



Department
for Education

Academies Regulatory and Commissioning Review

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Foreword from Baroness Barran, Minister for the School System and Student Finance



The education reforms of the last decade have been driven by our unrelenting focus on improving educational outcomes across the country. What matters, and what has always mattered, is that all children - no matter where they are - receive the best education possible and are able to fulfil their potential. Academy trusts have been at the heart of realising this ambition, turning around the performance of schools that, in some cases, had struggled for many years.

Over half of pupils in state-funded education now study in academies. We

know that the best academy trusts not only deliver great results for children, but also share their expertise and develop innovative ideas and resources to improve outcomes across the school system. That is why we want to ensure all schools benefit from being in a high-quality multi-academy trust. It is why we want to share the expertise and the systems used by the most successful trusts, with a broader group of trusts who aspire to deliver really effectively in their schools, in their communities and for the wider system.

Before 2010, the academies programme was focused on addressing entrenched underperformance in a small number of schools, bringing the best leaders into these schools to transform standards radically. From 2011 onwards, the academies programme was turbo-charged – empowering the best leaders to support more schools through establishing multi-academy trusts and giving them greater autonomy to use their expertise and experience to innovate and raise standards.

As the system matures, we are now entering the next phase of the academies programme focused on consolidating the effective practice of high-quality trusts and scaling it across the sector to deliver greater improvements in outcomes for all pupils, more opportunities and support for staff, and a more resilient school system. Our understanding of effective practice goes beyond the leadership of any individual – however important that undoubtedly is – to include the systems and structures found in our leading trusts in relation to support for their staff, management of finances and strong governance. It is the combination of strong leadership, strong organisational culture and resilient systems that can deliver the level of performance that we all aspire to.

We want to provide the necessary conditions for trust leaders to feel supported and empowered to deliver what they know works for the children in their schools, by ensuring that the regulatory and oversight system within which trusts operate provides the right

balance of support and oversight. It is the job of the Department to make sure this happens. Schools and trust leaders need to be supported within a system that provides clarity on the expectations they should deliver and builds both school improvement and wider sector capacity across the trust landscape, whilst delivering swift and timely intervention in the rare instances of failure.

The review sits alongside the SEND and Alternative Provision Improvement Plan and the Children's Social Care Implementation Strategy, collectively setting out how we will achieve a system that provides better support across the trust sector, the SEND and AP system, and children's social care. The review has focused on the near term changes we can make to: improve our regulatory structure so it is more proportionate and effective; make better and more transparent commissioning decisions; and enhance the way the department supports trust improvement and growth to facilitate a self-improving system.

Over the course of the review, I have met with and considered the views of a wide range of trust leaders, sector representatives, leading educationalists and academics to better understand the challenges and opportunities facing the trust sector. I'm particularly grateful to the close advice offered by the review's External Advisory Group, helping to anchor the review's findings in the reality of running a trust. I am also grateful to the advisory group of trust leaders who created the content for the MAT CEO leadership programme which is being published today alongside the review. Without a strong pipeline of well trained and supported leaders, we will not be able to deliver on our aspirations.

Realising the full potential of the reforms set out in this review, whilst ensuring they do not create perverse or unintended consequences, will take time. It is critical we get them right. To do this, we will need the support and input of the sector and I am clear this review is the start of an ongoing process of engagement and collaboration. The Department will continue to work alongside trust leaders and their representatives to articulate effective practice and ensure the changes are implemented successfully. I am clear that the route to achieve our ambitions is not to overhaul the current system, but to evolve our approach as the trust sector matures.

If we get this right, trust leaders and teachers will be better supported to deliver what they know works, parents will have greater clarity on the expectations that trusts should deliver and all children will benefit from a high-quality and inclusive education that sets them up for life. I hope this report provides all those working in our schools with the confidence that the Department's regulatory and commissioning approach is working with them and for them, to realise our shared ambition of an excellent education for every child.

And to all the pupils I have met in the past 18 months, who have shared with me their hopes and aspirations for the future - we are writing this, and we will deliver this, with you in mind.

Baroness Barran

Minister for the School System and Student Finance

Executive Summary

The Academies Regulatory and Commissioning Review has looked at how to maximise the difference that academy trusts can make to children's lives, so all children can fulfil their potential, through a focus on trust quality and improved system resilience. High-quality trusts deliver for children in their schools and in their wider communities, as civic institutions acting in the public interest. The review has considered the regulatory oversight that the Department sets for trusts, the choices it makes about how the school landscape evolves, the support it offers to executive and non-executive trust leaders, and how it can best work with other actors in the system. If we get this right, education will be advanced and:

- Parents and carers can be confident that every child will receive a high-quality education wherever they live, including those with special educational needs or who are supported by a social worker. They will know where to go if there is a problem.
- Teachers and support staff will be better able to manage their workload, participate in communities of practice, and access improved professional development and career opportunities.
- Multi-academy trusts will be recognised for the impact they have on children within their schools, in their local communities and for their contribution to the wider education ecosystem. For example, some will take on struggling schools, others will invest in shared knowledge and all should contribute to building a vibrant and resilient workforce.

The academies programme has come a long way in improving outcomes for children and unlocking the hard-earned expertise of teachers and school leaders. What started off as reforms designed to turn around the most challenging schools in England are now spreading excellence across every type of school, in every type of community. More than 10,200 schools are now part of an academy trust. Over 55% of pupils in state-funded education study in academies, which includes 80% of secondary schools, 40% of primary schools and 45% of special schools and alternative provision.¹ Good and Outstanding schools now make up 88% of all schools, up from 68% in 2010, in part due to the impact of trusts.²

The academies programme has addressed three fundamental weaknesses in our education system. First, it has created a mechanism to address individual school failure, where once local authorities lacked the capacity to do so. Second, it has created

¹ [Get Information About Schools](#), January 2023.

² [Analysis of Ofsted. State-funded school inspections and outcomes: management information, 2019; Ofsted. The annual report of Her Majesty's Chief Inspector of Education, Children's Services and Skills, 2010/11 \(p.42\).](#)

freedoms for leaders and teachers to innovate, identify and adopt effective practices. Third, the establishment of multi-academy trusts has created a way to scale effective leadership and governance across multiple schools, widen career development opportunities, and improve system resilience.

We know that the best multi-academy trusts can achieve great results for children. That is why we want to ensure all pupils and schools benefit from being in a high-quality multi-academy trust. If all children did as well in reading, writing and maths at key stage 2 as pupils in multi-academy trusts performing at the 90th percentile, performance in primaries would be 14 percentage points higher nationally and 19 percentage points higher for disadvantaged pupils, based on 2019 data.³

We want to reach a trust landscape with coherent geographical clusters, that preserves local choice for parents and benefits from the capacity of multi-academy trusts able to take on and turn around underperforming schools. Through the work of this review, we want to see a choice of high-quality trusts operating in each local area and effective capacity for support and improvement nationwide. We recognise there is no one size fits all model, and we want to continue to foster a diversity of models and scales of trust, including those with faith schools, special schools and alternative provision. However, we have heard a call from the sector to be clearer on what we mean by quality and that there is a need to articulate this better.

Getting there as the sector continues to mature means achieving three things:

- A simple, proportionate regulatory strategy, which focuses on the right risks and the right level of accountability.
- Making better and more transparent commissioning decisions, informed by a clearer articulation of what it means to be a high-quality trust.
- Support which spreads sector expertise and increases overall capacity to keep improving schools.

We are clear that the expertise of trust leaders must be at the centre of our approach. We want to enable a dynamic, self-improving system, in line with the innovative and autonomous origins of the academies programme. This system will better support all children to achieve their potential, including those with special educational needs and disabilities (SEND) and those in alternative provision (AP) in line with the approach outlined in the [SEND and Alternative Provision Improvement Plan](#). The majority of this review therefore focuses on clarifying shared aims, providing the right incentives and facilitating support more than adding new prescriptions. Alongside this we want to move

³ Department for Education. [Opportunity for all: strong schools with great teachers for your child](#), 2022. See “The case for a fully trust-led system” (p.18).

to a regulatory approach that is more risk-based, with appropriately proportionate requirements, whilst maintaining and supporting the important context of the wider regulatory landscape for schools, including the work of Ofsted as the inspectorate and the roles of local authorities and others.

We also recognise that implementing these changes well is not straightforward, particularly as many trusts and their communities face ongoing challenges from cost-of-living pressures and the lasting impacts of the Covid pandemic. The review has worked on delivering practical change, focusing in the near-term on policies that will enable and embed effective and tested practices, and in the medium term on strategic direction. We will keep working with executive and non-executive trust leaders, teachers, dioceses and others on the ground to shape this approach.

Chapter 1 sets out how we will revise and consolidate our regulatory approach so it is more proportionate, effective and risk-based, delivering regulatory oversight in a more strategic manner. Our new approach will protect the space for trusts to innovate and remove disincentives for trusts to grow. This includes:

- Continuing to improve how the Department works with trusts by embedding the clearer points of contact and departmental responsibilities set out in the ESFA Arm's Length Body Review, building a single regulatory interface.
- Simplifying the requirements of the Academy Trust Handbook and streamlining the ESFA's wider approach to financial regulation and financial governance with the sector.
- Clarifying our approach to complaints so the process is less duplicative for parents, schools and trusts, working with Ofsted.
- Driving forward efforts to tackle educational underperformance, in conjunction with Ofsted.

Chapter 2 sets out how we will reform our approach to commissioning to recognise trust quality better. We will clearly communicate the factors that inform decision making, including trust quality and our strategic assessment of local and regional need, so that leaders and Boards can plan for the future and have confidence in how decisions are made. This includes:

- Developing expanded descriptions of trust quality, building on the five pillars of 'trust strength' in the Schools White Paper Opportunity for all. We will set out proposed descriptions of trust quality in April and work with the sector to finalise them in June.
- Publishing new Trust Development Statements to set clearer strategic direction in the areas of highest need (Education Investment Areas). These set out an assessment of local need at all phases and types of school and opportunities for trusts developed with local delivery partners.
- Working with the sector to build a more transparent commissioning process,

publishing clearer, consolidated commissioning guidance in June 2023 and implementing the reformed process in the autumn.

- Developing ways to present relevant and appropriate data back to trusts so they can better understand how it is used in commissioning decisions.

Chapter 3 sets out how the Department will continue to support a transition to a dynamic, self-improving system, by sharing effective and tested practices, supporting trust improvement, establishing peer-to-peer networks and creating new professional development courses and qualifications. This includes:

- Supporting sector-led initiatives for trust improvement. We welcome the Confederation of School Trusts (CST) inquiry into effective improvement practice.
- Working with the sector to establish new regional networks of trusts, which will facilitate peer-to-peer support, whilst continuing to deliver our Trust and School Improvement Offer (TSI).
- Establishing a MAT CEO Leadership Development Programme to train the next generation of MAT leaders and chairs, starting by early 2024. We will also continue to support wider professional development through our suite of National Professional Qualifications.
- Supporting the professional development of MAT Chief Financial Officers by rolling out a national expert mentoring programme from Summer 2023.
- Continue to support trust growth and improvement through a multi-year Trust Capacity Fund (TCaF).

We are grateful to the vital engagement of our External Advisory Group (EAG) and wider stakeholder network for helping to shape these conclusions. We look forward to continuing to work with the sector to help all children fulfil their potential.

Policy summary

Chapter	Aim	Near term: supporting trusts and building capacity	Medium term: facilitating a 'self-improving system'
<p>Making regulatory oversight simpler, more risk-based and more proportionate</p>	<p>Streamline and reduce burdens so trusts can focus on what matters most</p> <p>Continue to target action to tackle educational underperformance</p>	<ul style="list-style-type: none"> • Embed the departmental responsibilities set out in the ESFA Arm's Length Body Review, building a single regulatory interface. • Streamline the requirements of the Academy Trust Handbook and simplify the ESFA's wider approach to financial regulation and financial governance with the sector. • Clarify our approach to complaints so the process is less duplicative for parents, schools and trusts, working with Ofsted. • Drive forward efforts to tackle educational underperformance, in conjunction with Ofsted. 	<ul style="list-style-type: none"> • Continue to improve the single regulatory interface.
<p>Building a clear approach to trust quality and commissioning</p>	<p>Set out how the Department defines quality more clearly</p> <p>Improve consistency of decisions and be transparent about how they link to quality</p>	<ul style="list-style-type: none"> • Develop expanded descriptions of trust quality, building on from the five pillars of trust quality in the Schools White Paper <i>Opportunity for all</i>. We will set out proposed descriptions of trust quality in April and work with the sector to finalise them in June. • Publish new Trust Development Statements to set clearer strategic direction in the areas of highest need (Education Investment Areas). 	<ul style="list-style-type: none"> • Develop ways to present relevant and appropriate data back to trusts so they can better understand how it is used in commissioning decisions.

Chapter	Aim	Near term: supporting trusts and building capacity	Medium term: facilitating a 'self-improving system'
		<ul style="list-style-type: none"> • Publish clearer, consolidated commissioning guidance in June 2023 and implement the reformed process in autumn. We will discuss this guidance with the sector over the Spring. 	
Supporting all trusts to adopt effective practice, facilitating a dynamic and self-improving system	Build sector capacity to grow high-quality trusts and support others	<ul style="list-style-type: none"> • Support sector-led initiatives for trust improvement, including the Confederation of School Trusts (CST) inquiry into effective improvement practice. • Work with the sector to trial new regional trust development networks, which will facilitate peer-to-peer support, whilst continuing to deliver our Trust and School Improvement Offer (TSI). • Establish a MAT CEO Leadership Development Programme, starting by early 2024. We will also continue to support wider professional development through our suite of National Professional Qualifications. • Support the professional development of MAT Chief Financial Officers by rolling out a national expert mentoring programme from Summer 2023. • Continue to support trust growth and improvement through a multi-year Trust Capacity Fund (TCaF). 	

Process of the review

Scope

The overarching aim of the Academies Regulatory and Commissioning Review has been to maximise the difference that academy trusts make to children's lives, so more children can fulfil their potential. We want to increase the number and capacity of high-quality trusts and magnify the impact of effective trust leadership, supporting the sector to deliver greater improvements in outcomes for all pupils, great career opportunities and working environments for teachers, and resilient finance and governance. That means updating our approach to stewarding the system, including regulatory oversight and the way we commission academy trusts.

The rapid growth of the academies programme, and its success in turning around failing schools, has meant that an approach that was initially designed for a small number of schools has now become the predominant basis of the school system in England. The academies programme introduced a mechanism to address individual school failure, alongside freedoms for leaders and teachers to innovate, identify and adopt effective practice. The development of multi-academy trusts has created a way to scale effective leadership across multiple schools, widen career development opportunities, and improve system resilience. Annex A explains more about the trust landscape today and the roles and responsibilities of the different actors involved.

The Department's approach to managing the system has developed in parallel with the rapid growth of the sector, adapting in response to emerging need. Learning lessons from rare but impactful cases of trust failure, the Department has put in place more robust arrangements to monitor trusts and support them. We will also continue to intervene where there is underperformance at individual academy level, recently taking new powers to intervene in schools with two or more consecutive Ofsted judgements of less than Good. Trusts, and especially multi-academy trusts, are now sufficiently developed that the Department can be more strategic and rationalise its approach to stewarding the system, in order to promote quality better.

The review therefore considered a wide-ranging set of questions in its [Terms of Reference](#). These included the minimum standards that should apply to trusts; how to measure trust strength; and how to improve the legitimacy of decision making, amongst others. Following the withdrawal of the academy clauses in the Schools Bill in the House of Lords, the review considered the drafting of these clauses with the intention of them being reinserted during the remaining passage of the Bill. The Secretary of State confirmed in December 2022 that the Schools Bill would not progress in the third parliamentary session, to prioritise Parliamentary time.

Wider consideration of the role of the local authority in education was not in scope for this review. In recognition of academy freedoms, the review did not consider the long-term

future of the National Curriculum or School Teachers' Review Body. The review has prioritised the regulation of academy trusts by the Department. It did not consider the wider work of other regulatory actors, such as Ofsted, the Charities Commission or the Office of the Schools Adjudicator, in detail.

Stakeholder engagement

The Department has worked closely with an External Advisory Group (EAG), made up of sector leaders, academics and regulators, over the course of the review to inform its conclusions. The membership of the EAG is set out on the [Academies Regulatory and Commissioning Review GOV.UK page](#). Stakeholders drew the review's attention to a wide range of materials over the course of the review, which have informed its conclusions, including: The Regulators Code; The Framework for Ethical Leadership in Education; and the Nolan Principles (The Seven Principles of Public Life).

We have spoken to a range of stakeholders, including the Church of England and Catholic Education Service, the Association of School and College Leaders, the National Association of Headteachers, the National Education Union and the National Association of Schoolmasters/Union of Women Teachers, Parentkind, the National Governance Association and the National Network of Parent and Carer Forums. We also ran a series of events with regional networks of trusts. These valuable conversations have informed the review's conclusions.

We have also reflected points made during the passage of the Schools Bill through the House of Lords following its introduction to Parliament between May 2022 and September 2022. The Bill contained 55 clauses, 17 of which related to academies regulation. These aimed to move the underpinning legal framework for academy trusts onto a statutory footing and establish new, more proportionate powers of intervention. We received detailed feedback from a number of parliamentarians and sector leaders on the provisions in the Bill, as well as formal debates in the House of Lords. We have paid close attention to the feedback we received during the debate on these clauses.

Stakeholder feedback

The review has heard the following key messages during discussions with stakeholders, which have informed our conclusions:

- Our regulatory approach has evolved over time but now needs consolidation and refinement. Stakeholders have raised concerns over standards and compliance processes that no longer feel fit for the current state of the system. Regulatory oversight can feel complex and burdensome and stakeholders have told us that the roles and responsibilities of the ESFA, the Department's Regions Group and Ofsted are not always clear. The rationale and benefit of our statutory regulations and compliance processes are also not always understood, which means oversight can feel disproportionate, as well as being confusing to navigate.

Stakeholders were keen to see more of this coming together in a single regulatory strategy. Whilst steps have been taken to simplify these processes through the 2022 ESFA Arm's Length Body Review and structural changes in DfE, many stakeholders are yet to feel the benefits.

- Government must protect the freedoms that have enabled the success of the highest quality trusts, avoiding changes that would prescribe specific, rigid behaviour and inhibit effective leadership. Trust leaders are keen to preserve the freedoms that have played a central role in allowing them to successfully innovate and scale effective practice, creating career opportunities, effective curricula and better school improvement capacity. This was a critical point raised during debate on the Schools Bill, as there were concerns certain clauses could infringe those freedoms.
- Many trust leaders have asked the Department to set out what it means by high-quality in trusts. We have heard that a lack of clarity on what is meant by 'trust quality' can make it difficult for trusts to articulate what and how they, as civic organisations, deliver for their pupils and local communities. We have heard a range of views about how descriptions of trust quality could evolve over time and what this means for the role of different actors in the long term. Trust leaders felt it would be helpful for the Department to talk about the leadership behaviours it wishes to see from trusts.
- Stakeholders are often unclear about the factors that are considered in departmental decision making and, as a result, can be unclear about what they need to do in order to succeed in applications to grow or secure funding. This affects their ability to plan, improve and grow strategically. Trust leaders have flagged that embedding a clear set of evidence in decision making, including regarding outcomes, will provide greater incentives for trusts to improve and greater security in decisions.
- It is important that the evidence used in decisions is broad and encourages thorough questioning and objectivity. It should consider local contexts and recognise trusts that take on and improve challenging schools. There needs to be careful consideration of perverse incentives both in what evidence is used and how this is shared publicly.
- Our approach to promoting quality and supporting the system must recognise and foster diverse and inclusive trust models and structures. There is a high level of diversity within the trust system including trust size, operating model and priorities, including faith schools, special schools and alternative provision. This diversity is important to ensure trusts can support all pupils in a range of local contexts and there is enough capacity to ensure the school system is resilient overall. Whilst geographical coherence is important – and will be more so when every school has joined a trust – it is critical that this diversity is protected by our approach.
- Trust leaders are best placed to lead improvement but recognise that the Department has a role in facilitating and supporting efforts to share the practice and experience of the most effective. For many, the strength of the academies system stems from pairing academy freedoms with clear incentives and support from government. Freedoms empower talented leaders to develop brilliant practice and build resilient collaborative structures to scale it, whilst clear incentives focus

leaders on using these freedoms to deliver great outcomes for all children. Trust leaders are keen that the Department's approach to stewarding the system better recognises and supports leaders' expertise.

- We need to provide better support for the professional development of trust leaders to ensure there is a strong 'pipeline' of future leaders in what is still a relatively nascent profession and a maturing sector. Through a greater focus on supporting and developing trust leaders, we can better ensure that all trusts are delivering the best quality of education.
- Finally, stakeholders reflected that it is critical the Department continues to work closely with the sector as the trust system evolves. We will need to continue to develop our approach to stewarding the system, to recognise new challenges and opportunities, as we move towards all schools being part of high-quality trusts.

Chapter 1 – Making regulatory oversight simpler, more risk-based and more proportionate

Summary

- We will take a single, proportionate, risk-based approach to regulatory oversight, which empowers trusts to deliver outcomes for children and continues to protect against key harms.
- We will fully embed the recommendations of the ESFA Arm's Length Body Review, taking a more strategic approach to delivering the department's regulatory responsibilities. We will implement clearer points of contact and roles and responsibilities to provide a more effective, efficient service to trusts and enable more effective monitoring of risk.
- We will simplify the requirements in the Academy Trust Handbook and continue to engage the sector to review and improve the ESFA's wider approach to financial regulation and oversight.
- We will clarify our approach to complaints and appeals so that the process is less duplicative for parents, schools and trusts.
- We will continue to tackle educational underperformance at school level, working with Ofsted. We will also explore use of existing powers to intervene at trust-level when the department identifies concerns with trust governance.

We will take a single, proportionate, risk-based approach to regulatory oversight, which empowers trusts to deliver outcomes for children and continues to protect against key harms.

Regulatory oversight is fundamentally about the prevention of harmful activity and the promotion of beneficial behaviour. The review has found that the current regulatory approach broadly provides the right safeguards, checks and balances against the most significant harms in the school system: abuse of children, financial fraud, and large-scale trust failure. However, we have also heard that there are areas of regulation where historic and accumulated requirements are no longer needed. A simpler, more proportionate approach could reduce administrative burdens and pressure on trusts, helping to free up staff for other priorities.

We want to move to a more risk-based, proportionate regulatory approach that focuses on promoting quality, striking a better balance between the need to protect against harms and the need to enable innovation. We will do this in four ways. Firstly, we will deliver a better, more strategic regulatory service to the sector, ensuring we create a single interface between DfE as regulator and trusts through Regions Group. This will make it easier for trusts to engage regulators and submit returns. Secondly, we will clarify our

approach to complaints, delivering better services to parents and carers. Thirdly, we will refine the requirements that apply to academy trusts and streamline our processes to enable trusts to focus on improvement. Finally, we will continue to monitor and tackle educational underperformance in conjunction with Ofsted.

Our conclusions rightly focus on what DfE and the ESFA can do to improve regulation. It is critical we act quickly, to account for the increased pressure on schools as they recover from the pandemic and manage the impact of inflation. As such, we have focused on near-term, practical changes to improve and evolve our approach. As we work to implement our conclusions, we will continue to account for and consider the wider regulatory landscape, aligning our work with Ofsted, Local Authorities and others.

We will fully embed the recommendations of the ESFA Arm's Length Body review, implementing clearer points of contact across the Department with the sector, and roles and responsibilities.

Stakeholders have told us they currently find regulatory processes difficult to navigate and are concerned about potential duplication between the ESFA and Regions Group. The ESFA Arm's Length-Body Review recognised the Department should move towards a comprehensive, strategic and appropriate regulatory regime for trusts. Along with the Future DfE project, some of the recommendations of the Arm's Length Body Review presented ways in which the Department could bring together a wider and more coherent set of regulatory functions into one place (albeit alongside non-regulatory functions). Ultimately, this would enable a more strategic approach to delivering the Department's regulatory functions.

We therefore established a new Regions Group in Summer 2022, which brought functions from across the Department and ESFA together, into a single group. The role of the ESFA was refocused on the delivery and assurance of funding and providing financial support to schools, academies and colleges. The ESFA ensures that money spent on education and skills has the greatest possible impact on pupils and students, with key outcomes of certainty in funding, access to high-quality support, and assurance around use of taxpayers' money.

As part of the Arm's Length Body Review, the DfE committed to having a single, unified voice at a regional level on pre-16 issues. All pre-16 non-financial functions that were previously delivered by the ESFA have now transferred to Regions Group, including safeguarding, complaints and admissions appeals. Regions Group will continue to provide oversight of the system, expanding the reach of our strongest trusts and proactively intervening where trusts are not providing the excellent education we expect. Responsibility for delivering key policy programmes across pre-16 also now sits within Regions Group, operating across 9 regions shared by the Department and its agencies. The Regional Schools Commissioners are now known as Regional Directors, who head the 9 regions within Regions Group.

By September 2023, we will fully embed the recommendations of the Arm's Length Body Review across Regions Group and the ESFA, delivering a 'single regulatory interface' between the sector and DfE, as regulator, through Regions Group. We will improve the way Regions Group works with specialist teams, including within the ESFA, to co-ordinate action and share information. This will give officials a more holistic, informed understanding of trusts, help reduce our asks of the sector and avoid duplication.

Once the recommendations are fully embedded, we will work with the sector to identify opportunities to go further in improving our ways of working across the Department. In addition, building on changes to our internal processes, we will continue to improve our digital services, making use of technology to adapt and reflect trusts' ways of working and make processes more efficient.

We will evolve our approach to regulating academy trusts, ensuring it is proportionate.

As well as improving the way the Department delivers regulatory oversight, we will streamline and improve our set of regulations. We will remove outdated requirements and change our approach to financial oversight, so regulation is clearer and more proportionate to the risks it mitigates against.

Therefore, we will streamline the requirements that apply to trusts in the Academy Trust Handbook and the regulatory practice that enforces them. The Academy Trust Handbook sets many of the legal requirements for academy trusts, who must comply with the handbook as a condition of their funding agreement. In Spring 2023, we will work with the sector to review and rationalise the requirements in the handbook, ensuring they are clear, necessary and proportionate to the risks they seek to prevent. We will publish a revised handbook in Summer 2023, to take effect from September. On the finance side, the ESFA has launched a Simplification Project to identify proposals that will contribute to better support, certainty and assurance, working with a group of trust CEOs (including members of the specialist sector), CFOs and a range of sector bodies. Our engagement so far has evidenced broad support for our current regulatory approach - and the accountability and transparency this delivers to Parliament and the taxpayer. It has also identified important improvements to compliance which can create significant burdens, exacerbated in larger trusts. The ESFA will continue to work with the sector to deliver changes, for example seeking to rationalise the areas on which trusts need to approach the ESFA from 2023 onwards, whilst ensuring that the ESFA Accounting Officer can discharge their responsibilities to Parliament for the proper use of taxpayers' funds.

The proposed academy trust standards in the Schools Bill included two new measures set out in the Schools White Paper *Opportunity for all*: a collaborative standard and a local governance standard. Whilst we will not introduce legislation, we will take forward their intent in our commissioning approach. On collaboration, we will integrate this into the descriptions of trust quality discussed in chapter 2, recognising trusts that work

collaboratively with their peers, as well as local authorities, to deliver excellent outcomes for their pupils. We recognise the importance of meaningful local and community engagement when building high-quality trusts but we will not be prescriptive about how trusts achieve this. We are pleased to note the overwhelming majority of MATs now have local tiers; our focus is on ensuring all trusts engage as effectively as possible with their schools and local communities.

Collectively, these changes will refine the Department's strategic approach to delivering our regulatory responsibilities. The review has also heard calls for a more comprehensive review of the regulatory strategy for schools, including the role of other regulatory actors. In time, as more schools join high-quality trusts, we will consider if and how to take forward this wider work.

We will review our approach to processing parental complaints, ensuring the system is clearer for trusts, schools, parents and carers.

The review has identified significant confusion and duplication around the process for parental complaints. Trust leaders have emphasised how duplication within the system creates burdens for schools, whilst parent and carer groups highlight they are unclear how to raise a complaint and who is responsible for resolving different kinds of complaints. Parents and carers often submit complaints to multiple agencies, which creates duplication in the system and leads to additional burdens for schools and dissatisfaction for parents and carers. The complexity of the system also makes it harder for regulators to identify themes and emerging risks. Moreover, some parents and school leaders have misconceptions about how government and Ofsted respond to parental complaints.

As an immediate step to make the process clearer for parents and carers, we will shortly update the GOV.UK page on complaints, to make it clearer which organisations should be engaged on certain complaints and at different stages. We will clarify what is in or out of scope for different organisations, and highlight the ways in which complaints data informs key processes and its limits, providing greater clarity for all who use the system. In addition, the Department is trialling a new GOV.UK virtual assistant for parents and carers, which will help direct queries on a range of issues, including the school complaint process, attendance and admissions. We welcome feedback on this new service and will continue to improve our understanding of user journeys.

By Autumn 2023, we will also introduce a revised data sharing agreement between DfE and Ofsted, to support better information sharing around safeguarding and complaints, alongside continued work to reduce duplication.

We will continue our efforts to tackle educational underperformance in conjunction with Ofsted and will explore making greater use of existing powers to address underperformance at trust-level.

There is significant variation in performance between schools, both nationally and within local authorities and trusts. The review has heard a clear call for the Department to support trusts to improve outcomes, if we are to achieve the aspirations for raising attainment set out in the Schools White Paper *Opportunity for all*. Chapter 3 sets out our detailed plans to support the sector and facilitate a self-improving system. In line with this, the proposed changes to our regulatory approach will better enable leaders to innovate and focus on outcomes.

Rapid, effective and proportionate intervention in cases of failure is also essential to building a robust regulatory approach, which commands confidence from the sector, and provides assurance to parents and carers that struggling schools will improve. The pandemic has affected our ability to gather information on the performance of the sector, with pauses in the publication and use of performance data and of Ofsted inspections. As we move forward, the review has identified a number of areas where government could do more to monitor and tackle educational underperformance appropriately, both at school and trust level.

The DfE will continue to use Ofsted judgements as the trigger for intervention. As now, we will intervene as necessary in schools with inadequate or consecutive judgements by Ofsted that are below good. The DfE will continue to publish, and share with Ofsted, a range of performance measures based on test, assessment and examination data. The first such set of data since the pandemic began, based on test, assessments and exams from 2022, are already available to Ofsted, DfE and the sector to use as a starting point for conversations about school and trust performance. The Department has stated that this first year of data will be used with caution. As more data becomes available, it will better inform accountability arrangements, including the scheduling and outcomes of Ofsted inspections of schools.

The review has heard there is a strong case for the Department to be able to intervene at trust level in cases of sustained educational failure. We will therefore explore ways of using our current powers to intervene at trust-level, under the existing legal framework. We will do this on a case-by-case basis, where there is clear evidence suggesting trusts are failing to hold executive leaders to account for poor educational performance across the trust and its academies. We will also continue to work closely with local authorities and dioceses to identify and support vulnerable maintained schools. This includes making sure interim support is offered, including from strong trusts; and encouraging schools to join strong trusts. When the majority of schools are in trusts, we may well need to take new powers to ensure we can intervene effectively and proportionately. This would need to be done in consultation with the sector and be clearly restricted to cases of significant and sustained underperformance.

The review has also heard that academies should only transfer between trusts with the consent of both trust boards, or where they are eligible for intervention, as currently. We have heard that providing facilities for academies to transfer in other circumstances could act as a powerful disincentive for high-quality trusts to take on and invest in schools needing their support.

Chapter 2 – Building a clear approach to trust quality and commissioning

Summary

- We will continue to put trust quality at the heart of the decisions we make and the conversations we have with trust leaders.
- We will work with the sector during the spring to establish a more transparent commissioning approach and publish clearer, consolidated commissioning guidance in June 2023. This approach will be implemented over the autumn.
- We will develop expanded descriptions of trust quality, building on from the 5 pillars of trust quality in the Schools White Paper *Opportunity for All*. We will set out proposed descriptions of trust quality in April and work with the sector to finalise them for June.
- We will set a clearer strategic direction for the most challenging areas by publishing Trust Development Statements, following on from the commissioning principles published in May 2022.
- We will, in the medium term, develop ways to present relevant and appropriate data back to trusts so they can better understand how it is used in commissioning decisions.

We will continue to put trust quality at the heart of the decisions we make and the conversations we have with trust leaders.

High-quality trusts make an enormous difference to children’s outcomes, helping them fulfil their potential. In the best trusts, effective and strategic leadership delivers exceptional outcomes across the organisation, through ongoing school improvement, evidence-based teacher development, and economies of scale which build strong financial health and contribute to wider system capacity. More than 7 out of 10 sponsored academies which were found to be underperforming as a local authority maintained school in their previous inspection now have a Good or Outstanding rating.⁴ The best trusts also contribute to their wider communities and wider educational ecosystem, improving the attainment of children beyond their own schools.

We want to grow the reach of high-quality trusts to benefit more children. To do this, we need to articulate what we mean by trust quality and embed it in our approach to

⁴ Department for Education. [Opportunity for all: strong schools with great teachers for your child](#), 2022. See Sponsored Academy Ofsted sheet in 'The case for a fully trust-led system - data tables and methodology'.

stewarding the system. This will enable DfE decisions to promote quality and inform leaders' priorities for developing their trusts more effectively. It will also make it easier for schools who are not yet part of a multi-academy trust to see and realise the benefits of forming or joining one. The Schools White Paper *Opportunity for all* took the first step in this direction by establishing five pillars of quality. We are committed to going further and will set out our proposals for expanded descriptions of trust quality in April.

Commissioning decisions about the creation and growth of trusts are an important way in which the Department can promote these characteristics. The review has heard that the sector would welcome a more strategic and transparent approach to commissioning. This report sets out a high-level approach for commissioning which jointly considers quality alongside the strategic needs of particular areas and schools to ensure the strongest leadership. Regions Group will not make summative judgements of trust quality, but informed decisions about the right trust to manage a school in its context, or the best trust to grow or expand within an area. We will align this approach, as well as our descriptions, with the intentions of the SEND and AP Improvement Plan.

This is complex and we want to take the time to get it right. After setting out proposed descriptions of trust quality in April, we will work with the sector to make any refinements. We will further engage the sector to explore how our commissioning approach works in practice across a range of scenarios, including what evidence is considered. We will then publish finalised trust quality descriptions and detailed commissioning guidance in June, outlining our commissioning approach in full, and implement this revised approach in the Autumn.

We will work with the sector to articulate and embed a shared understanding of trust quality, which can inform strategic decision making.

A shared understanding of what it means for a trust to be 'high-quality' will enable Regional Directors to make more effective decisions to promote quality across the system, and inform leaders' strategic plans for developing their trusts. In the Schools White Paper *Opportunity for all* we published five 'trust strength' pillars.

- delivering high-quality and inclusive education for all pupils
- quickly improving and maintaining school performance
- operating effective and robust governance, which provides strong and strategic leadership, oversight and direction
- managing finances and prioritising resources, including the estate, in a way that delivers the best educational experience for children
- training, recruiting, developing, deploying and retaining great teachers and leaders throughout their careers

The review has reinforced that these pillars are the right ones. In the best trusts, effective financial management, an excellent workforce and focused school improvement enable high-quality and inclusive education for all pupils, particularly for those who are disadvantaged or have Special Educational Needs. Through strong strategic governance, this is channelled towards trusts' wider civic purpose of advancing education for the communities they serve. This is visualised below.

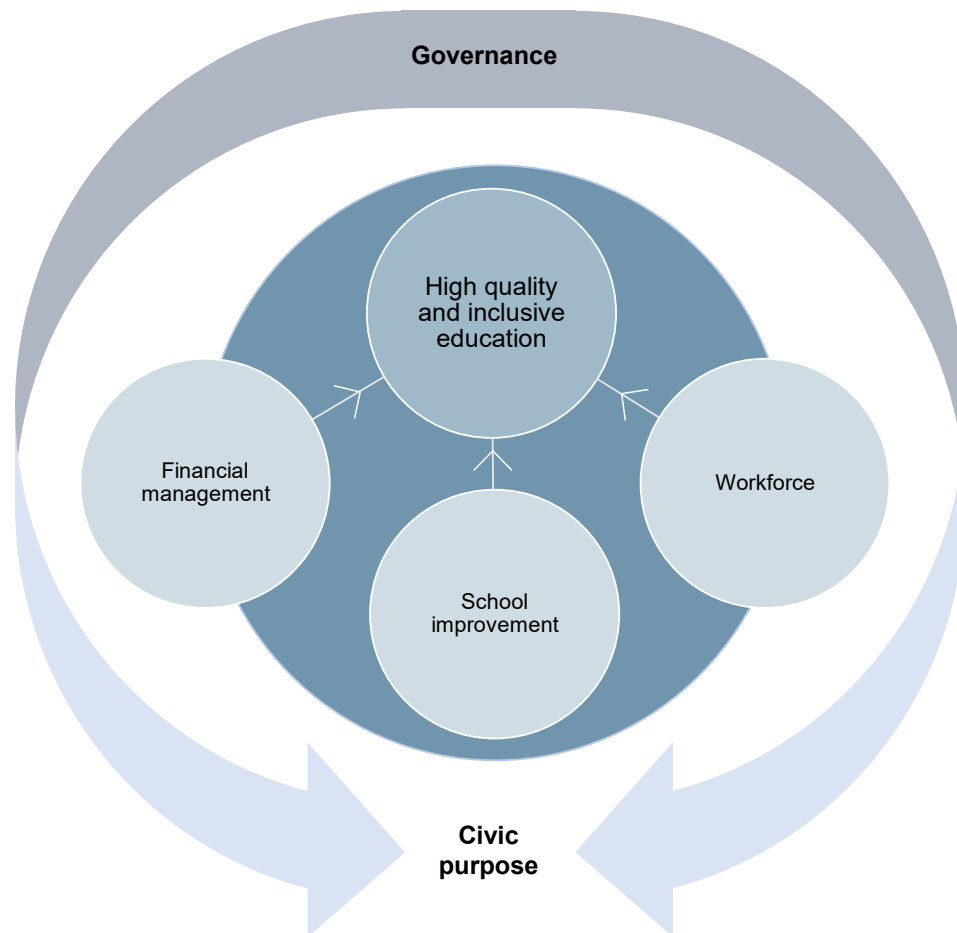


Figure 1 - Trust strength pillars

Through the review, we have heard that trust leaders want greater clarity about what we mean by the pillars. In April, we will therefore set out proposed descriptions for each of them. These descriptions have been extensively discussed with the Review's External Advisory Group and other stakeholders – but we want to engage further to ensure we get them right.

We expect to further develop our understanding of trust quality over time to reflect evolving best practice and innovation in the sector as well as the availability of new evidence and information. This will include close consideration of ways to support the delivery of the SEND and AP National Standards as they are developed, working with the National Standards Steering Group and learning from trusts providing quality first teaching and evidence-based SEN Support in mainstream settings. We will also consider the findings of the CST inquiry into effective practice in trusts.

We will establish a clearer and more transparent commissioning approach within Regions Group, so that it is clear how decisions reflect trust quality, area-based priorities and local need.

Commissioning decisions made by the Department's Regions Group are the main way that the Department shapes the trust landscape. The role of Regional Directors in commissioning is delegated by the Secretary of State. It is primarily to consider and approve sector-led applications on a case-by-case basis, including: academy conversions, trust mergers or the establishment of new trusts. Regional Directors also approve sponsors for schools subject to intervention. Through these decisions, Regional Directors aim to promote quality nationally and reflect and address local need.

We are taking steps to ensure commissioning decisions reflect the needs of local communities. In [Implementing school system reform](#) (May 2022), we set out the underpinning principles for our approach to area based commissioning, outlining how Regional Directors will design and shape high-quality trust formations to support schools and communities. Today, we are publishing Trust Development Statements for the 55 areas with the highest need, Education Investment Areas. These plans, developed in partnership with trusts, dioceses and local authorities, outline our assessment of need in each area, and how we want the trust landscape to develop in response. In time, lessons about local capacity and strategic planning learned from these areas will be applied across the country. Regions Group will always consider the needs of pupils with Special Educational Needs and Disabilities when making decisions, including through the Local Inclusion Plans proposed in the SEND and AP Improvement Plan, for both pupils who need inclusive mainstream schools and those who need places in special schools or alternative provision.

The review has heard that leaders want more clarity on the considerations which inform commissioning decisions taken by Regions Group – including strategic priorities, quality factors and local needs. We will therefore refine our commissioning process, offering greater transparency into how Regions Group make decisions on behalf of the Secretary of State. We will engage with the sector over Spring to get the detail right before bringing forward full commissioning guidance in June 2023.

Our clearer and more transparent approach to commissioning will have three stages:

- Stage 1 - Assess strategic needs: Regions Group considers the strategic needs of the area and key school-level characteristics, including the phase of the schools involved and whether they have faith requirements. They will also check for financial and governance breaches which would rule out the trust or trusts under consideration. High level, initial assessments of trust quality will also factor in here. For sponsorship decisions, a longlist of trusts will be formed.
- Stage 2 - Consider quality factors: Regions Group will consider a range of quantitative and qualitative data against each of the five pillars to understand the effectiveness of support provided by the trust or trusts to the school or schools they would be working with. The factors we will consider are the record of the trust

in delivering high-quality education; the trust's record in school improvement, especially of improving schools rated less than good; and their performance in relation to workforce, finance and governance. Together, these give a rounded picture of the trust's strengths, resilience and capacity. For sponsorship decisions, a shortlist of trusts will be formed.

- Stage 3 - Reach recommendation: Regions Group will align the evidence about the trust or trust's quality and capacity with the identified needs set out in stage 1, to reach a recommendation in the best interests of the schools, trusts and communities involved.

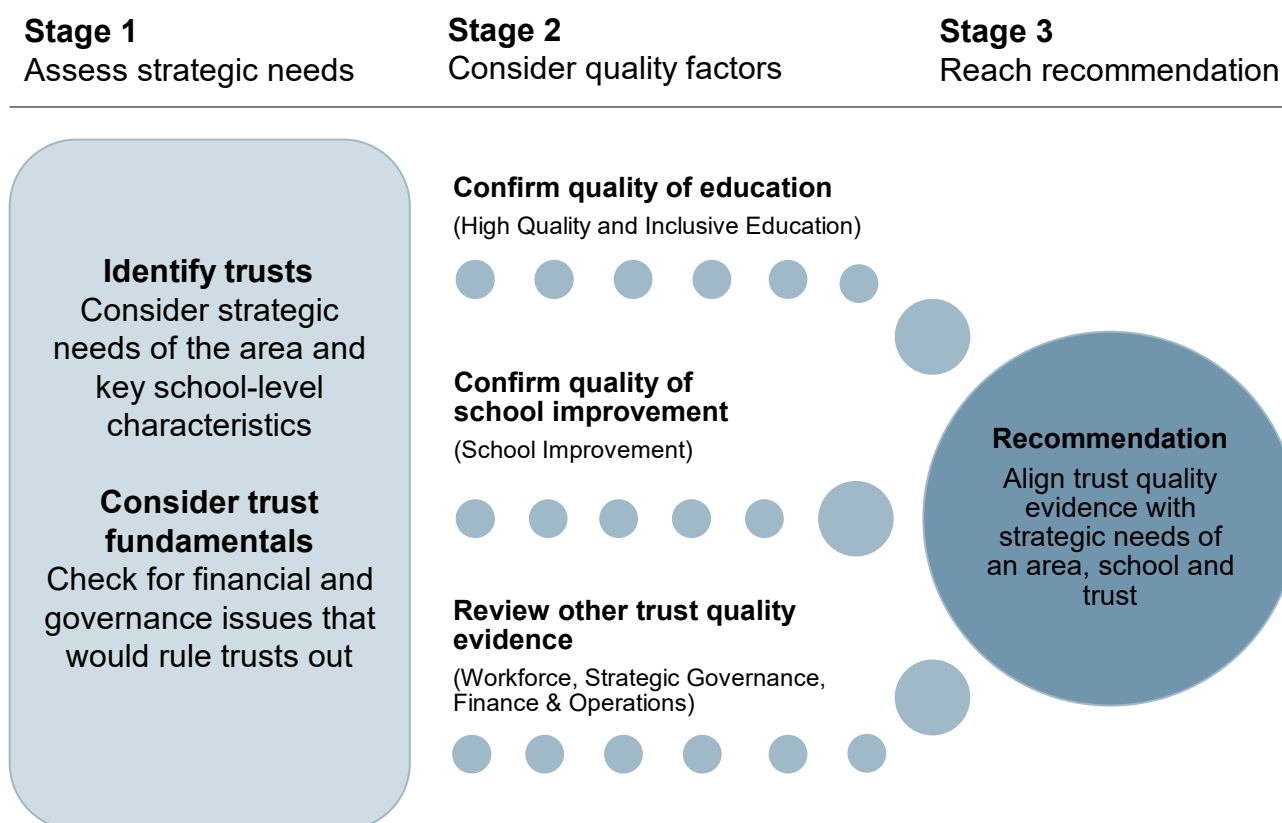


Figure 2 - The commissioning process

In partnership with the review's EAG, we have explored how we should combine qualitative and quantitative evidence to consider factors in **Stage 2** of our commissioning approach. The graphic below provides clarity on the types of evidence we will use. Each of these elements will contribute to the judgements made by Regions Group about particular commissioning decisions. The evidence Regions Group place most emphasis on will vary based on type of commissioning decision and the needs and characteristics of the school or schools in question.

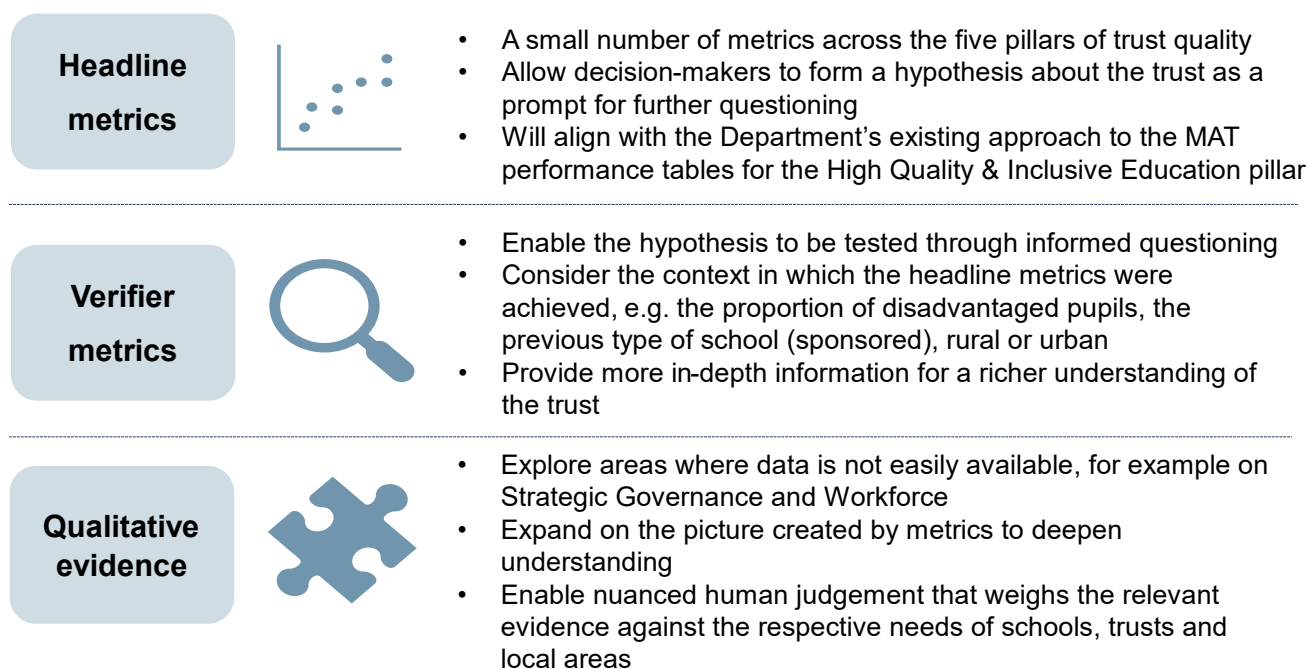


Figure 3 - How we will combine qualitative and quantitative evidence in Stage 2 of our commissioning approach

In developing our approach to using evidence, we have heard the importance of recognising trusts that work with and transform schools facing the most challenging circumstances. It is vital that we encourage trusts to take on these challenges, while setting high expectations for all schools and pupils. When Regional Directors consider quality factors, they will therefore look at progress and attainment measures alongside information about the cohort of pupils a trust works with. Progress and attainment measures could include Progress 8, EBacc entry and attainment, the percentage of children meeting the expected standard in reading writing and maths and phonics results. Information about the cohort of pupils could include the percentage of the trust's pupils in receipt of FSM.

Our approach will not privilege a particular operating model. There are a range of different trust sizes in the sector and leaders are best placed to determine the makeup of their trusts. However, the review has heard there are benefits to trusts of a larger scale, and with geographic coherence, to give operational resilience, generate greater economies of scale and reinvest in school improvement. In some areas, it will also be important to grow new and potentially larger trusts. So while trust size will not be a matter of regulation, Regions Group will assess the benefits of scale in their commissioning decisions.

Consolidated commissioning guidance will also clarify how Regions Group processes work in practice.

The review has heard that there is a need to clarify and provide greater transparency in departmental processes, decisions, and Regions Group ways of working. External guidance is set out in a range of separate documents and GOV.UK sites, making it

difficult to access and understand. The refined commissioning guidance, to be published in June 2023, will therefore consolidate guidance into one place, helping users find the information they need including where to access support from Regions Group and signposting to relevant applications or processes, for example: how a SAT can merge with a larger trust. It will also include worked examples of how the new process applies to different kinds of commissioning decisions and the evidence considered at each stage.

This guidance will also clarify the role of the Department's advisory boards, in response to stakeholder feedback. Advisory boards provide key intelligence to Regional Directors and act as a sounding board for Regional Directors on commissioning decisions. The review has heard a range of views and concerns about how the intelligence provided by advisory boards is used in decision making, particularly around decisions where there is a perceived conflict of interest. We will improve the transparency and consistency of advisory board meetings and published decisions as the revised commissioning approach is embedded. In the longer term, we will also review the wider purpose and role of advisory boards, prior to the next round of member elections.

We will work with the sector to shape the long-term future of commissioning and quality.

We know many trusts will want to use the evidence reviewed by Regions Group in the commissioning process to consider their performance and identify priorities for improvement. Regional Directors will be happy to discuss this process in their conversations with trusts. In the longer term, we will consider options to provide trusts with better information on how their performance compares to others, including those operating in similar localities and contexts. This will include looking more at how we provide feedback to trusts following commissioning decisions and developing a way to present trusts' data to them so they can understand how it is used in a decision-making context.

We intend our revised commissioning process to be used only in the context of specific, commissioning decisions and not to make systemic, ongoing or summative judgement of trusts.

Chapter 3 – Supporting all trusts to adopt effective practice, facilitating a dynamic and self-improving system

Summary

- We will grow the number and reach of high-quality trusts to offer more capacity in the system by supporting trust leaders to implement effective practice in all aspects of running a trust. This will range from curriculum development to school improvement, and from workforce development to the delivery of effective centralised functions.
- We will launch the first cohort of the MAT CEO Leadership Development Programme in early 2024, to support the next generation of high-quality trust leaders, following extensive engagement with the sector.
- We will support the professional development of MAT Chief Financial Officers (CFOs) with a new mentoring programme matching CFOs with expert peers.
- We welcome the Confederation of School Trusts' inquiry into best practice on trust improvement, as an example of sector-led improvement.
- We will work with the sector to trial regional trust development networks, which will help facilitate peer-to-peer support.
- We will deliver up to £86 million of Trust Capacity Funding (TCaF) over 2022-25 and continue to evolve how we fund trust growth.

We need to support an expansion in the number of high-quality and effective trusts so there is more leadership capacity in the system.

The previous chapters have explained how we will reform our approach to regulatory oversight and commissioning to promote quality better. We recognise it is vital that we also help the sector to grow the number of high-quality trusts throughout the system. As the trust system continues to mature, it is increasingly clear that the best multi-academy trusts optimise the use of resources to accelerate the pace of improvement, in terms of educational outcomes, workforce resilience, and curriculum development, thanks in part to their effective central functions. Therefore we want to ensure there is more trust capacity, particularly in areas where there is entrenched weak educational performance. We know many talented leaders dedicated to ensuring all their pupils fulfil their potential in school are already driving improvements in their trusts, and we want to support them to do this as effectively as possible.

The review has heard that whilst the key elements of trust improvement are generally recognised, including the importance of effective finance, trust governance, and back-

office functions, there is less clarity on how trusts identify and implement tested and effective practices. We know that the best trusts establish effective strategic governance and central functions that empower schools and teachers to focus on teaching a broad, balanced and knowledge-rich curriculum, and permit the best use of the trust's financial and human resources. Effective use of centralised processes and back-office functions, such as strategic finance and human resources, also enable high-quality trusts to scale effective practices across larger numbers of schools, expanding their reach and their contribution to the education system.

Therefore, to build a deeper shared understanding of trust improvement, we will help the sector support emerging leaders and boards to identify effective and tested approaches, improve and grow. We expect this will facilitate a more dynamic, self-improving system led by the sector. This includes encouraging sector initiatives and peer support, developing a pipeline of future leaders and continuing to fund the growth of effective trusts. We want to ensure there are more great trusts with the right blend of knowledge, skills, experience, and resilience expanding across the country, and which can offer support and expertise to other trusts.

We welcome sector-led initiatives on effective trust practice, management and structures, and want to encourage more peer support.

Spreading the most effective practice to all trusts and schools is at the heart of our strategy for the trust sector. By making it easier to access the experience of others and articulate what works, we can help spread effective practice more quickly and encourage a culture of continuous improvement and innovation. We welcome the launch of the Confederation of School Trusts' (CST) inquiry to look more closely at best practice and effective models for trust-led improvement, and how best to spread capacity and capability to drive trust improvement across the system.

To support this work, we will explore how best to develop networks between trusts so that they can share effective and tested practice and advice. We will trial regional trust development networks, led by organisations with strong track records of leading improvement. Their aim will be to facilitate peer-to-peer support for all trusts and help deepen the sector's understanding of how effective approaches in all five of the pillars of trust quality are spread across a trust's schools.

We will also continue to fund high-quality trusts to work with weaker trusts and schools through our Trust and School Improvement Offer. This funds strong system leaders to directly work with schools and trusts in need of support, helping the leadership team to identify and implement sustainable improvement.

We will keep investing in the pipeline of future trust leaders.

The best trusts are successful in large part because of the leadership and systems which the most effective Chief Executive Officers (CEOs) bring to their trusts, supported by effective oversight from trust boards (including chairs) and excellent central teams. In 2020, we introduced the successful National Professional Qualification in Executive Leadership (NPQEL), which develops school leaders' confidence and skills as Executive Head Teachers of academy trusts. We will now introduce a new development programme for the CEOs of larger trusts. Its content, which we are publishing today has been designed by an external group comprising a range of highly successful CEOs representing the diversity of the MAT system. The curriculum aims to exemplify successful knowledge, skills and behaviours from some of the country's best trusts. Further details of the MAT CEO Development Programme can be found at [Multi-academy trust leadership development offer expert advisory group - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/multi-academy-trust-leadership-development-offer-expert-advisory-group). Its first intake will begin in early 2024.

We recognise that successful trusts are led by strong boards of trustees. Chairs, in particular, provide critical support and challenge to the CEO. The partnership of chair and CEO is at the heart of what drives great trusts, and their shared understanding of what needs to be done, and how, is critical. For that reason, we will extend access to relevant parts of our new CEO development programme to chairs, so that chair and CEO can learn together, sharing insights and perspectives.

We will support the development of new or aspiring MAT Chief Financial Officers (CFOs), enabling more trusts to achieve excellent financial and resource management. Following a successful pilot CFO mentoring programme, we will facilitate one-to-one mentoring from summer 2023, helping those new to the role to learn from expert peers. We will continue to work with the Institute of School Business Leadership (ISBL), the Chartered Institute of Public Finance and Accounting (CIPFA), and others, to support the uptake of professional qualifications.

We will keep evolving the way we fund trust growth.

We will also continue to support high-quality trusts that want to expand to take on more schools where there is insufficient supply of high-quality provision. We will spend up to £86 million of Trust Capacity Funding (TCaF) over 2022-25, focused particularly in Education Investment Areas (EIAs), so trusts, both existing and new, can build their capacity to grow. On 3 April 2023, we will open applications for a new TCaF fund which will run until March 2025. For the first time, there will be two-year funding options to support MATs to plan strategically and work with groups of schools. Larger grants will also be available for projects which respond to local priorities for trust growth set out in Trust Development Statements in EIAs (see paragraph 51).

Following our successful Diocesan MAT formation pilot in 2021, we will also make start-up grants available to help with the upfront costs of creating new trusts where they are needed or for an existing high-quality trust to expand into a new area, again where needed. We will prioritise applications that involve trusts taking on underperforming schools or schools in EIAs, especially where this involves groups of schools and responds to the priorities set out in the area's Trust Development Statement.

Conclusion

The conclusions of the Academies Regulatory and Commissioning Review explain how we will evolve the way we steward the academies system so that trust leaders are encouraged and recognised for supporting the wider education system; teachers have better support and better opportunities; and all parents and carers can be confident that their children will receive a high-quality education everywhere in the country. Ultimately, this will ensure there are more high-quality trusts in the sector, building a more resilient school system that can support teachers and leaders to improve outcomes for pupils across England.

The aims of the review rely on empowering effective trust and school leaders. The Department will work closely with them, and with other key stakeholders, to reach a system with more risk-based, proportionate regulation, better and more transparent commissioning decisions, and effective support for sector-led improvement to be implemented well.

We will begin immediately. Over Spring 2023, we will work with stakeholders to refine our updated, quality focused commissioning process and publish the results in consolidated guidance in June 2023. We will also launch the next round of Trust Capacity Funding, publish new Trust Development Statements for the 55 Education Investment Areas in England. We expect to then publish our new commissioning guidance in June, for use by the end of the year.

Over the course of 2023, we will continue to streamline our regulatory approach. We will embed the recommendations of the ESFA Arm's Length Body review and work with the sector to inform changes to the Academy Trust Handbook, ESFA regulatory practices, and our delivery of support. These changes should lead to trusts feeling fewer unnecessary burdens by next year and, in many cases, sooner.

In early 2024, we will begin to train the first cohort of our new MAT CEO Leadership Development Programme and trial regional trust development networks, moving towards a stronger self-improving system.

As we make progress in implementing our SEND/AP and children's social care reforms, we will continue to evolve both our commissioning framework and the support we offer the trust sector, so that these are fully aligned.

As these changes become embedded, they will help grow the number of high-quality trusts across England, paving the way to our ambition for every school and pupil to be in a high-quality multi-academy trust, for the benefit of communities, teachers and pupils everywhere.

Annex A: Overview of the current system

Background

The current state funded education system is a very diverse one, predominately split between academies and local authority-maintained schools. Academies are state funded institutions, independent from local authority control and funded directly by the Department. Governed by funding agreements, academies have particular freedoms to adapt their curricula and teachers' pay and conditions. Each academy is governed by an academy trust. Multi-academy trusts are groups of academies run by a single trust. Local authority-maintained schools are schools maintained by, and who receive funding through, their local authority.

The following table from June 2022, sets out high-level information on the make-up of the system, including the number of academies and LA maintained schools.

Table 1 - Number of schools and number of pupils attending by type of school, 2015/16 to 2021/22

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Headcount total: Academy	3,386,775	3,794,964	4,157,953	4,421,118	4,591,865	4,774,342
Headcount total: LA Maintained	4,699,037	4,358,261	4,080,856	3,892,370	3,750,656	3,644,262
Headcount total: Independent	583,268	581,873	580,480	576,857	569,366	581,427
Total	8,669,080	8,735,098	8,819,289	8,890,345	8,911,887	9,000,031
Number: Academy	6,345	7,469	8,398	9,041	9,444	9,836
Number: LA Maintained	15,639	14,527	13,606	12,988	12,603	12,224
Number: Independent	2,297	2,320	2,319	2,331	2,366	2,394
Total	24,281	24,316	24,323	24,360	24,413	24,454

Source: [Get Information About Schools](#), accessed in January 2023.

Further information on the number of academies in the system can be found at: [Schools, pupils and their characteristics](#).⁵

⁵ [Schools, pupils and their characteristics, Academic Year 2021/22 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](#)

The following table from January 2023 sets out the regional differences by phase across the state-funded sector:

Table 2 - Regional Differences by phase across the state-funded sector

	Primary: Schools	Primary: Pupils	% of Schools	Secondary: Schools	Secondary: Pupils	% of Schools	SEND / AP: Schools	SEND / AP: Pupils	% of Schools
National	16,784	4,581,386		3,477	3,524,267		1,370	152,186	
LA Maintained	9,995	2,702,038	59.6%	671	705,502	19.3%	752	90,362	54.9%
Academies & Free Schools in a MAT	6,351	1,729,638	37.8%	2,216	2,172,657	63.7%	555	54,898	40.5%
Academies & Free Schools in a SAT	438	149,710	2.6%	590	646,108	17.0%	63	6,926	4.6%
East Midlands	1,653	397,335		295	305,069		105	11,512	
LA Maintained	845	186,011	51.1%	26	28,388	8.8%	37	4,180	35.2%
Academies & Free Schools in a MAT	744	191,550	45.0%	221	222,903	74.9%	58	5,825	55.2%
Academies & Free Schools in a SAT	64	19,774	3.9%	48	53,778	16.3%	10	1,507	9.5%
East of England	1,989	515,434		397	410,564		148	15,405	
LA Maintained	1,068	265,132	53.7%	33	33,888	8.3%	58	7,042	39.2%
Academies & Free Schools in a MAT	862	227,741	43.3%	283	284,268	71.3%	78	7,018	52.7%
Academies & Free Schools in a SAT	59	22,561	3.0%	81	92,408	20.4%	12	1,345	8.1%
London	1,797	704,105		516	564,003		211	22,132	
LA Maintained	1,258	491,503	70.0%	139	164,519	26.9%	125	13,759	59.2%
Academies & Free Schools in a MAT	492	194,535	27.4%	269	279,553	52.1%	74	7,647	35.1%
Academies & Free Schools in a SAT	47	18,067	2.6%	108	119,931	20.9%	12	726	5.7%

	Primary: Schools	Primary: Pupils	% of Schools	Secondary: Schools	Secondary: Pupils	% of Schools	SEND / AP: Schools	SEND / AP: Pupils	% of Schools
North East	862	211,136		175	161,553		79	9,540	
LA Maintained	461	115,117	53.5%	38	29,606	21.7%	44	5,766	55.7%
Academies & Free Schools in a MAT	384	90,716	44.5%	127	120,551	72.6%	32	3,381	40.5%
Academies & Free Schools in a SAT	17	5,303	2.0%	10	11,396	5.7%	3	393	3.8%
North West	2,446	642,066		474	450,347		210	23,448	
LA Maintained	1,930	502,565	78.9%	150	149,216	31.6%	156	17,209	74.3%
Academies & Free Schools in a MAT	477	126,544	19.5%	252	226,872	53.2%	50	5,862	23.8%
Academies & Free Schools in a SAT	39	12,957	1.6%	72	74,259	15.2%	4	377	1.9%
South East	2,604	717,736		522	559,630		208	24,701	
LA Maintained	1,723	451,707	66.2%	131	147,587	25.1%	127	16,664	61.1%
Academies & Free Schools in a MAT	826	244,605	31.7%	293	300,217	56.1%	73	6,900	35.1%
Academies & Free Schools in a SAT	55	21,424	2.1%	98	111,826	18.8%	8	1,137	3.8%
South West	1,887	410,258		341	330,666		124	12,692	
LA Maintained	830	174,731	44.0%	41	41,042	12.0%	58	6,873	46.8%
Academies & Free Schools in a MAT	990	214,802	52.5%	222	205,971	65.1%	61	5,144	49.2%
Academies & Free Schools in a SAT	67	20,725	3.6%	78	83,653	22.9%	5	675	4.0%
West Midlands	1,774	510,826		425	397,087		168	19,232	
LA Maintained	963	282,701	54.3%	57	50,351	13.4%	87	10,753	51.8%

	Primary: Schools	Primary: Pupils	% of Schools	Secondary: Schools	Secondary: Pupils	% of Schools	SEND / AP: Schools	SEND / AP: Pupils	% of Schools
Academies & Free Schools in a MAT	764	211,390	43.1%	302	279,644	71.1%	75	8,057	44.6%
Academies & Free Schools in a SAT	47	16,735	2.6%	66	67,092	15.5%	6	422	3.6%
Yorkshire & the Humber	1,772	472,490		332	345,348		117	13,524	
LA Maintained	917	232,571	51.7%	56	60,905	16.9%	60	8,116	51.3%
Academies & Free Schools in a MAT	812	227,755	45.8%	247	252,678	74.4%	54	5,064	46.2%
Academies & Free Schools in a SAT	43	12,164	2.4%	29	31,765	8.7%	3	344	2.6%

Source: [Get Information About Schools](#) – accessed in 2021.

The academies programme was initially created to match underperforming schools with sponsors, transferring schools away from local authority control where standards were not being adequately raised. Prior to this, local authorities were responsible for maintaining all state funded schools and there were few mechanisms to intervene in instances of failure.

Since the introduction of the 2010 Academies Act, all schools have been able to convert to academy status, opting in to greater autonomy and certain freedoms in the way leaders use their resources and set curricula. Many Good and Outstanding schools converted as part of these reforms and by 2011, the number of academies doubled to 408 with nearly 400,000 pupils.⁶ At the same time, the 2010 Academies Act continued to require failing maintained schools to be removed from Local Authority control.

The rapid growth of the academy system, and its success in turning around failing schools, has meant that a system that was initially designed for a small number of schools has now become the predominant basis of the school system in England. The programme has shifted from one focused on tackling failure, to one designed to

⁶ Department for Education. Schools, pupils and their characteristics. 2011.

fundamentally change the governance and running of the school system to empower leaders to collaborate and innovate to deliver better outcomes for the children it supports.

Over 55% of pupils in state-funded education now study in academies, though this change has not been uniform, with 80% of secondary schools now academies but only 40% of primary schools.⁷ As of October 2022, there were 1,191 academy trusts running more than one academy – accounting for 8,855 academies and free schools in total. The tables and charts below show how the school system has changed since the middle of the last decade.

⁷ [Get Information About Schools](#), accessed in January 2023.

Table 3 - State Funded Schools by Governance, Phase and Faith Designation (January 2015)

Governance	Primary	% of Primary	Pupils in Primary	Secondary	% of Secondary	Pupils in Secondary	Special & Alternative Provision	% of Special & Alternative Provision	Pupils in Special & Alternative Provision	Total State Funded Schools	Total Pupils in State Funded Schools
State Funded: LA Maintained	14,374	86%	3,792,193	1,315	39%	1,201,160	1,132	85%	96,261	16,821	5,089,614
State Funded: Academies & Free Schools in a MAT	1,619	10%	469,536	889	26%	814,014	114	9%	9,464	2,622	1,293,014
State Funded: Academies & Free Schools in a SAT	773	5%	248,579	1,177	35%	1,169,554	87	7%	9,107	2,037	1,427,240
Faith: LA Maintained	5,495	89%	1,135,266	312	49%	272,974	n/a	n/a	n/a	5,807	1,408,240
Faith: Academies & Free Schools in a MAT	461	7%	101,775	140	22%	128,950	n/a	n/a	n/a	601	230,725
Faith: Academies & Free Schools in a SAT	249	4%	62,470	187	29%	188,296	n/a	n/a	n/a	436	250,766

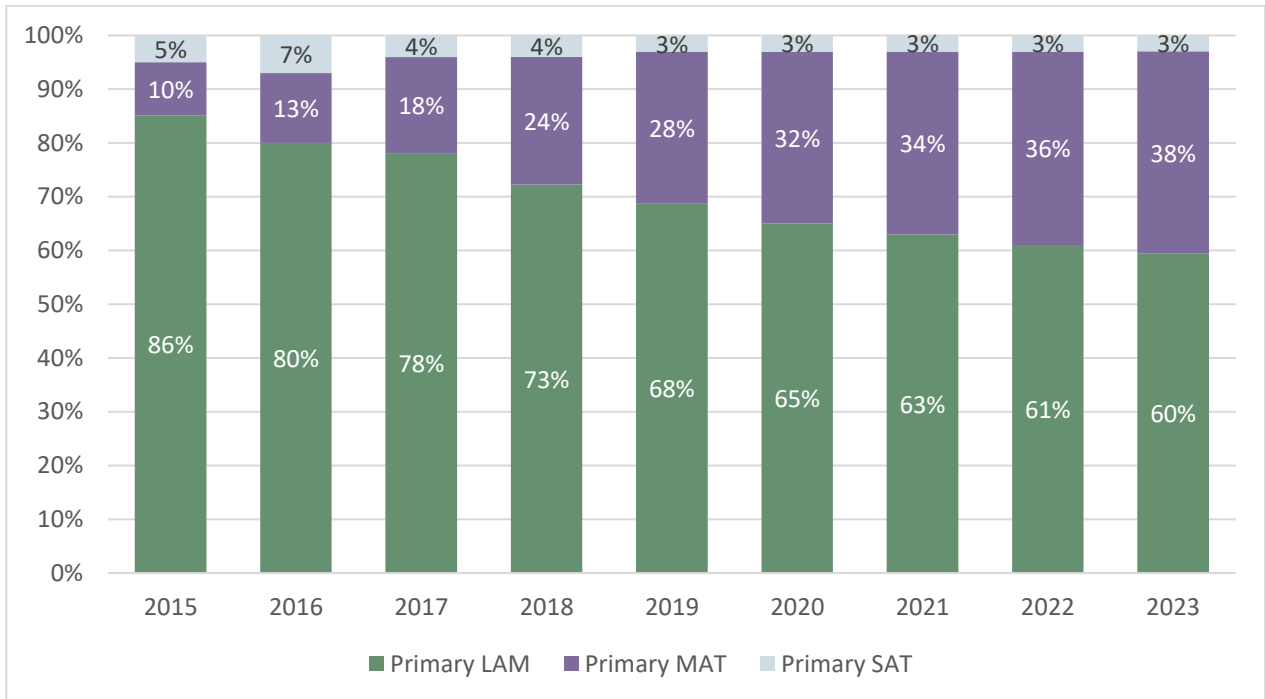
Source: [Get Information About Schools](#), accessed in January 2023.

Table 4 - State Funded Schools by Governance, Phase and Faith Designation (January 2023)

Governance	Primary	% of Primary	Pupils in Primary	Secondary	% of Secondary	Pupils in Secondary	Special & Alternative Provision	% of Special & Alternative Provision	Pupils in Special & Alternative Provision	Total State Funded Schools	Total Pupils in State Funded Schools
State Funded: LA Maintained	9,995	60%	2,702,038	671	19%	705,502	752	55%	90,362	11,418	3,497,902
State Funded: Academies & Free Schools in a MAT	6,351	38%	1,729,638	2,216	64%	2,172,657	555	41%	54,898	9,122	3,957,193
State Funded: Academies & Free Schools in a SAT	438	3%	149,710	590	17%	646,108	63	5%	6,926	1,091	802,744
Faith: LA Maintained	3,878	63%	811,093	194	31%	192,739	n/a	n/a	n/a	4,072	1,003,832
Faith: Academies & Free Schools in a MAT	2,137	35%	427,605	331	53%	319,632	n/a	n/a	n/a	2,468	747,237
Faith: Academies & Free Schools in a SAT	162	3%	44,757	104	17%	114,187	n/a	n/a	n/a	266	158,944

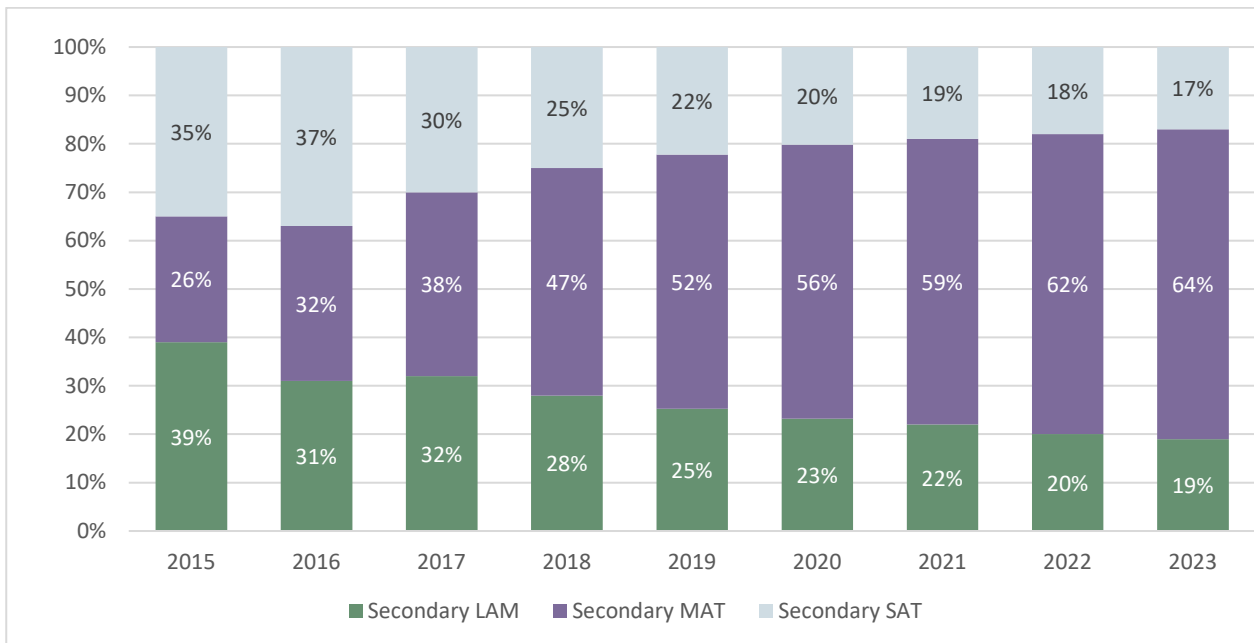
Source: [Get Information About Schools](#), accessed in January 2023.

Figure 4 - % of primary schools that are LA maintained, in a SAT or in MATs (2015-2023)



Source: [Get Information About Schools](#), accessed in January 2023.

Figure 5 - % of secondary schools that are LA maintained, in a SAT or in MATs (2015-2023)



Source: [Get Information About Schools](#), accessed in January 2023.

The Department's approach to managing the system has developed in parallel with the rapid growth of the sector, adapting in response to emerging need. The Department has always acted to tackle failure where it arises, but has also considered other objectives, including market consolidation, risk management and most recently, spreading excellence through high-quality trusts. Since 2014, Regional Directors (formerly Regional Schools Commissioners) have played a crucial role, on behalf of the Secretary of State, in stewarding the system, providing local intelligence and oversight. Financial oversight is provided by the Education and Skills Funding Agency (ESFA).

Initially, the Department's accountability principles enabled intervention in schools with inadequate Ofsted judgements, or where performance fell below a data-based floor standard. In 2016, Parliament passed the Education and Adoption Act, which enabled the Department to intervene in schools identified as coasting. In 2018, the Department refined its accountability principles, moving away from a mixed set of floor standards for educational underperformance (with data-based and Ofsted-based triggers for intervention), to a system based solely around independent Ofsted judgements, which take account of both quantitative and qualitative evidence, bringing greater clarity to accountability. We now define coasting schools as those with successive judgements below good from Ofsted.

The Schools White Paper *Opportunity for all* set out our ambition to improve outcomes for children. A system based around high-quality multi-academy trusts is key to this, where leaders can scale best practices across multiple schools and enable and amplify progress towards higher standards.

How the system currently works

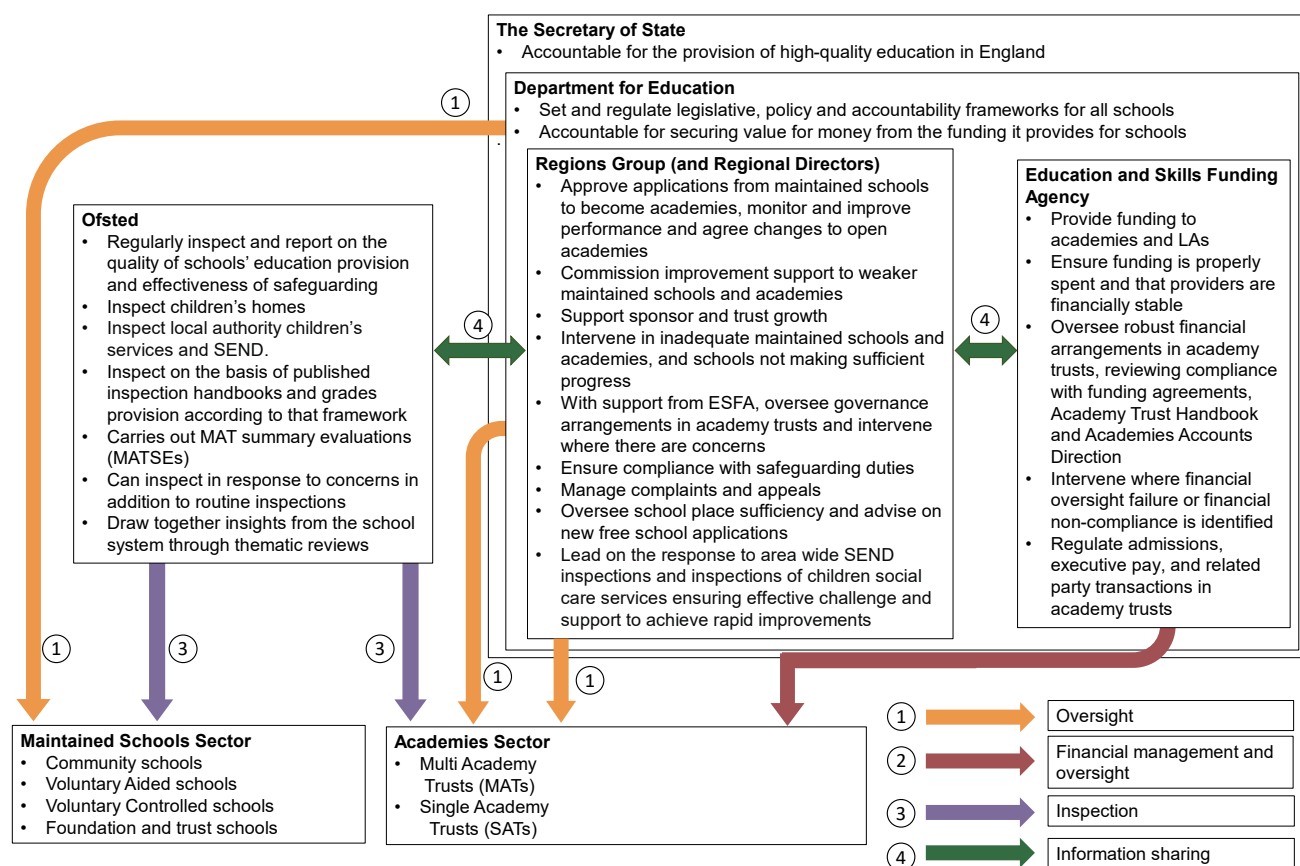


Figure 6 - Selected regulatory oversight and commissioning roles and responsibilities for the state funded school system in England

The Secretary of State for Education is accountable for the provision of high-quality education in England, including by academy trusts. The Secretary of State delegates responsibility for this to Regions Group within the Department for Education and the arm's length ESFA, who manage and provide oversight of different functions with the academies system on behalf of ministers and the Secretary of State. Ofsted hold schools to account through inspection. The outcome of Ofsted's inspections informs support and intervention action.

The Secretary of State places binding legal requirements on academy trusts through their funding agreements, as defined by Section 1 of the Academies Act 2010. Academy Trusts are required to fulfil these requirements. Amongst other things, funding agreements set the financial requirements trusts need to comply with, including compliance processes, triggers for intervention and governance arrangements. Most contractual obligations set out in the funding agreement do not have statutory footing. The funding agreement is the contract every academy trust signs with the Secretary of State, setting out the operating framework for the academy trust. Trustee bodies must ensure they are compliant with the funding agreement. ESFA monitor trusts' compliance with the financial requirements set out in the funding agreements. Regions Group monitor other requirements.

The Secretary of State has two main levers to influence behaviour in the school system: regulatory oversight and commissioning. Both regulatory oversight and commissioning are underpinned by performance assessment, including inspection and the publication of data based metrics. Collectively, performance data and inspection aim to provide transparency about quality in the system.

Regulatory oversight aims to prevent critical harms from affecting the young people and the wider public, including safeguarding pupils' welfare; ensuring key entitlements are provided to families and the school workforce; and protecting public funds. It includes the minimum standards and requirements set through legislation and statutory guidance, and the processes to monitor compliance. Our accountability principles are part of our regulatory approach.

Effective, proportionate oversight is necessary to prevent critical harms and ensure government can intervene rapidly in cases of underperformance. At the same time, it is critical regulation does not obstruct or prevent trust leaders from improving their practice. We strengthened our regulatory approach in 2018, adding additional compliance processes to protect against fraud, negligence and financial malpractice, in response to the collapse of academy trusts including Bright Tribe, WCAT and Lilac Sky.

Commissioning captures the processes by which we promote and grow the trust sector, to ensure every school is in the right, high-quality trust. It includes decisions around the establishment of new trusts; trust expansion and funding to improve schools and trusts. Critical programmes include: the annual Trust Capacity Fund, Trust and School Improvement Offer and the forthcoming MAT Leadership Development Programme.

Key actors

Regions Group

The Regional Directors within Regions Group are responsible for commissioning academies and academy trusts in the system. Supported by teams across the Department, including ESFA, Regional Directors approve academy conversions, transfers and applications for funding.

Key operational and strategic decisions include:

- Approving applications from maintained schools to convert to academy status and join a trust, considering the academic and financial performance of the school. The criteria for this is set out in *Convert to an academy: guide for schools*.
- Approving new 'sponsor' trusts and encouraging suitable organisations in the area to apply and become sponsors. Sponsor trusts are able to support schools subject to intervention. The criteria for this is set out in *Sponsor an academy guidance*. They include the sponsoring trust's overall vision and plans for growth, educational and financial capacity and governance.

- Approving the creation of new MATs, and funding to support the growth of existing trusts. The criteria for this is set out in Multi-academy trusts: establishing and developing your trust.
- Approving new free schools and significant changes to open academies (for example, changes to the pupil age range of academies).

Regions Group also act as regulators, intervening in underperforming schools and academies and transferring them to approved trusts.

- Regional Directors act on behalf of the Secretary of State to intervene in underperforming schools and academies and transfer them to approved trusts using powers contained in the Education and Inspections Act 2006, the Academies Act 2010 and academy funding agreements. The Academies Act 2010 was amended in 2016 to place a legal duty on the Secretary of State to issue an Academy Order to all maintained schools judged 'Inadequate' by Ofsted.
- The Coasting Schools Regulations 2022, also introduced new powers for the Secretary of State to intervene in schools with two or more consecutive below 'Good' judgements. This is initially being implemented by Regional Directors in Educational Investment Areas (EIAs).

As implemented following the ESFA review, Regions Group also uphold safeguarding regulation, working alongside Ofsted, and manage complaints and appeals.

- If concerns are identified with safeguarding, Regional Directors will work closely with the trust to ensure compliance with the Education (Independent School Standards) Regulations 2014 and statutory guidance such as keeping children safe in education and working together to safeguard children.
- Currently, Regional Directors' remits do not extend to investigating the substance of individual safeguarding complaints, but Regional Directors and Ofsted may share safeguarding complaint information received with each other and other relevant authorities.⁸
- Regional Directors and ESFA work together to agree a robust and joined up approach to addressing underperformance where non-financial, safeguarding or governance non-compliance in academy trusts is identified.

Further information about Regional Directors, and the work of Regions Group, can be found on the [Regions Group About Us page on GOV.UK](#).

ESFA

⁸ Department for Education. [Schools Causing Concern Guidance Update](#), 2022, pg. 41

The ESFA, an executive agency of the DfE, strives to ensure every pound spent on education and skills has the greatest possible impact on ensuring all students can realise their potential. It is focussed on delivering three core outcomes:

- That those we fund have certainty in their funding, enabling them to plan effectively;
- That those we fund can access high-quality support and guidance, protecting against financial difficulty; and
- Taxpayers' money is used for its intended purpose.

Key operational and strategic decisions include:

- ESFA officials carry out an annual risk-based programme of assurance to review compliance with funding agreements, the Academy Trust Handbook (ATH) and Academies Accounts Direction. This principally involves a review of trusts' financial statements.
- The ATH sets out that trustees and management must: maintain robust oversight of the academy trust; that trusts must take full responsibility for their financial affairs and stewardship of assets; and use resources efficiently to maximise outcomes for pupils.
- Where financial non-compliance or financial oversight failure is identified, the ESFA will look to support the academy trust to improve. In certain circumstances, the ESFA may need to intervene, in a way that is proportionate to the risk and preserves education provision. They will do this working closely with Regions Group.
- In rare cases, the ESFA may issue a trust with a Notice to Improve (Ntl), in conjunction with Regions Group, which sets out what the trust must do to address the Department's concerns. Failure to comply with the Ntl is a breach of the trust's funding agreement and could result in termination of that trust's agreement.

Ofsted

Ofsted is a non-ministerial government department and independent inspectorate. It has a wide remit which includes responsibility for the regular inspection of all state-funded schools in England, including academies and those maintained by local authorities. It also carries out area SEND reviews, and inspects and regulates early years and children's social care.

Ofsted does not have a remit to inspect academy trusts, but does regularly inspect individual academies. It also carries out some MAT Summary Evaluations (MATSEs), focused on the trust's impact on the quality of education and improving pupils' outcomes.

As well as providing assurance to parents, government and the wider public on education quality, Ofsted plays a role in supporting schools to improve, including through its published handbooks, research, subject reviews and recommendations. The inspection

judgements made by Ofsted trigger support and intervention where this is necessary to improve the quality of education for pupils.

Other partners

Local authorities are responsible for the provision of education in maintained schools and commission a range of services, including support for vulnerable children (SEND, children in social care) and school transport. They have a range of regulatory responsibilities for maintained schools, including: intervening when maintained schools are causing concern, responsibility for admissions and ensuring maintained schools are curriculum compliant.

Local authorities also have limited regulatory oversight over certain academy functions. These are focused around the local authority's roles in championing the rights of parents, safeguarding children locally, and overseeing attendance, place-planning and admissions. These regulatory functions are:

- Admissions responsibilities for all schools e.g., coordinating main round admissions, ensuring there is a fair access protocol, reporting unfair arrangements to the Office of the Schools Adjudicator (OSA)
- School sufficiency - ensuring sufficient school places for all pupils in their areas
- Enforcing school attendance or making other arrangements where a child is not receiving a suitable education (including due to not having regular attendance) e.g., issuing a School Attendance Order
- Providing an advice and information service and dispute resolution service for parents and carers of children with SEND
- Monitoring safeguarding arrangements in all schools. Where a local authority has concerns about an academy or free school's safeguarding arrangements or procedures these need to be referred to Regions Group to act on.
- Assessing, drafting and securing the provision in an Education, Health and Care Plan for children and young people who need more support than is available for a special educational need.

These functions are subject to oversight by two regulatory ombudsmen and points of appeal, the First Tier-Tribunal for SEND and the Office of the Schools Adjudicator. The First-Tier Tribunal for SEND is responsible for handling appeals against local authority decisions regarding SEND provision, as well as investigating discrimination by schools, or local authorities, on the grounds of children's disabilities.

The Office of the Schools Adjudicator decides on objections (for all schools) and variations (for maintained schools only) to admission arrangements. It also considers appeals from schools directed by local authorities to admit pupils, significant changes to maintained schools and decisions on the ownership of school land.

The Charities Commission also has a minor regulatory role in the system, as the regulator for charities. Academies, sixth form colleges, voluntary aided or controlled and foundation trust schools are exempt charities. As such, they are not registered or directly regulated by the Charities Commission, however they must comply with charities law, which is monitored by the Charities Commission.

The Teaching Regulation Agency is responsible for the regulation of the teaching profession, including misconduct hearings and the maintenance of a record of teachers, trainee teachers and those who hold a teacher reference number.

Finally, OFQUAL is responsible for regulating qualifications, examinations and assessment. They ensure that: regulated qualifications indicate the knowledge, skills and understanding students have demonstrated; assessments and exams show what a student has achieved; and students and teachers have information on the full range of qualifications that Ofqual regulate.

Recent changes

The Schools White Paper *Opportunity for all*, published in March 2022, set out the long-term commitment to support more pupils to be taught in high-quality trusts. In response, we have evolved our approach to regulatory oversight and commissioning so it can better support this ambition, through the ESFA review and formation of Regions Group. These clarified the respective roles and responsibilities of Regions Group and ESFA.

Regions Group was established in summer 2022, bringing together all of the Department's delivery functions into a single interface.⁹ Regions Group is overseen by 9 Regional Directors. Formerly known as Regional Schools Commissioners, these officials are responsible for delivering departmental policy, including commissioning academy growth and support and intervening in underperforming schools.

The ESFA Arm's Length Body Review recognised that joint oversight between Regions Group and ESFA would cause duplication and a lack of clarity in the system. As a result, it recommended that the ESFA's role should be re-focused on delivering and assuring funding. The ESFA's non-financial regulatory functions, including safeguarding and complaints, have moved to Regions Group to help provide a more helpful distinction.¹⁰

⁹ Department for Education and Education and Skills Funding Agency, [Changes to the way the Department for Education \(DfE\) will operate from 1 April 2022 onwards](#), 2022, pg. 2.

¹⁰ Department for Education and Education and Skills Funding Agency, [Review of the Education and Skills Funding Agency: summary findings](#), 2022, pg. 9.

The Review also concluded that the Department should have a unified directing voice at a regional level.¹¹

These changes have resulted in improvements in delivery and signalled a more coherent framework and single regulatory interface. This is a recent development and it will take time to embed these changes.

The Schools White Paper *Opportunity for all* confirmed that we would continue to refine our approach to delivery, enabling better joint-working between Regions Group and ESFA to provide a single, departmental voice at regional level.

¹¹ [Review of the Education and Skills Funding Agency: summary findings](#), pg. 9.



Department
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