strong history of local and national partnership working to provide education provision. These partnerships include established local academy chains such as the Cabot Learning Federation, national academy chains, strong links between clusters of secondary and primary schools, links to local HE institutions and local business such as the Merchant Venturers who are sponsoring academies. The local authority and partners are actively looking to build on these partnerships as part of a local vision for education in Bristol, developed through strong system leadership and citywide moral responsibility to improve outcomes for all Bristol children and young people.

Other local authorities have tried to enshrine their principles, expectations and responsibilities in local memoranda of understanding with academies and academy sponsors. As yet the jury is out on how effective these will be. There is a suspicion among headteachers and sponsors that simply producing a document, unless reinforced by mature dialogue and consistent effort put into building relationships, will end up as a somewhat empty exercise.

Some academy sponsors recognise and value the role that a local authority might have in championing the needs and achievement of its children. The Cabot Learning Federation, for example, ensures that there is local authority representation on the governing body of all its academies and encourages the local authority to raise any concerns or issues it might have, and offer its advice and expertise, through that route. ULT reported that they were invited to appear before the education scrutiny committee in one local authority and felt that means of challenge was both helpful and appropriate. They are intending to write to all the chief executives of authorities in which they run an academy with the offer to appear before the local education scrutiny committee on an annual basis.

When asked how they would act in the situation that they had serious concerns about an academy in their local area, all the local authorities were clear that they would broach the issues informally with the principal and governing body in the first instance and in the case of a sponsored academy raise their concerns with the sponsor. If the issues were not resolved, or they continued to have

concerns about performance, the authority would seek to escalate these to the DfE or the YPLA. However, local authorities, and individuals, differed to the extent which they saw this as a key part of their role or their responsibility.

Early warning and action to prevent declining performance

A particular concern expressed by many local authorities during the fieldwork was the capacity of the reconfigured system to spot and then act on evidence of declining school performance. These concerns were particularly acute in relation to converter academies and in relation to local authority schools in those areas where school improvement support services have been scaled back to the absolute minimum. In smaller authorities which had retained a proportionately greater school improvement service, these anxieties were less acute. They felt that they retained enough informal contact, with both academies and local authority schools alike, to identify and anticipate declining performance.

In relation to their own maintained schools, authorities where the SIP role had been discontinued were concerned that they lacked consistent and regular “soft” or qualitative information about school performance. Authorities felt this was likely to diminish their ability to accurately identify schools whose performance was declining before that decline resulted in poorer examination results. This could increase the time it would take for the local authority to put in place or broker appropriate support.

In relation to converter academies, some authorities were concerned that, apart from the school’s own governing body, only Ofsted would be in a position to identify changes in quality that had not yet resulted in reduced standards and the relative infrequency of inspection could again lead to delays in these schools being identified and supported. However, it should be recognised that even when local authorities had access to the information and the powers to carry out this role it was not always done so effectively.

Academies were clear that they were held accountable for improvement, or maintaining already high standards, in the first instance by their governing body, by their sponsor where they had one, and ultimately by the YPLA and the DfE. They generally felt this accountability framework, combined with the increased emphasis of inspection on satisfactory schools, was more than sufficient. However, they also recognised that as schools were becoming increasingly autonomous governing bodies would need to up their game in terms of critical evaluation and challenge of the school. One academy principal had reconfigured his governing body to bring in new challenge and expertise and was looking at options to pay reasonable expenses in order to increase the professionalism of the governing body. Another principal was developing an enhanced monitoring role for governors which included doing lesson observations.

Academies, however, were not convinced that local partnerships of schools had a workable role in identifying or taking action to address underperformance unless the school itself asked for support. They identified the risk that poor performance often goes hand in hand with a lack of self-awareness and felt that struggling schools might be the last to seek out challenge and external expertise. To that extent they were relying on national mechanisms to swiftly identify and broker in support for underperforming schools.

Brokering school to school support

The final area of challenge identified by local authorities in relation to school improvement was situating the capacity within the system to support school-to-school improvement models when all or most schools are academies. Authorities were clear that partnering schools could deliver rapid and sustained improvement, but their experience also suggested that the initial brokering of the partnership and then continuing to hold both partners to account through the improvement journey and monitor the outcomes of the partnership was a role that needed to be undertaken by an objective third party. Many of the schools, including academies, that had acted as partners concurred that a third party broker and point of accountability could bring significant value to the improvement process, and that achieving a partnership based on both support and challenge could be more difficult when it was simply instigated by the two schools involved. Neither local authorities nor schools were clear who would play that independent role, beyond the initial “match-making” in a fully devolved system.

In some local authorities this was exemplified by a lack of clarity around who would deploy and resource NLEs and LLEs. In some areas local authorities were taking on a proactive role in relation to their deployment, in others it was very hands-off. Local authorities understood that they could approach NLEs and LLEs in their areas and commission them but in many cases this was carried out on an ad-hoc basis rather than in accordance with a systematic strategy.

Vulnerable children

National expectations³

LAs have a responsibility to promote social justice by supporting vulnerable children, including Looked After Children and those with Special Educational Needs. In so doing they will:

- operate a Fair Access Protocol which secures the education of all children^{xiii}
- ensure the provision of full-time education for pupils excluded from school^{xiv}
- develop more diverse alternative provision, encouraging the voluntary sector and allowing PRUs to become academies
- secure the provision of specialist services such as behaviour support and educational psychology
- assess special educational needs and fund special provision^{xv}
- act as corporate parent for look after children with key responsibility for their educational attainment^{xvi}
- exercise their responsibilities for safeguarding^{xvii}

Six of the nine local authorities stated that they saw ensuring that vulnerable children were supported to achieve their potential as the most important aspect of their future role. They were explicit that their core focus had shifted from the universal to the targeted.

³ Based on *The Importance of Teaching* White Paper. See Annex B for local authorities’ statutory duties

Unlike school improvement, there was a relatively high degree of consistency in how local authorities had organised their services for supporting vulnerable children. Many had reorganised their services for vulnerable children into locality based teams that related to groups or partnerships of schools. The locality hubs tended to include those services for which local authorities retained statutory responsibility (such as Educational Psychology and Educational Social Workers) as well as non-statutory support services such as behaviour support, educational welfare, support for ethnic minority groups and gypsy and roman traveller families etc. The non-statutory services (many of which have historically been funded through ring-fenced grants or LACSEG) tended to be offered on the basis of need to local authority schools and on a traded-basis to academies.

A number of local authorities had continued to build on their existing arrangements for supporting the achievement of looked after children, and clearly saw these as a priority for the future. Bolton, for example, have taken an innovative approach to focusing on the needs of looked after children. Working with schools in partnership, they have helped establish three 'virtual schools', each with leadership responsibility exercised by a head teacher of one of the schools in each of the three geographical clusters. The headteacher takes responsibility for all looked after children within their cluster region, across school boundaries.

In accordance with the principles of a more autonomous system, many local authorities were actively supporting schools, irrespective of their status, to take ownership of the commissioning of support services for vulnerable children to ensure that the nature and scale of provision best met the needs of children locally:

Case study: In Hertfordshire priorities for the deployment of local resources are negotiated between local partnerships of schools and the area managers who lead the locality based teams. This is seen as a precursor to groups of schools jointly commissioning these services.

Case study: Warwickshire has developed a very promising school-based commissioning approach to the prevention and management of exclusion through Area Behaviour Partnerships, which has been rolled out across secondary schools and is being piloted in a small number of primary school clusters. To date around £1.5 million has been devolved to the partnerships which in return take responsibility for managing the education of children at risk of exclusion or excluded from school. The emphasis is on prevention and early intervention. Schools can use the money to buy-in the LA support services or other provision that they believe to be needed, but if they exclude a child the cost of alternative provision or a placement for the excluded child must also be met from the devolved budget. In the initial stages of the project, the local authority reports that the rate of exclusions has fallen by 50%.

Many academies and community schools were taking advantage of the increasingly diverse market for services for vulnerable children in order to buy in the specific support which they felt their children and families needed. Schools were commissioning, for example, dedicated CAMHS provision, family support workers and behavioural support. However, schools did not report being as confident commissioners in this area as they were in the area of school improvement. This was particularly the case for primary schools which, unless they worked as part of a collaborative, seldom had the resources necessary to buy in very specialist support. Even among secondary academies

there were some anxieties around commissioning support for vulnerable children. One principal explained, for example, that there was an anxiety about buying in non-local authority educational psychology services on the basis that private companies might have a perverse incentive to identify greater numbers of children with learning needs than might actually be the case because it would lead to more business for the company.

Where local authority services were of high quality they were valued by schools as providing a reliable, impartial and ethical service. However increasing, as consumers, schools wanted to be able to exercise choice not just over the provider of services that they used, but also the individual delivering those services. If local authorities could not provide this flexibility it was clear that more and more schools would look elsewhere for this support. Schools also clearly recognised that local authorities retain an important role in joining up services for the most vulnerable and were generally happy in principle to share information and data with them to facilitate this process, although it was felt that the practicalities of information sharing could be improved. Interestingly academy sponsors were sometimes less sanguine about sharing information with local authorities than individual schools appeared to be.

Ensuring vulnerable children are supported to achieve their potential is clearly an area which local authorities are prioritising in thinking through their future strategic role, and as a result some innovative thinking and good practice is emerging. However, there remain a number of challenges which the fieldwork identified.

Fair access and fair admissions

Local authorities are clear that they retain the statutory responsibility to operate fair access protocols so that children who are hard to place, for example those who have been excluded on a number of occasions, or who arrive in-year with very significant support needs, receive the education that they need. In general, local authorities and schools reported that fair access protocols continue to work reasonably well. Although local authorities do not have the power to direct an academy to accept a child under fair access arrangements, in the great majority of cases academies continue to participate fully in fair access arrangements and see it in their interests, and in the interests of children, to do so. Indeed, many local authorities said that where problems had occurred it was rarely a reflection of the status of the school and more often a reflection of the willingness of the principal to engage with collaborative local arrangements, in other words in practice problems were just as likely to arise in negotiations with community schools as in negotiations with academies.

Schools generally reflected the view from local authorities. Most of them felt that fair access protocols worked reasonably well, and remained committed to being part of them, whether they were academies or local authority schools. In Gloucestershire the fair access arrangements were cited by one academy as a possible model for addressing other community wide issues in future, such as place planning.

However, local authorities remained anxious about their ability to maintain well-functioning partnerships as current principals inevitably moved on and were replaced by those potentially with less personal investment in the local area, and who would not be accustomed to existing systems. In one local authority there were indications that the increased independence and autonomy of

schools was contributing to more protracted negotiations around fair access – last term was the first term in which they failed to meet their local target that no child or young person should be without an education place for more than 20 days.

In the small number of local authorities where fair access protocols had not worked well historically there was a clear recognition that these would need to be renegotiated rapidly with academies and local authority schools to prevent the system from becoming unworkable. In one local authority there was a particular anxiety that because referring issues to the school adjudicator took too long they were resorting to asking certain schools that were known to be amenable to taking more than their fair share of vulnerable pupils, which they recognised was not fair and not a long-term solution. Indeed, one of the key criteria which appeared to set apart the fair access systems which worked well from those which did not is the transparency with which discussions and decisions were made. For the processes to work schools need to believe that they are all being treated fairly and making an equal contribution.

An issue which is closely related to fair access is fair admissions policies. In a minority of local authorities there were anxieties that some academies were using their ability to control admission arrangements as a means of securing the admission of more able pupils. However, this was far from universally the case. Indeed many academies were voluntarily continuing to abide by the local authority's previous admissions arrangements, and some were actively developing policies which they felt would be more equitable. For example, the Macmillan Academy, Middlesbrough, operates a banding system to ensure that it takes 'its fair share' of pupils in line with the local demographic and is not expanding on the basis of attracting those pupils with the highest prior attainment and lowest need. Adoption of such practice on an area-wide basis in Middlesbrough is one approach that is being explored to ensure fairness in future admissions arrangements.

Support services- viability of traded services and information flows

As described above, many local authorities have placed their non-statutory support services on a traded basis - in all cases for academies and increasingly for local authority schools as well. At present many schools are choosing to continue to buy into local authority support. However as schools become more confident commissioners and partnership-based approaches to commissioning become more embedded it is highly likely that this will become a more variable picture. It is already the case that many of the larger sponsors have sourced their own external support for vulnerable children. In market terms competition and diversity are to be encouraged. Local authorities recognise that they will have to continue to improve the quality of what they offer if they are to remain competitive. Offering greater flexibility to schools will be particularly important. One academy described the process of negotiating local authority traded services as "trying to buy a skirt and only being offered trousers..." However, increased competition for traded support services for vulnerable children presents three important risks:

1. Evidence shows that joining up services for vulnerable children and their families is critical to prevent harm and the escalation of needs. In future local authority statutory services, such as social care, may need to work with a far greater range of providers which will be more challenging and will present additional costs

2. If local authority non-statutory services are to continue to exist a sufficient number of schools need to continue to buy-in to make the service viable. If services are not able to compete then they will no longer be provided. This is not necessarily a problem if it occurs at a point when schools' confidence in commissioning specialist provision is fully developed. But if it were to happen in the near future it is likely that primary schools in particular would struggle to quickly and effectively replace the provision and expertise that had previously been available
3. Local authorities currently depend, to a large extent, on the fact that many schools buy into their services for vulnerable children to maintain a good flow of information on how the needs of these children (particularly those with low-incidence needs that do not meet the threshold for a statement) are currently being met. Without these flows of information the effectiveness of the local authority in ensuring that collectively the education system was meeting the needs of vulnerable children in the area would be diminished.

SEN placement commissioning

For the most part, the local authority statutory role in relation to Special Educational Needs has not changed significantly in the face of a more autonomous school system. Local authorities currently remain responsible for the statementing process, and schools recognise the need for this to be managed through an objective and independent body. There is significant variation between authorities in the efficiency which with statementing assessments are carried out, but this is a function of performance rather than the changing context of the education system.

The one area of the role which is set to change in the light of greater school autonomy and increasing numbers of academies is how the local authority commissions special school placements when increasing numbers of special schools are academies. Authorities recognise that this will place increasing demands on their skills as commissioners, particularly in terms of their ability to quantify outcomes in a sector where pupil progress can be difficult to measure. They are also anxious as to whether the changing status of special schools may constrain their ability to commission placements flexibly for young people whose needs will be best met by a number of institutions working together in partnership. There is no reason why the academy status of special schools would preclude these more flexible arrangements, but it is likely to be more complex. This is an area where local authorities acknowledge that they will need to augment and develop their own skills and practices in order to get the most out of a more diverse system.

The issue of commissioning for SEN does not only relate to special school placements, but also places and support for low-incidence special needs provided by mainstream schools. As more schools become academies, local authorities will increasingly need the skills to commission these services from academies on behalf of all schools in a community in order to continue to achieve economies of scale and consistency of provision. The case study below shows how Thurrock has successfully tackled this issue.

Case study: In Thurrock most of the special needs resource bases, for example for children with autism or those with hearing impairments, were located in schools which have converted to become academies. The local authority realised that it would need to become sharper in terms of its commissioning. Whereas previously the resource bases were operated on the basis of a Service

Level Agreement (SLA), the authority recognised the need to move these onto a robust contract. The local authority therefore negotiated a clear contract with each school, including agreed key performance indicators for the service. They feel this has been a positive development, and has caused them to be much clearer about what outcomes for vulnerable children they expect from these services.

Possible areas of focus for the action research

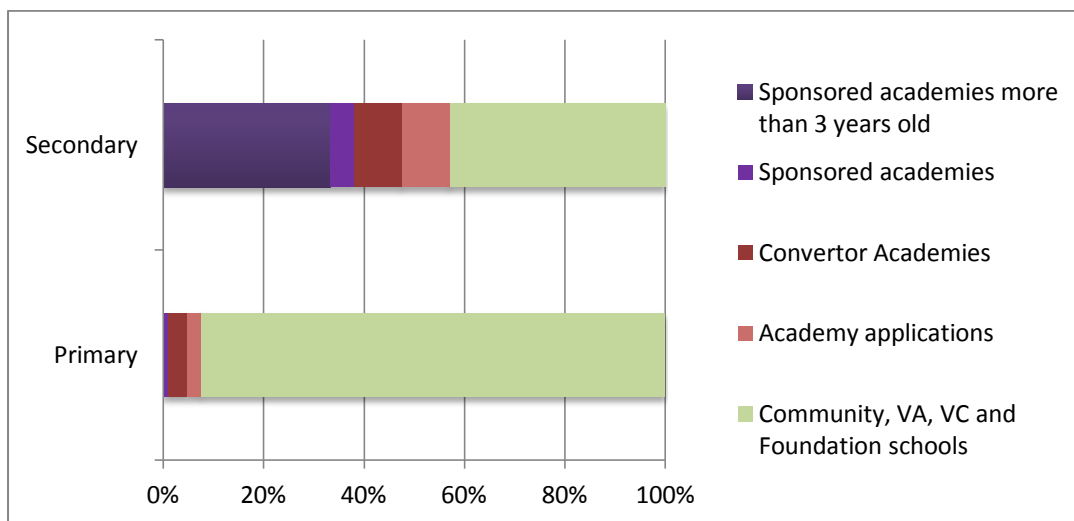
The focus of the next phase of action research needs to be negotiated with the local authorities involved and discussed with the steering group. It will be important to focus on those issues which are currently presenting challenges and where local authorities might reasonably be able to trial new ways of working in the time frame afforded by the research. On the basis of our initial visits the research team believes that some possible questions on which the research might focus include:

1. What levers can local authorities use to most effectively champion the needs of children and parents, including the most vulnerable?
2. How might local authorities work differently with parents and the community in the context of a more autonomous schools system?
3. How can local authorities embed and future proof systems for collaboration across schools so that they are resilient in the face of future personnel changes?
4. How can local authorities act as an effective convenor and facilitator of local partnerships to oversee the provision of school places for a community?
5. How can arrangements for school closure, in the case of a school becoming unviable, be managed most efficiently in a more diverse system?
6. How can local authorities revitalise and embed fair access arrangements in a more autonomous system, including ensuring the placement of children with SEN?
7. How, in the context of a more autonomous system can local authorities, sponsors, schools and other partners, effectively identify the antecedents of declining school performance and act on them?
8. How can local authorities best organise their traded services (both for vulnerable children and school improvement) to meet the needs of their children, schools and communities?
9. How can local authorities best support schools to commission services for vulnerable children effectively, taking into account both the increase in school autonomy and the likely growth in personal budgets?
10. How can local authorities continue to ensure the necessary information flows about vulnerable children as the range of providers from which schools commission services increases?
11. How can local authorities most effectively ensure that support for vulnerable families is joined up in a diverse system of providers, including effective joining up with health provision?

Annex A - The following profiles are based on information as at the beginning of December 2011

Bristol (NOC)

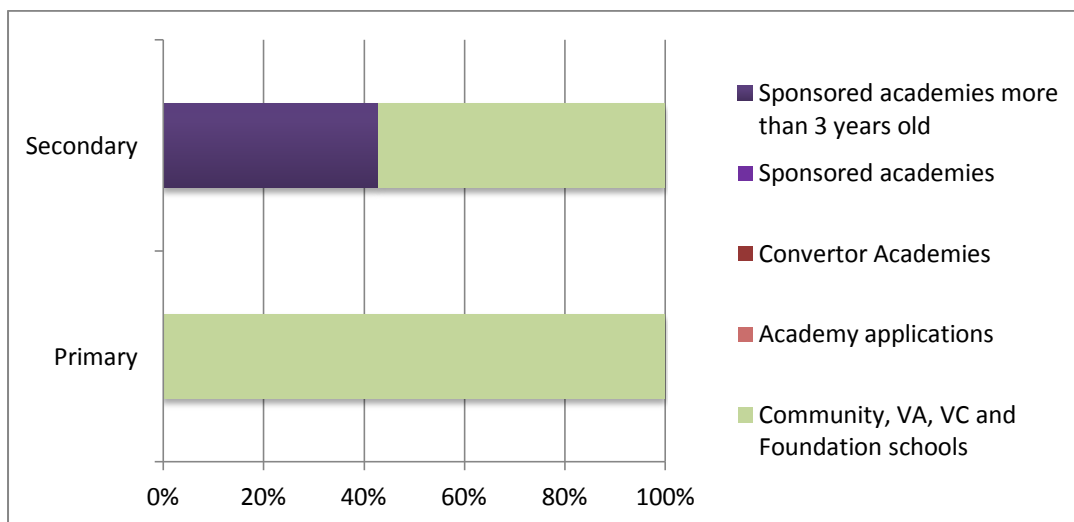
The authority has 104 primary schools and 21 secondary schools, as set out below:



The authority also has one Free School already open and no teaching schools. In 2011 49.7% of pupils achieved 5 or more A*-C at GCSE including English and maths. Oasis, Cabot, E-ACT, and Merchant Venturers are the sponsored chains represented.

Middlesbrough (LAB)

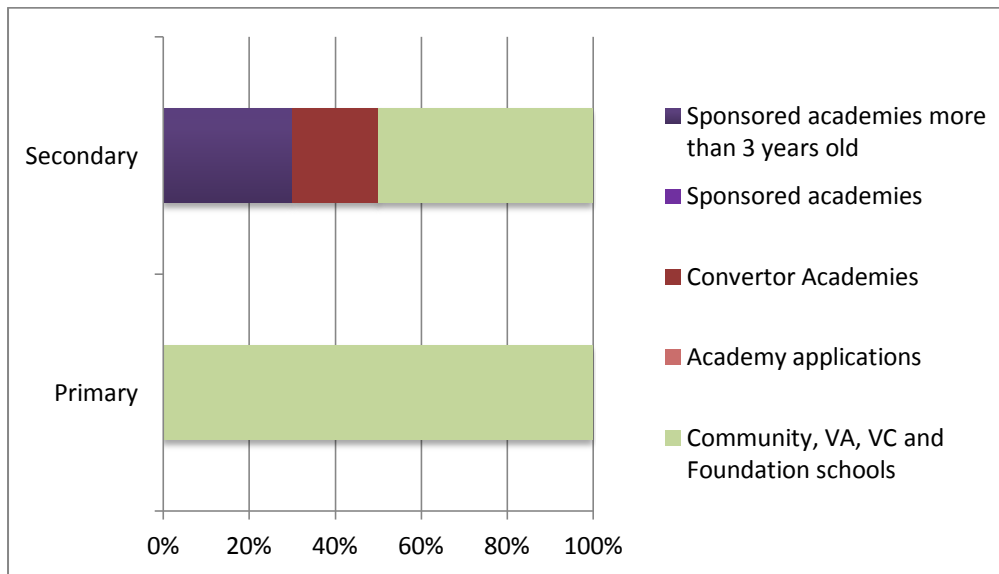
The authority has 42 primary schools and 7 secondary schools, as set out below:



The authority also has no Free Schools or teaching schools. In 2011 57.0% of pupils achieved 5 or more A*-C at GCSE including English and maths. ULT is the sponsored chain represented.

Westminster (Cons)

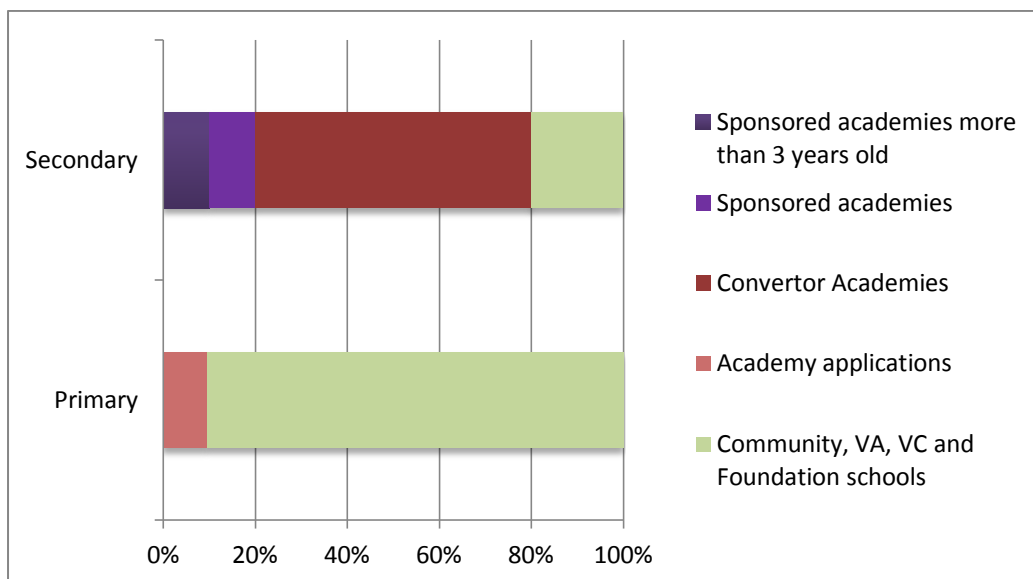
The authority has 38 primary schools and 10 secondary schools, as set out below:



The authority also has 1 Free School already open, 2 approved to open and 1 teaching school. In 2011 54.3% of pupils achieved 5 or more A*-C at GCSE including English and maths. ULT and ARK are the sponsored chains represented.

Thurrock (Lab)

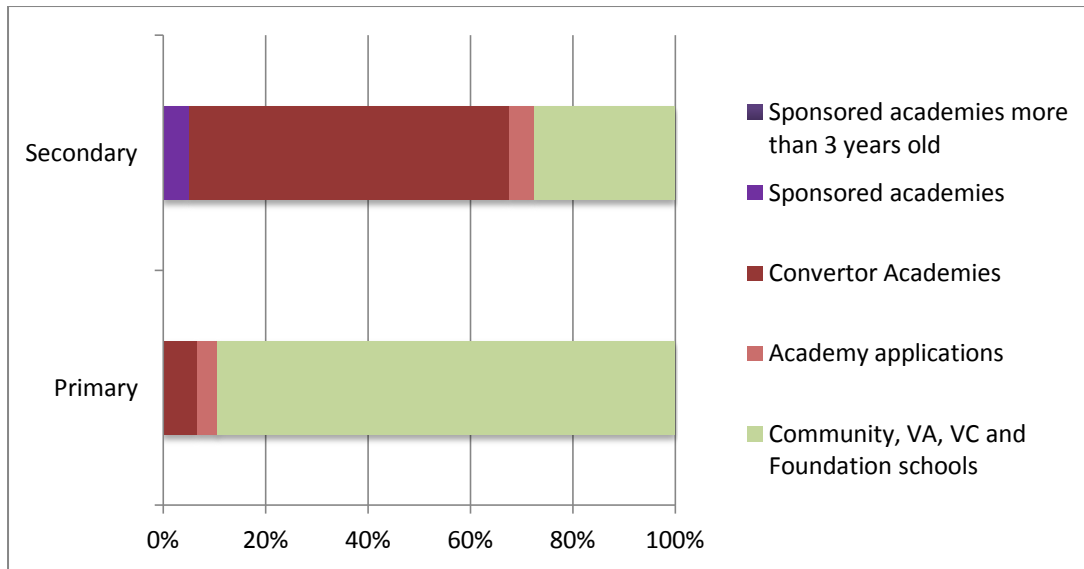
The authority has 42 primary schools and 10 secondary schools, as set out below:



The authority also has 1 Free School approved to open. In 2011 55.1% of pupils achieved 5 or more A*-C at GCSE including English and maths. The Ormiston Trust and Harris are the sponsored chains represented.

Gloucestershire (Cons)

The authority has 244 primary schools and 40 secondary schools as set out below:



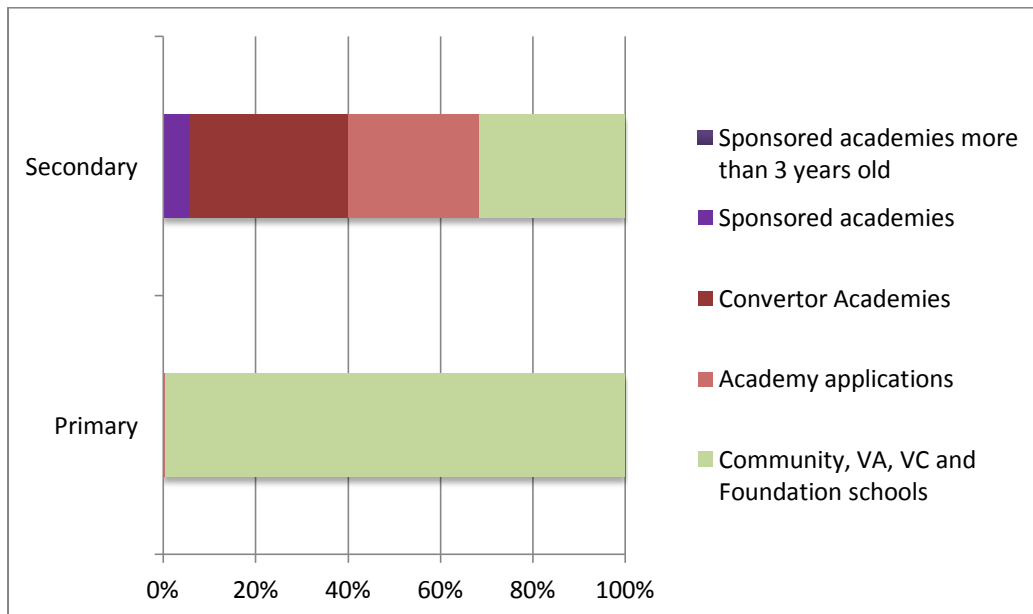
There are currently no Free Schools or teaching schools in the authority

In 2011, 62.5% of pupils achieved 5 or more A*-Cs including English and maths

RC Diocese of Clifton and Prospects are the sponsored chains represented.

Warwickshire (Cons)

The authority has 193 primary schools and 35 secondary schools, as set out below:



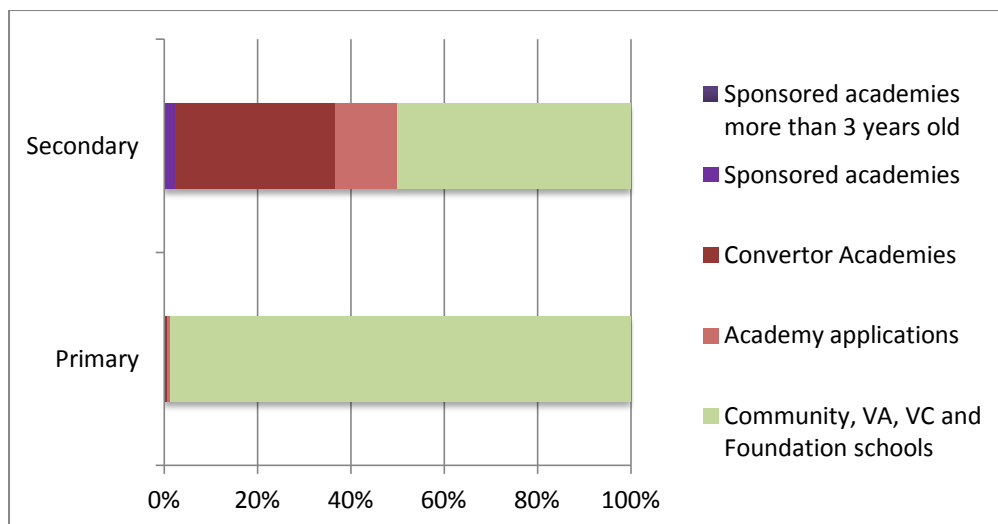
The authority also has 1 Free School already open and 1 teaching school

In 2011, 60.5% of pupils achieved 5 or more A*-Cs including English and maths

There are no sponsored academy chains represented in the authority

Hertfordshire (Cons)

The authority has 395 primary schools and 82 secondary schools as set out below:

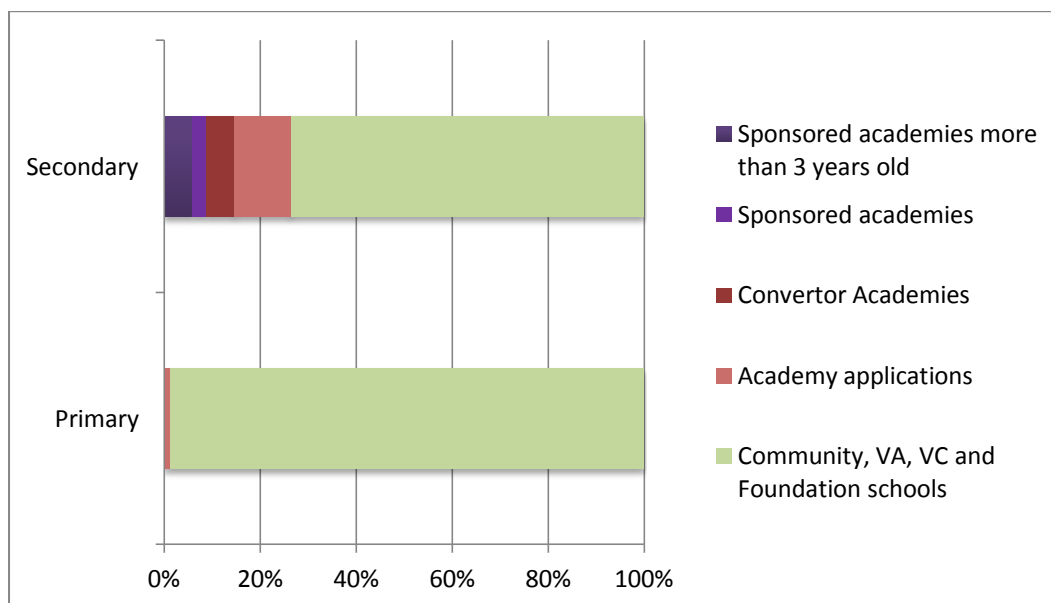


Data in charts excludes 1 all-through sponsored academy

The authority also has 3 Free Schools opening in 2012 and three teaching schools
 In 2011, 66.6% of pupils achieved 5 or more A*-Cs including English and maths
 There are no sponsored academy chains represented in the local authority

Oxfordshire (Cons)

There are 232 primary schools and 34 secondary schools in the authority, as set out below:

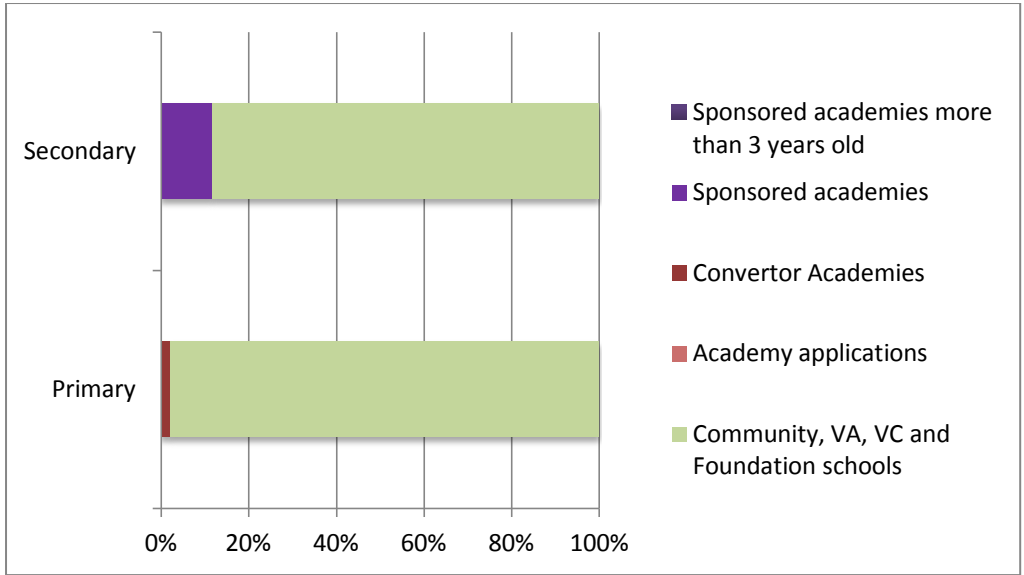


There is also one Free School opening in 2012

In 2011, 56.8% of pupils achieved 5 or more A*-Cs including English and maths
 ULT and the Diocese of Oxford are the sponsored chains represented

Bolton (Lab)

There are 94 primary schools and 17 secondary schools in the authority as set out below:



There are also 2 teaching schools in the authority

In 2011, 59.5% of pupils achieved 5 or more A*-C including English and maths

The Diocese of Manchester is the sponsored academy chain represented

Annex B – Statutory duties of local authorities

ⁱ **On high quality provision:** Education Act 1996 Section 13A. Duty on local authorities to exercise their relevant education functions with a view to promoting high standards.

ⁱⁱ **On sufficiency:** Education Act 1996 Section 14(1). Duty on local authorities to secure sufficient primary and secondary schools.

ⁱⁱⁱ **On insufficient choice:** Education Act 1996 Section 14(3A): Local authorities to exercise their duty to secure sufficient schools with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

^{iv} **On new schools:** Education and Inspections Act 2006 Sections 6A, 7, 9, 10 and 11, as amended by Education Act 2011 section 37. This sets out the process for establishing new schools, including a requirement to give precedence to proposals for new academies.

^v **On admissions:** School Standards and Framework Act 1998, Sections 84, 86, 92 and 94. These require local authorities to comply with the School Admissions Code, publish information about admissions arrangements of schools in their area, and make arrangements to enable parents to apply for their preferred schools and appeal against admissions decisions.

^{vi} Education (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012

^{vii} The Code places a duty on local authorities to refer objections to the Schools Adjudicator if they suspect a school's admission arrangements are unlawful. It also requires local authorities to report annually to the school adjudicator on admissions in their area.

^{viii} **On school transport:** Education Act 1996, Section 508B requires local authorities to make provision for suitable home-to-school transport for eligible children, including those who are disabled or have special educational needs.

^{ix} **On educational excellence:** Education Act 1996, Sections 13 and 13A, sets a general duty on local authorities to secure efficient primary and secondary education that meets the needs of their local areas and to promote high standards. Education Act 2002, Sections 79, 85 and 88, sets out local authorities' duties to ensure implementation of the national curriculum.

^x **On challenging under-performance:** Education and Inspections Act 2006, Sections 63, 64, 65 and 66, sets out local authorities' powers of intervention in failing schools. Section 69A (as amended by the Education Act 2011) empowers the Secretary of State to direct LAs to use their powers to give warning notices. Education Act 2005, Section 15, requires local authorities to produce a written statement of action they propose to take when the Chief Inspector decides that a school requires special measures or significant improvement. Regulation 6 of the School Staffing regulations (2009/2680) requires LAs to make a written report of any concerns about performance of head teacher to the governing body of a maintained school

^{xi} **On publishing school-level data:** The Education School Information (England) Regulations 2008 SI 2008/3093 Regulation 5 requires local authorities to publish a composite prospectus of all primary and secondary schools, and these regulations require local authorities to collect Key Stage 1 data. Section 14A of EA 96 requires LAs to consider parental representations as to exercise of section 14 duties to secure school provision.

^{xii} **On responding to parental complaints:** Education Act 1996, Section 409, and Part 10, Chapter 2 of the Apprenticeships, Skills, Children & Learning Act 2009 require local authorities to consider complaints about the curriculum. This duty will be removed when Section 45 of the Education Act 2011 comes into force (expected to be August 2012).

^{xiii} See end note iii above

^{xiv} Education Act 1996, Section 19 (3A) and (3B), requires local authorities to provide education for **excluded pupils**.

^{xv} Education Act 1996 Part IV, Chapter 1 (sections 312-332B) and Schedules 26 and 27 sets out local authorities' duties with regard to children with **special educational needs**.

^{xvi} Children Act 1989 Section 22 sets out the duties of local authorities towards children they are looking after, including a duty to promote their educational achievement.

^{xvii} Education Act 2002 Section 175 requires that local authorities' education functions be exercised with a view to **safeguarding** children. Children's Act 1989, Section 17, places a general duty on every local authority to safeguard and promote the welfare of children within their area who are in need; and to promote the upbringing of such children by their families by providing a range and level of services appropriate to those children's needs. Children's Act 2004, Section 11, provides that local authorities, and a number of other specified bodies, must make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children.