

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Children & Young People Policy Development & Scrutiny Panel	
MEETING DATE:	30 January 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	The Future role of the Local Authority with schools	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1: Structure of the School Standards Board Appendix 2: Terms of Reference for the School Standards Board Appendix 3: List of existing academies schools and planned conversions projections for September 2018		

1 THE ISSUE

- 1.1** The education landscape in Bath and North East Somerset (B&NES) is changing rapidly; it had become more diverse with an increasing number of maintained schools joining Multi Academy Trusts (MATs). Once schools become academies they are under the jurisdiction of the South West Regional Schools Commissioner. Education legislation over the last six years has diminished the local authority's statutory duties for local schools and gave schools greater freedoms and autonomy from local control. There are currently forty two of the eighty schools in B&NES already academies and a further ten are due to join a MAT by the 1st April 2018. These changes require the local authority to establish a new relationship with local schools, so that it is able to play an active role in securing the best possible education provision and outcomes for the children and young people of B&NES.

2 RECOMMENDATION

The panel is invited to discuss and comment on the proposals that:-

- 2.1** The Local Authority Officers work with key partners – CEOs of all local MATs, Stand Alone Trusts (SATs), the Diocese of Bath & Wells, the Diocese of Clifton, Regional Schools Commissioner (RSC), Teaching Schools, Cabinet members, Further Education Colleges and universities to establish a B&NES School Standards Board, whose core purpose will be to meet the learning needs of all children and young people in B&NES. The proposed structure and terms of reference for the School Standards Board are set out in Appendix 1 and 2 of this report.
- 2.2** The local authority's future relationship with local schools focuses exclusively on (a) the contribution it can make to local school improvement through the School Standards Board described above and (b) its statutory duties for vulnerable children and their families, place planning, admissions and safeguarding.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1** It is proposed that at least one senior officer is retained with the necessary skills, knowledge and experience to ensure the local authority remains a key driver for education excellence for all learners. This officer would provide an in-depth analysis of school performance data including attendance and exclusions. The analysis should include the performance of all groups of pupils across all key stages; trends in school performance; comparisons with other schools in the region and nationally. This information would enable the officer to identify, challenge and hold underperforming schools to account for the achievement of the most vulnerable children.
- 3.2** Other functions which are not part of the future role of the local authority outlined in this paper are likely to be scaled back progressively in line with proposals included in the Operational Plan, other than where they are supported by funding from schools or other external sources.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1** The local authority's statutory duties as outlined in the 2010 Children, Schools and Family Act and the 2011 Education Act that have not been rescinded.

5 THE REPORT

- 5.1** Education legislation and policy over the last ten years has seen a significant diminution of the LA's statutory duties and responsibilities for local schools. The 2006 Education and Inspection Act placed a statutory duty on Local Authorities to promote high education standards; ensure fair access to educational opportunity and promoting the fulfilment of every child's educational potential. The 2011 Education Act was a wide ranging and complex piece of education legislation; amended and repealed several pieces of earlier education legislation. The Act encouraged greater school autonomy and freedoms from local control; promoted school self-improvement and extended the academy and free school

programme with a clear intention to create greater diversity in education provision. Since 2011 and increasing number of schools took up the new freedoms and converted to academies.

- 5.2** The 2011 Education Act significantly changed the role of local authority for schools and outlined its duties for place planning, admissions, alternative provision, excluded pupils and pupils not in school, supply of teachers with QTS and school governance. The local authority role was defined as *“led by Directors of Children’s Services, to focus on championing the interest of parents, and children who most need support”*. One of the most significant consequences of the Act was the considerable powers to the Secretary of State. The Act coupled with the academy conversions reduced resources to local government for school support and the growth in external education consultancy saw the emergence of a new school system.
- 5.3** The 2016 Education and Adoption Act gave the Secretary of State new intervention powers, that previously rested with the LA, over maintained schools eligible for intervention. These new intervention powers for maintained schools and schools below the floor standard would be exercised by the RSC. While the duty for intervening in maintained schools has not been removed entirely from the LA, the Secretary of State through the RSC has overriding powers on local decision regarding underperforming schools. However, grant funding to support the intervention in these schools has been removed and impacts on local government capacity to intervene and prevent failure.
- 5.4** The Education Support Grant (ESG) was introduced in 2013 to support education related services to maintained and academy schools as part of the local authority’s responsibility to intervene in underperforming schools. In 2015 the ESG was reduced by 40% and the 2016 Education & Adoption Act gave new intervention powers to the RSC for underperforming academy and maintained schools and removed the duty on local authorities to appoint School Improvement Partners who previously had responsibility for monitoring, intervention and challenge in all schools. Following this legislation the ESG was removed in its entirety in 2016 and this particularly impacted on local authorities’ capacity to deliver school improvement.
- 5.5** Following the Government’s Green Paper ‘Schools that works for everyone’ in 2016, there has been a rapid growth in local Multi Academy Trusts (MAT) and local schools converting to academies. While this paper did not become policy, no new legislation has been passed to change existing LA statutory duties. In the absence of any new legislative guidance, it is crucial that local partners with a shared responsibility for education work together to ensure all children have equal access to high quality education provision that meets the diverse needs and achieve their full potential irrespective of personal circumstances so that they become active citizens of society. The RSC no longer allows schools to become a Stand Alone Trust (SAT) and there are no immediate plans to change existing arrangements.
- 5.6** Currently over 50% of local schools are academies and 64% of children and young people are taught in academy schools as outlined below in Tables 1 & 2. Ten primary and one secondary school have had Academy Orders issued and will join a MAT by the end of April 2018 as outlined in Tables 3 & 4 below. In addition a further nine schools have informed the LA of their intentions to join a MAT before the end of this academic year. By the end of this school year 84%

schools will be academies and 80% of children and young people will be taught in academy schools. It is clear that the pace of schools converting to academy status has accelerated over the last twelve months and this has created a momentum for others to join a MAT. By September 2018 the vast majority of our schools will be outside local authority control. Once schools join a MAT, services previously provided by local authority officers and advisors are provided by the Trust and this impacts directly on the close relationships that have been built and maintained with local schools over many years.

Table 1: Percentage of pupils in maintained and academy schools September 2017

Pupils	Maintained		Academy		Total
Primary	6594	52%	6191	48%	12785
Secondary	1919	19%	8407	81%	10326
Special	0	0%	431	100%	431
Studio	0	0%	215	100%	215
Totals	8513	36%	15244	64%	23757

Table 2: Number of maintained and academy schools September 2017

Schools	Maintained		Academy		Total
12/2017					
Primary	33	56%	28	44%	61
Secondary	3	23%	10	77%	13
Special	0	0%	3	100%	3
Studio	0	0%	3	100%	3
Totals	36	46%	44	54%	80

Table 3: Percentage of pupils in maintained and academy schools 1 April 2018

Pupils	Maintained		Academy		Total
Primary	2903	23%	9882	77%	12785
Secondary	989	10%	9337	90%	10326
Special	0	0%	431	100%	431
Studio	0	0%	215	100%	215
Total	3892	16%	19865	84%	23757

Table 4: Number of maintained and academy schools 1 April 2018

Schools	Maintained		Academy		Total
Primary	14	23%	48	77%	62
Secondary	2	15%	11	85%	13
Special	0	0%	3	100%	3
Studio	0	0%	3	100%	3
Total	16	20%	65	80%	81

- 5.7** The quality of education provision as measured by Ofsted Inspections shows the vast majority of local schools are good or better; pupil outcomes as measured by tests and teacher assessments are generally in line or above the national average. However, outcomes for the most vulnerable pupils i.e. those eligible for FSM, SEND, Children in Care (CiC) and those from Black and Minority Education (BME) backgrounds do less well compared to similar pupils nationally and this must continue to be a local priority.
- 5.8** With increasingly limited resources for education related services and the growth in schools converting to academies, the local authority needs to establish a different relationship with its partners, to champion support for vulnerable children so that they achieve at least as well as their peers nationally. This can only be accomplished by working in partnership with CEOs of MATs and Headteachers of SATs, the dioceses, Teaching Schools and the RSC to pool resources, identify and agree local priorities and secure the best possible education provision for the children and young people of B&NES. To do this it is essential resources are identified, so that the LA is able to play a key role in championing the needs of the most vulnerable learners as set out in the 2011 Education Act.
- 5.9** The local authority's relationship with its schools is strong and highly effective. This relationship has been built over time through a variety of regular meetings with the Strategic Director, People and Communities and senior officers. This includes termly meetings with secondary headteachers; attendance at the Primary Education Excellence Board and chairs of governors to provide opportunities to share good practice; develop policies; share areas of concerns and updates. The Primary Education Excellence Board meets termly to identify, monitor and support schools causing concern or at risk of failing. Officers also meet regularly with representatives from the Diocese of Bath & Wells, the Diocese of Clifton and The Partnership Teaching School to review performance across the local authority and identify local primary schools priorities and encourage school to school support.
- 5.10** This new relationship with local schools should be rooted in trust and a clear moral purpose and a shared strategy to close the education gap and reduce inequalities arising from socio-economic disadvantages. To achieve this, the local authority must challenge schools, advocate on behalf of all children and hold the system to account for improvements. Through collaboration and partnership it is vital that the principle of a family of schools with a shared responsibility for all children and young people in B&NES and not just those within a MAT, individual school or phase underpins this new relationship of equals.

6 RATIONALE

- 6.1** It is important that the local authority retains a commitment and an interest in all local schools in order to ensure there is a good school for every child in B&NES. Local authorities have a mandate to act on behalf of the whole community and therefore best placed to ensure the views of all local communities are taken into account. As champion for standards for all children and promoting education excellence it is vital that it retains a meaningful relationship with all schools.

- 6.2** The local authority retains its duty to promote a good supply of strong school places and ensure fair access to all schools in the area. Therefore it is able to use its democratic mandate to stand up for the interest of parents and children; support vulnerable pupils especially Children in Care (CiC), Special Education Needs & Disabilities, low income families and those outside mainstream education. A crucial aspect of this new relationship with schools must secure full educational entitlement by preventing children missing education; narrowing the educational gaps for vulnerable groups; facilitating multi agency working and providing corporate leadership in monitoring standards across schools.
- 6.3** Research shows that children missing education; those without basic literacy and numeracy skills; CiC and excluded from school have a higher risk of engaging in risky behaviour and end up in the criminal justice system. These young people are unable to make a positive contribution to their community and the wider society. They can be a drain on ever diminishing resources and unable to compete with their peers locally and internationally.
- 6.4** The local authority has a strong and effective working relationship with all its schools irrespective of type. Communication with all schools is maintained through newsletters and regular meetings. School performance data, statutory moderation in primary schools, inspection outcomes, dissatisfied parents and local intelligence ensures there is a good knowledge of local schools without the need to visit. In addition schools carry out an annual self-assessment of their performance against locally agreed criteria and place themselves in a category, which is shared with the local authority.
- 6.5** A constructive role for the local authority could be to articulate, advocate and be fearless in tackling failing schools because, while schools may not be under the control of the local authority there is a moral responsibility to ensure all children go to a good school and achieve their potential. Alan Wood, ex-President of Directors of Children's Services sums up why the LA needs to have a relationship with schools and hold them to account *"well, they may not be our schools anymore but they are still our kids"*. In addition the LA is best placed to act as the honest broker in negotiating and influencing all the key partners to reach decisions in the best interest of learner and reduce the likelihood of fragmentation and isolation.
- 6.6** Officers have consulted with CEOs of MATs, Headteachers of SATs, all local schools and the dioceses on establishing a partnership board and it was agreed that this would provide a positive and constructive way forward. The RSC also supports the establishment of a school standards board as an effective vehicle for determining the overall school improvement strategy and promoting this with schools. The B&NES School Standards Board will replace the Primary Education Excellence Board and they agreed the structure and terms of reference at their final meeting on 10th January 2018. The first meeting of the new Board is scheduled to take place in Term 5.

7 OTHER OPTIONS CONSIDERED

- 7.1** The local authority retains no future relationship with schools once they have all converted to an academy schools. The local authority only carries out its statutory duties for vulnerable children and families, place planning, admissions

and safeguarding. Any concerns about underperforming schools are left to the RSC, in line with their intervention powers under the 2011 and 2016 Education Acts. This would not fully enable the LA to meet its statutory and wider moral duties.

- 7.2** The local authority retains current staffing levels and services regardless of changes in the schools landscape and legislation. This is not an affordable option in the current legislative and financial context.

8 CONSULTATION

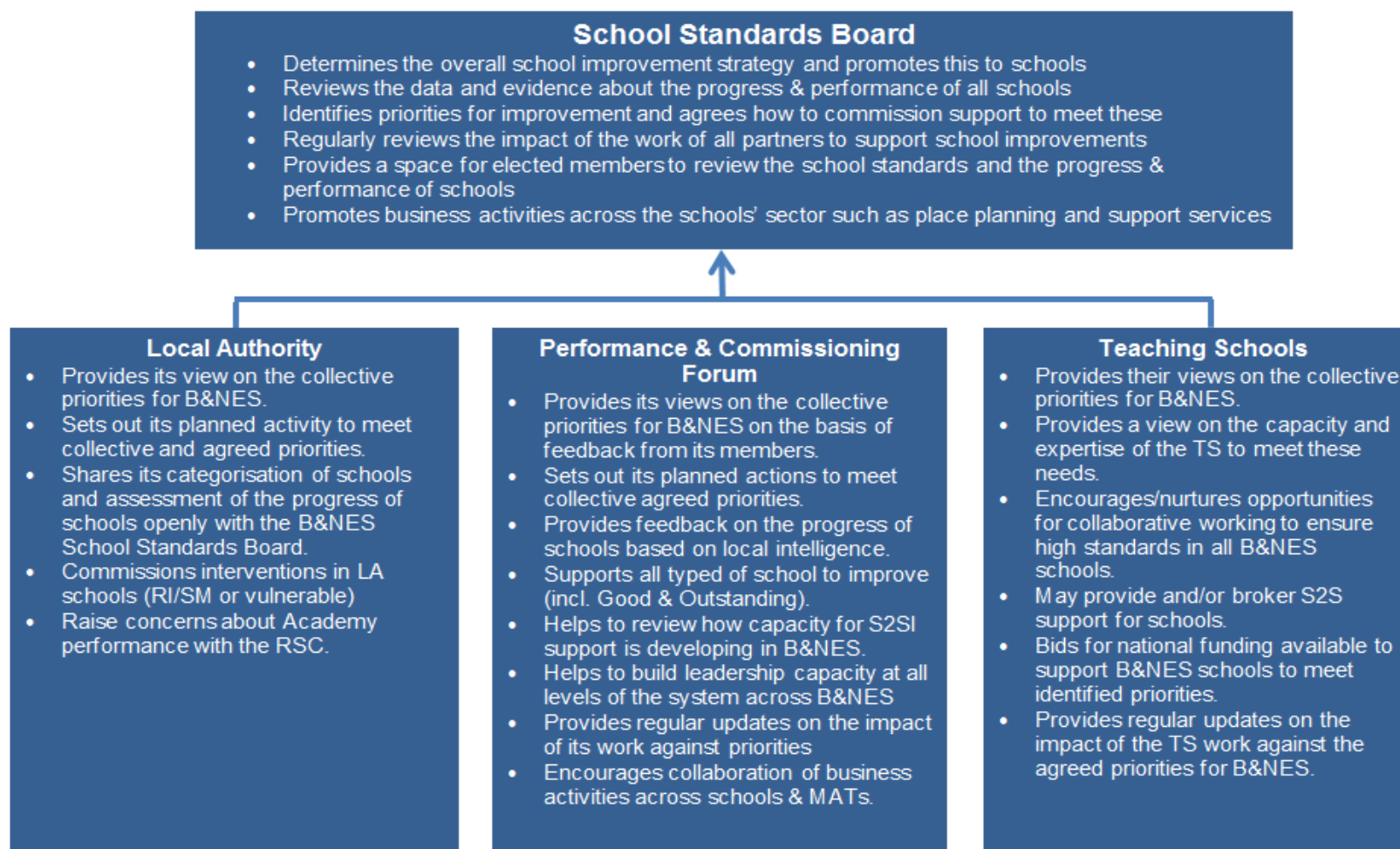
- 8.1** Headteachers, chairs of governors, CEOs of MATs, secondary headteachers, headteachers of SATs, the dioceses, the Primary Education Excellence Board were all consulted on the new B&NES School Standards Board. There is agreement from all partners to establish this board and the term of reference which will be review 6 months after the first meeting to review it fitness for purpose.

9 RISK MANAGEMENT

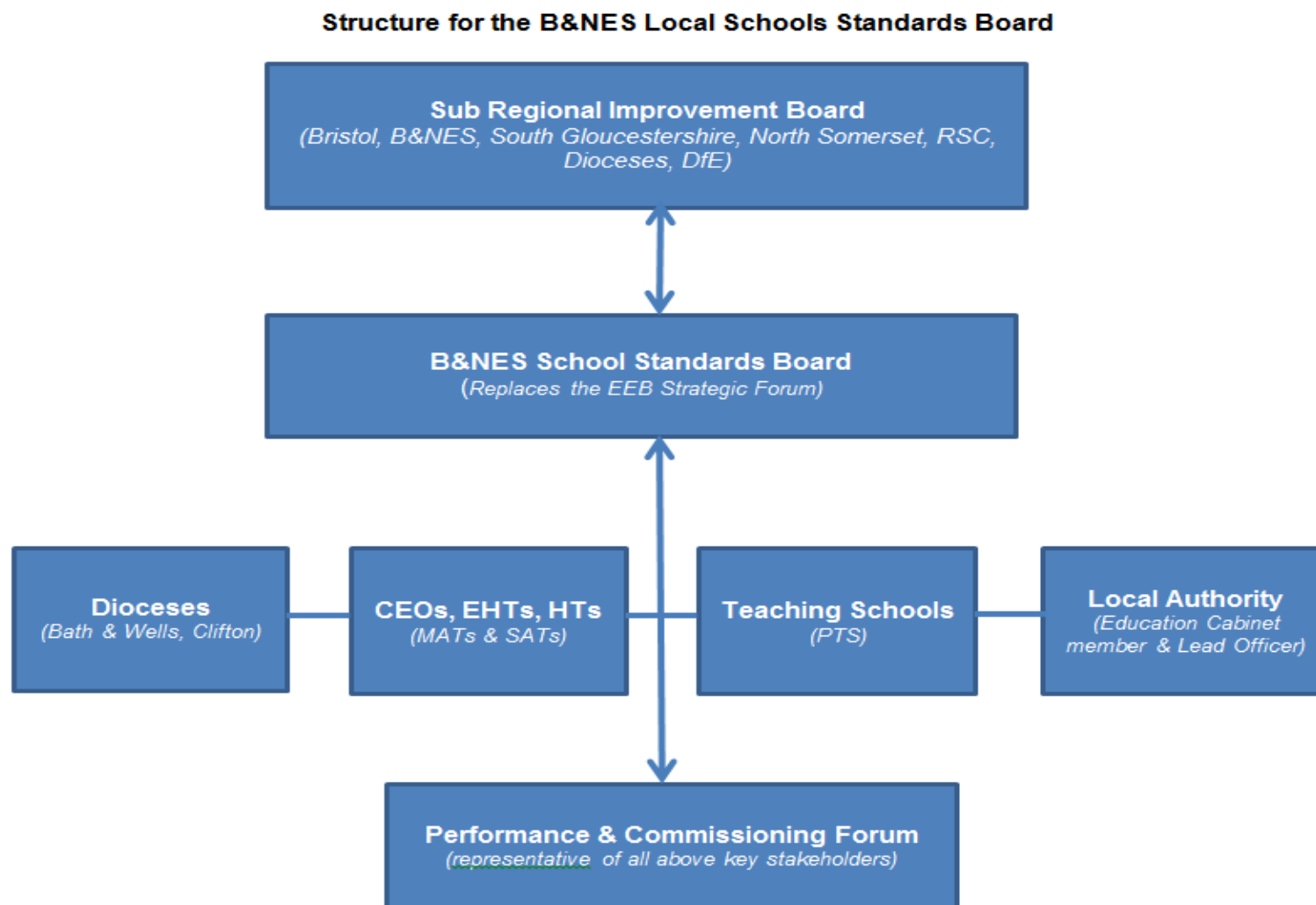
- 9.1** A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Mike Bowden, Strategic Director People and Communities</i> <i>Margaret Simmons-Bird, Head of Education Transformation</i>
Background papers	<i>The Education and Inspection Act 2006</i> <i>Children, Schools and Family Act 2010</i> <i>The Education Act 2011</i> <i>The Education and Adoption Act 2016</i> <i>All legislation is available on the DfE website</i>
Please contact the report author if you need to access this report in an alternative format	

Roles and Responsibilities of B&NES School Standards Board



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Appendix: 2

BATH & NORTH EAST SOMERSET SCHOOL STANDARDS BOARD

TERMS OF REFERENCE

Board	SCHOOL STANDARDS BOARD
Purpose	<p>The purpose of the B&NES School Standards Board is to coordinate a collective responsibility for improving education outcomes for all children and young people within a diverse education system. It is committed to education excellence and ensuring all children and young people has an equal chance to achieve their full potential.</p> <ul style="list-style-type: none">• Open and professional engagement between local schools, academies and academy sponsors, and with the local authority other external agencies;• Promote cultures for partnerships and alliances as the building blocks of a self-improving school system;• Early support, challenge and intervention for all schools and academies to address causes of underperformance and minimize the risk of failure;• Adopt a coordinated approach to ensuring high quality outcomes for our most vulnerable children and young people;• Secure long term stability within the education sector – supporting strong, sustainable schools for the future. <p>The Board will:</p> <ul style="list-style-type: none">• determine the overall strategy for school improvement and promote this to schools;• review the performance data and other outcomes based evidence relating to the progress of schools individually and collectively;• set and agree school improvement priorities for the whole authority;• commission, broker and signpost school improvement support;• encourage and sustain robust professional challenge and support between schools/MATs;• use local intelligence to advise and guide on the future system planning• ensure that no schools are isolated• regularly evaluate the impact of support;• Provide up to date school performance information to the Sub-Regional School Improvement Board.
Success criteria	<ul style="list-style-type: none">• No schools below floor.• 100% schools and 100% children and young people are in good or outstanding schools
Accountability	<ul style="list-style-type: none">• B&NES PDS Panel• Ofsted Regional Director• RSC Sub Regional Improvement Board• Schools, through their representative forums

Membership	<p>B&NES LA Strategic Director People and Communities Head of Education Transformation Cabinet Member for Education CEOs of local MATs BET representative Teaching Schools representative RSC Office representative Diocese of Bath & Wells Diocese of Clifton Headteachers of local Stand Alone Trusts (SATs) Bath Spa University University of Bath Bath College of FE</p>
Responsibility of members	<p>Members will be nominated by their group and will contribute on behalf of their group as system leaders.</p> <p>Members are expected to attend each meeting or to send a substitute. Notification of a substitute member must be made in writing or by email to the Administrator. Substitute members will have full voting rights when taking the place of the ordinary member for whom they are designated substitute.</p> <p>If a member fails to attend two consecutive meetings, the Chair will write to the relevant group to bring it to their attention. If the situation continues, the Chair will make every effort to resolve the situation.</p> <p>All members of the B&NES School Standards Board are responsible for ensuring effective two-way communication between the Board and the group they represent.</p>
Working arrangements	<ul style="list-style-type: none"> • The Board will meet three times a year. Additional meetings may be held by mutual agreement in order to discuss specific school related issues. • A schedule of meetings will be agreed in advance on a twelve-month cycle with standing agenda items. • The Board will agree the location of meetings and should be no more than two hours duration. • The draft agenda for a meeting will be circulated electronically two weeks in advance of the meeting, any major agenda items agenda should be sent to the chair at least three weeks in advance of the meeting. • Draft minutes will be circulated within two weeks of the meeting taking place, as well as agreed actions and timescales. • The Chair is responsible for ensuring that all participants have the opportunity to contribute to the meeting. • The Board may set up time limited sub-groups and/or focus working groups as required. • The Board is responsible for preparing an annual report to be shared with all schools.

Chairing arrangements:	<p>The Chair will be the Strategic Director of People and Communities or an independent Chair</p> <p>The vice-chair will be a school representative</p> <p>The Chair will:</p> <ul style="list-style-type: none"> • act as the spokesperson for the Board • preside over Board meetings • manage Board meetings effectively, adhering to agenda and time • develop partnership work through consensus management • secure agreement and clarity over actions • maintain regular contact with the Regional Schools Commissioner, the Sub-Regional Improvement Board and the Regional Director for Ofsted
Decision making	<ul style="list-style-type: none"> • Decisions will be reached by a consensus; however, voting may take place, in which case each representative will hold one vote. Any matter requiring a vote will be determined by a simple majority of those present and voting. • Quoracy rules should not be needed as members are expected to attend, but in the event of decisions needing to be taken, a meeting will be considered quorate if there are 60% of the members present.
Business Support	<p>Support will be provided by the Head of Education Transformation PA (in the first instance)</p>

Appendix 3: Academy Conversion List

School	FO	Type	Pupil No.	Definite conversion date	Original Conversion date (known or anticipated)	Other Information
Bathampton	CO	Primary	212	1		Diocese Hub possible
Batheaston	VC	Primary	211	1		Diocese Hub possible
Bathford	VC	Primary	187	1		Diocese Hub possible
Bathwick, St Mary's	VA	Primary	224	1		Diocese Hub possible
Bishop Sutton F1	CO	Primary	145	1		Chew Valley Hub Lighthouse Trust
Cameley	VC	Primary	96	1		Chew Valley Hub Lighthouse Trust
Camerton C1	VC	Primary	29			
Castle	CO	Primary	274			
Chew Magna	CO	Primary	108	1		Chew Valley Hub Lighthouse Trust
East Harptree	VC	Primary	88	1		Chew Valley Hub Lighthouse Trust
Freshford	VC	Primary	150	1		Diocese Hub possible
Newbridge Primary	CO	Primary	445			
Paulton Infts	CO	Infant	226			
Paulton Jnr	CO	Junior	268			
Pensford	CO	Primary	74	1		Chew Valley Hub Lighthouse Trust
Shoscombe C1	VA	Primary	106			
Roundhill Primary	CO	Primary	290			
St Andrew's, Bath	VA	Primary	186	1		Diocese Hub possible
St John's, Bath	VA	Primary	317			
St Julian's, Wellow C1	VC	Primary	101			
St Keyna	CO	Primary	213			
St Mary's, Bath	VA	Primary	199			
St Mary's, Timsbury	CO	Primary	166			
St Mary's, Writhlington	VC	Primary	121			
St Michaels CofE, Twerton	VC	Junior	164	1		Diocese Hub possible
St Nicholas Primary	VC	Primary	236			
St Saviour's CofE Infts	VC	Infant	198	1		Diocese Hub possible
St Saviour's Jnr	VC	Junior	235	1		Diocese Hub possible

St Stephen's, Bath	VA	Primary	410	1	FGB decision made	Diocese Hub possible
Stanton Drew F1	CO	Primary	55	1		Chew Valley Hub Lighthouse Trust
Swainswick	VC	Primary	68			
Twerton	CO	Infant	138	1		
Ubley	VC	Primary	80	1		Chew Valley Hub Lighthouse Trust
Westfield	CO	Primary	372			
Whitchurch	CO	Primary	202			
Chew Valley	CO	Foundation	930	1		Chew Valley Hub Lighthouse Trust
St Gregory's	VA	Catholic Coll	804			
St Marks	VA	Secondary	185	0	Now unclear	not certain
ACADEMIES			8513			
The Bath Studio School	AC	Studio	69	New1.9.14		Wellsway Multi Academy Trust
The Mendip Studio School	AC	Studio	82	New1.9.15		Dragonfly Education Trust
IKB (Isambard Kingdom Brunel)	AC	Studio	64	New1.9.15		Wellsway Multi Academy Trust
St Martins Gardens	CO	Academy	213	01/09/2016		Palladian Trust (Ralph Allen)
Oldfield Park INF	CO	Academy	176	01/11/2016		Palladian Trust (Ralph Allen)
Moorlands JNR	CO	Academy	241	01/03/2017		The Partnership Trust
Moorlands INF	CO	Academy	173	01/03/2017		The Partnership Trust
Oldfield Park JNR	CO	Academy	257	01/11/2016		Palladian Trust (Ralph Allen)
Widcombe INF	CO	Academy	178	01/08/2016		Palladian Trust (Ralph Allen)
Clutton	AC	Academy	121	01/03/2015		Midsomer Norton Schools Partnership
Chandag JNR	CO	Academy	268	01/07/2017		Wellsway Multi Academy Trust
Peasedown St John	CO	Academy	503	01/04/2016		Dragonfly Education Trust
Welton	CO	Academy	183	01/07/2016		Midsomer Norton Schools Partnership
Chandag INF	CO	Academy	179	01/07/2017		Wellsway Multi Academy Trust
Midsomer Norton	CO	Academy	305	01/09/2017		Midsomer Norton Partnership
Longvernal	CO	Academy	137	01/07/2016		Midsomer Norton Schools Partnership
St Philip's CofE, Bath	VC	Academy	278	01/11/2016		Palladian Trust (Ralph Allen)

Farrington Gurney	VC	Academy	91	01/04/2017	Midsomer Norton Schools Partnership
High Littleton	AC	Academy	156	01/08/2014	Midsomer Norton Schools Partnership
St John's, Keynsham	AC	Academy	238	01/09/2015	Wellsway Multi Academy Trust
Marksbury	VC	Academy	91	01/07/2017	The Partnership Trust
Saltford	VC	Academy	403	01/09/2016	Wellsway Multi Academy Trust
Weston All Saints	VC	Academy	589	01/04/2016	Comenius Trust
Combe Down	VC	Academy	408	01/07/2016	Palladian Trust (Ralph Allen)
Widcombe JNR	VA	Academy	232	01/11/2016	Palladian Trust (Ralph Allen)
Chew Stoke	AC	Academy	184	01/09/2012	
St John's, Mid. Norton	AC	Academy	414	01/12/2013	Anne Harris Academy
Trinity	AC	Academy	173	01/06/2011	Midsomer Norton Schools Partnership
Farmborough	VC	Academy	118	01/11/2017	The Partnership Trust
Bath Community Academy	AC	Academy	250	01/09/2012	Cabot Learning Foundation
Broadlands	AC	Academy	437	01/12/2012	Academies Enterprise Trust
Hayesfield	FO	Academy	930	01/08/2011	
Norton Hill	AC	Academy	1301	01/10/2010	Midsomer Norton Schools Partnership
Ralph Allen	AC	Academy	927	01/08/2012	Palladian Trust
Somervale	AC	Academy	410	01/10/2010	Midsomer Norton Schools Partnership
Writhlington	AC	Academy	1155	01/10/2011	Dragonfly Education Trust
Wellsway	AC	Academy	1089	01/10/2011	Wellsway Multi Academy Trust
Beechen Cliff	AC	Academy	906	01/04/2011	
Oldfield	AC	Academy	1002	01/02/2011	
Aspire Academy (The Link)	AC	Academy	23	01/04/2014	Wellsway Multi Academy Trust
Fosseway	AC	Academy	203	01/09/2011	The Partnership Trust
Threeways	AC	Academy	205	01/09/2013	
			15362		