

Response ID ANON-JNAN-G7R8-F

Submitted to Reforming how local authority school improvement functions are funded
Submitted on 2021-11-26 09:47:11

Introduction

1 What is your name?

Name:
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2 What is your email address?

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3 Are you responding as an individual or as part of an organisation?

Organisation

4 What is your organisation? (if applicable)

Organisation:
Surrey County Council

5 What type of organisation is it?

Organisation type:
Local authority

6 What is your role? (if applicable)

Role:
Finance officer submitting response agreed by Director of Children, Families and Lifelong Learning and lead member for Education

7 What local authority area are you based in?

Local authority area:
Surrey

8 Are you happy to be contacted directly about your response?

Yes

9 Would you like us to keep your responses confidential?

No

Reasons for confidentiality:

About this consultation

Reforming how local authorities' school improvement functions are funded

Background: Councils' school improvement functions and how they are currently funded

Proposal and rationale

Proposal 1: Removing the Grant

Proposal 2: Including provisions in the School and Early Years Finance (England) Regulations to enable councils to fund all core improvement activities via de-delegation

Clarifying guidance provided to councils with respect to school improvement

Timeline

Questions

10 We believe that instances of councils exercising formal intervention powers remain relatively low, and that since its introduction, this grant has primarily supported improvement functions such as early support and challenge to improve individual school performance, which overlaps with wider (non-core) improvement provision.

Response to question 10:

The consultation and the SCC guidance 2021 (p36) states that the Monitoring and Brokering Grant is provided to local authorities to assist them to fulfil the following responsibilities:

- 'Understand the performance of maintained schools in their area, using data as a starting point to identify any that are underperforming, while working with them to explore ways to support progress;
- Work closely with the relevant RSC, diocese and other local partners to ensure schools receive the support they need to improve;
- Where underperformance has been recognised in a maintained school, proactively work with the relevant RSC, combining local and regional expertise to ensure the right approach, including sending warning notices and using intervention powers where this will improve leadership and standards;
- Encourage good and outstanding maintained schools to take responsibility for their own improvement; support other schools; and enable other schools to access the support they need to improve.'

Over the last year Surrey has issued a number of warning notices and have a significant number of schools that are 'eligible for intervention' as identified by the SCC guidance. However, as outlined above the grant covers a wider range of activities than using formal intervention powers.

The performance of a school is significantly more than just its performance data - as pointed out clearly by Ofsted in its 2019 Framework. Indeed, end of Key Stage data plays a very small part of the evidence used by inspectors to form their judgements in schools. We therefore believe that in order to 'understand the performance of the maintained schools in our area' we need to use a range of approaches including visiting the schools. Due to the Covid 19 pandemic, we have not had usual performance data to use as a starting point.

Strong risk assessment underpins all of our work in this area.

The SCC guidance considers that LA's should work with schools to 'explore ways to support progress', and 'ensure schools receive the support they need to improve'. In a county of over 200 maintained community schools the majority of the Grant is spent on these aspects. Given the challenges posed by the pandemic and the new expectations posed by the 2019 Ofsted framework we have worked proactively with schools in order to support improvements to education performance and prevent the need to use formal intervention powers. We identify schools where performance, leadership and governance are declining, identify the support needed, draft an improvement plan, broker the support needed and rigorously assess the impact and monitor the progress. We have not used the fund to 'pay' for the support that schools need to improve in a sector led school improvement model.

Fundamentally we believe that it is crucial to 'catch' schools before they fall into significant underperformance as ultimately this impacts on the education and outcomes for the children and young people.

We have worked proactively with the Regional Schools Commissioner's Officer (RSC) to secure improvement in both maintained schools and academies. We are concerned that the RSC will be unable to fill the gap with their academies if the roles paid for through this grant are no longer available to them.

All of our work has therefore resulted in fewer formal interventions. This model secures high levels of engagement with school leaders and governors and results in fewer schools becoming Inadequate. It is not in the best interests of children in Surrey or the communities which they serve, for schools to reach the gateway for formal intervention before remedial action is taken.

Finally, the loss of the system leadership provided by the LA, exemplified most clearly through the pandemic, means that the impact of the loss of this grant will reach all corners of the education system, not just the maintained schools.

11 We are proposing to (i) remove the Grant (Proposal 1), and (ii) enable councils to de-delegate funds via their schools forum to ensure they are sufficiently funded to exercise all of their improvement activities, including all core improvement activities (Proposal 2).

Response to question 11:

In principle the proposal (2) allows councils to secure funding for core school improvement activities, but this will constitute a new burden on LA maintained schools' budgets and will be a cut to schools funding and act as a cut to children's services funding.

Schools are unlikely to agree to de-delegation to fund functions that remain the statutory responsibility of the council. Therefore, there is a high risk that the statutory duties will remain with the council without any resource to fulfil this duty. This will mean that the local authority will only have capacity to react to urgent school issues and underperformance.

The timing of this consultation means that:

- There will be insufficient time to consult with schools before making any deductions from schools funding for 2022/23 or for the Secretary of State to consider appeals.
- That statutory redundancy periods for staff cannot be met.
- That schools may have a cost pressure to their budget mid academic year.

This proposal comes at a time when the National Funding Formula is biting hard on the budgets of some of our small rural schools and the cumulative impact of changes will be detrimental to schools funding levels and therefore outcomes for children.

The implementation period is unrealistic and does not account for many local authorities with contractual or employment arrangements in place to discharge their duties. The fundamental system change this proposal constitutes, should not be underestimated.

The proposal is not equitable with the process for academies which is automatically top sliced as this proposal give schools the right to refuse. The MAT role is not the same as the LA role because of the very existence of the RSC.

The proposals will mean that individual maintained school sectors will no longer be able to make separate decisions on whether to fund additional school improvement support, which could mean support being withdrawn from primary schools, where most of the schools are still maintained, because other sectors don't support the proposal.

We would want to see an equality impact assessment to support this proposal.

If the Grant must be withdrawn, it would be better to give LAs the choice of deducting funding for additional school improvement services under either Part 6 or Part 7 of Schedule 2, to allow differentiation between sectors if that is the local preference.

12 Bearing in mind Proposals 1 and 2, are there any aspects of our guidance to councils on their role in school improvement which could usefully be clarified to aid understanding of what councils are accountable for with respect to improvement and how it should be funded?

Response to question 12:

It would be helpful if the DfE could clarify what it means by 'under-performing' (p36) and 'low performance standards' (p 12). Are these two descriptions the same? There is significant ambiguity.

In addition, Section 60(3) of the Education and Inspections 2006 Act is in itself open to interpretation.

'For the purposes of subsection (2)(a) the standards of performance of pupils at a school are low if they are low by reference to any one or more of the following –

- a) the standards that the pupils might in all the circumstances reasonably be expected to attain,
- b) where relevant, the standards previously attained by them, or
- c) the standards attained by pupils at comparable schools.'

One could argue that any schools where attainment or progress is 'below average' or 'well-below average' (School Performance Tables) meets any one of the definitions a) – c). This also leads to significant ambiguity.

If the DfE means that LAs should only be using the Grant to work with schools that are eligible for intervention or where warning notices are issued, then they should be clear.

There should be greater clarity and consistency between LA maintained schools and academies over when a warning notice should be issued. For examples where an academy is not judged inadequate by Ofsted the RSC will be unlikely to issue a termination warning notice unless there is a serious breakdown in leadership and management or a safeguarding issue. As an LA we issue warning notices to schools that are RI and Good when appropriate.

Given that there is significant likelihood that Schools' Forum will not agree to de-delegate it would be sensible to clarify that LA's statutory responsibilities are limited to schools where:

- They are judged to be Inadequate by Ofsted
- There is a breakdown in leadership and/or governance
- The safety of pupils is seriously compromised.

13 The Public Sector Equality Duty (PSED) requires that public bodies consider the potential effects of key decisions on groups with protected characteristics. The relevant protected characteristics for the purposes of the PSED are: sex; race; disability; religion or belief; sexual orientation; pregnancy or maternity; gender reassignment; and age.

Response to question 13:

In its statutory work around Schools Causing Concern, the LA also intervenes in settings where evidence suggests that the school is paying insufficient attention to equalities issues, particularly in relation to vulnerable groups. In our sector led school improvement model here in Surrey, we identify these settings, challenge school leadership regarding the provision and outcomes and broker in support from stronger schools to ensure that these children and young people are not left behind. If the Grant is withdrawn, this targeted work will not be able to continue. This will have a negative impact on meeting our equality and equity duties.