

TITLE OF REPORT: The Changing Role of LAs in Education

REPORT OF: Sheena Ramsey, Strategic Director, Care, Wellbeing and Learning

Summary

This report details the Council's educational statutory duties and also highlights the responsibilities of academy/multi academy trust.

The Department for Education (DfE) defines academies as

Academies are publicly funded independent schools. Academies don't have to follow the national curriculum and can set their own term times. They still have to follow the same rules on admissions, special educational needs and exclusions as other state schools. Academies get money direct from the government, not the local council. They're run by an academy trust which employs the staff. Some academies have sponsors such as businesses, universities, other schools, faith groups or voluntary groups. Sponsors are responsible for improving the performance of their schools.

and Multi Academy Trusts (MATs) as

A single entity established to undertake a strategic collaboration to improve and maintain high educational standards across a number of schools. A group of schools form a single MAT which has overarching responsibility for their governance.

1. Background

The DfE's position

The 2016 education White Paper 'Educational Excellence Everywhere,' was clear in the direction it laid out for the future of schools;

- i) All schools would be forced to be academies (preferably as part of a Multi-Academy Trust - MAT) by 2022.
- ii) Local authorities would have no role in directly managing schools or school improvement.

Following the EU Referendum and the ensuing change of Prime Minister and also the Education Secretary the White Paper was scrapped.

However, Government Policy would appear still to promote schools as part of MATs and independent of Local Authority control as the way forward. This approach is most apparent when a school is judged by Ofsted to be inadequate. An 'inadequate' school is required to join a MAT; this is irrespective of the historical performance of the Local Authority. The responsibility for finding a MAT or sponsor rests with the Regional School's Commissioner.

Similarly, schools that fall below educational floor standards also become vulnerable to being forced to become part of MATs.

This situation lost significant credibility with the realisation that only 52% of children in the country achieved the expected level in Reading, Writing and Mathematics by the age of 11 in 2016 and the floor standard stood at 65%.

In summary – the Government would wish to see all schools as part of MATs converting as soon as possible; however, schools are no longer in the position where they will be forced unless they become vulnerable. To increase the rate of academisation the Government's actions will undoubtedly 'pick off' vulnerable schools, try to make academisation more attractive and reduce the Local Authority's ability to carry out their school improvement function.

Therefore, we are left with a public education system that consists of schools maintained by local councils and academies and free school that are self-governing. Legislation is yet to be passed that specifically details the "new" role of Local Authorities in education.

2. Local Authority Duties

2.1 School place planning duties

The Council as an education authority has a duty to promote high standards of education and fair access to education. It also has a general duty to secure sufficient schools in their area, and to consider the need to secure provision for children with SEN. This includes a duty to respond to parents' representations about school provision. These are referred to as the school place planning duties.

The LA has a duty to follow statutory processes when establishing, closing, or making alterations to a school (s6A, 7, 9, 10, 11, 15 and 19 Education and Inspections Act 2006 and school organisation regulations).

The class size duty requires the LA to restrict class sizes for 4-7 year olds to 30 pupils per class (s1 School Standards and Framework Act 1998).

2.2 Education otherwise than at school

The Council as an education authority has a duty to make arrangements for the provision of suitable education at school or otherwise for each child of school age

who for reasons of illness, exclusion or otherwise would not receive it unless such arrangements were made.

LAs may establish pupil referral units but do not have a duty to do so (s19 Education Act 1996). However:

Where a PRU is established, the LA has duties to set up a management committee and to delegate its duties to the management committee

The LA has a duty to provide education for a permanently excluded child from the sixth day after the exclusion

2.3 Welfare/Inclusion

The local authority has a duty:

To make arrangements to establish the identities of children residing in the area who are not receiving suitable education (s436A Education Act 1996)

To consider serving an education supervision order before prosecuting for truancy (s 447 Education Act 1996)

In relation to pupils excluded from school to receive information from schools and pass it to the Secretary of State and to establish review panels (s51A Education Act 2002)

To develop accessibility strategies to facilitate better access to education for disabled pupils. Schools also have to develop access plans which build upon the local authority access strategy. (s88 Equality Act 2010)

2.4 Special Educational Needs

The Council as education authority has specific duties in relation to provision of education for children with special educational needs (SEN). The main duties are (Part 3 Education Act 1996):

To publish information about SEND provision available in and outside the area

To identify whether a child for whom they are responsible has SEN

To assess a child who in their opinion has SEN

If the assessment shows that it is necessary, to make an Education Health Care Plan determining the child's needs and the educational provision required

To ensure the specific provision set out in the Plan is made

To keep the Plan under review

To educate children with SEN in mainstream schools where possible

To inform parents when SEN provision is made

To arrange for and participate in mediation where required

To make all decisions with regard to:

- The views, wishes and feelings of the child and his/her parent or the young person
- The importance of involving them in decisions and providing the right information and support to allow them to do so
- The need to support the child or young person and help them achieve the best possible educational and other outcomes

To promote integration of education and training provision with health and social care

To make joint commissioning arrangements about education, health and care provision

To make arrangements for an advice and information service and a dispute resolution service for parents of children with SEN

2.5 School transport duties

The local authority has a duty:

To make provision for suitable home to school travel arrangements for eligible children of compulsory school age (5-16) to facilitate attendance at a relevant educational establishment. Travel arrangements are provided free of charge. (s508B Education Act 1996)

To promote sustainable modes of travel to assess general school travel needs. The local authority must publish each academic year a document containing their strategy to promote the use of sustainable school travel. (s508A Education Act 1996)

To have regard to religion and belief in exercise of travel functions (s509 AD Education Act 1996)

To specify to what extent the arrangements they include in their annual transport policy statement facilitate the attendance of disabled persons and persons with learning difficulties

To publish annual Post-16 Transport Policy Statement which must set out the arrangements for the provision of transport, and for financial assistance towards transports costs, it considers necessary to facilitate attendance of students of 6th form age

2.6 Admissions duties

The council has duties in relation to school admissions both as local authority and as the admission authority for all community and voluntary controlled schools. These duties are:

To provide advice and assistance to parents when deciding on a school place and allow parents to express a preference (s86(1A) School Standards and Framework Act 1998)

For each school year, the local authority must publish the prescribed information about the admission arrangements for each of the maintained schools in their area, and if regulations so provide, such maintained schools outside their area (s92 SSFA)

To publish each year a composite prospectus for all publicly funded schools in the area

3. Academy Trust “Freedoms” and Responsibilities

The Trust;

- Is the employer of the staff.
- takes responsibility of the building and resources
- becomes its own admissions authority, although participation in the LA coordinated schemes is still required.
- must ensure the quality of educational provision
- challenge and monitor the performance of the Academy – areas of challenge will include curriculum, assessment and attainment, behaviour and attendance, views of the school and the community, staffing and budget
- manage the Academy Trust’s finances and property
- approve the Academy formal budget plan each Academy Financial year (Sept – August).
- comply with (and ensure that the Academy Trust complies with) both charity and company law
- manage and comply with the obligations in the Funding Agreement – upholding admissions arrangements and arrangements for pupils with SEN, provision of free school meals, ensure a broad and balanced curriculum that includes English, maths, science and RE.

4. Recommendations

Member of OSC are asked to note and discuss the content of the report.

Contact: Steve Horne	Extension: 8604
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