

EDUCATION SCRUTINY COMMITTEE – 26 SEPTEMBER 2016

STRATEGIC AND OPERATIONAL RESPONSIBILITIES OF THE COUNTY COUNCIL AND THE RESOURCES REQUIRED TO CARRY OUT THESE DUTIES, PARTICULARLY IN RELATION TO SCHOOL IMPROVEMENT AND SUPPORT SERVICES

Report by the Director for Children, Education and Families

COUNCIL RESPONSIBILITIES FOR EDUCATION

1. This paper reiterates the ongoing strategic and operational responsibilities of the Council. It provides information about the resources required to carry out these duties, particularly in relation to school improvement and support services.
2. A series of briefings on the continued role of the council with schools was delivered in the Summer Term (see Annex 1). In Oxfordshire over 50% of pupils attend academies. Most secondary schools are now academies. The Council still holds responsibilities for maintained schools. It has a role in supporting the academisation process and holds some responsibilities for learners in academies.
3. The implementation of the Government's national funding formula for schools and reformed Dedicated Schools Grant Blocks has been delayed by one year. Plans are now to implement the changes in 2018/19. A consultation about the introduction of an Early Years national funding formula is underway. From September 2017 there will be an extension of the free Early Years entitlement for three and four year olds from 15 to 30 hours per week.
4. Council services managed through 'Education and Learning' continue to be led by Roy Leach, Janet Johnson and Chris Malone. Roy is 'first among equals', which means that he is a member of Directorate Leadership Team (DLT) and associated groups. Leadership of Education and Learning continues to be as follows:
 - Sufficiency and Access (RL)
 - Vulnerable Learners (JJ)
 - Education Quality (CM).
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SUFFICIENCY AND ACCESS

5. The local authority's responsibilities located in Sufficiency and Access are:

- Ensuring that there are enough school, early years and childcare places (sufficient to meet the 30 hour entitlement), including through the commissioning of new schools
- Managing school admissions
- Determining and applying the home to school transport policy
- Exclusions (ensuring alternative full time provision following permanent exclusion)
- Attendance (including prosecutions)
- Schools Health & Safety
- Education visits
- Academy conversions (including sponsorship)

Resource required

6. The net Council expenditure and staff employed to discharge each of main areas of Sufficiency & Access are set out in the table below:

Service area	Total staff (not FTE)	Net Council budget £000	DSG contribution or income generation £000
Academies	2	374	Income 100
Admissions & transport	13	37	DSG 431
Early years sufficiency & payments	11	483 (inc. capacity building grants)	DSG 4,000
Exclusions & attendance	12	191	
Pupil Place Planning	5	289	DSG 44
Schools H&S	5	-31	Income 301
TOTAL	48	1,343	4,876

VULNERABLE LEARNERS

7. Local Authorities' responsibilities for vulnerable learners were last set out in the White Paper, Educational Excellence Everywhere (March 2016):
- Identifying, assessing and making provision for children with special educational needs and disability (SEND) and looked after children (LAC).
 - Helping schools to provide the right support for children with additional needs, including LAC and SEND.

- Providing support to navigate the local SEND arrangements.
 - Championing high standards for all children and calling for action from the Regional Schools Commissioner to tackle underperformance where necessary.
8. The Education Bill (May 2016) outlined a new set of principles which LAs should have regard to when carrying out their responsibilities in respect of children in care and care leavers:
- A new requirement on local authorities to consult on and publish a local offer setting out the support available for care leavers.
 - Allowing all care leavers to have support from a personal adviser up to the age of 25 if they need it.
 - Extending the role of virtual school head and designated teachers to children who have been adopted or who are in long-term care (under an adoption, special guardianship or a child arrangements order).

Resource required

9. The teams supporting vulnerable learners are funded from the high needs block within the dedicated schools grant. The high needs block funding has not kept pace with increasing demand and consequently in 2015/16 spend exceeded the budget for the first time. This is predicted to increase in future years and becomes a risk for the County Council if the current link with the other DSG blocks ceases, as proposed in the national funding reforms consultation, and if Oxfordshire does not receive sufficient funding when the national funding reforms are implemented in 2018/19.
10. Oxfordshire's total High Needs expenditure was **£246** per head in 2014/15, compared with £301 England, £292 South East region and £265 statistical neighbours. Oxfordshire's estimated total high needs expenditure for 2015/16 is reducing to **£221** per head, whereas it is rising in England (£317), SE region (£298) and statistical neighbours (£282), therefore the funding gap is increasing in Oxfordshire. Total high needs expenditure includes top up funding to schools, (for children with statements or Education, Health and Care plans), SEN Support services, support for inclusion and alternative provision.
11. In line with all council services, this area continues to explore how to manage increasing demands with less resource. The three main priorities in 2016/17 are:
- 1) Increasing the range and quantity of provision in Oxfordshire:
 - Strategic development of specialist provision, including free schools opportunities
 - The Placement Strategy (keeping our most vulnerable closest to home) and cost efficiencies
 - Maintaining relationships with local independent providers.
 - 2) Early Years and SEN Support Services review:

- Exploring further savings and
 - Service transformation to ensure that SEN services are fit for purpose for the next 5 years, taking into account interdependencies with other services, such as nursing and CAMHS, and other market developments.
- 3) Performance of vulnerable learners
- Stronger strategic and operational links between partners brokered by the Council to provide school improvement functions and central employed staff working within services for vulnerable learners.

EDUCATION QUALITY

The Council's strategy to address responsibilities

12. Key risks to current educational performance are:
- rapid reduction in school improvement budget while Oxfordshire retains statutory responsibilities for its maintained schools
 - rapid unexpectedly high reduction in early years centrally held budget.
13. The council's strategy to mitigate these two risks is described below.
14. Current responsibilities under Oxfordshire's [Education Strategy](#) have been reduced to statutory and strategic requirements. The service to schools is summarised in the 'Guarantee' for schools copied in Annex 2. As a rule, services are offered to academies at a cost whereas maintained schools must participate and may be charged. Responsibilities include:
- (i) Ensuring statutory duties are met and liaising with Ofsted (HMI), the Regional Schools Commissioner (RSC) and other partners, chairing the Safeguarding in Education Group, facilitating the Oxfordshire Strategic Schools Partnership Board (SSPB), Early Years Board and Chairs of School Partnership meetings
 - (ii) Managing available resource, maintaining a traded offer to schools and settings where full cost can be recovered, including through Hill End Outdoor Centre, and supporting Schools Forum
 - (iii) Risk assessing all education providers, overseeing the sending of position statements, writing targeted follow-up letters, planning and commissioning interventions, leading and commissioning School Improvement services through the Operational Group for maintained schools of concern
 - (iv) Managing the settings causing concern process for nurseries and pre-schools
 - (v) Meeting Standing Advisory Council for Religious Education responsibilities
 - (vi) Supporting head teacher recruitment in maintained schools

- (vii) Meeting assessment and moderation requirements for primary schools
- (viii) Providing inspection support for maintained schools and for settings
- (ix) Facilitating provision of advice and support for governing bodies
- (x) Supporting committees and management teams in early years and childcare provision where quality is a concern or through change
- (xi) Fulfilling statutory responsibilities for Education Off-Site Visits
- (xii) Communicating with education providers through a variety of means

Resource required

15. As reported to the Education Scrutiny Committee in April 2016, the Council's school improvement capacity has been in decline for a number of years. This is a conscious response to dwindling financial resources (reinforced by the decision of Government to no longer fund councils for this function when the per pupil Education Services Grant is replaced by a core local authority services block grant at the end of the 2016 -17 academic year) combined with the move away from being a direct provider of services to a commissioner role. How the cessation of funding for school improvement sits with an ongoing responsibility for the performance of the remaining maintained schools is still unclear. This year, additional funding has been allocated towards discharging the duties described below.
16. Ten years ago there were over 40 specialist subject advisers and a ten person team of generalist Education Officers. By 2015/16 there were 11 council employees delivering school improvement services, and from September 2016 there will be one 4 day-a week interim role plus business delivery capacity. Statutory services for schools causing concern will be commissioned through the council's approved provider list which has been established and updated for the purpose (called the Dynamic Purchasing System). The budget available for this commissioning will be significantly reduced (see below).
17. The following table lists the core budget reductions for school improvement work from 2015/16 to 2017/18.

	Core Budget 2015/16 £	Core Budget Plan 2016/17 £	Core Budget Plan 2017/18 £	Total Savings (2015/16 - 2017/18) £	% Core Budget Reducti on fro m 2015/16 to 2017/18	Proposed budget 2017/18

School Governance & Accountability	85,274	75,274	15,000	70,274	82%	0 (traded service)
School Improvement	1,118,175	810,690	*205,941	869,234	82%	163,000

*In 2016/17 funding for Tier 4 roles is being covered centrally to support transition into the reduced budget

18. In addition to these reductions, Dedicated Schools Grant (DSG) is no longer available for functions such as the Primary Support Team (English and Maths advisory work). Due to Council's decision not to expand trading, these council services have now been discontinued to Oxfordshire schools.
19. Pressures on the Early Years DSG funding are likely to be high from April 2017. The Government is currently consulting on a range of proposals for early years funding with a tight time-frame. These include a capping of the proportion of Early Years DSG that councils can hold back to 7% from April 2017 and 5% from April 2018. Oxfordshire currently holds back just over 12%. Officers and Oxfordshire Schools Forum anticipated that a cap, if implemented, would be around of 10%. The unexpected steeper saving required means that the early years advisory function (which is totally DSG funded) will be reviewed and is likely to reduce significantly.
20. Further reduction of the budget in 2017/18 (see above) puts even heavier reliance upon the council brokering partners to complete school improvement work with those schools not yet academies. Although Oxfordshire's Strategic Schools Partnership Board and Operational Group are strengthening, and model the systems leadership method advocated by Government, there is a risk of schools falling through the net. A very lean model may not deliver improved quality of education in all schools that most of Oxfordshire's children now enjoy.

RECOMMENDATION

21. **Education Scrutiny Committee is encouraged to challenge the robustness of the new structure of the Education & Learning services and the adequacy of the allocated resources, in order to assist officers in continuing to deliver high quality and efficient services to discharge the Council's statutory responsibilities.**

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 September 2016

The County Council's position in respect of Schools, Full Council, July 2016

Oxfordshire context

As of 31st May 2016 the split in Oxfordshire between maintained schools and academies (including new schools) is:

Phase	Total	Academies	% Academies
Primary	234*	66	28%
All-through (4 - 18)	3	3	100%
Secondary	35*	29	83%
Special	15	6	40%

*in addition, 11 primary schools and 3 secondary schools are currently consulting on academy options

- Over 50% of Oxfordshire pupils attend academies
- 83% of state-funded secondary schools are academies (29/35) plus 3 all-through schools
- 28% of state-funded primary schools are academies (66/234)
- 40% of state-funded special schools are academies (6/15)
- 6 maintained nursery schools cannot currently become academies

National context

- [Education Excellence Everywhere](#), DfE, 2016
 - All schools encouraged to become academies
 - Local authorities no longer to provide school improvement
- Education and Adoption Act, 2016 and [Schools Causing Concern](#) statutory guidance
 - Increased responsibilities for Regional Schools Commissioners for maintained schools (inadequate and 'coasting')

'Education and Learning': 3 functions

- Education Sufficiency and Access
- Vulnerable Learners
- Education Quality
- Local Authority as 'Champion for Children'
- Strategic Schools Partnership Board leading partnership delivery of 'school improvement'

Oxfordshire's School Improvement Guarantee 2016/17

1. [Oxfordshire Education Strategy](#), and 'Equity and Excellence', 2015-18, focus on the good and improving quality and standards in Oxfordshire schools. Our main area for improvement is to raise attainment of vulnerable learners to be in line with national levels.

2. **School improvement work** is managed by partners on the Operational Group in a spirit of openness and transparency with schools. School Improvement Leaders (SILs) are National Leaders of Education / Local Leaders of Education / current Ofsted inspectors. School support tiers will be shared with headteachers in September (this may change mid-year):
 - **Tier 1:** academies
 - **Tier 2:** good and outstanding maintained schools
 - **Tier 3:** maintained schools at greater risk of becoming schools of concern
 - **Tier 4:** maintained Schools Causing Concern
 - (i) **Outstanding** schools will be encouraged to work with Oxfordshire Teaching School Alliance (OTSA) to work in partnership with other schools.
 - (ii) **Good or outstanding** maintained schools will be monitored in a 'light touch' manner. If educational standards drop and a school is deemed vulnerable to an inspection outcome of less than good, the school may be deemed as 'causing concern'. This will be the case if a school is 'coasting' or 'below floor' and the Operational Group will organise support.
 - (iii) Schools judged as **special measures, serious weaknesses or requiring improvement** by Ofsted will immediately trigger a **School Causing Concern** category. Support for maintained schools causing concern will usually be organised through the Operational Group, or through potential academy sponsors.
 - (iv) If an Oxfordshire maintained school is identified as '**causing concern**', the headteacher and the chair of governors will engage in dialogue with either Oxfordshire County Council or its representative about next steps. The council will exercise the right to send a warning letter to schools that meet the criteria in the [Schools Causing Concern Guidance](#), and will liaise with the Regional Schools Commissioner (RSC) as required.
 - (v) **Maintained schools that fall into special measures or serious weaknesses** will be briskly supported to become sponsored academies, through liaison with the RSC.
 - (vi) **Academies causing concern** fall under the remit of the RSC. If they have unresolved concerns about academies, council officers and the Chair of the Operational Group will alert the RSC and the appropriate Multi-Academy Trust, following liaison with academy leaders.

3. **Additional funded services for school improvement**

Attendance at **headteacher interviews** in maintained schools is free of charge to schools. Schools can buy fuller support for the headteacher recruitment process and for governance.

When a **maintained school is inspected**, the council will provide / commission / broker a senior education professional to talk with the lead inspector. This will not be charged to the school.

We set and agree a local syllabus for **Religious Education** in conjunction with the [Standing Advisory Council Religious Education \(SACRE\)](#). SACRE provides support to schools on the provision of RE through the Locally Agreed Syllabus and online resources.

Support for maintained schools with **assessment and moderation** is provided in line with requirements in 'Assessment and Reporting Arrangements' and Guidance for Moderation.

4. OCC traded services for school improvement

Please see [Oxfordshire Partners in Learning](#) for:

Educational Visits Coordinator training

Inclusion briefings

An extensive suite of Governor Services

and [Step into Training](#) for early years training and development opportunities

Please also see [Oxfordshire Teaching School Alliance](#) [The Diocese of Oxford](#)

and [The Primary Support Team](#)

5. Communication

- [Schools News](#) is the main method of communication with schools
- Webpages provide up to date information for schools
- In August primary schools will be sent Position Statements via [Perspective Lite](#) (secondary schools: October). *Perspective Lite* is used to convey notes of contact and data messages.
- In September a letter to headteachers and chairs of governors will explain this guarantee.
- [The KEEP](#) is Oxfordshire's directory for sharing ideas and projects for school improvement.
- Local authority officers meet termly with chairs of school partnerships, and with chairs of headteacher associations.
- Jim Leivers, Director of Children's Services, leads termly meetings with headteachers and chairs of governors.

Oxfordshire's School Improvement Guarantee

We will:

- work with partners to support and challenge maintained schools to offer a good education
- keep a watching brief over outcomes for pupils attending academies

- maintain and honour this guarantee for schools
- maximize the use of existing funding for school improvement
- implement the priorities and principles in Oxfordshire's Education Strategy.

We expect you to:

- understand Oxfordshire's Education Strategy and School Improvement Plan
- check regularly that your school meets statutory requirements eg for safeguarding
- seek support if your school faces difficulties
- offer support for areas in which your school excels
- access schools news weekly in term-time, keep up to date, share key messages in school.

Chris Malone, OCC Strategic Lead, Education Quality
 Simon Bissett, Education Quality Commissioner
 On behalf of Oxfordshire's Strategic Schools Partnership Board (SSPB) &
 Operational Group

Annex 3

Local Authority Statutory Duties relating to the quality of education ¹

Maintained schools	Legislation / statutory guidance
Schools Causing Concern	Statutory guidance for local authorities , March 2016
Assessment and moderation	National Curriculum Order, 2003/4, Key Stage 1, 2 & 3 Assessment
School governance appointment of governors and Interim Executive Boards	Chapter IV & Schedule 11 of School Standards and Framework Act & Constitution Regulation's 2003 in Statutory Guidance August 2015
Headteacher appointments	School Staffing Regulations, 2009 (a power not a duty)
Standing Advisory Council on RE (SACRE) and agreed syllabus	Section 390, Education Act 1996 Schedule 31, 1996 Education Act
Educational visits coordination & quality	Health & Safety Advice February 2014, Health & Safety at Work Act 1974
Child performance and employment	Part 2, Children and Young Persons Act 1933, Part 2, Children and Young Persons Act 1963, Children (Performances) Regulations 1968).
Early Years (education) (requirements are on all education establishments with a Foundation Stage) Improving outcomes for all children and narrowing the gap Intervention in settings receiving Nursery Education funding that are not inspected as good or outstanding	Childcare Act, 2016 and 2006 Statutory Guidance for Local Authorities in Education and Childcare , September 2014 to be updated for 2016
Safeguarding (requirements are on all education providers); liaison with LADO	Keeping Children Safe in Education , September 2016 Working Together to Safeguard Children , March 2015

¹ Subject to changes in legislation prompted by [Educational Excellence Everywhere](#), DfE, 2016