

18 December 2015

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

ADCS response to the government's consultation on intervening in failing, underperforming and coasting schools

The Association of Directors of Children's Services Ltd (ADCS) welcomes the opportunity to comment on the updated 'Schools Causing Concern Guidance,' and the definition of 'coasting' schools. 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 champion for children across wider children's services.

The *Education and Adoption Bill* gives the Secretary of State the power to define what constitutes a 'coasting' school in relation to maintained schools. The proposed meaning is: "A coasting school is where data shows that, over a three year period, the school is failing to ensure that pupils reach their potential. A school will only be coasting if performance data falls below the coasting bar in all three previous years."

This definition and the methodology that will be employed to identify coasting schools is technically complex, in part due to the ongoing changes to assessment and reporting systems and also because it is based on complicated combinations of headline performance and progress. ADCS believes this will confuse parents.

The interim arrangements could be misleading and the draft plans fail to address the fact that academies start with a 'clean sheet' of results post-conversion. ADCS is concerned that the reliance on published performance data will legitimise drift and may lead to issues taking root if left unchecked. The best local authorities use a variety of hard data and soft intelligence to identify performance issues and hold school leaders to account before the outcomes of learners can be affected.

The consultation document states that where a coasting school can demonstrate that it has a clear plan and sufficient capacity to improve, it should be allowed to do so. Little information is provided about the ways in which this decision will be arrived at. This could lead to an inconsistent approach being taken by individual regional school commissioners (RSCs) across the country. Further clarity is needed on this point and it is worth highlighting here the obvious tension with this statement and the government's apparent ambition that all schools in England should become academies.

ADCS is concerned by the assertion in the updated guidance that: "...the RSC will make the final judgement," when disputes arise with a governing body or the local authority about the performance of a coasting school. The discretion afforded to RSCs when deciding whether or not to intervene in a coasting schools may lead to variances in decision making across the country. Thresholds and expectations should be clearly articulated in the final version of the guidance in order to minimise this risk.

Further information is also needed around the use of warning notices. Again, the draft guidance states that the RSC has final say in the issuing of warning notices and letters. ADCS believes RSCs and local authorities should instead act in concert when concerns arise about low standards, governance, safety or the pay and conditions of teaching staff. Failure

The Association of Directors of Children's Services Ltd

Piccadilly House, 49 Piccadilly, Manchester, M1 2AP
Tel: 0161 826 9484 Email: info@adcs.org.uk Website: www.adcs.org.uk

to act in a collaborative way on all matters which impact upon the delivery of high quality education will lead to confusion, or even conflict, which may adversely affect improvement being made in a timely manner.

The stated logic that sits beneath these proposals, is that school standards will be improved by speeding up the process by which failing schools become academies. Also, that underperforming or 'coasting' schools should receive challenge and support from RSCs even if an academy solution is not appropriate. ADCS is concerned about the capacity of RSCs to fulfil this role. We believe the creation of strategic alliances or federations between maintained schools is a viable and sustainable improvement option that warrants further consideration. There is also an inconsistency with the inspection of local authority school improvement functions which will need to be considered.

The role that head teacher boards (HTBs) will play in deciding the best course of action for coasting schools in the maintained sector needs further clarification. The small and exclusive membership of the HTBs is a cause for concern as is the lack of transparency in decision making. Official records of HTB meetings only feature a list of discussion topics and a decision record. Reasons why an academy order was approved or a summary of the information presented at the meeting is not routinely made available. With an increasing workload it seems appropriate that the membership should similarly expand to include a broader cross-section of stakeholders, including heads of maintained schools, elected members and FE providers, for example.

The consultation does not comment on the viability of small, rural schools maintained by the local authority and found to be coasting, if a willing a sponsor cannot be found. These schools play a vital role in communities up and down the country. ADCS requests further clarity on this and the process for making any decision on closure.

Local authorities have financial liabilities in relation to sponsored academies. The consultation also appears to extend the same liabilities to coasting schools, when a conversion is deemed necessary by the RSC. Further information is needed and discussions are required with the DfE about how these costs can be covered in the face of reducing budgets, ADCS does not have unlimited funds to support national policies.

While ADCS shares the government's ambition to improve school standards, and to turn round failing or coasting schools, ADCS is concerned that RSCs are too distant to fulfil this role - the geographical areas they are expected to oversee are vast. According to a recent report published by NFER the South-Central England and North-West London region encompasses 932,733 pupils attending 2765 schools in 27 local authority areas while the Lancashire and West Yorkshire region is home to 1,016,543 learners attending 3149 schools in 25 local authority areas. The detailed knowledge of local authorities is a positive benefit to brokering school improvement activities and, where required, to identify suitable local sponsors.

It can be hard for RSCs to appreciate the particular needs of individual communities and understand prevailing demographic or societal shifts. It seems inevitable that RSCs will need, in time, to develop a sophisticated infrastructure at a regional, sub-regional or a local level in order to carry out their duties. However, this already exists in local authorities and replicating this will require a significant investment of resources at a time of ongoing austerity.

The loss of local and direct connections between decision makers and local communities is similarly concerning. Elected members can play an important role in terms of gathering local knowledge, providing access to informal communication networks and challenging services, to deliver better outcomes for children and young people. The decision not to require consultation with parents on the conversion to academy in the case of a school judged to be

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inadequate, removes a fundamental and longstanding principle of education in this country; that parents have a right to be consulted on the education of their children. As conversion and school improvement are not dependent on each other, school improvement activities can continue during the period of consultation as is currently the case.

The landscape that schools operate within is changing and the unprecedented pressure they are under should be recognised in terms of the ever-rising bar of performance; a tighter funding regime; the challenge of coping with a new curriculum; the prospect of inadequate capital funding to meet rising pupil numbers; and a crisis in the recruitment and retention of teachers - it's clear to see why a strong and stable middle tier is needed. RSCs are currently being pitched against local authorities. However, we all share a desire to support all children and young people to achieve and do well. Discussions about schools causing concern should begin with an assumption of common rather than opposing agendas.

The best local authorities have, and will continue, to do everything in their power to ensure the children and young people living in their communities receive a good standard of education by working with all schools, regardless of status or designation, to drive up standards. While academy trusts perform some of these functions, there are inherent risks in this piecemeal approach. A third of academies currently stand alone and standards may differ in trusts operating across wide geographical areas.

One common factor amongst authorities with good or better educational outcomes, is the articulation of a shared vision for driving up achievement in partnership with local schools. High quality improvement staff play a central role in this success by forming good relationships and building mutual trust with school leaders. The willingness of a significant number of academy schools to 'buy back' services from the local authority post-conversion and stay active within the family of local schools is testament to this. New legislation and accompanying guidance should acknowledge the benefits of working in conjunction with experienced local authorities and taking their opinions fully into account.

Local authorities have a responsibility to all children and young people and a moral duty to act in the best interests of the most vulnerable, they can also offer a connectivity to wider children's services to help learners with SEND, or those in care, to realise their full potential.

While these proposals do not directly relate to special schools or pupil referral units, ADCS believes that all schools should be held to account for the progress their pupils make. Further consideration is needed around the most suitable measures to be used.

Earlier this month the Secretary of State confirmed that coasting academies will be taken over by another trust or chain if they receive an inadequate rating from Ofsted, or fail to make sufficient improvement. This raises further questions about the availability of new sponsors and the capacity of existing sponsors to grow once the *Education and Adoption Bill* is enacted. The Bill is currently progressing through parliament. An amendment has been tabled in the House of Lords, suggesting that the government should allow good or better schools and local authorities to become academy sponsors. There is a precedence for this. In 2013, Hampshire County Council was chosen by the DfE to support the improvement of schools on the Isle of Wight. ADCS believes this proposal warrants further consideration and might offer a solution to the query posed earlier, around the viability of small, rural schools.

The Association's Educational Achievement Policy Committee would like to extend the invitation to the DfE to attend a future meeting to discuss any of the points raised in this response.

For further information, please contact Katy Block, ADCS Policy Officer,
katy.block@adcs.org.uk / 0161 826 9490.

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