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By email: schoolsystem.consultation@education.gsi.gov.uk

ADCS response to the 'Schools that work for everyone' consultation

1. Introduction

- 1.1. The Association of Directors of Children's Services Ltd (ADCS) is the professional association for directors of children's services (DCS) and their senior management teams. Under the provisions of the Children Act (2004), the DCS is the chief officer responsible for the discharge of local authority functions with regard to education and children's social care and acts as a champion for children.
- 1.2. ADCS welcomes the opportunity to comment on the proposals outlined in the government's new green paper, 'Schools that work for everyone.' While the quality of education is front and centre, the underlying policy motivation is arguably more concerned with resources in the context of a continuing squeeze in both capital and revenue budgets and an expanding child population.
- 1.3. It is vitally important that our schools do work for everyone, however, ADCS is disappointed to note that the green paper consistently overlooks arguably more pressing challenges, such as bringing coherence across a rapidly changing education system; designing a truly fairer funding regime against a backdrop of austerity; addressing the crisis in teacher recruitment and retention, and enabling all schools to actively contribute to plans for a post-Brexit economy. In an increasingly globalised economy we need a highly-skilled workforce which is able to compete on the world stage, now and in the future.
- 1.4. We note that the proposals set out in the consultation are largely concerned with secondary education provision despite significant pressures in the primary sector. Serious questions arising from the implementation of the government's flagship academies programme over the viability of smaller schools remain unanswered. Likewise, meeting the needs of learners with cross-phase special educational needs and/or disabilities (SEND), is not referenced nor is the importance of effective early years provision. ADCS urges the government not to look at individual schools, or different types of schools, in isolation. Similarly the needs of all children, not just a select few, should be in sight at all times.

2. The need for new school places

- 2.1. An increase in the child population over the last decade has amplified the effects of significant underinvestment in the school estate in recent years. A new study by the [Scape Group](#) found that an additional 729,000 school places will be needed across England by 2020, this is equivalent to building an additional 2000 schools. The same study noted that school shortages in London, the south east and core cities such as Bristol, Manchester and Nottingham are particularly acute, while some rural areas are continuing to experience a surplus of school places.
- 2.2. The consultation proposes a threefold approach to the provision of more school places, firstly, by increasing the number of good schools places available "... to all families." Secondly, by giving education providers with a strong track record the "right incentives" to expand their offer to more pupils. And thirdly, by delivering a "diverse school system."

- 2.3. Allowing existing grammar schools to expand via the creation of new satellite or annex sites, along with the establishment of new selective schools, sits at the heart of plans to create good school places. The government also suggests that grammar schools may wish to sponsor underperforming academies, partner up with or even establish their own non-selective schools. The criteria that will be used to assess suitability to undertake this role are not provided.
- 2.4. In a [2008 study](#), the Sutton Trust explored the wider impact of grammar schools 'creaming off' the brightest pupils in a given locality. Although only 36 local authorities have at least one grammar school in their area, nationally, about 20% of grammar school pupils travel from other authorities, the study found that this figure can be as high as 75% in some areas. This is a significant issue, indeed the consultation recognises that: "there is some evidence that children who attend non-selective schools in selective areas may not fare as well academically – both compared to local selective schools and comprehensives in non-selective areas." This raises serious questions about the educational experiences of the population of children who are not selected yet the consultation offers no answers about how the government will guard against the consequences, unintended or otherwise, of this new policy. If apparent improvement in one institution comes at the cost of depressed performance elsewhere, then there is no net gain at the system level.
- 2.5. In a similar vein, the government suggests that independent schools and universities should be encouraged to sponsor existing academies and set up new free schools. Again, the consultation is largely silent on how the capacity and capability of these institutions will be assessed. While maintained schools are not eligible to become sponsors, other academies can only do so if judged to be good or outstanding by Ofsted, ADCS believes, at a minimum, that the same rigour must be applied here. Even so it is not self-evident that success in one context would automatically be replicated in another - this is an untested proposal expected to deliver swiftly and sustainably to scale with little or no proven track record of success. The ability of higher education institutions to fulfil this role must also be carefully assessed and the effectiveness of any existing partnerships, e.g. involvement with university technical colleges (UTCs), independently evaluated before a university is accepted as an approved proposer (or sponsor) of state schools.
- 2.6. ADCS has serious concerns about the levels of expertise in, and the experiences of, independent schools and universities in meeting the specific needs of learners with SEND and those who are not from financially advantaged families. The particular needs of children and young people with SEND are not mentioned in the green paper at all, this is very worrying for directors of children's services and seems at odds with the government's wide-ranging SEND reforms in recent years. Similarly, the [recent statistics](#) (June 2016) show that the proportion of pupils with SEND with statements or EHC plans was less than 0.1% in grammars compared to 1.8% across all schools while the proportion of pupils with additional needs but without a statement or plan was 4.2% in grammar schools compared to 12.4% nationally.
- 2.7. The consultation notes that around a third of schools in England have a religious character and that the vast majority are high performing (although there is no analysis of why). However, previous studies have concluded that, after allowing for 'social selection,' there is no systematic difference in performance. Indeed a recent report by the [Education Policy Institute](#) (2016) suggests that: "... given that the average faith school admits fewer pupils

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from poor backgrounds than the average non faith school, there is a risk that increasing the numbers of faith schools would come at the price of increased social segregation, with a risk of lower social mobility.”

- 2.8.** In a bid to create good school places the government is proposing to remove a cap on faith-based over-subscription criteria principally to encourage the opening of new faith free schools – the consultation notes that some faith groups have not actively engaged with the free schools programme to date on the basis that the cap is inconsistent with their religious mission. ADCS is concerned that this move could have unintended consequences in terms of community cohesion and may sit at odds with the ‘prevent agenda.’ It is unclear how these risks have been assessed by the government and whether the Department for Education (DfE) would seek to both review and clarify aspects of the existing guidance around ‘British Values,’ this would be required as a matter of urgency if this proposal is brought forward.
- 2.9.** We are concerned that removal of the cap would represent a backwards step, the vast majority of schools work hard to teach an understanding of, and a respect for, other faiths, values and cultures in order to prepare learners for life in modern Britain and as global citizens. ADCS suggests this proposal is set aside and revisited in its own right - if the cap is apparently not working then then we need to understand the reasons why, not simply seek to abolish it.
- 2.10.** We are also concerned that proposers of new faith free schools might bring forward new plans for smaller free schools based on narrowing orthodoxies. A single lens focus on faith as opposed to a faith-based education open to children of all faiths (and none) risks a return to increasingly segregated and siloed communities. The long-term financial viability of these smaller schools is a further worry and at a time of austerity this would offer poor value for taxpayers.

3. Admissions and place planning

- 3.1.** ADCS is concerned that introducing greater selection into the system, whether on the basis of ability, geography or faith, has the potential to further exacerbate the shortage of school places and may even create pressures where they do not currently exist. The consultation highlights concerns around sufficiency of school places and local differences in standards. ADCS feels strongly that locally developed solutions are required here, not national legislation.
- 3.2.** Local authorities retain place planning duties but increasingly lack influence in the planning and establishment of new schools. There is a clear role for local authorities in bringing forward provision that meets the needs of learners and local communities - the Department for Education (DfE), the Education Funding Agency (EFA) and Regional Schools Commissioners (RSCs) are simply too remote and lack the necessary infrastructure to fulfil this role. The siting of free schools and university technical colleges (UTCs) in areas with a surplus of places underlines the need for a coherent and strategic approach informed by local intelligence. Local and central government must work together with other key players to shape and direct a national strategy to address the growing shortage of school places as a matter of urgency. ADCS would welcome further engagement with the DfE and the EFA on this point.

- 3.3.** ADCS calls for the urgent development of a single overarching strategy for the creation of new school places to ensure that scarce public resources are targeted in areas of greatest need. This co-ordinated approach should address the needs of all pupils: those learners who are academically very able, those who are vocationally driven, children and young people with special educational needs and/or disabilities and those whose behaviour means that they need bespoke learning programmes to access the curriculum. Significant capital investment is required and ADCS believes there is a crucial role for local authorities, in close partnership with proposers and providers, in siting new schools and planning projects that meet the needs of local communities. Local authorities have extensive experience of putting together land and resource packages and should, in the absence of free school proposers, be authorised to borrow money at low interest rates to fulfil unmet need.
- 3.4.** The education and skills agenda is absolutely central to the economic and social regeneration plans local authorities lead along with schools, further and higher education institutions, skills providers and businesses on in order to drive up prosperity and help local businesses and communities to thrive.
- 3.5.** ADCS is concerned that allowing existing schools to become selective will make it increasingly difficult to discharge any admissions function at a local level; could potentially could increase fixed-term and permanent exclusions and see a disproportionate number of children moving into in alternative provision or, at worst, being left without a school place at all. This could result in a growing number of children and young people being educated at home. Depending on how selective practices operate this move could also increase inequities. Similarly, ADCS is concerned that encouraging multi-academy trusts (MATs) to be more selective and effectively reallocate individual learners between schools in their trust risks undermining parental choice and may not be in the best interests of children and young people, particularly the most vulnerable. ADCS urges the government not to look at individual schools or different types of schools in isolation. There is little evidence that the risks associated with some of the individual proposals set out in the green paper have been fully analysed or mitigating factors identified.
- 3.6.** Finally, questions around how in-year movement around the system will be managed are not addressed and it is unclear if all schools will continue to be expected to participate in the In-Year Fair Access Protocols. Non-standard transition points e.g. into UTCs at age 14 or 'new' grammar schools, as suggested in the green paper, add further complexities (and cost) to place planning efforts and the discharge of effective admissions functions at a local level.

4. Raising standards

- 4.1.** Whilst challenges around standards persist in some areas, the [latest Ofsted](#) figures show that as of August 2016, 89% of schools in England were rated good or better, an increase of 22% points on 2010. This is a significant achievement. The consultation suggests that all parts of the system should collaborate to widen opportunity and increase standards. Leveraging the expertise of experienced education institutions with a proven track record of delivering a high quality of education is central to the government's drive to further improve standards in schools. Local authorities and high performing maintained schools are not referenced yet experience clearly demonstrates that local authority brokerage and maintained school participation has historically been the main vehicle for delivering this strategy.

- 4.2. The government proposes that independent schools and universities should be incentivised to take a much greater role in state schools. In return for participating in the provision of state education e.g. via the sponsorship of an academy school, universities will be offered the opportunity to charge higher fees and independent schools will be allowed to retain their charitable status. The green paper provides no indication that universities and independent schools are inclined to fulfil this role, indeed the government's plans have been likened to a ['forced marriage'](#) by leading figures in the independent sector in recent weeks and the [Vice Chancellor](#) of Oxford University has denounced this proposition citing lack of experience in the provision of state school education as a significant barrier to involvement.
- 4.3. Instead of running schools, ADCS believes that universities should be supporting further systematic improvement by strengthening access to degree-level education for children in care via bursary arrangements, for example, or through the development specialist teacher development programmes. Any partnerships should be voluntary and locally negotiated where there is mutual benefit.
- 4.4. Most of the proposals in the green paper seem principally aimed at widening the pool of academy sponsors and ADCS is concerned that the need for new sponsors is being conflated with improvement yet there is little conclusive evidence that structural change alone is a guarantee of success. In 2015 the Education Select Committee [published the findings of an inquiry](#) into the academies and free schools programme which noted that current evidence does not allow conclusions to be drawn on whether academies in themselves are a positive force for change - the picture across the country is highly variable, and in the case of sponsored academies, across chains. A [recent study](#) by the London School of Economics found that converting primary schools into academies failed to improve results. This is a cause for concern given that four in five primary schools in England remain in the maintained sector according to the government's [latest statistical release](#).
- 4.5. ADCS is clear that there can be no shortcuts to the improvement of educational outcomes for all children and young people. Merely allowing high performing schools to expand will not necessarily generate new places where they are needed. Similarly, bringing in new education providers with little experience of operating in the highly regulated and financially constrained state sector offers no guarantee of success.
- 4.6. ADCS is disappointed to note that highly performing maintained schools with a strong track record are apparently excluded from the government's plans for an education system: "that extends opportunity to everyone." Likewise the contribution highly performing local authorities might usefully make is not recognised in the green paper. Lessons can surely be learnt from [Hampshire County Council](#), to take just one example, and the work it has been doing since 2013 to support schools on the Isle of Wight at the request of the DfE. The best local authorities have done, and will continue to do, everything in their power to ensure the children and young people living, learning and growing up in their communities receive a good standard of education by working with all schools, regardless of status or designation, and partners such as diocese and regional schools commissioners (RSCs), to drive up standards. ADCS looks forward to the day when the government focusses on the characteristics of good schools and how best to identify, disseminate and replicate effective practice, not just their status or type. HMCI echoed this message at the launch of his recent [annual report](#), saying the government should: "Worry less about structures and more about capacity."

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5. Life chances and social mobility

- 5.1. Sadly, we know that children and young people from disadvantaged backgrounds do not achieve as well as their peers – just 5% of children eligible for free school meals gain five A – C grades at GCSE. The government has made a public commitment to furthering social mobility yet the [Department of Work and Pension's](#) own data suggests that there are 3.9 million children (or 27% of the total child population) living in families who are struggling to make ends meet. Of those families two thirds have at least one parent or carer in work. The [Social Mobility Commission](#) recently reported young families now can no longer expect to do as well as their parents' generation, citing this country's unfair education system as a key contributing factor, going on to state that grammar schools are: “at best, a distraction, and, at worst, a risk to efforts aimed at narrowing the significant social and geographical divides that bedevil England's school system.” The Commission recommended that the government should adopt narrowing the attainment gap as a core objective in the future.
- 5.2. ADCS is entirely supportive of efforts to improve the life chances of all children and young people, particularly the most vulnerable. There is, however, little evidence to suggest that selective practices at age 11 can narrow the attainment gap between advantaged and disadvantaged pupils. ADCS is concerned that the proposed expansion of selective practices will embed and amplify existing advantage and disadvantage. There is little evidence of any positive impact on attainment that cannot be explained by the relative wealth and higher prior attainment of grammar school pupils. A [recent analysis](#) carried out by the BBC, for example, cross referenced the proportion of 16 year olds attending grammar schools in a wholly selective area with the income deprivation affecting children index (IDACI) neighbourhood profiles. This exercise showed that the poorest children have a less-than-10% chance of getting into a grammar while for those from the very richest neighbourhoods, it is over 50%. The [government's own statistics](#) (June 2016) show that free school meal rates in grammar schools are not representative of their local areas standing at around one fifth of the local level - just 2.6% of pupils attending grammar schools were eligible for free school meals in 2015/16 compared to 14.9% across all school types.
- 5.3. The case put forward for selection on merit or ability alone takes no account of the ‘social capital’ that improves the attainment of those born into advantage from their earliest years nor the extensive use of coaching ahead of entrance exams. The cost of this tuition – which can run into tens of thousands of pounds – clearly sets even the brightest pupils from lower income families at disadvantage. ADCS believes that both academic and social selection is undesirable and if the government is serious about social mobility then selective practices should be actively rolled-back, not extended further.
- 5.4. We must strive for an inclusive education system that enables all children, in all schools to realise their potential whatever their background, ability or faith. A good comprehensive education offers learners access to a wider range of subjects and facilities than purely academic institutions, such as grammar schools, thus allowing all children to reach their potential in different ways. Educating children of all abilities and backgrounds in the same institution offers a richer experience and greater opportunities for students to learn from, and relate to, their peers. There is great merit in this approach and ADCS would welcome a debate on this and how learning from the ‘London Challenge,’ which sought to raise standards and narrow the attainment gap by encouraging secondary schools to work together for the benefit of all learners, might usefully be deployed nationwide. According to

[Blanden et al \(2015\)](#): “London is an educational success story, with especially good schooling results for more disadvantaged pupils. This is a dramatic reversal of fortunes... Closer examination of the policies and practice in London from the mid to late 1990s could provide valuable lessons as to how educational performance can be boosted amongst disadvantaged groups.” We are concerned that increased opportunities for selection will shift focus on to improvement at the expense of inclusion and both are needed, particularly for the most vulnerable learners.

- 5.5. Additionally the green paper puts forward the idea that new free schools and existing non-selective schools will be permitted to adopt selective approaches in the future whilst observing a quota for low-income learners to encourage social mobility. The consultation does not offer any further information about how this might work in practice nor the criteria RSCs and the EFA will seek to apply in monitoring the effectiveness of this policy in practice. A series of sanctions are however outlined in the event of non-compliance. Further information is required to understand the impact this might have at a child and school level, locally, regionally and nationally. Fundamental questions remain unanswered about the impact on rural communities, learners with SEND and the criteria for conversion – in areas where all secondary schools are good or outstanding how will decisions be made in a transparent way about who can become selective? Will the ability to become selective only apply to academies? How would this be justified?
- 5.6. ADCS would support a wide ranging public debate about ‘what success looks like.’ The government has a very narrow definition of success. The introduction of the ‘EBacc’ and more recently the ‘Progress 8’ measures have resulted in academic subjects gaining precedence over the arts, sport and vocational study options in schools which is undermining the wider apprenticeship agenda. Too many young people, their parents and teachers still perceive [vocational routes](#) as a second-class option next to academic routes.

6. Families who are just about managing

- 6.1. The consultation states that the proposed reforms outlined in ‘*Schools that work for everyone*,’ are primarily aimed at children from low income families who are eligible for free school meals and ‘families who are just about managing (JAMs),’ yet the government is unsure of how to identify this second group. The Policy Exchange suggests that JAMs are upper working class and lower middle class families or C1 / C2s which represents around half of the households in Britain today.
- 6.2. ADCS suggests that simply looking for a measure to identify this cohort is a blunt tool. Inequalities would best be addressed via a more sophisticated approach to funding and the government’s ongoing review offers a unique opportunity to adopt a more nuanced approach. In the future school funding might usefully be constructed of two main elements, the first a basic unit cost that takes into account school-level factors, such as cost relevant to size, location and sparsity. The second element of the formula should reflect pupil-level factors, including eligibility for free school meals. This might usefully be moderated by a range of additional indicators, such as the IDCAI profiles and could include a higher weighting for identifiable multiple deprivations e.g. unaccompanied asylum seeking children. This approach would reduce the one-on-one correspondence between pupil premium payments and individual eligible children.

- 6.3.** ADCS is disappointed that the importance of the early years is not mentioned in the green paper. Children's life chances are most heavily influenced by their development in the first five years and whilst it is true that early intervention can happen at any age, a significant body of research demonstrates how effective support in the early years can mitigate the risks of longer term challenges and inequalities. The Social Mobility Commission's recent [State of the Nation](#) report noted that up to 500,000 poor children were not school-ready by age five and suggested that the early years pupil premium rate should be doubled to address this inequality. If the government is truly committed to furthering life chances and encouraging social mobility then ADCS believes that focus and investment should be shifted to addressing inequalities in the early years rather than the provision of free childcare to affluent working parents or the creation of new selective schools.
- 6.4.** ADCS is concerned that the proposals outlined in '*Schools that work for everyone*,' will not systematically address the growing need for new school places. ADCS urges the government not to look at individual schools or different types of schools in isolation. Similarly there can be no shortcuts to the sustainable improvement of educational outcomes for all learners. Allowing high performing schools to expand or bringing in new providers offers little or no guarantee of improved outcomes in the way that we know investment in high quality teaching and effective partnerships can. We are concerned that increased opportunities for selection could come at the cost of inclusion. Similarly the needs of all children, not just a select few, should be in sight at all times.
- 6.5.** Members of the Association's Educational Achievement or the Resources & Sustainability Policy Committees would welcome the opportunity to discuss the green paper and this response to it in greater detail at a future meeting. Please contact Katy Block, ADCS Policy Officer, via katy.block@adcs.org.uk to arrange.