

CABINET – 14 FEBRUARY 2012

ACADEMIES IN OXFORDSHIRE AND THE FUTURE ROLE OF THE LOCAL AUTHORITY

Report by Acting Director for Children, Education & Families

Introduction

1. The purpose of this report is to:
 - a) Confirm that the Council sees its future role as being a champion for the children and families of the county.
 - b) Confirm its absolute commitment to improve educational outcomes for those children.
 - c) Clearly state the Council's support for the conversion of schools to become academies and the establishment of new forms of schools, including free schools, studio schools and university technical colleges.
 - d) Agree to conduct a time-limited piece of work which will better inform a proposed Oxfordshire Academies Programme, building upon existing conversions and sponsorship arrangements to create a structured and supportive environment for school autonomy and collaboration.
 - e) Agree to establish a new Advisory Board on Education Standards to advise the Council in its role as a commissioner of excellent outcomes in Education.

Background information

The Academies Programme

2. The Academies Bill received Royal Assent on 27 July 2010. At the beginning of November 2010, the Secretary of State wrote to all local authorities, outlining the intention to develop the Academy programme nationally, and the ways in which underperforming schools would be supported to improve, as well as encouraging good and outstanding schools to achieve Academy status. The Coalition Government has set out how it intends to raise attainment in all schools, improve underperforming schools, and close the gap between advantaged and disadvantaged children. It wishes to see an acceleration of the pace of change and improvement.
3. The Secretary of State wishes to see increased autonomy for all schools, a rapid expansion in the Academies programme and the establishment of a network of 'free schools', and greater accountability for under performing schools. Central to the approach will be the Academies programme. This report recommends that this Council supports this approach, alongside increased clarity of the Local Authority role and as part of a wider programme

which promotes increased localism, local responsibility for decision making, increased personal responsibility and improved public services which are responsive to the needs of the communities they serve.

4. Many Oxfordshire schools are good or outstanding, and many of those who are not formally categorised in this way have outstanding features. One of the challenges facing the Council, as the Government's agenda for education is developed, is to support all schools on their journey of improvement and, in particular, to put in place mechanisms which encourage school-led improvement, with schools working collaboratively to ensure the best possible outcomes for the children of the county, irrespective of the type of school they are.

Types of Academy

5. Academies are publicly-funded independent schools. Between 2001 and 2010, there was only one kind of Academy. This was usually a secondary school that had been closed by the Local Authority and re-opened as a new legal entity, often in response to low attainment figures and judgements made by Ofsted. In Oxfordshire, three academies of this kind were established.
6. Since July 2010, 'academy' is a term used to describe all those state (i.e. publicly funded) schools accountable directly to the Secretary of State and which, broadly speaking, operate outside the Local Authority framework.
7. Academies are subject to different conversion processes and requirements. *Sponsored* academies are obliged to become academies by the Department for Education. *Converter* academies choose to become an academy themselves. Academies now include secondary schools, primary schools, special schools, university technical colleges (UTCs), studio schools and free schools.
8. The Department for Education describes free schools as non-profit making, independent, state-funded schools. There is not a 'one-size-fits-all' approach. They are not defined by size or location: there is not a single type of free school or a single reason for setting them up. Free schools could be primary or secondary schools. They could be located in traditional school buildings or appropriate community spaces such as office buildings or church halls. They could be set up by a wide range of proposers – including charities, universities, businesses, educational groups, visionary teachers or committed parents – who want to make a difference to the educational landscape. They might be needed because there simply are not enough school places in a local area and children have to travel too far to the nearest school. The intention, however, is that they are being set up in response to real demand within a local area for a greater variety of schools, they meet rigorous standards and they are committed to providing young people with the best possible chance to succeed.

9. Free schools have some additional freedoms to converted or sponsored academies. For example, teachers in free schools will not necessarily need to have Qualified Teacher Status.
10. The Coalition Agreement confirmed the Government's intention to improve the quality of vocational education, including increased flexibility for 14 to 19 year-olds. As part of this, the Department is keen to see many more studio schools across the country. Studio schools are an innovative new model of 14 to 19 year-old educational provision. They are small schools - typically with around 300 pupils - delivering mainstream qualifications through project based learning. Students work with local employers and a personal coach, and follow a curriculum designed to give them the employability skills and qualifications they need in work, or to take up further education.
11. University technical colleges (UTCs) are the best-known model of technical academies. They specialise in subjects that need modern, technical, industry-standard equipment - such as engineering and construction - and teach these disciplines alongside business skills and the use of ICT. Each UTC is sponsored by a university and industry partner and responds to local skills needs. They provide young people with the knowledge and skills they need to progress at 19 into higher or further education, an apprenticeship or employment.
12. While there is no single definition or model for a technical academy, it is likely to be a new institution with no pre-existing school for secondary age pupils and to offer a curriculum combining academic with technical and/or vocational learning.

Multi-Academy and Umbrella Trusts

13. Academies do not have to be free standing. In addition to individual schools working alongside other schools, there are two possible configurations which are worthy of exploration in the Oxfordshire context - umbrella trusts and multi-academy trusts.
14. An umbrella trust sits above a number of individual schools, or groups of schools, each school having its own funding agreement with the Government. The Umbrella trust provides a mechanism for co-ordination of support services, procurement and shared provision across the schools within it.
15. A multi-academy trust has one single funding agreement with Government and is effectively a single body which may operate a number of schools on different sites. Multi-academy trusts could form part of an umbrella arrangement. The Government is not willing to allow underperforming schools to have a separate funding agreement as part of an umbrella trust, instead they will need to be sponsored, either by another school or as part of a multi-academy arrangement.

The National Picture

16. The Government's Academies programme continues to gain momentum. As of 4 January 2012, there are 1529 academies open in England, 1194 of these being schools that have converted to become academies, 335 of which have been sponsored.
17. The greatest interest has been in the secondary sector, with 45 per cent of all maintained secondary schools either open or in the pipeline to become academies. In many authorities, the majority of secondary schools are academies - over 90 per cent in North East Lincolnshire; 90 per cent in Buckinghamshire over 88 per cent in Bromley; over 82 per cent in Swindon; over 80 per cent in Thurrock. Three in every five outstanding secondary schools have applied to convert to an academy.
18. The last Government saw academies as a secondary-only programme. The Coalition Government has extended the programme to primary schools, and interest in the primary sector is now growing, though in some parts of the country interest remains low. More than 700 maintained primary schools are either open or in the pipeline to become academies. These range from small rural primaries with 32 pupils on roll, to large urban primaries with over 800 pupils. Nearly one in 10 outstanding primary schools has already converted.
19. In March 2010, the Government shifted the focus of its primary programme from good and outstanding schools to underperforming primary schools, i.e. those below the new and tougher floor standards. As Nick Gibb, the Minister for Schools recently announced, "The 200 weakest primaries will be converted into academies, and robust action plans are being prepared in 500 more. If schools aren't making the right progress, and local authorities don't have a grip on the issue, we will be able to intervene to secure the best possible result for the children in those schools". This suggests that up to 700 additional sponsored primary academies could be created in the near future.
20. In total, over 1,250,000 pupils now attend academies, equivalent to one in seven pupils in state schools - one in three pupils in state secondary schools. In an average week, the Department for Education processes 20 applications from schools to convert to academy status, and brokers another five schools to become sponsored academies. September 2011 also saw the opening of 24 new free schools, 4 studio schools, and a university technical college. 100 new schools are set to open by the end of 2013.

The Picture in Oxfordshire

21. The picture in Oxfordshire is rapidly developing with almost 40% of all secondary schools currently expressing a formal interest with the DfE in converting. In line with elsewhere though, primary schools have been slower, although the current pipeline of conversions does include some joint applications. In part, this is a positive reflection of their relationship with the Council and with each other. The Council wishes to retain the sense of

community that exists amongst schools, whilst acknowledging that more and more schools will be seeking more autonomous solutions. The current picture is as follows.

22. There are three existing sponsored academies from the first wave of the Academies programme:
 - North Oxfordshire Academy (ex Drayton School)
 - Oxford Academy (ex Peers School)
 - Oxford Spires Academy (ex Oxford School)

23. In addition, the DfE is commencing discussions with Oxfordshire primary schools below the new national floor targets, and to date structural solutions are being identified for:
 - Berinsfield Primary School
 - Windale Primary School
 - John Henry Newman CE Primary School

24. Two schools have already converted and are open as academies:
 - King Alfred's School
 - Wallingford School

25. The following conversions are in train (as per DfE website plus formal notifications received):
 - Gillotts School
 - Hanwell Fields Community School
 - Rush Common Primary School
 - Bartholomew School
 - Langtree School
 - Faringdon Community College }
 - Faringdon Infants School } joint application
 - Faringdon Junior School }
 - Chipping Norton School
 - Henry Box School
 - Burford School
 - The Cherwell School
 - Cutteslowe Primary School
 - Banbury School
 - Dashwood Primary School

26. Schools known to be considering conversion, based on approaches to Local Authority officers seeking information, though not necessarily advising of a firm intention to convert:
 - 5 schools

27. Schools which may need to consider a structural solution because of DfE concerns about performance against the 'floor targets':

- Up to 7 primary schools

This figure is likely to change as changes in the performance of schools are identified by Ofsted.

28. Finally, three special schools are considering forming a joint academy trust:

- Fitzwaryn School, Wantage
- Springfield School, Witney
- Kingfisher School, Abingdon

29. If all of the applications are successful, and sponsors are identified for underperforming schools, it is possible that over half of our secondary schools and 10% of all Oxfordshire's schools will be academies by the end of this year.

Shaping the Market

30. The Secretary of State has said in a recent speech that he is happy to allow a thousand flowers to bloom. Whilst we share his ambition to allow schools to flourish, there is a risk if a significant number of schools in Oxfordshire move to academy status in an unplanned way. It is the responsibility of the Council to put in place solutions which mitigate that risk to ensure no schools, and importantly no pupils, are disadvantaged by an unplanned process.

31. There are potential risks that some schools could get left behind in areas where stronger schools, or perhaps those at a different stage in the progression to becoming successful schools, take the lead. Small schools, many of which can be in relatively isolated rural settings, may lack the capacity or, indeed, the inclination to convert. Schools which are underperforming may fail to find sponsors who share their ethos and understand the context in which they operate. The Council acknowledges that, for many schools, an academy conversion may not be their priority or something they would wish to propose. For these schools, we will wish to continue to provide arrange of support mechanisms, along with appropriate challenge, but we need to acknowledge that our ability to do this may become compromised as more academies convert.

32. There are also risks to the Council. As more and more schools become academies, there is an impact upon remaining budgets. The efficient and effective provision of some services, such as home to school transport, could be compromised if schools started to adopt different term dates or start and finish times. The exclusion of pupils by individual academies operating outside a family-of-schools approach could lead to increased pressure on other schools and the Local Authority. A whole range of issues, for example, relating to capital investment, the provision of traded services, access to pension schemes, and transfer of assets, will need to be considered and addressed.

33. These challenges will not go away; the question is whether we address them in a piece-meal and ad-hoc way as they present themselves, and manage the consequences as the proportion of schools becoming academies increases, or whether we decide to provide leadership to minimise failure and maximise the advantages of structural change.
34. The recommendation to Cabinet is that the Council provides leadership to help it to create an environment in which the risks of a piece-meal conversion programme are minimised and the potential opportunities of academy status are fully realised. In particular, it is proposed that a time-limited piece of work is commissioned to improve our knowledge and understanding of academies and the processes by which schools convert and become sponsored. A contract will be awarded to an organisation to produce a comprehensive report, where appropriate drawing upon existing knowledge available within the Council, which sets out the options for the establishment of umbrella or multi-academy trusts across the County and identifies the issues which would need to be addressed if the possible risks of an unplanned move to academy status are to be managed and the potential benefits maximised. The contracted organisation will be asked to engage with schools from the outset, to seek their views and, in particular, to identify and report back on the many innovative solutions already being considered by groups of schools around the county.
35. 41% of the primary schools in Oxfordshire are either Voluntary Aided or Voluntary Controlled. It is important, therefore, that the Council works closely in partnership with the Diocese of Oxford (and, to a lesser extent given the smaller number of schools, the two Roman Catholic Dioceses across the county). If any recommendations arising from the commissioned report require a response from the DfE, and the possible application of freedoms and flexibilities to support an Oxfordshire Academies Programme, it will also be important that the report is seen to be objective and not an attempt by the Local Authority to maintain the status quo.
36. To provide challenge and support to the proposed improvements in educational outcomes, it is proposed, therefore, to establish a small Advisory Board, comprising leading educationalists and community leaders, brought together by the Council to help deliver the change which is sought.
37. It is recommended that the final report is, therefore, initially considered by this Advisory Board before any recommendations are taken through the formal decision making and scrutiny processes.

The Role of Local Authorities post 2010 Election

38. In May 2010, following the establishment of the Coalition Government, Michael Gove wrote to all local authorities inviting a discussion on their future role. That discussion is still underway. In May 2011, a Local Government Paper, "Supporting the New Strategic Council Role in Education", described councils as being at the heart of the "streamlined and effective accountability

system” that the White Paper proposed. It set out a clear view that it is for councils themselves to define, in discussion with local schools, what their education role should be locally and that this would vary from area to area. The County Council is now beginning this discussion. Subsequently, the Ministerial Advisory Group on the Future Role of Local Authorities has initiated a project to define the role. The County Council is participating in this review, and a full report is expected in July 2012.

39. The Government began its legislative programme in July 2010 with the Academies Act, and followed this in March 2011 with a new Schools White Paper, part of which described the local authority role (paragraphs 5.28 to 5.44). The Education Bill was passed by Parliament on 17 November 2011 and it is envisaged that it will be fully enacted by the start of the 2012 school year.

40. The Importance of Teaching: Schools White Paper described the Local Authority strategic role as follows. To:

- Support parents and families through promoting a good supply of strong schools – encouraging the development of academies and free schools which reflect the local community.
- Ensure fair access to all schools for every child.
- Use their democratic mandate to stand up for the interests of parents and children.
- Support vulnerable pupils, including Looked After Children, those with Special Educational Needs and those outside mainstream education.
- Support maintained schools performing below the floor standards to improve quickly or convert to academy status with a strong sponsor, and support all other schools which wish to collaborate with them to improve educational performance.

41. In addition, the County Council still retains statutory responsibilities for:

- School organisation: ensuring sufficient school places are available by building or extending schools.
- Assessing and providing for home to school transport.
- Allocating finance to non-academy schools.
- The co-ordination of admissions.
- Funding provision for pupils with Statements.
- Making and maintaining Statements.
- Intervention in local authority schools causing concern.
- Ensuring that disabled and vulnerable children and those with special educational needs have access to high-quality provision.
- Being the Corporate parents for Looked After Children.
- A broad safeguarding role for children in the area who attend schools.
- Securing provision for young people in custody.
- Taking legal action to enforce attendance by prosecutions for non-attendance or education supervision orders and issuing parenting contracts.

42. The local authority retains *discretionary* power to provide central services. This ranges from an Education Psychology Service, to Hearing Impairment Services, to Autism Support, to payroll, HR and Legal advice, school meals and cleaning etc. Many of our schools value the services they receive and we should continue to provide those services where there is a demand, when they are of high quality, and when they are proved to be cost-effective. However, working with schools we should also stimulate the market and open it up to other providers to give schools greater choice to ensure that their needs are met in the most cost-effective manner.
43. The Council can determine to secure services which are not, strictly speaking, statutory in nature, but which help it to achieve its wider ambitions for the children and families of Oxfordshire. The commissioning of such discretionary activity is a tangible demonstration of the Council's ambitions for its residents. A good illustration of the leadership role that the Council can provide is the proposed delivery of a number of campaigns over a number of years, starting with the Oxfordshire Reading Campaign. A further report will be brought to the Cabinet setting out the strategy for this campaign, which aims to transform reading standards in parts of the county from being the worst in the country to some of the best internationally. This is an ambitious programme which reflects the seriousness the Council attaches to raising standards for the children of the county.
44. A further example of the leadership role of the Council is the part it can play in shaping a new generation of school leaders. The Education Strategy rightly emphasises the importance of leadership; national and international evidence suggests that the quality of schools is linked to the quality of the leadership, not just headteachers, but also other senior professionals, as well as Governors. Again, a further report will be brought to the Cabinet setting out an ambitious leadership programme, working in partnership with our many good and outstanding leaders and teachers in schools and higher education institutions to provide the leaders which will ensure the sustainability of the improvements we aim to make over the next few years.
45. We need to accept that the historic underperformance of parts of the education sector in the county suggests that the Council does not always have the capability to deliver improvement programmes itself. In some cases, our schools have not had the level of support, or challenge, they needed. Competing organisational priorities for the Directorate, coupled with significant changes in personnel, has meant that the levels of required support have not always been available. Moving forward, we need to establish a reputation not necessarily for doing things ourselves, or knowing the answers to all the questions, but for having the ability to harness the potential that exists in the county, and to bring together the collective knowledge of the education community, alongside clear thinkers from other sectors, to design and commission solutions that will make a step change in learning across the county. To provide challenge and support to the proposed improvements in educational outcomes, it is proposed, therefore, to establish an Advisory

Board, comprising leading educationalists and community leaders, brought together by the Council to help deliver the change which is sought.

46. It is in response to this evolving national agenda that the County Council wishes to clarify its role, and in particular to:
- Redefine its role in relation to education, as a commissioner, champion and community leader.
 - Provide strong leadership to improve educational outcomes whilst redefining its relationship with schools.
 - Make a real difference to education in Oxfordshire.
 - Retain stability, and build sustainability, within the education system during a period of otherwise unplanned change.
 - Ensure that solutions are affordable within predicted budgets and that the impacts on the rest of the Council are fully understood.
 - Consider innovative solutions and alternative delivery mechanisms to secure improved outcomes, subject to robust options appraisal and analysis.
 - Locate education in the wider business of the Council.

Engagement with Schools and Governing Bodies

47. As a Local Authority we are committed to working with all schools in Oxfordshire to ensure the best interests of children, young people and their families are met. This will require the Directorate and schools to work closely together. As a Council, the relationship between Schools and the Directorate is good and reflects the ongoing effective relationships between Headteachers and staff of Local Authority. As we move towards new forms of governance and engagement, these relationships will be built upon for headteachers and governing to ensure a high quality effective education service.
48. In order to ensure headteachers and governing bodies are properly briefed and informed of the changing shape of education and future relationships with the Local Authority, we will, over the early spring, set up and run a series of engagement and familiarisation programmes to work with schools and those with a responsibility for learning services.
49. The Council recognises that the issues addressed in this report are difficult, and that there will be a range of views and responses from individuals and organisations. However, we know that as an education community we need to find solutions to the challenges we face, and the County Council wishes to work with all partners to ensure that those solutions are the right ones for the children, families and businesses of the County, given the national political context within which we all work. We are committed to improving outcomes for children and to working with others to make that happen, building on the excellent practice in many of our schools and moving forward together to deliver a 21st century education system for the people of Oxfordshire.

Financial and Staff Implications

50. The report recommends the commissioning of a time-limited piece of work which will inform the Council's future thinking. The costs will be met from existing resources within the Education and Early Intervention Service. The report will provide further and more detailed information than is currently available on the financial and staffing implications for the Council of the conversion to academies generally, and the implications of a potential new Oxfordshire Academies Programme.

Legal Implications

51. The report to be commissioned will explore the legal implications arising from an Academies Programme, in particular the legal issues relating to the possible creation of umbrella and multi-academy trusts. The report acknowledges the statutory duties that will remain with the Council and the need to ensure that these duties are discharged appropriately.

Equality and Inclusion Implications

52. The report recommends an approach which will ensure that the needs of the most vulnerable learners continue to be met and that learning outcomes for all children are improved irrespective of their background. Following the receipt of the planned report, a further report will be submitted to Cabinet in which further equalities matters will be considered in a full Equalities Impact Assessment.

Sustainability Implications

53. The report is not considered to raise any sustainability issues.

Risk Management

54. An assessment of risk is included in the report.

RECOMMENDATIONS

55. **The Cabinet is RECOMMENDED to:**
 - a) **Confirm the Council's future role as commissioner of outcomes, and a champion for the children and families of the county.**
 - b) **Confirm its absolute commitment to improve educational outcomes for those children.**
 - c) **Clearly state the Council's support for the conversion of schools to become academies and the establishment of new forms of schools, including free schools, studio schools and university technical colleges.**
 - d) **Agree to conduct a time-limited piece of work to better inform a proposed Oxfordshire Academies Programme, building upon**

existing conversions and sponsorship arrangements to create a structured and supportive environment for school autonomy and collaboration.

- e) Agree to establish a new Advisory Board on Education Standards to advise the Council in its role as a Commissioner of excellent outcomes in Education.**

JIM LEIVERS

Acting Director for Children, Education & Families

Contact Officer: Andy Roberts, Interim Deputy Director – Education and Early Intervention
Tel: (01865) 815498

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