

Overview and Scrutiny Report to Cabinet

Title:	Learning New Ways: Academies and the local authority in Buckinghamshire
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Local members affected:	All
Portfolio areas affected:	Education and Skills

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Summary

The Academies Act 2010 gave schools the choice and power to become effectively independent of local authorities by converting to academies. Although schools have become gradually independent of local authorities over recent years, the passing of the Act did fundamentally change the established relationship between schools and local authorities. The simplicities of the past have gone; local authorities are now in a more complex and collaborative educational environment.

This report presents the findings of a scrutiny review of working relationships between secondary academies and the local authority since the passing of the Academies Act 2010. In particular, we were keen to examine joint working around supporting vulnerable children, standards, and provision of places. In addition, we looked at potential roles around local involvement and accountability, including new roles for local councillors in working with schools. This review has been unlike many scrutiny reviews in that it set out to examine services no longer under control of the council. The fact that so many of our discussions were positive and constructive is testament to the collaborative working in this area in Bucks.



INVESTOR IN PEOPLE



Due to the breadth of the topic, we excluded a number of areas from our scope, but did choose to focus some attention on future developments to the education sector in Bucks, including Free Schools and supporting primary schools. In gathering evidence, we met with Heads, Council officers, and elected members and were pleased to receive public submissions on admissions policies and working with primary schools. An initial literature review of national reports helped inform many of our enquiries.

Although we did encounter valid concerns, we did not find many examples of criticisms popularly proposed about academies, for example 'now they're independent, just let them get on with it' or 'independence results in isolation'. Such views either miss the purpose of the academies legislation, or would miss opportunities presented by collaboration between academies and the local authority. Our findings show that there is a broad and strong commitment in Buckinghamshire to exploring collaborative working between schools, and between the local authority and schools, and to work through any challenges.

Key amongst our findings is a need for the local authority to begin to define its new strategic role in relation to education - built around collaboration and projects such as the creation of the Bucks Learning Trust - after two years of productive explorative working with schools. In addition, we found that elected members have a strong role as a link between schools, the council and other organisations, and as supporters and 'critical friends' of schools, and that work should be done to define and support this new role for members.

In developing the relationships required by effective joint working, we recommend that work be undertaken to help induct new heads and governors into the Bucks family of schools, and that options be explored for meetings between Heads, governors and councillors. In particular, we recommend that work is done to share best practice around school-to-school development, for example peer reviews, and school clusters. We recommend that the County Council explore options for Overview and Scrutiny to support such work. We also recommend that mechanisms are explored to bring together schools, District and County Councils, and developers in discussing and influencing impacts of new housing developments on schools and school services. Finally, as this remains a relatively new area of public policy, we suggest that Overview and Scrutiny return to the topic after 18 months to 2 years to examine progress of collaborative working.

Recommendations

Cabinet is invited to consider the following recommendations:

- 1. That the local authority clearly defines its new, but still strongly strategic, role in relation to education and that it develops an implementation plan for communicating and delivering this role.**
- 2. As future working relationships between schools and the local authority are in part dependent on the commercial robustness of the proposed Bucks Learning Trust, that the Cabinet Member for Education and Skills provides Overview and Scrutiny with an update on the early operation of the Trust in Spring/Summer 2014, including information on commercial operation, mitigation of identified risks, supporting collaborative working with primary schools, and Councillor membership of the Trust.**
- 3. That options are explored for supporting and inducting on appointment new Heads and governors into the Bucks family of schools, school clusters and the Bucks Learning Trust. In addition, the possibility of an annual meeting of Bucks Heads, governors and councillors should be considered for sharing matters of common interest and importance in education.**

4. That the Cabinet Member for Education and Skills provides Overview and Scrutiny with interim updates on the progress of the incoming Fair Access Boards at timely points over 2013 to understand progress and to promote to councillors the work of the Boards in supporting vulnerable children.
5. That, building on the formation of the Bucks Learning Trust, work is done to facilitate the sharing of best practice on school-to-school support, for example around continuing to drive up standards. This could include options for peer reviews, establishing linkages between governing bodies, and schools working in improvement clusters. The County Council should consider how its scrutiny function could support such work.
6. That mechanisms are explored around bringing together schools, developers, and district and county councils in the local planning process to discuss and influence potential impacts of any new housing developments on local schools and BCC service planning, and to involve these parties at a much earlier stage in discussions on use of Section 106 monies and the Community Infrastructure Levy.
7. That a link to *Parent View* (an online parent comment website provided by Ofsted) is included on the BCC 'Academies schools information for parents' webpage alongside existing links to Department of Education guidance on academies.
8. That, as part of the Member Induction Programme following the 2013 County Council elections, guidance is provided on why it is important for councillors to get to know their local schools and that options for a 'protocol' around school and councillor working relationships are explored. Guidance should outline the new role for councillors in the changed educational sector, advise councillors on how to get to know Heads and schools, working with parents, helping to give schools a strong local voice.

Your questions and views

If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.

If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Democratic Services Team by 5.00pm on [Date]. This can be done by telephone (to 01296 383627 or 383610), Fax (to 01296 382538), or e-mail to cabinet@buckscc.gov.uk

Learning New Ways
Academies and the local authority in Buckinghamshire
Report of the Scrutiny Review Group

Chairman: Avril Davies
December 2012

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Executive Summary

The Academies Act 2010 gave schools the choice and power to become effectively independent of local authorities by converting to academies. Although schools have become gradually independent of local authorities over recent years, the passing of the Act did fundamentally change the established relationship between schools and local authorities. The simplicities of the past have gone; local authorities are now in a more complex and collaborative educational environment.

This report presents the findings of a scrutiny review of working relationships between secondary academies and the local authority since the passing of the Academies Act 2010. In particular, we were keen to examine joint working around supporting vulnerable children, standards, and provision of places. In addition, we looked at potential roles around local involvement and accountability, including new roles for local councillors in working with schools. This review has been unlike many scrutiny reviews in that it set out to examine services no longer under control of the council. The fact that so many of our discussions were positive and constructive is testament to the collaborative working in this area in Bucks.

Due to the breadth of the topic, we excluded a number of areas from our scope, but did choose to focus some attention on future developments to the education sector in Bucks, including Free Schools and supporting primary schools. In gathering evidence, we met with Heads, Council officers, and elected members and were pleased to receive public submissions on admissions policies and working with primary schools. An initial literature review of national reports helped inform many of our enquiries.

Although we did encounter valid concerns, we did not find many examples of criticisms popularly proposed about academies, for example 'now they're independent, just let them get on with it' or 'independence results in isolation'. Such views either miss the purpose of the academies legislation, or would miss opportunities presented by collaboration between academies and the local authority. Our findings show that there is a broad and strong commitment in Buckinghamshire to exploring collaborative working between schools, and between the local authority and schools, and to work through any challenges.

Key amongst our findings is a need for the local authority to begin to define its new strategic role in relation to education - built around collaboration and projects such as the creation of the Bucks Learning Trust - after two years of productive explorative working with schools. In addition, we found that elected members have a strong role as a link between schools, the council and other organisations, and as supporters and 'critical friends' of schools, and that work should be done to define and support this new role for members.

In developing the relationships required by effective joint working, we recommend that work be undertaken to help induct new heads and governors into the Bucks family of schools, and that options be explored for meetings between Heads, governors and councillors. In particular, we recommend that work is done to share best practice around school-to-school development, for example peer reviews, and school clusters. We recommend that the County Council explore options for Overview and Scrutiny to support such work. We also recommend that mechanisms are explored to bring together schools, District and County Councils, and developers in discussing and influencing impacts of new housing developments on schools and school services. Finally, as this remains a relatively new area of public policy, we suggest that Overview and Scrutiny return to the topic after 18 months to 2 years to examine progress of collaborative working.

Recommendations

As a result of research and evidence gathered, we proposed the following recommendations:

1. That the local authority clearly defines its new, but still strongly strategic, role in relation to education and that it develops an implementation plan for communicating and delivering this role. (Paragraph 20)
2. As future working relationships between schools and the local authority are in part dependent on the commercial robustness of the proposed Bucks Learning Trust, that the Cabinet Member for Education and Skills provides Overview and Scrutiny with an update on the early operation of the Trust in Spring/Summer 2014, including information on commercial operation, mitigation of identified risks, supporting collaborative working with primary schools, and Councillor membership of the Trust. (Paragraphs 21-23)
3. That options are explored for supporting and inducting on appointment new Heads and governors into the Bucks family of schools, school clusters and the Bucks Learning Trust. In addition, the possibility of an annual meeting of Bucks Heads, governors and councillors should be considered for sharing matters of common interest and importance in education. (Paragraphs 24-26)
4. That the Cabinet Member for Education and Skills provides Overview and Scrutiny with interim updates on the progress of the incoming Fair Access Boards at timely points over 2013 to understand progress and to promote to councillors the work of the Boards in supporting vulnerable children. (Paragraphs 29-31)
5. That, building on the formation of the Bucks Learning Trust, work is done to facilitate the sharing of best practice on school-to-school support, for example around continuing to drive up standards. This could include options for peer reviews, establishing linkages between governing bodies, and schools working in improvement clusters. The County Council should consider how its scrutiny function could support such work. (Paragraphs 34-36)
6. That mechanisms are explored around bringing together schools, developers, and district and county councils in the local planning process to discuss and influence potential impacts of any new housing developments on local schools and BCC service planning, and to involve these parties at a much earlier stage in discussions on use of Section 106 monies and the Community Infrastructure Levy. (Paragraphs 39)
7. That a link to *Parent View* (an online parent comment website provided by Ofsted) is included on the BCC 'Academies schools information for parents' webpage alongside existing links to Department of Education guidance on academies. (Paragraphs 47-48)
8. That, as part of the Member Induction Programme following the 2013 County Council elections, guidance is provided on why it is important for councillors to get to know their local schools and that options for a 'protocol' around school and councillor working relationships are explored. Guidance should outline the new role for councillors in the changed educational sector, advise councillors on how to get to know Heads and schools, working with parents, helping to give schools a strong local voice (Paragraphs 49-52)

1. INTRODUCTION

*'continuing to balance the demands of being a maintaining authority [...] with the development of a different type of role as a facilitator and enabler within a more diverse and developed school system'*¹ – ISOS Partnership, for the DfE Ministerial Advisory Group

*'if Councils are to be credible relationship champions they will need to strengthen their reputation locally as a [...] trusted partner'*² – Society of Local Authority Chief Executives

1. The Academies Act 2010 gave schools the choice and power to become effectively independent of local authorities by converting to become academies. The above quotes, both from national reports on local authority roles in relation to education, highlight some of the challenges faced by local councils following the Act. The first quote highlights the challenge faced by local authorities in balancing being the provider to maintained schools, with also being a partner in a new more autonomous sector of academies. The second quote indicates a key strategic role of local authorities going forward as champions of relationships, building collaboration between the local authority and schools.
2. The new increased level of independence that schools, as new converter academies, would gain from local authorities was perhaps overstated by the coalition government as schools have had increasing autonomy away from local authorities over past decades. However, the Act did represent a significant moment in the balance of power between schools and local authorities and set in motion a range of discussions around options for new working relationships and arrangements.
3. It was in this context that the Buckinghamshire County Council (BCC) Overview and Scrutiny Commissioning Committee (OSCC), commissioned a review group to explore relationships between Buckinghamshire academies and the county council. The review group were tasked with providing an overview of how working arrangements between Academies and the local authority have developed since the Act, in particular around supporting vulnerable children, standards, and provision of places, and potential roles around local involvement and accountability, including new roles for local Councillors in working with and building relationships with schools.
4. There are currently over thirty academies in Buckinghamshire, the majority being secondary schools. This being so, the focus of the review has been on arrangements and relationships between secondary schools and the local authority. However, the review did consider any effects on primary schools, and the eventuality of increasing number of primary academies, as well as the potential impact of other educational developments in the county such as Free Schools. This review has been unlike many other scrutiny reviews in that has not examined a service within direct control of the local authority but instead has focused on working relationships and arrangements in an area still very much in early stages of development.

Review methodology

5. Evidence gathering took place between September and November 2012. The following councillors were appointed to the review group: Avril Davies (Chairman), Margaret Aston, and Lesley Clarke. The review was supported by Clive Parker from Democratic Services, Ben Cahill from the Scrutiny Team, and was advised by Sarah Holding the BCC School Relationship Manager.

¹ *Action research into the evolving role of the local authority in education*, ISOS Partnership, p.4

² *Filling the gap: The championing role of English Councils in education*, Society of Local Authority Chief Executives, p.11

6. The review was carried out using the following methods:
 - An literature review around options for academy and local authority working
 - Initial planning meetings to define scope and lines of enquiry
 - Meetings with Academy Heads and BCC officers
 - Focus groups with Councillors and meetings with Local Area Forum Chairman to discuss the impact of the Academies Act 2010 on the role of members
 - Discussions with the Cabinet Member for Education and Skills
 - Submissions to the Buckinghamshire Association of Secondary Heads (BASH)
 - A public meeting to receive public and written submissions, collate evidence and define recommendation areas
7. In the progress of the review, we made contact with, and were contacted by, a number of local authority scrutiny teams with similar interests around academies and local authorities. We would like to thank the scrutiny teams who sent us their findings and/or final reports. To continue this dialogue, this report will be made available on the Centre for Public Scrutiny website.

Background to Academies and the Academies Act 2010

8. Academies were first introduced in 2000 as a way to address underperforming schools with the intention that greater school management independence would allow schools, particularly their Heads, to accelerate improvement activities and raise standards. When the coalition government took power in 2010, it rapidly progressed its evolution of the academy programme, passing the Academies Act 2010 in July 2010. The Act allowed all eligible schools (no longer struggling schools) to choose whether or not to convert to become academies (converter academies). Schools that had been rated as outstanding by Ofsted at their last inspection were automatically eligible for academy status. The Act also extended the academy programme to cover primary and special schools.
9. Schools that convert to academy status (meaning that the former school ceased to legally exist and a new school was legally created) are given greater independence, for example freedoms to set their own admissions policies, determine their governing bodies, and their own performance monitoring standards. As academies, schools receive comparable funding to maintained schools but would operate effectively as publicly funded independent schools. In addition this funding, academies receive their 'proportion' of the funding that previously went to the local authority to provide services with the intention that academies now have the freedom to buy such services previously provided by the local authority.
10. The Education Act 2011 added further options for academies, most of which were originally proposed in the 2010 government white paper *The Importance of Teaching* including: removing the duty on local authorities to appoint School Improvement Partners for every school; extending the Secretary of State's powers to intervene in underperforming schools; removing the requirement for academies to have a specialism (a major component of the academies programme under the Labour government); a requirement that local authorities seeking to establish a new school should first invite proposals for an academy; and a requirement that maintained schools converting to academy status to undertake a consultation process.

Informative literature

11. In undertaking a literature summary for the review, it became clear that there were many reports and 'thinkpieces' on the subject of working relationships between local authorities and converter academies. As a review group, we were keen to gain an

overview of this literature both to gain knowledge of current thinking relating to this developing area of public policy and to inform potential areas for enquiry.

12. Much of the literature around working relationships between academies and local authorities, whether focused on collaboration, services, accountability, or standards, referenced a role for local authorities going forward as 'champions of children and parents'. This role stems from the aforementioned government 2010 white paper *The Importance of Teaching*:

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

13. This champion role was not specifically carried into the Education Act 2011 suggesting that, to an extent, a number of the proposed roles for local authorities based on this championing role are aspirational. As a review group we were interested to explore options for how the local authority could play a role as champion for children and parents, in particular using democratic mandates to engage and challenge local schools.
14. In addition to *The Importance of Teaching* government white paper, three reports were particularly informed our enquiries. Highlights from these reports are used across our report, but we include a short summary of each below.
15. *Filling the gap: The championing role of English Councils in education* was produced by the Society of Local Authority Chief Executives (SOLACE) in April 2012. The scope of the report is broad but, in short, proposes that, because of their democratic mandate and community leaderships roles, councils and councillors have key roles as champions of local relationships and solutions in an increasingly autonomous school system. The report stresses that in such an autonomous school system 'relationships are king'.
16. *Towards a self-improving system: the role of school accountability* by Christine Gilbert (a former Head of Ofsted, for the National College of School Leadership) is a 'thinkpiece' that sets out to define the benefits of accountability in an autonomous school system, and proposes the importance of school-led accountability (for example peer reviews), and the importance of trusts and governors. The report proposes that rather than being accountable formally to one organisation, for example a local authority, schools are accountable to pupils, parents, colleagues, employers, and the market. The report proposes that 'the role of local authorities in this increasingly autonomous landscape is unclear' but that school-led accountability is key to improving standards and building networks of schools.
17. *Action research into the evolving role of the local authority in education* by ISOS Partnership was commissioned by the DfE and LGA to provide evidence to the Ministerial Advisory Group on the role of local authorities in education. A steering group oversaw the project including representatives from local government, academies, the National College for School Leadership, the DfE and the DCLG. The focus of the report is on how local authorities are adapting to their new role in a more autonomous school education system, in particular in three areas: 1) supply of school places, 2) tackling underperformance and ensuring high standards, and 3) supporting vulnerable children. More widely, the report highlights that local authorities should identify where they can add most value in the new education landscape; treat schools as partners and leaders; and focus on co-creating a local education culture based on a clear moral purpose.

2. WORKING TOGETHER

18. Over the course of the review, we had a number of meetings with academy heads, relevant BCC officers, the Cabinet Member for Education and Skills, and BCC elected members. As outlined above, we were keen to explore arrangements around support for vulnerable children, standards, and place planning.
19. From discussions with BCC officers and members, and Heads, it is clear that over the last 18 months there have been a number of positive developments around working relationships between schools and Academies, including a data sharing agreement, an Additional Resourced Provision (ARP) Specification³, and a memo of understanding for fair access and around the establishment of Fair Access Boards. These working arrangements have been developed between the local authority and the Buckinghamshire Association of Secondary Heads (BASH).
20. Going forward, it is evident from our meetings with BCC officers and Heads that there is a collective 'feeling the way' approach to joint working, and a positive desire to develop collaboration wherever possible. We were encouraged to learn of this commitment to collaboration and appreciate the need to date for explorative working. However, informed by our findings, we are of the opinion that BCC should now begin to clearly define its new smaller, but still strongly strategic, role in relation to education, including more clearly defined roles for councillors in working with schools. This in mind, we recommend that - following two years of productive explorative joint working following the passing of the Academies Act 2010 – BCC begins to define its new role in relation to education and develop an implementation plan for delivering this role.

Recommendation 1 – That the local authority clearly defines its new, but still strongly strategic, role in relation to education and that it develops an implementation plan for communicating and delivering this role.

Bucks Learning Trust

21. Although not within the original remit of our scope, we decided to focus some attention on the development of the Bucks Learning Trust as it will have a significant impact on future working between schools and the local authority. In short, the Bucks Learning Trust (BLT), once agreed and operational, will see a number of services previously provided directly by BCC to schools transferred into an arms-length trust model to operate in the wider market of services for schools, and is a direct response to the changes to provision of services resulting from the changed educational sector. The key driver of the Trust is to make transferred services sustainable and competitive and to keep, develop and share expertise on these services around the Bucks family of schools. If agreed, the BLT would open as a charity from April 2013 with the intention of being operational by September 2013.
22. The Overview and Scrutiny Commissioning Committee (OSCC) received an update on the development of the BLT on 23rd October 2012⁴. Discussions at this meeting highlighted that the Trust has been developed jointly by schools and the local authority and that schools will be the majority 'owner' of the Trust. The Heads that have been involved in setting up the Trust informed the OSCC that the BLT will play a key role in bringing all schools together and in giving a greater voice for primary schools. Officers

³ Additional Resourced Provision Specifications (ARPs) essentially mean that pre-2010 ARP arrangements are being continued and that notice must be given if an academy decides to close an ARP. ARPs allow for extra support for children that require significant support, for example around speech and language, hearing and visual impairments and behavioural needs.

⁴ Minutes of Overview and Scrutiny Commissioning Committee, 23rd October 2012

at the meeting informed the OSCC that the new collaborative approach of the BLT would see staff based in schools (rather than council offices) and that specialist individuals would be recruited to lead the BLT, in particular in finance and commercial roles. We believe this latter point to be vital as the Trust will operate in a market increasingly comprised of organisations seeking to develop business with schools.

23. The Heads we spoke to as part of our evidence gathering were supportive of the Trust but stressed that in order for it to be successful it would need to develop a collaborative and inclusive approach and be led by a dynamic, committed and enabling team⁵. We support this assessment and recommend that as future working relationships between schools and the local authority are in part dependent on the commercial robustness of the BLT that updates are provided on financial issues, risks, and school and councillor involvement at timely points in the early stages of the Trust's operation. We were pleased to hear of a specific reference to the Trust working with primary schools and recommend that attention is focused on supporting primary school collaboration within the Bucks family of schools.

Recommendation 2 – As future working relationships between schools and the local authority are in part dependent on the commercial robustness of the proposed Bucks Learning Trust, that the Cabinet Member for Education and Skills provides Overview and Scrutiny with an update on the early operation of the Trust in Spring/Summer 2014, including information on commercial operation, mitigation of identified risks, supporting collaborative working with primary schools, and Councillor membership of the Trust.

Working with Head Teachers

24. As part of our evidence gathering, we submitted a discussion paper on the aims of the review to the Buckinghamshire Association of Secondary Heads (BASH). BASH brings together all the secondary heads in Buckinghamshire and meets at least four times a year to discuss matters of shared importance. In response to our discussion paper, we received a number of comments from Heads on the changed role for local authorities and working relationships between Academies and local authorities leading to a number of meetings with Heads in September and November 2012.
25. From these meetings with Heads⁶, an encouraging picture emerged around current and future working between academies and the local authority, in particular that there are a number of very positive joint working arrangements (as referenced above) and that these will be continued to be developed. However, Heads were very clear that converting to academy status had changed the dynamic between local authorities and schools, and that this changed dynamic perhaps required a more difficult period of adjustment for local authorities than Academies. Heads were clear that with greater freedom came greater responsibility but that in terms of day to day school management, very little for schools had changed significantly.
26. Following questions on getting to know and working with the local authority, the Heads we spoke to informed us that an induction process for new Heads and governors would be welcomed to support working with nearby schools, the local authority, local councillors and the wider Bucks family of schools. We were informed that such inductions used to be offered by the local authority but had not taken place in recent years. Heads informed us that they were mostly unaware of their local elected representative, but expressed a keenness to have closer working relationship with their local councillor(s) and recommended that councillors were more proactive in getting to know local schools in their electoral division. We are aware that schools have an annual

⁵ 8th November 2012 meeting with Heads

⁶ 11th September 2012 and 8th November 2012 meeting with Heads

conference, but recommend that possibilities for an annual meeting of Heads, governors (perhaps through the Bucks Association of School Governors) and councillors be considered in order to share matters of common interest.

Recommendation 3 - That options are explored for supporting and inducting on appointment new Heads and governors into the Bucks family of schools, school clusters and the Bucks Learning Trust. In addition, the possibility of an annual meeting of Bucks Heads, governors and councillors should be considered for sharing matters of common interest and importance in education.

Fair access, safeguarding and vulnerable children

27. As a review group were very keen to get an overview of the local authority's continuing powers around admissions and provision for vulnerable children, and to learn of collaboration with academies and schools in these areas. From BCC officers, we learnt that BCC still has a power to direct around provision for vulnerable children (a category that includes, for example, looked after children and permanently excluded children)⁷ although this is used as a last resort after other strategies have failed.
28. With regard to Safeguarding, we learnt from BCC officers that all schools have a duty to promote the welfare of their pupils and have a duty to cooperate with public bodies, for example local authorities and the police, around any arising issues in meeting this duty. Our meetings with Heads⁸ informed us that schools hold the BCC Safeguarding team in high regard and would not want see if altered as a result of changes in the new autonomous school system. Schools also informed us that they have a choice around providing and paying for counselling and health services and that there have been recent developments between individual schools and local health providers, for example the arrangement of a protocol with local GPs around teenage pregnancy. We were very encouraged to learn of such developments and feel that the local authority could help with the arrangement of future joint working, for example supporting schools to engage with the forthcoming Health and Wellbeing Board.
29. In terms of current joint working between academies and the local authority, we learnt that BCC has been working with BASH to develop Fair Access Boards in the county. We are grateful to BCC officers for sharing with us the Fair Access Statement of Intent which has been signed by all secondary schools (both academy and non-academy schools). The statement is a good example of the positive joint working that has developed between the local authority and schools.
30. The Boards are built around principles of collaboration, accountability and communication, and demonstrate a collective responsibility for the education of Buckinghamshire children, and are recognition of the time critical nature of fair access. Specifically, the statement requires: compliance with the Admissions Code or, for special schools, the SEN Entry or Exit Criteria; abiding by aims of the Fair Access Protocol including acknowledging the imperative that vulnerable young people not on the roll of any schools must be dealt with quickly and sympathetically; promoting the

⁷ Vulnerable include looked-after children, permanently excluded children, children who require reintegration into mainstream school, children with no school place and children faced with barriers to education (for example; - children in the PRU, children who have been absent from school for two months or more; children who have been out of school for medical reasons; children from unsupportive family backgrounds for whom a place has not been sought; refugees and asylum seekers; homeless and refuge accommodated children; children who have moved into area after the normal admissions round who have been unable to secure a place through the usual in-year admission process; children with special educational needs but no statement, children with disabilities, young carers, children who have committed offences, children of traveller and Roma families). In addition, within Buckinghamshire, this also includes children currently serving in the forces and children of crown servants.

⁸ 8th November 2012 meetings with Heads

transition, integration and inclusion of young people within the local school community; ensuring that all schools and academies take a shared responsibility for admission of pupils with challenging educational needs; and making decisions in a fair and transparent way that has the confidence of all schools and academies.

31. We were informed by BCC officers that, once implemented from January 2013, there will be two Fair Access Boards in the county (north and south) and that they will be owned by the schools involved. The Boards will be populated by Heads and will be chaired by Heads of Pupil Referral Units (PRUs). Given that the Boards will support the most vulnerable children in the county, and that the success of the Boards relies on continuing close working between schools and between local authority and schools, we recommend that Overview and Scrutiny receive interim progress updates on the work of Fair Access Boards over 2013.

Recommendation 4 - That the Cabinet Member for Education and Skills provides Overview and Scrutiny with interim updates on the progress of the incoming Fair Access Boards at timely points over 2013 to understand progress and to promote to councillors the work of the Boards in supporting vulnerable children.

Standards and inspections

32. The review group we were keen to gain an overview of the changed role for the local authority around school standards and arrangements for inspections. From meetings with BCC officers, we were told that educational independence represented perhaps the most attractive area of autonomy for schools when considering whether or not to convert to academy status. Heads echoed this view, but were keen to stress that concerns that independence would lead to isolation were unfounded. Heads stressed to us that their schools were accountable to their governors, Ofsted and ultimately the Secretary of State and that greater autonomy had increased monitoring within schools⁹. However, when questioned about what would happen if an Academy trust or Ofsted failed to intervene in the instance of an underperforming school, it was suggested to us that this lack of intervention would be unlikely but that the hypothetical situation could be explored.
33. From BCC officers we learnt that only those schools rated as good or better were eligible for conversion to academy status and that, as part of the Education Act 2011, from January 2012 most schools previously judged to be outstanding are exempt from routine Ofsted inspections for a period lasting three years from the last pre-conversion inspection¹⁰. This inspection exemption would be overturned if concerns were raised about the performance of a school including academic performance, pupil attendance, or qualifying complaints about a school from parents or carers¹¹. Under the Education Act 2005, the Chief Inspector may also decide to inspect any school in England if requested to do so by the Secretary of State.
34. As a review group, we were interested to gain an understanding of the role, if any, of a local authority in a school inspection. We were informed by BCC officers, that previous school inspection framework documents made little or no reference to a role for the local authority in the inspection of a school, but that the September 2012 framework set out an enhanced role for a local authority. This enhanced role for a local authority includes options to raise significant issues about a school to Ofsted in the case of a deferred inspection of special school or PRU; options to provide an evaluation of a

⁹ 11th September 2012 and 8th November 2012 meetings with Heads

¹⁰ Ofsted inspection guidance letters available on Department for Education website

¹¹ Ofsted has specific powers (under section 11A-C of the Education Act 2005, as amended) to investigate certain complaints, known as qualifying complaints.

schools performance as part of an inspection; and provision that an inspection report be sent to the relevant local authority once published. We are pleased to learn of this developed role for the local authority in relation to inspections and suggest the role of local councillors (as local representatives with a democratic mandate) in inspections is explored in future frameworks.

35. Specific to BCC services, we were interested to learn of the impact of changed arrangements on the BCC School Improvement Service (SIS). We were informed by BCC officers, that the service will continue but with a 'lighter touch' and operate as a traded service within the Bucks Learning Trust once operational. Heads informed us that, as maintained schools, the SIS was sometimes perceived as 'top down' and not always able to meet the needs of schools and that this would need to change under new working arrangements. Heads informed us that as academies, schools value the wider choice of improvement services and options to explore improvement activities, such as peer support, with other schools both inside and outside Bucks.
36. We were interested to hear from Heads of considerations of peer work around standards and school improvement but highlight the claim made by a number of national reports on this topic that it may be the least self-aware schools that would be least likely to seek support and most likely to remain isolated¹². This in mind, in the context of an increasingly autonomous but collaborative school system, we stress the importance going forward of school-to-school improvement networks and recommend that work is done to facilitate the sharing of best practice for school to school support around raising standards, including peer reviews, linking governing bodies and schools working in clusters. We also suggest that the county council should consider how its overview and scrutiny function could support this work.

Recommendation 5 – That, building on the formation of the Bucks Learning Trust, work is done to facilitate the sharing of best practice on school-to-school support, for example around continuing to drive up standards. This could include options for peer reviews, establishing linkages between governing bodies, and schools working in improvement clusters. The County Council should consider how its scrutiny function could support such work.

Places and admissions

37. As a review group, we were very keen to gain an overview of the implications of Academy schools on the BCC school place planning team and wider supply of school places and admissions. From meetings with BCC officers, we learnt that, in relation to academies, BCC has lost its power to direct, and that academies now have the right under legislation to set their own admissions policies (although at present there remains little variance of admissions policies across Bucks academies). BCC officers informed us that despite this period of adjustment that relationships around place planning remain constructive but that further complications could arise from the development of Free Schools, and other post-16 developments in the county (for example Studio Schools and University Technical Colleges).
38. From our meetings with Heads, we learnt that academies have concerns over the 'nearest school' arrangements of the recent BCC school transport policy. Heads informed us that little planning took place with schools on the development of the policy. Heads were of the opinion that a significant threat to school collaboration lay in increasing variance of admissions policies and commented that the new school transport policy may drive academies to declare new admissions policies in order to protect pupil numbers. To address this, Heads suggested that any review of the policy involve consultation with schools to ascertain affects on school admission policies.

¹² *Action research into the evolving role of the local authority in education*, ISOS Partnership, p.9

39. We learnt that schools, BCC officers and members share concerns about the impacts of new housing developments on place planning and admission policies. BCC officers informed us that places estimates rely on close working between District and County Councils and developers, and that place estimates were only possible once a housing application had been approved. From meetings with Heads¹³, we learnt that schools share concerns around impacts of developments on school management and catchment areas, and would value the exploration of mechanisms to engage with the planning process (both formally and informally at an early stage), Local Plans, and in Section 106 and Community Infrastructure Levy negotiations.

Recommendation 6 - That mechanisms are explored around bringing together schools, developers, and district and county councils in the local planning process to discuss and influence potential impacts of any new housing developments on local schools and BCC service planning, and to involve these parties at a much earlier stage in discussions on use of Section 106 monies and the Community Infrastructure Levy.

¹³ 8th November 2012 meeting with Heads

3. LOCAL INVOLVEMENT AND ACCOUNTABILITY

40. Over the course of our evidence gathering we heard a range of views around local involvement and accountability options for academies, in particular from those concerned that with greater freedom comes greater responsibility and risk, and that this requires a greater need for accountability. As mentioned above, such concerns were alleviated by the schools we spoke to with Heads stressing that independence had been conflated with isolation.
41. As discussed above, Heads informed us that academies are accountable to their Trusts, Ofsted and to the Secretary of State. We were pleased to learn of these arrangements but question whether the main focus of a Trust on school management might relegate attention on local involvement. More widely, and in light of the fact that many academies are Ofsted exempt for a number of years, we question whether the Secretary of State is too distant and nationally focused to be able to overview schools and involve parents. It is a question of scale and, as a review group, we wanted to explore any windows of opportunity for local involvement in schools. As mentioned early in this paper, there are a number of national reports on these topics and we were keen to explore these, in particular school-led accountability, the work of governors, roles for local councillors and any support options for BCC scrutiny functions and Local Area Forums.

Governors

42. It is clear that in a more autonomous schools system, the role of a governing body (or trust) of a school is vital in supporting, challenging and developing school leadership, and in acting as an interface between the local community and relevant local organisations. This is certainly recognised in a number of national reports, including *Towards a self-improving system: the role of school accountability*, which stresses that, under new arrangements, ‘the governing body has a strong leadership role [...] to give strategic direction, to act as a critical friend and ensure accountability’¹⁴. However, the white paper *The Importance of Teaching* recognises that sometimes ‘governing bodies lack the information or training to challenge effectively’ and proposes that that governors should be given ‘easier access to data about how their school compares’ in order to ‘set high expectations and ask challenging questions’¹⁵.
43. From our meetings with BCC officers¹⁶, we learnt that, broadly speaking, the role of an Academy governor is not significantly different to that of a non-academy school governor. However the new trustee and director roles of academy governors (under charity and companies legalisation) is an added responsibility. From our meetings with Heads, we learnt that academies can decide whether to have local authority appointed governors which has had implications for the role of elected members in being school governors. This change has, in part, informed some of the nervousness amongst members over how and whether to engage with academies in their divisions. With regard to the work of the Governor Services at BCC (which provides clerking and advice especially for academies as well as more general support for governors), we learnt that the service has been operating as a traded service for some time and has adapted accordingly to increasing numbers of academies.
44. From our meeting with Heads¹⁷, we learnt that under the new arrangements, academies feel that governing bodies are now more flexible and less restricted, for example some

¹⁴ *Towards a self-improving system: the role of school accountability*, National College of School Leadership, p.17

¹⁵ *The Importance of teaching* White Paper, p.71

¹⁶ 17th October 2012 meeting with BCC officers

¹⁷ 8th November 2012 meeting with Heads

schools have appointed a fixed term governor for a specific project. In addition, Heads informed us that academies feel more accountable now than under previous arrangements because of the direct financial accountability added to existing inspection requirements. In terms of numbers and policy around governors, Heads us informed that academies have to have at least two parent governors (but that many schools have more) and that there remains a requirement for staff governors. Many schools have not continued with their local authority appointed governor although some schools have chosen to do so.

45. From our discussions, there appears to be a range of approaches to securing governors (a process that is not always easy given the time and training commitments involved). Heads informed us that some schools advertise for governors and others invite identified individuals as permanent governors or as fixed term governors. Heads suggested to us that new governors should be given induction training to enhance working with other schools and with local organisations and individuals. We support this position and feel that schools could explore options to develop the 'outreach' capacity of governing bodies in order to engage with local organisations (for example businesses or the voluntary sector), and linking with other governing bodies. The National College of School Leadership 'thinkpiece', *Towards a self-improving system*, proposes that governors working in such an outward-facing way would 'offer yet untapped potential for more rigorous and, indeed, supportive accountability'.

Parents

46. Heads were of the opinion that very little has changed day-to-day for parents following the conversion of maintained schools to academy status. We were pleased to hear this as school management disruptions to the education of children would be concerning. However, although we were satisfied to learn of the range of factors that could trigger an inspection (discussed in the Standards and inspection section above), we question to what extent parents are aware that they can raise concerns about the performance of school (in particular an inspection exempt school), or how they can progress concerns that have not been addressed by the Head or governing body.
47. This in mind, as part of online research around options for parents to comment on a school, we discovered *Parent View*. Launched in October 2011 on the Ofsted website, *Parent View* is an online function that allows parents to comment on their child's school. The Ofsted document *School inspection: A guide for parents* states that *Parent View* is the 'main source of gathering parents' views about a school' and that inspectors 'will use the views expressed' when inspecting a school¹⁸.
48. However, at the time of writing only 8 of Buckinghamshire's over 30 Academies had received sufficient comments from parents via *Parent View* to produce a result, suggesting that three quarters of Buckinghamshire's Academies would not have parent views considered as part of an inspection. Considering the Ofsted proposal that *Parent View* is a main source of parent comment, we would be interested to learn how academies promote *Parent View* and/or other parent involvement arrangements and recommend that BCC provides a link to *Parent View* on its Academy info web page¹⁹ for parent information.

Recommendation 7 – That a link to *Parent View* (an online parent comment website provided by Ofsted) is included on the BCC 'Academies schools information for parents' webpage alongside existing links to Department of Education guidance on academies.

¹⁸ *School inspections: A guide for parents*, Ofsted, 2012, p. 3

¹⁹ Information provided by the BCC Contact Centre indicates that the local authority still receives correspondence relating to Academies. These contacts are directed to the BCC Academy information web page.

Councillors

49. In the main, the role of the individual local councillor in relation to academies is hardly mentioned in many of the discussions and thinking around working relationships between local authorities and academies. However, building on their democratic mandate, councillors represent a strong option as a link between schools and the local authority to promote, champion, challenge and support schools. This is certainly the position of the SOLACE report on English Councils working with schools - 'every elected member should be working closely and regularly with their local schools [...] to discuss with the school's leadership the effectiveness of the school and the challenges and opportunities it needs to embrace'²⁰.
50. Our evidence gathering indicates that there is a need for greater definition of the role of the elected member in relation to schools for example a 'critical friend' role. Heads highlighted that school knowledge of local members was low but that there would be interest in getting to know their local councillors from both County and District authorities, and defining the relationship between councillors and schools²¹. Similarly, from our meetings with councillors, we learnt that knowledge of the changed educational landscape is varied amongst members and that there was some nervousness about whether and how to engage with academies schools within a member's division²².
51. Councillors also have a wider role to play beyond an individual relationship with a Head or set of local schools. It is clear that in a more autonomous educational landscape, collaboration and information sharing is vital - as one report puts it, 'relationships are king'²³. This in mind, councillors have an important role in getting to know, support and promote schools and governing bodies, in brokering relationships between schools and other local organisations, and to inform schools of the work of county/strategic bodies, for example Health and Wellbeing Boards, so that schools can engage with and inform the work and priorities of such bodies.
52. The above in mind, we recommend that 'Get to know your local schools' guidance be included as part of the Member Induction programme following the 2013 County Council elections. This should include guidance for members on the changed role of academies and local authorities, advice on how councillors can inform and support schools to work with wider county organisations and networks, that a system for sharing contact details between councillors, Heads and governing bodies be developed, and that the role of the councillor and school be made clear to both parties, for example through the development of relationship protocols.

Recommendation 8 - That, as part of the Member Induction Programme following the 2013 County Council elections, guidance is provided on why it is important for councillors to get to know their local schools and that options for a 'protocol' around school and councillor working relationships are explored. Guidance should outline the new role for councillors in the changed educational sector, advise councillors on how to get to know Heads and schools, working with parents, helping to give schools a strong local voice.

Scrutiny

²⁰ *Filling the gap: The championing role of English Councils in education*, Society of Local Authority Chief Executives, p.28

²¹ 11th September 2012 and 8th November 2012 meetings with Heads

²² 2nd October 2012 and 16th October 2012 meetings with BCC Elected Members

²³ *Action research into the evolving role of the local authority in education*, ISOS Partnership, p.5

53. Scrutiny is a non-executive function of local authorities. It is led by non-executive councillors (i.e. those councillors not in positions of Executive power). It aims to improve public services by holding decision makers to account and by examining services, particular those of importance to local residents.
54. The Local Government Act 2000 (and subsequent amendments) provides scrutiny with a right to investigate, make reports and recommendations on anything which is the responsibility of a Council's executive or, if not the responsibility of the executive, 'matters which affect the authority's area or the inhabitants of that area'. The LGA 2000 also gives all councils the right to require partner authorities (established by the Local Government and Public Involvement in Health Act 2007) to 'have regard to' scrutiny reports and recommendations. These provisions could cover academies.
55. A number of the national reports already referenced in this report suggest a role for scrutiny as a 'route for championing and advocating on behalf of children and young people'²⁴. Indeed, the 2010 white paper *The Importance of Teaching* suggests that 'councillors may be engaged through the scrutiny function, for example, focusing on a particular issue of concern or inviting the head teacher and/or governors to attend a scrutiny committee'²⁵. We feel that options for scrutiny should be explored and that it could represent a useful method to engage locally with parents.
56. From discussions with BCC members and officers and Heads, it would seem unlikely that a traditional (pre-academies) 'scrutiny education committee' overseeing school performance (as has existed previously at BCC and other county councils) would be effective. From our discussions, there appear to be two main reasons for this. Firstly, it would be unlikely that academies would engage with such a structure as it would appear to contradict the spirit of school autonomy inherent in the Academies Act 2010. Secondly, even if schools did choose to engage, such a committee might not have the regular capacity to provide an effective overview function. There might also be the prospect that some schools choose to engage but others would not which would question the value of an overview function²⁶.
57. However, the above concerns should not be used as a rationale for scrutiny not to seek to work with academies. An alternative, more constructive and engaging manner in which a scrutiny committee could work with academies would be on strategic, countywide issues, for example improving wellbeing, or how to support young people to be ready for employment. Joint working through a committee on such issues could be of benefit to all schools, the local authority and wider community. However, we believe that if such a function were to be developed, it would require initial promotion of the role and value of scrutiny from local councillors in working with academies and schools in their electoral divisions.

Local Area Forums

58. A further local involvement option is presented by Local Area Forums. Over the last 5-10 years, a number of County Councils have grouped electoral divisions into groups of 3 or 4 resulting in a smaller number of local areas. In Buckinghamshire, these multi-division wards are known as Local Area Forums (LAFs) and there are 19 within the

²⁴ *Action research into the evolving role of the local authority in education*, ISOS Partnership, p.13

²⁵ *The Importance of Teaching* White Paper, p.71

²⁶ A further aspect to consider around the traditional scrutiny arrangements of education is the role of education co-optees on local authority scrutiny committees. Co-optees represent school groups or religious denominations. Education co-optees pre-date both the legislative creation of scrutiny in 2000, and the Academies Act 2010. This in mind, we question whether it might be productive to examine the purpose of education co-optees in relation to both scrutiny and Academies.

county boundary. Although LAFs are still in the early stages of development they represent local informal opportunities for the discussion and solution of local matters.

59. Our discussions with Heads, indicates that knowledge of LAFs among schools is low²⁷. From discussions with LAF Chairman²⁸ there is little evidence that LAFs actively seek to regularly engage with schools. Due to their relative newness and varied levels of development, LAFs may lack the capacity at present to undertake effective engagement with schools. In combination these factors would suggest that, although theoretically possible, work with academies through LAFs may be challenging in the short term. Longer-term however, structures such as LAFs could present an open and sufficiently local 'common space' for parent/community and school based discussions.

4. CONCLUSIONS

60. From our findings it is clear that relationships between the local authority and schools have been fundamentally changed by the powers available to schools from the Academies Act 2010, and that the County Council is going through a necessary period of adjustment. However, it is equally clear that there are very encouraging examples of, and commitments to, collaboration and joint working with schools in key areas, for example supporting vulnerable children.

61. Similarly, it is clear that there may be further challenges ahead resulting from the changed educational landscape, and that collaboration commitments between schools, and between schools and local authorities, represent the most productive model for addressing these challenges. We hope that our recommendations will assist in future joint working between all schools and the local authority and, in particular, support the local authority as it begins to clearly define its new strategic role in relation to education and support for children and parents.

²⁷ 11th September 2012 & 8th November 2012 meetings with Heads

²⁸ 16th October 2012 meeting with Local Area Forum Chairman

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