

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Children & Young People Policy Development & Scrutiny Panel	
MEETING/ DECISION DATE:	10 July 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Review of Council Policy on Academies and Free Schools	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1: Draft Council Academies Policy Appendix 2: Terms of Reference for The B&NES School Standards Board Appendix 3: Planned projections for academy conversions September 2018 – January 2019.		

1 THE ISSUE

- 1.1 The school landscape in Bath and North East Somerset is changing rapidly. From the 1 September 2018, 70% of schools will be academies and 79% of children and young people will be taught in academy schools. The current Council policy on Academies and Free Schools, established in 2014, no longer reflects the current school landscape. With a further 10 primary schools expressing a desire to join a Multi Academy Trust (MAT) as soon as it is possible, it is vital that the current policy is reviewed to reflect a new relationship with local schools in the future while making sure the Council meets its statutory duties as set out in education legislation.

2 RECOMMENDATION

- 2.1 Proposal 1: A new Academy Policy is established that encourages the remaining maintained schools to join a local Multi Academy Trust of their choice. The policy sets out how the local authority will support schools through the transition period: how it will meet its statutory responsibilities of promoting education excellence

for children and young people and championing the interest of parents and children who most need support.

- 2.2 Proposal 2: There are no changes to the current Policy for Academy and Free Schools. The local authority maintains a neutral position as the strategic commissioner of education services and champion of all children and young people including the most vulnerable.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 None

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Local Authority meets its statutory responsibilities for education as outlined in the 2011 Education Act that significantly changed the role of the local authority for schools with a focus on championing the interest of parents and children who most need support.

5 THE REPORT

- 5.1 In 2011 the Council adopted a Policy Statement on Academy and Free Schools in response to The Academies Act 2010. The Act made it possible for a wider range of schools to become academies, while previous education legislation promoted the academy 'route' as a strategy to address long standing underperforming secondary schools and those in an Ofsted category. The Act also promoted the creation of Free Schools where there was demand to improve parental choice and quality, and deemed Free Schools to operate in the same way as academies.
- 5.2 Since this Policy statement was adopted in 2011, further legislation by the DfE has eroded the local authority's statutory duties and responsibilities for local schools and reduced resources to local government for school support; encouraged the growth in MATs; strengthened the powers of the Secretary of State for Education and the powers of the Regional Schools Commissioner.
- 5.3 The Education Act 2011 also amended and repealed several pieces of earlier education legislation and policy, significantly changing the role of local authorities for schools with a focus on "championing the interest of parents and children who most need support". It defined the local authority's statutory duties for place planning, admissions, alternative provision, excluded pupils and pupils not in school, the supply of teachers with QTS and school governance. This wider ranging and complex piece of education legislation established Regional Schools Commissioners (RSC); 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.

- 5.4 Further education legislation in 2016 (Education and Adoption Act) gave the Secretary of State new intervention powers over underperforming and coasting maintained schools that previously rested with the local authority. While the local authority's powers of intervention were not removed entirely, the Secretary of State, through the RSC, was given overriding powers on local decisions regarding underperforming schools. Grant funding to support interventions in underperforming schools, introduced in 2013, was subsequently reduced significantly and in 2016 was removed entirely with considerable impact on local government.
- 5.5 The Council policy of 2011 took a neutral position with regard to academies and free schools stating *"the local authority will work in collaboration with all schools to enable them to move into their new roles so that our children and young people are well served"*. The policy outlined a new strategic role for the local authority as a strategic commissioner of education services to schools rather than a service provider; it encouraged collaborative working and a commitment to work in partnerships with all schools to secure the highest standards possible for children and young people including the most vulnerable and those at risk of underachieving. This new local authority role was consistent with the spirit and legal requirements of the legislation for increasing diversification and autonomy within the school system and enabled the local authority to deliver its statutory responsibilities effectively. The policy has served its purpose despite considerable legislative changes in the local authority's responsibilities for schools. It has enabled the local authority to maintain positive and effective relationships with all local schools and ensured high standards and a good range of education provision for local children and young people.
- 5.6 The vast majority of local schools have joined a MAT and several governing bodies have informed the LA and the Regional Schools Commissioner (RSC) of their intention to join a MAT as soon as it is practicably possible. There are currently 24 primary and 2 secondary maintained schools. 3 primary schools will join the Midsomer Norton Partnership and one primary will join The Partnership Trust on the 1 September 2018. On the 1 December 4 primary schools will join The Lighthouse Trust. The governing body of 6 primary schools have informed the LA and the RSC of their decision to join a MAT as soon as it is possible. This leaves 8 primary schools and 1 secondary school that have not yet made a decision to join a MAT. The 3 Catholic schools are not allowed to join a mix MAT. This is set out in Appendix 3.
- 5.7 The vast majority 70% of schools are already academies, 79% of children and young people are taught in Academies and a significant proportion of the remaining maintained schools intend to join a MAT in the future. It will become increasingly difficult for the local authority to provide or commission the level, quality and range of school support that could be provided within a MAT. It is no longer financially viable to sustain an affordable service to the remaining schools with the loss of Government Grants and staff reductions. It is therefore necessary that the current Academy and Free Schools policy is updated to reflect the rapidly changing school landscape. The policy should set out clearly how the local authority will work with local MATs, SATs and the RSC to ensure a timely and smooth transition of the remaining schools to a local MAT of their choice, promote education excellence for all children and young people, particularly the most vulnerable.

6 RATIONALE

- 6.1 The local authority's strategic role established in 2011 as a commissioner of education services to schools has diminished over time with over 80% of local schools converting to academies and the growth of MATs and SATs. Services previously commissioned or provided directly to schools are increasingly provided by MATs or local Teaching Schools. Significant changes in education legislation deemed the current policy statement on academies and free schools no longer fit for purpose. It is therefore necessary to develop a new Council policy statement that reflects these changes, establishing a new working relationship with local schools and ensuring the local authority continues to meet its statutory duties.
- 6.2 In recent months the local authority has reduced education-related services to schools as a direct result of the increasing academisation. This includes Pay Roll and HR, IT, Cleaning and Catering, school financial support and parent support advisers. As part of the Council wide Organisational Restructure the School Improvement team has been reduced considerably and further reductions are anticipated as more schools convert in September and December 2018. The local authority is no longer able to provide a viable, high quality and affordable range of services to schools. The MATs and Teaching Schools are increasingly better placed to commission and provide wrap around support for schools as they grow and develop their school improvement capacity and infrastructure.
- 6.3 Officers have worked with CEOs of local MATs and Executive headteachers of SATs, the Diocese of Bath and Wells, the Diocese of Clifton and the RSC to set up a local School Standards Board (SSB). The SSB aims to provide an effective vehicle for determining the overall school improvement strategy; promote partnership working across MATs; promote education excellence for all children and young people; prevent school isolation and fragmentation; ensure accountability and dissemination of best practice; agree local priorities and work in close collaboration to address concerns. The local authority is a key partner as reflected in the agreement by all partners that the SSG is chaired by Mike Bowden, Corporate Director.
- 6.4 It is essential that the Council adopts a new policy statement with regard to Academies and Free schools that reflects the changing school landscape. The Policy statement should address the following: define the local authority's future responsibilities in line with its Operational Plan; provide a timeline to scale back its education functions progressively; clarify its new strategic role as champion and advocate for the children and families of B&NES, particularly the most vulnerable and hold the system to account for education excellence. Through working in partnership with the Schools Standards Board it is possible retain the family of schools with a shared moral purpose and responsibility for all the children and young people of B&NES. In a climate of budget reductions and greater efficiencies it is neither financially viable, affordable or in the best interest of the remaining maintained schools to provide an ad hoc service that is unsustainable.
- 6.5 Given the above analysis of the impact education legislation and the direction of travel for local schools, the policy statement requires a robust response. This should be to work with the South West Regional Schools Commissioner to produce a clear strategy and plan to support a timely transition of the remaining maintained schools to join a MAT. In doing this, careful consideration should be

given to listening to the wishes of the governing bodies; making sure the MATs can demonstrate a commitment to inclusion; having a robust Improvement Strategy and track record of raising standards; strong and effective leadership capacity to provide high quality wrap around support and demonstrate how schools will benefit from working collaboratively to provide high quality education standards for all children and young people.

- 6.6 The pattern of schools joining MATs in B&NES continues at a pace despite clear messages from the RSC that the Department for Education (DfE) supports a 'dual system' (mix of LA controlled and academy school) and diversity in education provision going forward and reassurance that good and outstanding school will not be forced to join a MAT. It has become increasingly difficult for officers and advisers to plan provision with schools changing their status throughout the year making it more challenging to sustain our strategic role as a commissioner of high quality education services to schools with decreasing capacity to intervene in schools at risk of failure. Once a school is placed in an Ofsted category, there is an automatic decision by the DfE to issue an Academy Order requiring the school to join a MAT. It is also a concern that a small number of schools resisting joining a MAT are vulnerable and at risk when next inspected by Ofsted.
- 6.7 The local authority maintains a strong and highly effective working relationship with all its schools. Termly meetings with headteachers and chairs of governors together and separately, regular meetings with Secondary headteachers and until recently the primary Education Excellence Strategic Forum ensured there were sufficient opportunities to share concerns and find joint solutions. Two examples of this partnership are reflected in the support of the Bath secondary headteachers to ensure all Y6 children were allocated a local Bath secondary schools on national offers day and the agreement from all academy schools to share their unvalidated data with the local authority so that priorities are identified early and support commissioned as quickly as possible.

7 OTHER OPTIONS CONSIDERED

- 7.1 The Council does not change its current Academies and Free Schools Policy and maintains its neutral position with regard to schools converting to academies in the ad hoc way in which this has occurred over the last two years.

8 CONSULTATION

- 8.1 SMT 23 April 2018; Informal Cabinet on the 30 April; Strategic Director's meeting with headteachers and chairs of governors 28 June 2018.

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>Margaret Simmons-Bird Director of Education Transformation</i>
Background papers	<i>Appendix 1: Draft Policy on Academies</i> <i>Appendix 2: Terms of Reference for the B&NES Schools Standards Board</i> <i>Appendix: Planned projections for academy conversions September 2018 – January 2019</i>
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