ADCS

Leading Children's Services

Schools causing concern:
a research project

by

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Executive Summary

Purpose
ADCS commissioned independent research to inform its response to the anticipated consultation on the revision to the statutory guidance on schools causing concern. This was to consider effective practice and the changing context with the growth of academies and free schools.

Process
Conclusions were drawn after research was undertaken through data analysis (mainly Ofsted); a literature review; a survey of 152 local authorities (89 respondents); semi-structured interviews with local authority officers, headteachers, governors, leaders of academy chains and other relevant people from the Department for Education and the National College for School Leadership (over 60); and case studies in particular local authority areas.

Data
Ofsted data was used to identify the local authorities which have a low proportion of schools in an Ofsted category and a high proportion of schools which are good or outstanding.

Table 1: Distribution of Ofsted judgements on schools, 2009 – 2011 in percentages

	Outstanding	Good	Satisfactory	Inadequate
31/8/09 (21,845)	16	50	32	2
31/8/10 (22,008)	18	50	30	2
31/8/11 (22,171)	20	50	28	2

- 29 local authorities had no schools in a category as of 31/8/11 (31 if City of London and Isles of Scilly with only one school are included). Only nine of those local authorities have ever used a warning notice.
- Between October 2008 and October 2011 131 warning notices were issued by 46 authorities.
- The Secretary of State has issued no warning notices to an academy.

There is **no correlation** between the use of warning notices and effective methods to address schools causing concern.

Comparisons of maintained schools and academies
Too few academies have been inspected so far and the cohort is too skewed to make robust judgements on the overall effectiveness of the academy programme. Evidence does show:
- 90 schools in a category were judged good or outstanding at their re-inspection; two of these were academies.
- Schools can be outstanding working with children from deprived backgrounds whether academies or not.
- Some academies have become outstanding when the school had failed its pupils for years as a school maintained by the local authority.

- Some academies will fail: of the 75 academies inspected in 2010/11 five (6.6%) were judged inadequate.
- Some local authority maintained schools will fail: 321 (6%) of these schools inspected in 2010/11 were judged inadequate (2% of all schools inspected).

Good practice

All the local authorities with good outcomes demonstrated that it was their **culture** and **calibre** which raised schools' achievement. There was little variation between authorities in processes to identify, support and monitor schools causing concern, the difference was the **way** that things were done. Positive elements included:

- A real moral imperative for children and young people that made the local authority ambitious and unflinching.
- Use of all intelligence, hard and soft, with forensic analysis of progress data.
- Good partnership relationships with schools and good knowledge of schools; the best authorities work with all schools. There is a family of schools including academies.
- The brokerage role of the local authority, using its knowledge and relationships, utilises the strengths of schools.
- The local authority applies its intelligence, intervenes early, is willing to take risks and has the difficult conversations with heads and governors.
- The staff are high quality, well trained and able to win the respect of headteachers.
- The authority:
  - finds ways of developing and nurturing school leadership;
  - keeps schools well informed on local and national developments;
  - considers using all the tools at their disposal.

Poorer practice was indicated by more support than challenge, accepting satisfactory as good enough, limited use of data, slow intervention, an excuse culture and, at worst, being '*complicit in disguising poor standards in order to pass inspections but with no sustainable plan to raise standards.*'

Conclusion

It is a vibrant and exciting time in education. New capacity is being developed through school-to-school support and the growth of chains. They do not have the capacity to replace the roles undertaken by local authorities. A mediating layer is needed.

In order to pre-empt decline, monitoring of academies and free schools needs to include local intelligence and more than the retrospective desk-top examination of exam outcomes and Ofsted reports available to the Department of Education. The role of governors is crucial and ways to ensure governors are effective need thorough consideration.

A minority of local authorities do not have the capacity to make best use of the opportunities and be effective champions for children.

The best local authorities do everything in their power and their sphere of influence to ensure the children in their community attend good and outstanding schools. There is every reason that effective local authorities should continue to work with, monitor and challenge **all** schools as the champions of children and young people, irrespective of the type of school.

Introduction

'*In an era of diminishing centralisation, accelerating the rate and depth of school improvement and reducing the number of underperforming schools requires a new vision.*' (Hargreaves 2010)

This report is written in a swiftly changing context, the direction of which is laid down in *The Importance of Teaching* (Department for Education, 2010). The report was commissioned by the ADCS (Association of Directors of Children's Services) to provide a robust research base for their response to government with regard to the best approaches, and the potential role of local authorities within that, on schools causing concern.

In essence the purpose of the report is to answer the questions:
1. How are schools causing concern best supported to improve?

2. What are the implications as England moves towards an all academy system?

Further current research includes:
- the National College of School Leadership report on academy chains (Hill, 2012);
- the Ministerial Advisory Group commissioned research on the wider roles of the local authority in education (ISOS, 2012);
- the ADCS commissioned research on the developing models of school improvement used by local authorities (Jonathan Crossley-Holland, 2012[1]).

Approach to research
This research has included:
- data analysis (focusing on Ofsted judgements on schools by local authority);
- a literature review;
- semi structured interviews with local authority officers, headteachers, chairs of governors, academy chain chief officers and others including the National College;
- a survey of all local authorities;
- case studies of sample local authorities[2].

Evidence from these areas is used in the report and provided in more detail in separate sections, including more data, full survey results, more quotes from the semi-structured interviews and individual case studies, as well as a more thorough review of the literature on building successful schools systems.

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[1] The report into the future role of local authorities by Jonathan Crossley-Holland is published as a companion to this report. The full report and case studies can be found at www.adcs.org.uk.
[2] Case studies are available as a separate document at www.adcs.org.uk.

This study will consider what is the best practice to move schools from inadequate, or at risk of being inadequate, to good and better so that the improvement is sustained.

All agree that this is a moral purpose. It is unacceptable that the education of some pupils is flawed because the school system lets them down. As McKinsey (2007) notes, '*the negative impact of low-performing teachers is severe, particularly in the earlier years of schooling. At the primary level, students that are placed with low-performing teachers for several years in a row suffer an educational loss which is largely irreversible.*'

In *The Case for Change*, (Department for Education, 2010) the economic imperatives for improved educational outcomes for individuals, communities and the country are also presented.

Context
Traditionally local authorities have stepped in and worked with schools needing support to improve, with varying degrees of success. Increasingly it has been the expertise from within successful schools that has provided the route to sustainable improvement with national leaders of education (NLE), local leaders of education (LLE) and national teaching schools (NTS).

The maintained schools system in England has moved, over the last few decades, from a decentralised system to a centralised system in terms of curriculum and from a centralised system to a decentralised system in terms of management (Hargreaves, 2010). All successful education systems develop more autonomous systems. England intends to increase the independence of schools further with a system managed centrally.

This pattern started with the local management of schools, has been through grant maintained schools and then sponsored academies, foundation and trust schools. Following the Academies Act 2010 there has been a significant growth in converter academies or maintained independent schools where the funding previously provided to local authorities to maintain schools goes directly to the school.

Sponsored academy chains have taken on under-performing schools. Converter academies are encouraged to work with less successful schools. The Department for Education (DfE) assumes that schools becoming academies is the route to improvement and plans for all schools in England to become academies.

Counter-intuitively there is a central drive for greater school autonomy; schools are, where low performance is indicated, being forced to become sponsored academies. The extent of autonomy as a sponsored academy is sometimes limited. Hill (2012) also recorded a response to becoming a converter academy and answerable to the Department for Education, '*With academy status, you go into a different level of control. Things can take longer. There was perhaps more flexibility as a federation before academy status.*'

In addition support is being given to establish free schools. '*Free Schools are all-ability state-funded schools set up in response to what local people say they want and need in order to improve education for children in their community.*' (Department for Education website, 2012) Applications are made directly to the Department for Education for approval by the Secretary of State.

Since the establishment of the new coalition government in 2010 significant changes include:

- The passing of the Academies Act 2010 and the freeing up of the process to become an academy or free school and a significant increase in the number of academies (and corresponding transfer of funding, known as LACSEG, from local authorities to schools).

- A new Ofsted inspection framework and now a proposal that the satisfactory and notice to improve judgements should become, requires improvement amongst other changes.

- The commitment to increase the number of National Leaders in Education (NLE), Local Leaders in Education (LLE) and National Teaching Schools (NTS).

- The passing of the Education Act 2011.

- The removal of statutory educational targets.

- The duty and funding to appoint a school improvement partner to every school abolished.

- The ending of the National Strategies funding.

- The removal of the requirement to complete the school evaluation form.

Statutory Guidance

The existing statutory guidance on schools requiring intervention is due for renewal in response to the new context. At time of writing the definition of a **school requiring intervention** is:

- 'performance standards and safety warning notice has been given (section 60) and the school has failed to comply;
- teachers' pay and conditions warning notice has been given (section 60A)[1] and the school has failed to comply
- a school requires significant improvement (section 61);
- a school requires special measures (section 62).

Schools causing concern *'are not just those schools "eligible for intervention" within the meaning of Part 4 of the 2006 Act but are also those about which the local authority has other serious concerns, such as those below the floor standards.'*

The focus is low standards and the guidance defines these as:

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

Local authorities have the power to issue a warning notice:

'*A performance standards and safety warning notice should be used where there is evidence to justify both the local authority's concerns and the school's reluctance to address these concerns within a reasonable time frame. Before deciding to give such a warning notice, local authorities must draw on a suitable range of quantitative and qualitative information to form a complete picture of a school's performance.*'

Following non-compliance with a warning notice the powers provided to local authorities for maintained schools are:

- *to require the governing body to enter into arrangements* (such as with another school);
- *the appointment of additional governors;*
- *the appointment of an Interim Executive Board (IEB);*
- *the suspension of delegated authority for the governing body to manage a school's budget.*

The powers provided to the Secretary of State are:

- *to appoint additional governors;*
- *to direct the closure of a school;*
- *to provide for the governing body to consist of interim executive members;*
- *to make an academy order.*

Figure 1: Extracts from statutory guidance on for local authorities on schools causing concern. **http://www.education.gov.uk/aboutdfe/statutory/g00192418/scc**

What creates a successful school system?

This is not an easy question to answer. As Hopkins et al (2011) explained, '*Since the early 1980's we have learned much about how to improve individual schools but successful efforts at systemic improvement have remained elusive… there have recently been ambitious attempts to reform whole systems, but these have tended to be:*

- *oppressive and resulted in considerable alienation such as some of the State wide reforms in the USA;*
- *well designed and centrally driven but with impact stalling after early success as with the literacy reforms in England; or*
- *sustained, but usually due to factors outside the immediate control of educators and policy makers such as in Finland.*'

McKinsey (2007) describes how, '*Despite substantial increases in spending and many well-intentioned reform efforts, performance in a large number of school systems has barely improved in decades*' and England was no exception.

In 1996 a report by the National Foundation for Education Research, '*demonstrated that between 1948 and 1996, despite 50 years of reform, there had been no measurable improvement in standards of literacy and numeracy in English Primary Schools.*' McKinsey (2010) analyses the steps that England took which made a significant difference and by 2010 judged England to have moved '*from good to great.*' This was through a multi-pronged approach which takes us to the current day. Analysis by PISA (2012) does not give such a positive picture as McKinsey and the PISA interpretation is one of the drivers for *The Importance of Teaching* (Department for Education, 2010)

In essence where there is whole system failure then input has been dictated and there is little flexibility. Once the practitioners are competent they improve further by getting more freedom until practitioners achieve a virtuous circle of continuous improvement. They work together, sharing good practice, raising expectations and providing constant challenge to do better as per Michael Fullan's analysis below. The schools in England that are working in areas of high deprivation and achieving near 100% at Key Stage 2 are continuing to raise the benchmark for every school.

Successful education systems indicate that:

- '*The quality of the education system cannot exceed the quality of its teachers.*
- *The only way to improve outcomes is to improve instruction.*
- *Achieving universally high outcomes is only possible by putting into place mechanisms to ensure that schools deliver high-quality instruction to every child.*' McKinsey (2007)

Similarly as schools move from good to great they are the best place for the collaborative continual professional development which will move education onto outstanding.

HMCI Annual Report (2010) states, '*Successive policies have not only set schools higher targets but given them more tools and greater flexibility and resources to carry out their work. Schools, therefore, cannot sustain peak performance by standing still.*'

It is continuing collaboration amongst teachers using reflection, shadowing, coaching, joint planning and an unrelenting focus on improvement based on data analysis and knowledge of pupils which drives ever increasing improvement.

Michael Fullan reflects, '*Collective capacity is when groups get better – school cultures, district cultures and government cultures. The big collective capacity and the one that ultimately counts when they get better conjointly – collective collaborative capacity if you like. Collective capacity generates the emotional commitment and the technical expertise that no amount of individual capacity working alone can come close to matching.*' (McKinsey, 2007)

The best schools and local authorities nurture and develop this capacity. Hill (2012) explores how this creativity is being created and supported in the most successful academy chains. The National College supports educational leadership development which encourages collaboration of this kind.

What about the schools where success is not happening?
This spiralling creativity is great for majority of the pupils in the 70% of schools in England which have been judged good or outstanding by Ofsted. What happens when schools have not achieved greatness or fall from it?   Every year 2% of schools are judged inadequate by Ofsted. In addition some schools are judged satisfactory, sometimes more than once. As of 8/4/11, '*473* (secondary schools*) were found to be satisfactory at both their most recent and their previous inspection. One hundred and thirty-nine had been satisfactory for three consecutive inspections in a row*' (Ofsted, 2011). This is based on the inspection of 2,153 secondary schools. Ofsted also evidence that schools can decline from good or outstanding, this is particularly prevalent in small schools.

Across England there remains significant variation in what children are achieving in schools. Context is important but the evidence shows that schools in similar contexts produce very different outcomes. HMCI (2010), for example, states '*the main determining factors for going into special measures, as for coming out, are operational rather than contextual.*'

Time after time the inspections show that where there is good leadership and management there is good teaching and learning which supports good behaviour and many other positive outcomes.

Where there is not good leadership and management then there is, at best, inconsistency in the teaching and learning and a variety of other problems.

A local authority adviser describes it,

'*Where there are problems the **key issues** are:*

- *Quality of teaching and learning poor:*

    o *Poor monitoring and evaluation of learning.*

    o *Poor progress linked to poor assessment for learning.*

    o *Poor behaviour related to poor teaching.*

    o *Staff not been shown how to improve (poor coaching/modelling often linked to no capacity in school to provide this).*

    o *Lack of rigorous management action to address weaknesses.*

- *Leadership and management:*

    o *Monitoring haphazard.*

    o *Cosy relationships: friend not leader.*

Another way of showing this is an analysis by HMCI (2010) of secondary schools in special measures:

- '*Standards achieved are not high enough, particularly in core subjects*

- *because*

- *Children are not making sufficient progress in their learning*

- *because*

- *Teaching is not consistently effective and related processes – such as assessing and tracking progress, intervention and support, target-setting and ensuring that pupils know where they are and what they need to do to improve – are poorly developed*

- *because*

- *Those who are leading the school at top and middle levels are not monitoring and evaluating performance effectively, insisting on high quality and consistent teaching or doing the right things to bring it about*

- *and*

- *Governors are not scrutinising the school's work, monitoring performance and holding the school to account.*'

Underpinning a school's success is its leadership. McKinsey (2007) indicates that a school in decline is unlikely to have the capacity to improve without external input. '*If a school does not know how to improve, if it lacks the capacity to improve then no amount of pressure will change instruction.*' It is the leadership, and not just the headteacher, which makes the difference.
This is not just about the headteacher; governors need to understand their role to hold the school to account. In weaker schools this is not happening. However the head is key.

'*Research shows that without an effective headteacher a school is unlikely to have a culture of high expectations, or strive for continuous improvement. Schools are vulnerable where a formerly good headteacher becomes less effective over time, or where a strong headteacher leaves a school without having developed a confident and effective leadership team.*' *(McKinsey, 2007)*

Seven Strong Claims about School Leadership (NSCL, 2006) notes '*there is not one single documented case of a school successfully turning around its pupil achievement trajectory in the absence of talented leadership.*'

Measuring the success of local authorities in supporting and challenging schools

Ofsted Data
On the premise that good schools create good outcomes for children the base data for this research are Ofsted judgements.

As a measure they are flawed as:
- The Ofsted framework is frequently updated so it is not necessarily comparing like with like on a three year cycle.
- Inspections occur on a three year cycle on a risk based approach so any snapshot will have aspects that will be at least three years old.
- A school with 15 pupils will have the same weighting as a school with 2,500; the percentage will hide the number of pupils affected.
- A percentage figure for a local authority can be misleading because of the different sizes of local authorities (one school can equal 5%, or even 100%, or 0.16% depending on the size of the local authority).
- It is a snapshot and things can change quickly.
- Ofsted judgements are just that, judgements upon agreed criteria by inspectors in a limited timescale. This creates risks of subjectivity and questions on the validity of the criteria.

However unlike raw data, Ofsted does use the local context of the school; balance a multitude of factors, including leadership and management; and work to a national framework that is quality assured.

Year on year, 2% of all schools in England have been judged inadequate even with higher expectations. The proportion in a year is more than that, 6% in 2010 – 2011, as Ofsted used a risk based approach to inspection by looking at the data first. The pattern over the last three years is:

Table 1: Distribution of Ofsted judgements on schools, 2009-11. (%)

	Outstanding	Good	Satisfactory	Inadequate
31/8/09 (21,845)	16	50	32	2
31/8/10 (22,008)	18	50	30	2
31/8/11 (22,171)	20	50	28	2

This shows a small decrease in the proportion which are satisfactory and a small increase in the proportion which are outstanding. These figures include pupil referral units and nursery, primary, secondary and special schools whether maintained or academy.

Local authorities have had varying degrees of success in supporting schools. Traditionally they may have had an advisory service from which, increasingly, schools could buy services. Others have commissioned services from education companies or associates.

The outcomes, as measured by Ofsted based on 31/8/11 data, show a mixed picture. Table 2 shows the number and percentage of local authorities where by the proportion of schools judged good and outstanding:

Table 2: The number of local authorities by the percentage of good or outstanding schools. (number of local authorities, %)

Proportion good or outstanding	Less than 54%	55 – 64 %	65 – 74 %	75 – 84 %	More than 85%
Number as at 31/8/11	5 (3%)	30 (20%)	74 (49%)	34 (22%)	9 (6%)

On this measure, crudely, one could consider:
- 23% of local authorities as performing below average;
- 49% at or around average;
- 28% as performing above average.

Another approach is to consider number and percentage of local authorities by the percentage of schools in an Ofsted category:

Table 3: The number of local authorities by schools in a category (number of local authorities, %)

Proportion in an Ofsted category	0%	1%	2%	3%	4%	5%	6%	7%	8%	9%
Number of LAs	31	30	43	17	15	7	5	3	0	1
Percentage of LAs	20%	20%	28%	11%	10%	5%	3%	2%	0%	1%

As the figures are based on percentages they can be misleading. The authority with 9% in a category has less than 50 schools making 9% equal four schools. All those schools were in special measures however. The same authority had 66% of schools which were good or outstanding. The City of London and the Isles of Scilly have only one school each; one is good and one outstanding.

Crudely however, on this basis one would consider that:
- 40% local authorities were performing above average (with less than 2% in a category);
- 43% local authorities were performing at the average of 2%;
- 32% had more schools than the average in a category.

Local authorities which may be deemed to do well on one measure, may not do well on another. There are some authorities which do well or poorly on both. For example considering the 43 local authorities which have 75% or more schools which are good or outstanding, 30 also have 1% or less in a

category. **This indicates that in terms of school improvement 20% of local authorities were above average on two key indicators at 31/8/11.**

Similarly of the 35 local authorities which have less than 65% of schools which are good or outstanding, 24 also have 3% or more in a category. **This indicates that, in terms of school improvement, 16% of local authorities were below average on two key indicators at 31/8/11.**

The extremes, as one would expect, are dominated by smaller authorities where each school is a larger percentage. However there are four local authorities with over 100 schools, and one with over 500 schools, which had **no** schools in a category and more than 75% which were good or outstanding. These local authorities must be doing something right.

There is a significant variation in the outcomes for schools by local authorities which is not explained by context, size or funding.

Obviously it is the nature of averages that some will be above or below, and this is a more useful measure when aspects are combined. The patterns can change quickly, as indicated in case study F.

These measures are simplistic and different cuts of even this data would produce different conclusions. Ofsted (2011) in its satisfactory schools analysis, for example, only considered secondary schools; there can be significant variation in the performance of different types of schools (primary and secondary).

Warning notices (based on schools still open)
- Between October 2008 and October 2011, 131 warning notices were issued.
- They have been used by 46 authorities.
- The Secretary of State has issued no warning notices to an academy. Pre-warning notices, as used by some local authorities, have been used (See Figure 5).
- 29 local authorities (excluding City of London and Isles of Scilly) had no schools in a category 31/8/11. Only nine of those local authorities have ever used a warning notice.

This comparison supports the view that there is **no correlation** between the use of warning notices and effective methods to address schools causing concern. The majority of high performing authorities were reluctant to use a warning notice as the process was too slow and cumbersome.

'*We cannot afford the luxury of warning notices as we need to move schools on fast. A typical warning notice process requires six months.*' (Interview, local authority)

What makes the difference between local authorities?
The processes for local authorities are similar. Local authorities which have outcomes which are above average demonstrate some common features. Good practice features are:

- A **passion** for all the children and young people in their area; this is a **moral imperative** and makes the local authority ambitious and unflinching in challenging schools.

- **Good use of data, hard and soft**. The term **forensic analysis** was commonly used for progress data. Regular meetings are held with a wide range of people and all available information considered; from human resources and parental complaints to the progress of particular groups of children, attendance, exclusions and governance.

- Good quality **research** is used with partners to spur thought into action to make a difference to children. This has been particularly effective for specific groupings (such as Portuguese) or disadvantaged children. This includes making good use of **benchmarking** to raise expectations and identify gaps.

- **Good knowledge of schools**, frequent visits and meetings: many still have monitoring visits similar to those of a school improvement partner (SIP) each term. In many cases this was achieved by joint investment by schools and the local authority or by schools buying in these services (including academies).

- The local authority plays a significant **brokerage** role between the potential players in school improvement, most noticeably in persuading good and outstanding schools to use their staff and strengths to support other schools.

- **Good relationships with schools**, strong collaborative approaches where all schools, are partners to meet common aims. Personal relationships with honest conversations, based on mutual trust and respect are key. As one head of a successful federation said, '*C is supportive but I am under no illusion, if things slipped then hard conversations would be held to call me to account quickly.*' Most academies have continued to work closely with the local authority and local schools as part of the family of schools.

- **Early intervention and swift action**, always seeking to improve education for their children and start discussions as soon as possible. They do not want to wait for an Ofsted judgement although are sometimes forced to do so. Satisfactory schools have been under scrutiny.

- **Holding difficult conversations** with heads and governors which often lead to heads quickly moving on, but there is always a caveat about dignity being preserved.

- **Good quality of staff**: those working with schools are Ofsted and SIP trained, normally from a successful headship themselves and with ambition for all children and their education. The quality of staff includes that for human resources and governor services. There is ongoing professional development and quality assurance in place.

- **School leadership** is the key so finding ways of growing your own; attracting people to the area; developing skills and engaging successful heads (such as executive headteachers); engagement in the recruitment of headteachers; developing good governors and using them to support weaker schools; and working closely with unions and human resources staff to facilitate swift removal of staff where necessary.

- **Thinking forward strategically**, developing new approaches for the future in partnership with schools including developing leadership; improving teaching from satisfactory to good and good to outstanding; and compacts of schools and local authority to give capacity to support and drive school improvement.

- The local authority **informs schools** of key developments locally and nationally that help schools keep their finger on the pulse.

- **Taking a holistic approach** with many support aspects to call on and consider **all the tools** at their disposal and use the one most likely to get a good and sustainable job done.

Most authorities will demonstrate elements of the characteristics above. It is the consistent application that really achieves results. It may be the nature of this research but there was little evidence that the good authorities were **over** active, the concerns were where action had not been taken. The one caveat to that would be the moving on of heads where heads from other schools were worried that the authority may be too quick off the mark. A head moving into a school that became inadequate is more likely to criticise the authority for not having acted sooner.

Where local authorities outcomes are below average there appears to be or have been (things can change fast) some common elements:
- Being comfortable and complacent with schools being satisfactory, '*Schools have been allowed to be satisfied with being satisfactory.*'

- More support than challenge in the relationship with schools, being placatory rather than risk challenging the autonomy of schools.

- In some instances being challenging without support, 'doing to' schools and not working with them.

- Demonstrating insufficient quality, rigour or leadership in its work with schools.

- Having unclear processes.

- Making poor use of data such as not using pupil progress as a key measure.

- Being insufficiently strategic.

- Being slow to take action and not ensuring the best people are in place when and where required.

- Social deprivation, funding, recruitment challenges (including over stability of heads) and size of authority have all been used as explanations or excuses.

- Focusing on other priorities of the local authority.

- Being '*Complicit in disguising poor standards in order to pass inspections but with no sustainable plan to raise standards.*' (from interview).

Compliant? Complicit?

The last quote above reflects the dangers of performance measures. Like teaching to the test, local authorities may have been over affected by what they are judged by. It used to be too common a practice to find ways of getting schools through an inspection; examples were given during this research of good teachers '*popping across*' to take a lesson in another school during an inspection and local authority advisers spending the weekend in a school to improve the environment ready for the inspectors on Monday.

Similarly some local authorities have treated the family of schools with great circumspection, they do not want a row. They have been told that schools are autonomous and have been overly respectful of that; they have not used their influence to its full effect. The evidence shows that satisfactory schools have been treated as just that and the challenge to improve has been missing.

Capacity?

There have been significant reductions to local authority budgets. In most of the best authorities there remains a sense of this being managed. In others there is a lack of stability that makes new initiatives appear a threat, '*Like rabbits in the headlights and in meltdown,*' is one description of the response of some authorities.

A very successful authority watches others with rage, '*Councils not providing this set of services are abandoning their children to the shambles that we see developing on a daily basis with no clear funding model for academies, no school place planning, no capital support strategy, and no monitoring worth the name. Children and young people deserve better than blind faith in an ideology.*'

There is significant evidence that good practice by local authorities makes a very positive difference to the children who attend the schools in those local authorities. There is little evidence to support a view that it is the size of budget or the size of the authority which has limited or supported the effectiveness of a local authority.

It appears that a minority of local authorities do not understand that what they can do, can really make a difference. Worse still there are possibilities that local authorities, possibly because they are politically led, sometimes take, or do not take, action for political reasons that are not in the interests of children. This can be everything from not closing a school (closing schools is not a vote winner); to the way resources are allocated; to selecting and appointing the wrong governors for the wrong reasons.

The Mediating Layer

The term mediating layer is being used to describe a layer between central government and schools. As described above, it is the school that makes the real difference to learning, but researchers and practitioners alike identify the need to have a mediating layer.   McKinsey (2010) defines the mediating layer as providing,

- '*targeted hands-on support for schools*',

- acting '*as a communications buffer between the school and the centre*,' and

- sharing and integrating '*improvements across schools.*'

McKinsey believes that improving school systems increasingly rely on this mediating layer '*between the centre and the schools for sustaining improvement.'*

Hopkins et al (2011) helpfully summarised the leadership needed as follows:

'***System leadership at the school level*** *– with school principals almost as concerned about the success of other schools as they are about their own.*
System leadership at the local level *– with practical principles widely shared and used as a basis for local alignment so that school diversity, collaboration and segmentation – that all schools are at different stages in the performance cycle on a continuum from "leading" to "failing" – are deliberately exploited and specific programmes are developed for the groups most at risk.*
System leadership at the system level *– with social justice, moral purpose and a commitment to the success of every learner providing the focus for transformation.'*

This could be another description of the good practice described in English local authorities in the section above.

Current policy for school improvement
This research is taking place in a time of great change and the outcomes from those changes are uncertain. The moral purpose is established. Successive governments have been keen to ensure that the speed of improvement is escalated and spread across the whole population. Local authorities see education as key, '*strong schools make strong communities'* and '*We have committed to supporting the educational development of all children in the local authority and ensuring vulnerable children are in receipt of high quality education, leading to improved outcomes and life chances to impact positively on economic growth for the community*.' (survey return)

The economic argument, the link between earnings, by individuals and countries, and education is well established (PISA). It is also a moral argument particularly for the more disadvantaged. Secretary of State Michael

Gove reiterates his frustration that a pitiful proportion of children in receipt of free school meals go to Oxford and Cambridge and gives other examples of the achievement gaps which continues to exist; this is his stated driver for academies as there is evidence of the positive differences that have been made to children from disadvantaged areas.

In some ways it appears a simple and straightforward approach:
- If a school is doing well then it is left to get on with it.

- If the school is not doing well then it becomes a sponsored academy.

- If it does not do well as an academy then it is taken over by a better sponsor.

Preventing decline

All types of schools, including academies and free schools, are at risk of decline and failure. Early intervention limits the negative impact on children and their education and the longer term investment required to turn the school around. How is it best ensured that all schools are allowed, challenged and supported to be the best they can?
- 'Allowed' means schools maintaining their freedom to succeed.

- 'Challenged' means keeping the pressure on to succeed which includes keeping the finger on the pulse.

- 'Supported' means helped to succeed, either individually or collectively.

Governors, in a variety of forms, are responsible for the performance of academies and free schools. The Department for Education is accountable for monitoring all academies and free schools. The Department does this by reviewing Ofsted outcomes and performance against floor standards[3]. It describes its approach, when concerns arise, to being similar to that of local authorities. Where an academy does not give confidence that it is improving then steps will be taken for it to be taken over by a more successful academy.

The concerns that were raised during this research relating to this aspect included:

- The retrospective nature of the monitoring: schools would be in decline for some time before they were picked up by this desk-top exercise.

- The reliance on robust governance: many governing bodies would not be deemed fit for this role and it relies upon a headteacher (chains excluded) to ensure that the governors have the skills, understanding

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[3] Appendix 1 of this report provides a verbatim response from the Department for Education on the accountability framework for academies. This was provided by the Department to assist in this research.

of their role and knowledge to carry out their duties. As one head said, '*My governors are brilliant in that they don't bother me.*'

- The capacity of the Department of Education in meeting the growing challenge; '*The YPLA is not coping and it indicates that managing 23,000 schools from Whitehall is not viable. Other layers are needed.*' (Quote from head of outstanding academy).

- The importance of understanding and using the local context.

- The capacity within the academy chain system, '*In visits and conversations several CEOs and executive principals reported having to resist offers and requests from the DfE to take on further academies. The CEOs recognised the desire and urgency of the DfE to use chains as agents of school improvement but several felt they were at the limit of their capacity in terms of what the academy chain could manage at that time.*' (Hill, 2012)

Powers of local authorities

Local authorities have powers of intervention defined in the statutory guidance (revised February, 2012) including:
- The use of warning notices. If schools do not comply within the given time then the local authority may give the governing body a notice requiring them:
  - to enter into a contract or other arrangement for specified services of an advisory nature with a specified person (who may be the governing body of another school);
  - to make arrangements to collaborate with the governing body of another school;
  - to make arrangements to collaborate with a further education body
  - or to take specified steps for the purpose of creating or joining a federation,
- The appointment of additional governors.

- The removal of delegated budgets.

- The appointment of an interim executive board (IEB) which would be considered to be the governing body of a school.

It became apparent during the research that there is not a common understanding of the statutory guidance and when some of the powers, such as the appointment of IEBs can be applied. Successful authorities applied powers with confidence.

Examination of the notifications of warning notices to Ofsted indicate that the most popular use of a warning notice is the appointment of an IEB. The appointment of additional governors is also popular.

Figure 2: An individual's insights into challenges facing governors (interview with governor and IEB member). This is representative of other views provided in interviews.

A governor from a school which went into special measures and who became a member of the IEB established, based on his own experience including working with many other local governing bodies, gave his view that:

- Probably over half of all governing bodies in his local authority are ineffective and need to go.
- An IEB is a better approach as higher skills and powers but there is a danger of running out of suitable people for IEBs.
- Existing chairs of governors are good at the 'support' and woeful at the 'challenge.'
- Governing bodies miss the first word in 'critical friend' when dealing with the leadership of the school.
- Most chairs and governing bodies are not acquainted with how a modern boardroom operates with the distinct functionality of 'directors' around the table assuming responsibility and accountability for an area of governance.
- Many local authority appointments are 'placemen' with little understanding of schools and no understanding of dynamism.
- Many community appointments are simply to satisfy expectations and egos including councillors and clergy…their contributions are certainly not always professional and more often introduce an unwelcome political angle that should have no bearing on school governance.
- There is a lack of private sector, business and industry rigour in the majority of the local authority's governing bodies and the concept of 'holding to account' is therefore neither understood nor applied.
- Governing body meetings are held too infrequently and are too archaic in formula. The use of sub-committees is a mask for inaction or procrastination. The IEB model requires no sub-committees and every member has a 'job role'
- Governors should have a 'job description' and positions should be advertised according to the skill sets required;
- Secondary school governing bodies should hold 'away days' in which they work on team dynamics and review their skill sets and psychometrics. No business of the size of these schools would ever contemplate not doing this as a prerequisite to successful trading so why do we assume schools can manage without it?
- Thought and provision must be made for vastly improved training for chairs in particular and for the encouragement of chairs who have current boardroom experience. Ultimately the subject of recompense will have to be faced.

Ofsted (2010) praised the use of IEBs and additional governors in supporting swift improvement. As explored earlier, leadership is key in school standards

and governors have an increasingly important role as more schools gain autonomy.

Figure 3: Insights into the utility of Interim Executive Boards. (Interview with IEB Chair)

> Members of IEBs were able to make the fast decisions necessary for a school in crisis. In one authority the chair of an IEB said the IEB approach had been successful as:
> - *'The LA had determination and courage to work through a group of people and to back them up;*
>
> - *Key skills are held amongst small group;*
>
> - *The IEB met weekly for finger on pulse and fast decisions;*
>
> - *Able to call on whatever tailor made support (e.g. HR, finance and advisers) required;*
>
> - *Willing to act swiftly on staff to prevent continuing effect on children; able to take flak (shield for head) and risk tribunal;*
>
> - *Action groups met every three weeks; this combines accountability with support.'*

In too many schools governors have not fulfilled their role of holding the school to account (Ofsted, 2010). They lack confidence and tend to be strong on support and weak on challenge. Where there were long standing heads in particular it was common to hear messages like '*the governors [were] not acting as critical friends and accountability was missing,*' and '*the head and the chair of governors were too cosy.*' The appointment of additional governors can create a real turning point '*They modelled how to work and this led to the governors becoming real critical friends and this has been sustained after the additional governors have left.'*

The use, or non use, of warning notices appears to raise some controversy. The data show that these are not often used, whether by effective or less effective local authorities. Between October 2008 and October 2011, only 131 warning notices were issued. The reasons given for not using warning notices are that there are more effective ways of achieving the outcome and they take too long, some estimate up to six months.

Figure 4: Pre-warning notices for academies (Department for Education, in response to a Freedom of Information request)

In response to a Freedom of Information request the Department for Education stated,

'*In many of the Academies that were established prior to September 2010, the Articles of Association set out that, before a warning notice can be issued, the Governors of an Academy or Academy Trust must have previously been informed of the matters on which the Secretary of State has concluded that standards of performance are unacceptably low and are likely to remain low unless he exercises his powers of intervention (in the case of intervention in relation to poor performance), and those matters have not been remedied to the Secretary of State's satisfaction within a reasonable period. The Secretary of State in these cases therefore issues a "pre-warning letter" setting out the matters of concern before a full warning notice can be issued.*

No Government has ever issued a "warning notice" to an Academy and until the Coalition Government was formed in 2010 neither has a "pre-warning letter" ever been issued. The current Secretary of State has issued "pre-warning notices" to six Academies which notifies them that Ministers expects urgent action to bring about substantial improvements, or they will receive a warning notice. If these Academies do not secure improvements at the pace we expect we will take further action. This could involve a change in the sponsor.'

Structural changes are one of the methods to improve schools. These include federations, mergers, moves to sponsored academies and the move to a second sponsor when the school has continued to have low standards. These may be brokered by the local authority or, the latter, the Department for Education. Ofsted's report, *Leadership of more than one school: an evaluation of the impact of federated schools* (2010), shows the effectiveness of federation when the specific focus is to raise standards. Its effectiveness is limited by the current requirement that a school needs to be an academy to support another academy.

Will and capacity of local authorities

The survey of local authorities undertaken for this research demonstrated a strong commitment to working with schools causing concern. All of the 59% of local authorities which responded expressed a wish to do so.

- '*LAs retain a statutory responsibility for the outcomes achieved by children and young people which they share with schools (unlike Capita/Tribal etc) and can only pursue this through school provision.*

- *LAs have a democratic accountability to their constituents and have a moral, as well as statutory, responsibility to challenge the quality of educational provision which their children receive and to represent their interests.*

- *LAs are best placed to intervene to prevent failure since they are familiar with schools, understand local circumstances and have access to forensic school and pupil-level data.*

- *LAs are mandated to champion the most vulnerable children – these children are in schools … and not generally those schools which perform most impressively!*

- *If schools fail children they are likely to be excluded, NEET, engaged in anti-social behaviour etc. They represent a cost burden for the local community as well as impacting on quality of life and they are more likely to be in jail or dead than if they had a happy and fruitful school experience. Why would an LA not think schools causing concern were a core responsibility!?*

- *LAs must also be prepared to use the statutory powers they still have in regard to SCC in a robust and timely manner.'*

What was less definite (see survey section for further detail) is whether all local authorities had the capacity to continue successfully in the role. This included consideration of the importance of local knowledge which reduces as the local authority has less contact with schools as more become academies.

There are various ways that local authorities operate. Jonathan Crossley-Holland's models (2012) provide a helpful framework:

- Model 1: local authorities commission and provide most of the services from their own teams and charge to varying degrees for their services.

- Model 2: local authorities commission services to support schools including from schools.

- Model 3: a partnership body commissions the services.

The majority of local authorities operate mixed economy to varying degrees. What was striking was that it did not appear to be the model that made the difference. There were authorities who were achieving good outcomes with just one or two people at the centre and others which had large and more traditional services.

Large authorities would congratulate themselves on their capacity, small authorities would congratulate themselves on their flexibility and being able to know everyone. The good local authorities make the most of their situation.

Several of the authorities who are now good authorities have a history where there was a low point and there was intervention. Whilst in some there were changes of leadership, in others there was not (see case studies). What did occur, in both instances, was a change of culture.

The key combination appears to be **culture and calibre**. Capacity is important but more important is how the capacity is used.

The culture aspect requires:
- the commitment to work with all schools;

- the courage to be willing to take risks and to challenge;

- a collaborative attitude that recognises schools and local authorities have distinct but complementary roles; do with, not to.

The calibre aspect requires staff:
- who earn the respect of heads;

- who develop trust and productive working relationships;

- who can make hard decisions and have difficult conversations;

- who demonstrate the characteristics required for culture.

The calibre of staff does not guarantee the culture and vice versa; case study D provides an example of an authority which changed its culture following intervention and the same staff now produce top quality outcomes.

Advantages and disadvantages of local authorities operating as the mediating layer

An increasing proportion of local authorities are commissioning their work on schools causing concern. This includes identifying decline but, more commonly, the intervention with these schools. Some argue that schools causing concern or the wider field of school improvement need not be the role of local authorities as the private sector or the Department for Education with a regional structure, can undertake it. There are a mixture of factors and views to take into account.

The research demonstrated that drivers for the involvement of the local authority with all schools include that:
- The local authority has a **responsibility for all children and young people** with a particular role for the most vulnerable and thus has a moral duty and imperative.

- The local authority undertakes a **range of statutory duties** with regard to children and young people which provide them with **holistic information**, access to soft intelligence and a need to work with partners to benefit children and young people.

- The belief that **strong schools make strong communities**.

- Local people still hold the local authority to account for schools '*The local authority is named and shamed because an academy is*

underperforming; it was a shock to elected members at their lack of power whilst public hold them accountable' (interview).

- The local authority is **permanent**, unlike businesses, it can be the safety net. Local authorities are, as a governor experienced with working with schools causing concern said, '*often inefficient but better than alternatives – always there. They are responsible for the community and can't let things fail*' (interview).

- Local members are **directly accountable** to their local communities. As an NLE and successful headteacher of a federation said, '*centralist models are not democratically accountable; the local and direct connections from voters to decision makers is key. The Department for Education running all schools is too distant*' (interview).

- Local members bring their knowledge of their communities to the table. and can provide challenge, support and communication networks (see case study B).

- A mediating layer is needed; using an existing structure and avoiding duplication is desirable.

In contrast reasons for the non-involvement of the local authority, particularly in academies, include:

- Local authorities have **too many responsibilities** from roads to adult care to schools; they can lose focus.

- The **quality of elected members** is variable. As one officer said, '*I find the lack of understanding and knowledge of elected members incredible*' (interview).

- The **quality** of the work undertaken by local authorities is variable and some of it is poor.

- A local authority is always operating at **one remove from schools** as schools are autonomous bodies (compared to academy chains).

- Sometimes local and national **political considerations** override what is right educationally.

Lessons and learning from schools that have declined

Figure 5: Advice for supporting a school out of special measures (Ofsted, 2010)

> As HMCI (Ofsted, 2010) summarises, '*The best recipe for turning around inadequate schools is clear in Ofsted's evidence from monitoring school improvement. There are three principal ingredients:*
> - *Instil or install effective leadership*
> - *Provide high-quality technical guidance, particularly in teaching and assessment*
> - *Ensure effective governance.*
>
> *Progress then needs to be monitored and evaluated so as to provide useful feedback and a mechanism for accountability.*'

Methods used by successful local authorities include:

- Ensuring that conversations, and ideally visits, are held regularly with all their schools as these are essential to developing relationships and soft intelligence.

- Holding challenging conversation with the headteacher looking at evidence together: in the majority of cases a change of headteacher or a change in their attitude unlocked progress. If change is needed then it is fast-tracked.

- Using the opportunity of a move into a category to make radical changes if needed.

- Brokering school-to-school support: using known good headteachers including, but not exclusively, NLEs and LLEs; NTS; additional governors; interim executive boards (IEBs); outstanding teachers; hard and soft federations; and supporting moves to academy status.

- Meeting governors, governor development and close engagement with governors.

- Providing joined up support from the full range of local authority services; good quality human resources are particularly important but also includes educational welfare officers, capital and governance.

- Undertaking monitoring visits (most effectively when taken side by side with school leaders) with full reports to leadership team and governors.

- Holding formal review meetings of progress which provide timescales and lead either to success or escalation.

Special measures

In the course of this research it became clear that many headteachers have no or little experience of schools in special measures. Indeed several local authorities had no experience. That is good because it means that most schools are at least satisfactory. The disadvantages are that only those who have experienced it can really understand it; and that some very good heads have not the experience or aptitude to work with schools in special measures which has major implications for the use of NLEs.

Finance

Some local authorities have a policy of withdrawing delegation when a school is deemed to have special measures; too often the school management is chaotic and this is one way of controlling it.

The costs of coming out of special measures are high financially as well as high in the human cost to the children, staff and community. Often decisions are made to, in essence, pay people to leave. This is rather than delay the necessary improvements to the school, the children have suffered long enough and will not get their chance again.

Other potential costs include professional development, additional staff required as staff go off sick or specific skill sets are needed, curriculum resources and, often, something needs doing to a crumbling building or poor environment.

The financial costs are met by the local authority, the school or the Department for Education depending on the circumstances. At least one academy chain has found that the reduction in support coming from the Department has meant that there is now some subsidy needed from the chain to make the initial difference by moving staff on.

Capability

When a school is proved to have declined the leadership of the school is always under scrutiny. Ofsted (2010) see addressing leadership issues as a key early action. In most cases, if the head has been there any time, they are often '*moved on.*' Their willingness to go varies; compromise agreements are commonly used to speed up the processes. Compromise agreements can be very expensive and can also be seen as a reward for failure.

Every local authority spoke of the need to give the departing head dignity in their leaving.

Where the head is not willing to accept that their departure will help the school it can become a long and slow process and improvement is often delayed whilst due process is applied. This includes setting targets, providing support and reviewing progress on the targets. Evidence is essential and could, possibly wait on end of key stage results. Certainly it is often laborious and slows school improvement.

The attitude of the chair of governors is crucial; they may be a barrier or a driver for improvement.

There are a variety of factors that affect the time taken and one is the robustness of the conversations held, often referred to as the '*difficult conversations*.' The difficulty of these conversations should not be underestimated; in essence this involves telling someone that has put their heart and soul into a job that they are not good enough and it is better for the school, which they may love, that they should leave.

There will then be similar processes for any staff who need to improve and are unwilling or unable to do so. As one union representative said in one of the case studies below, '"*I don't think eight (*dismissed for capability*) is excessively high.*" This is on top of those who decided to leave voluntarily.

These difficult actions normally require a high amount of effort and energy. Excellent human resources support is essential but the head may be addressing issues with staff who are: popular, pleasant and long standing; unwilling to change; and/or in very difficult personal circumstances. This is as well as staff who may never have had a real chance to improve before. Judgements have to be made and made quickly.

One authority has a capability process that cuts down the time to four weeks. This is based on intense action and very good relationships with unions underpinned by a belief that the education of children requires urgency. Where this is in place then staff tend to move on of their own accord. Similar outcomes take place in some of the most successful chains. Often HR processes can take up to six months and perhaps years when staff, as often happens, become ill or teeter on the brink of being satisfactory. One secondary head spoke of the eleven staff off on long term sickness absence that created a financial deficit that led to redundancies.

The issues are rarely clear cut. It can be energy consuming territory with a significant effect on morale. All types of school commonly quote a 50% staff turnover in order to get out of special measures. Less common, but it happens, are schools which go into special measures and come out with the same staff. As a chair of the IEB where this happened said, '*Too many governors do not know what to expect… head and staff needed a boot up the arse and got it.*'

Heads who have led schools through special measures say:
- It is all encompassing.

- The rest of your life is on hold.

- It can be very lonely.

- You can be riddled with self doubt.

- You need to take the staff with you but be willing to make hard decisions about staff.

- If a school goes into special measures then there are normally all sorts of problems, 'E*very stone I picked up had a cave system beneath it.*'

- Your personnel officer and finance officer may become your new best friends.

- You need to be able to talk completely openly to someone; and that person is unlikely to be a head or a member of the school.

- You have to balance the need to get fast progress with pacing it – how long should children lose out versus considering how much change one school can take. A comparison was made here with a patient on an operating table, too much operating can kill them.

- You need a well written Ofsted report to help you move forward (see B below).

- Once you have done it you can get hooked on the adrenaline.

Advice includes:
- Confront the brutal facts.

- Use your data and make sure people understand it.

- Decide priorities and move fast.

- Don't try to do everything at once.

- Use smart targeted intervention.

- Get good staff in.

- Talent spot: promote people on merit, however young.

- Succession planning at all levels.

- Find ways of recognising good people.

- Find ways of celebrating success.

- Ensure that the moral imperative for staff is the children.

Coming out of special measures – some case studies

This section provides case studies and observations from headteachers who have led, or come in to improve a school in special measures. The schools include:

- two local authority maintained schools;
- two federations; and
- an academy chain.

A tale of two schools: both secondary schools 11 – 18, both had declining standards and both are now out of Ofsted categories.
A has the same head as it had when it went into a category.
B has its third headteacher since going into a category.

School A

'*Despite a strong commitment to improving the school, leadership and management are inadequate.*' (Ofsted, 2007)

'*Nine teachers have left the school and eight new ones, including two part-timers, joined at the start of the school year.*' (Ofsted monitoring report, 2008)

The school, '*now provides a satisfactory education and has some good features. The senior team, with support from the local authority and the governing body, has worked tirelessly to improve the school.*' (Ofsted, 2009)

'*This is a good school in which tenacious leadership and committed teamwork have secured strong gains in provision and outcomes since the previous inspection. Students enjoy all that the school has to offer and their achievement is good.*' (Ofsted, 2011)

The headteacher had been in post for one year prior to this inspection. Two other local schools went into special measures that week; both heads, after discussions with the local authority, left. The local authority made its judgement, despite that of Ofsted, that the headteacher had what was needed. The local authority was straight into the school, told the head that he had their confidence and talked to staff and governors about what would happen.

Parents were up in arms and asked why the head and chair of governors were still in post. '*The school was on its knees but the local authority support put wind in its sails to do what was needed.*'

A local authority chaired monitoring group was set up with the school which formed the basis of an effective partnership. It:
- accelerated the change process by giving a mandate to get things done;

- worked in confidence and consolidated information to provide focus;

- got the right personnel support. First questions were around who could improve and who needed to leave. 42% of staff left including the whole of senior management team (except the head).

The Ofsted report itself was not well written; there were appeals and some changes but the head is not sure that the effort was worth it.

Three heads of department were got through in one key department; the head had to be '*brutal, unforgiving and uncompromising.*' Additional input beyond the schools budget was underwritten by the local authority but the deficit and the staff commitments are still being paid for by the school. The overall financial cost of coming out of special measures is estimated to have been £500,000 to the school.

At first the support team from the local authority was overwhelming, '*like termites*' and following, '*robust discussions,*' the input was reduced to key focus areas. The input of the adviser was '*seminal.'* Support and challenge was provided and a supported self-review approach was successfully developed.

Reports on progress from the local authority were used with governors, staff and Ofsted. They backed up the schools' judgements and provided evidence of progress for staff and Ofsted. Ofsted wanted to delay the re-inspection until there were, '*no issues,*' which is quite unrealistic. During the period the framework changed and the school was being judged on different measures. The school, backed by the local authority, got its re-inspection and was judged satisfactory within 17 months of going in. Two years later it was judged as good.

School B
This large secondary school in a reasonably affluent area had a downward trend in GCSE results. Support offered by the local authority was often deemed unnecessary by the headteacher or input to departments not coordinated at a senior level. An Ofsted inspection gave a notice to improve and judged leadership and management as adequate.

The head was confident he could manage the problem and at first he had a very supportive chair of governors who expressed anger with the local authority. The head criticised the capability of officers working with the school and often insisted on seeing someone more senior.

A new chair of governors worked with the local authority and tried to support the head to succeed. The Ofsted monitoring visit judged progress as satisfactory but noted, amongst other things, that the support offered by the local authority was not being taken up.

At the next visit (a school with notice to improve has to be satisfactory after a year or go into special measures) the school was judged as having made insufficient progress and was put into special measures. The head remained

confident that he could address the situation. The chair of governors now supported the local authority in working to move the head on; this included very difficult and challenging conversations. A very expensive compromise agreement led to the head's resignation.

An interim head was pulled in. He calmed the staff. His experience was all in good schools. Seeing some of the extent of the problems he made his own school his priority and gave notice, leaving after a term and a half.

The third headteacher, experienced in working in schools with special measures, came in as an interim. She says that she was '*drawn to the school in simple outrage at what had been allowed to happen; there were no excuses for this failure for the pupils'*. She found a school with '*a toxic culture that always put the staff before the pupils, made life unpleasant for pupils,*' and, '*a stable staff where fresh ideas withered in the negative environment of jobsworth; sparky staff either lost it or moved on.*'

Problems included, and this is not an exhaustive list:
- No data analysis system or use of data.

- Too much unsatisfactory and satisfactory teaching with some pockets of good practice (Ofsted had judged the teaching as satisfactory, this was generous and unhelpful).

- An elitist culture which focused on the top 20% and virtually disregarded pupils with special needs and the less able.

- Poor behaviour (not properly picked up by Ofsted).

- No special educational needs register or systems in place.

- Standards falling.

- Particularly poor science department.

- Governance poor.

- Budget in crisis.

- A hierarchical staff with a big split between the SLT and the rest.

- An isolated school with little interaction with others.

- The loss of confidence of parents.

- A school trying to pretend it was a public school.

The local authority provided, at the first stage, information to the school on what it saw as the problems; offers of support in improving standards of education; advice and support to the chair of governors; the funding and

negotiations to facilitate the original head leaving; and brokerage to bring in interim leadership.

At the second stage the local authority provided intensive HR support which was essential to sort out many of the staffing matters quickly: this had to be done before real changes could be made to teaching and learning; external reviews and monitoring visits which challenged and supported capability and improvements; brokering good staff into the school from other schools; and provided handpicked governors to improve leadership.

The school:
- Undertook data analysis as the first step. This quickly identified some strong areas and many problems.

- Celebrated and built on the strength of a highly performing team under good leadership and getting results above targets.

- Gave staff support to improve but where unwilling or unable quickly moved them out.

- Transformed science by moving on poor staff, the previously demoralised good staff were now responding to opportunities, team culture was supported by the judicious placing of tea facilities in one room.

- Seconded an excellent deputy and brought in other staff to support specific areas such as special educational needs.

- Reformed the senior team, got rid of some and brought in good people (appointing from within when possible).

- Reduced staff to address a huge deficit (partly due to a falling role).

- Benchmarked spend against similar schools and refocused investment to teaching and learning from less important, and probably overstaffed areas.

- Encouraged new talent coming in with rigorous selection process.

- Appointed new governors with the right expertise and vision.

- Developed partnerships with other schools and higher education to address the tunnel vision.

- Invested in professional development, particularly data analysis and use, teaching and learning, self-evaluation, action research and middle leadership development.

- Interviewed all parents with children in year 11 and this started to re-establish trust.

- Took every chance to celebrate successes.

The local authority spent much time reflecting on how to have prevented decline on this scale. It is unusual for a school to move from notice to improve to special measures.

Factors included:
- The school was not below the floor standards.

- The head and the then chair of governors were confident and adamant that they were able to improve the school.

- The head and a significant proportion of governors did not respect the views or advice of the local authority.

- It was very hard to work with the school, the head talked assertively and at length, with lots of paperwork, on what he was achieving.

- The notice to improve judged leadership and management as satisfactory and the monitoring report judged progress as satisfactory.

In this situation what could have been the basis of a warning notice?

When there was evidence for the warning notice, the head had gone and governors had become receptive and were taking the steps that were required to improve the school.

The school is now judged as satisfactory. The interim head has been appointed as permanent head and results are improving. The school is a much better place for pupils. Staff are still facing redundancies due to budgetary problems; there has been a reduction of 40 staff in the last two years.

Examples from primary school federations

Two federations: very different approaches
Their similarities are:
- Primary schools which were failing are now good or outstanding and willing to help others: '*we have been there.*'

- The approach has evolved, it is based on the local authority knowing people and the context, seeing opportunities and being able to persuade people to give it a go.

- An executive headteacher role has developed which gives very good primary school headteachers the chance to expand and develop but remain headteachers. This is particularly valuable in retaining good leadership in challenging schools.

- Staff stay and grow within the federation, there is little staff turnover.

- The role of the local authority in brokering the deals and the quality of its relationships has been key in supporting successful outcomes.

- There is a loyalty to local children; close geographical and cultural links are highly valued.

- The Dioceses/ faith groups have become persuaded that soft federations are good models and there are examples of faith schools federating with community schools.

Federation X: the head is an NLE who has worked with a variety of primary schools which have caused concern; these deals are brokered by the local authority. These are initially three year federations which are then reviewed; all have continued but this open endedness is seen as being persuasive in getting sign up by schools and winning hearts and minds. Each school retains its own governing body and individuality. Staff can be moved by negotiation. The movement of good staff into weaker school transfers the culture which make systems successful.

A recent ground-breaking development is working with a Muslim school. This was an independent school run by the local mosque which applied for voluntary status. Federation was used as a way to ensure good educational standards as well as preserve religious doctrine.

The lead school remains engaged in federations as:
- This is education for local children so there is a moral purpose.

- It gives staff new challenges and opportunities which keep them engaged; leadership opportunities have opened up at all levels.

- Working across schools gives capacity which allows extra investment through more economic use of resources.

Federation Z: The headteacher took on a failing primary school and developed a successful system which he transfers to other failing schools. Staff are employed by the federation so staff movement is expected. High standards are set on the basis that the children deserve only of the very best; anyone not able or willing to achieve those standards does not stay long.

Federation Z can work with a school and raise key stage outcomes in months rather than years. 100% of pupils achieving level 4 is seen as a basic expectation in schools with pupils with high levels of deprivation. It is level 5

and beyond which provide targets. It is very hard work but now staff applications are very high and few staff leave but get opportunities within the federation.

The approach and outcomes are very similar to that of some academy chains (see below). The federation now has significant capacity and employs its own speech and language therapist and has a full time member of staff for child protection. An opportunity to work with another school outside of the home local authority quickly went wrong and the executive headteacher values the quality of his local authority even more as a result. A second opportunity to work in a different borough where both home and neighbouring boroughs worked together to broker partnership has gone extremely well with a school that had been stubbornly in an Ofsted category for some years brought out within a term.

Example from an academy chain

Schools taken on include ones in which:

- Staff were not observed teaching.

- Data was not used to inform work (e.g. year 8 performance was declining and the head did not know).

- The local authority had colluded in poor practice by papering over the cracks to pass inspection.

- There were low expectations of acceptable behaviour.

- No performance management was in place.

- Pupils had been told to go home, not formally excluded and without alternative provision, and may lose up to a year's education.

- Attendance records were incorrect.

The chain is led by a selected board which is fully accountable for all schools in the chain. Sometimes the local authority can be resistant to the change even after years of failure or scraping by for the pupils.

If the chain takes on a school it installs its systems. There is preparation work undertaken with staff, pupils, parents and the wider community so that on day one, it is a new school with new policies, structures and systems implemented.

All staff and pupils are transferred, '*Children and staff come to us as a new school*' There is intensive training with coaching. '*There has been hardly any need for capability as people make their own decisions.*' In the first period, staff are in one of three categories: 'can do (can stay)'; 'can't do but were never given adequate leadership and are willing to learn (coach and mentor)'; and 'can't / won't do (will go)'.

'*Too many leaders in these schools were lax on performance management and unwilling to make the judgements on staff to move them on if necessary.*'

Some staff move on because they decide it is not for them. Gaps are filled from staff within the chain; this is easier for management posts than teaching staff. Principals within the group are asked to release staff to assist, '*it is not mandatory or easy but there is a strong collegiate feel and people know that it is the group which gives the strength.*' The children are regarded as the responsibility of everyone across the chain. Morale improves as the school achieves success; staff then stay and succeed too. Once the school is established then there is good stability. Senior staff are normally 'grown' in the chain.

The children soon become proud advocates for their school and its chain of schools. Staff can find it very challenging with a very steep learning curve and may not see tangible benefits for about a year. Coaching is key; supporting alongside people, encouraging them to see the intrinsic reward and the effects on children and young people is a great motivator. Feedback on lessons whereby they recognise good work in terms of the impact they have had is particularly powerful. Markers of progress are used and celebrated, examples are improved behaviour, letters from parents and improved attendance. '*Standards quickly rise.*'

All academy staff engage in the chain's professional development programme which includes staff across all academies coming together. Examples include day for all teaching staff with 150 best practice workshops; similar day for support staff; day for special educational needs staff e.g. on mental health issues; moving from good to outstanding; and days for subject leaders.

'*Each school has a governing body which operates on the same basis as other governing bodies. The chief executive interviews the governing body, with the exception of elected parents and staff. Those who join take the role very seriously. They are supported by training and also undertake a wide range of roles including analysis and reporting to other governors. They are articulate, informed, challenging and local.*'

Close monitoring of pupil and school outcomes is routine. All pupil outcomes are reviewed annually. Standardised monitoring each term uses data such as finances, exclusions, attendance and punctuality. Sponsored academies are closely monitored until well on the road to success. Monitoring includes two thorough reviews within first 18 months. A distillation of the reports is provided to the committee.

Concerns expressed include:
- The 'limbo' there can be before the school becomes part of the chain; it is not unusual for there to be many supply teachers and lots of pro tem arrangements in the interim which is to the detriment of the education of the children.

- Weaker converter academies joining the chain which require investment and the start-up grant is not available;

- The reduction in the start up grant for sponsored academies will mean that the chain will have to subsidise their improvement.

- *'No-one, neither academy chain nor local authority should have a monopoly; a monopoly is why some local authorities have provided a poor service.'* Competition gives an edge which aids improvement. *'The right to work with failing schools should be based on performance'*

- '*Local accountability does not always lead to improvement as is seen with some failing schools. Local authorities have many responsibilities and priorities. This has two crucial effects. One is that they can lose focus on what is best educationally. Secondly other priorities may mean that the rights of all the children in the area to get a good education may be neglected.*'

Other parts of the picture

The coalition government has raised the pressure on schools to perform. This shows itself in:

- the raised floor standards;

- the pressure to become an academy if not achieving;

- the move to consider *satisfactory* as *requires improvement.*

Floor standards

The government has raised the floor standards and is raising them further. This is to provide a higher base line of 'acceptability,' and pressure to improve. There are concerns about this approach. Concern is expressed on the judgements made on schools based on floor standards. The issue is to do with context and the use of floor standards as a blunt weapon (see case study F) which does not allow for the background of the children; how long they have been in the country for example.

Figure 6: Sir Michael Wilshaw on government targets and school leadership (Education Select Committee, Feb, 2012)

> The head of Ofsted, Sir Michael Wilshaw said to the education select committee (29/2/12), '*We will be looking at the progress of all children from starting points to end points, but it is an issue also for government. I was a head and therefore I was driven by the league tables. And the league tables have changed considerably. I was focusing before I left on the English Baccalaureate. If the government, in its wisdom, said we will also introduce a league table which shows progression to university, and particularly to the Russell Group and Oxbridge, I would be driven by that. So there are all sorts of drivers, I think. Ofsted is a driver but so is government.*'

One story illustrates the potential danger of a simplistic approach. In 2011 an outstanding primary school which also leads a National Teaching School Alliance, achieved below floor standards. This could have implications for its Ofsted and thus National Leader in Education (NLE) status.

It happened because the school has a strong inclusive ethos and put the needs of pupils of the area first. A nearby school was closing and places were needed for six children with complex needs in year 6 before they went onto special school in year seven. In addition pupils from the school's specialist unit normally return to their home school in year 5 in order to ensure friendship groups prior to the move to secondary school. Two pupils were moving onto special school so to minimise the number of moves they were going to make, they stayed. Therefore eight out of a cohort of 32 had very genuine reasons for not achieving level 4. This, combined with SEN pupils

from the 'mainstream' part of the school not all achieving, took the school below floor.

If this school was only thinking of itself it would have refused to have taken these children and it would have been to their detriment. It was not to the detriment of other pupils in the school to have taken them. The simplistic judgement based on floor standards is that the school has declined, this is not the case.

Academies

For many years local authorities have had a responsibility to monitor schools, identify any causing concern and to support them to improve. This is often known as support and challenge with intervention in inverse proportion to success. The move to sponsored academies was introduced under the previous national administration. Schools that were underachieving for a long period, most commonly in deprived areas, became sponsored academies and were no longer the responsibility of local authorities. In several instances chains of academies have formed which may operate under a single board. There are inspiring success stories and, 319 schools, mainly secondary schools were sponsored academies by 1/12/2011.

Figure 7: Inspection results of academies (Ofsted Annual Report, 2010-11)

…'*Most of the academies inspected this year were sponsored academies where previously the school had experienced a history of failure or low performance. Of the 75 academies inspected this year, 40 were judged to be providing a good or outstanding education for their pupils and five were inadequate. The proportion of academies judged good or outstanding is similar to that for all secondary schools, although within this the proportion judged outstanding was higher at just over a fifth.*' (Ofsted, 2011)

'*Eleven of the academy inspections carried out this year were of the new 'converter' academies*' and ten continued to be good and outstanding. It will happen that some of the converter academies will decline or something will go wrong. '*Forty per cent of schools previously judged to be outstanding that were inspected this year declined….Three previously outstanding schools declined to inadequate.*' (Ofsted, 2011)

Hill (2012) has analysed the various types of academy chain and the impact they have had.

Part of the conclusion is, '*Academy chains are a positive development within the English education system. They are bringing innovation and systematic improvement and helping to raise attainment in some of the most deprived parts of the country. They are nurturing an able new generation of school*

leaders with experience and expertise in leading in different contexts. They are evolving new structures and roles for executive leaders. They are using their economy of scale to drive efficiency and to organise support functions so that school leaders spend more time on their core business. They are reinventing the concept of school governance so that governors focus more clearly on strategy and performance. They are standardising the best aspects of school improvement and driving new learning and practice through joint work across the academies in the chain. They have the potential to make a huge contribution to the wider education system.'

Hill does provide a caveat however, '*But academy chains are not a panacea for all the problems of schools*,' and the issues of a developing system and weaker chains are raised. Even the most optimistic forecasts for academy chains recognise that it will take years to create an all encompassing system.

There cannot be a direct comparison of local authorities and chains as the roles are very different. The board of an academy chain has the power to dictate every aspect of what happens in the academies in the chain. As with any business chain there is the opportunity to impose and in several chains 80% is deemed to be non-negotiable. There is very tight and frequent monitoring, every six weeks is not unusual for written reports and also fuller reviews with learning walks, lesson observation and discussions with pupils, perhaps termly. Where this is happening, evidence shows pupils flourishing. Non-academy federations can also operate like this and equally successfully (see case study B and above).

A local authority cannot act like an academy chain. Even before academisation, schools had a lot of autonomy and local authority intervention must be in inverse proportion to success. It is possible that some local authorities have been doing what they have been told to do and not what they need to do. As a DCS said recently. '*because Ofsted have graded those schools as satisfactory, I can't do anything can I?*' There is a strong contrast with a local authority that says, '*We have a clear focus of moving satisfactory to good and good to great and using every resource to achieve that; the view taken is that, a rising tide raises all the ships.*' Evidence shows that the differences have been largely a matter of culture rather than capacity. The new Ofsted emphasis on satisfactory no longer being good enough gives considerable opportunity to local authorities which have felt restricted.

Since the Academies Act 2010 there have also been converter academies. These are mainly good and outstanding schools which become independent of local government and are funded directly. Part of their responsibility is to support weaker schools. This is in line with international thinking as applied in Shanghai and elsewhere (see literature review section). Currently 3% of academies have entered into formal arrangements to support other schools (TES 2/3/12).

Many schools and heads dislike the thought of becoming part of a chain and this is an incentive for improvement. Indeed this is whether an academy chain or a federation; there is a strong attachment to 'one school, one head, one board of governors' that may limit the potential for increased capacity and improvement.

School-to-school support

The majority of schools, including academies (ISOS, 2012), collaborate with each other and the local authority in one form or another. This includes geographical clusters linked by locality and the children from an area, chains (academy and non academy) and school-to-school support.

Figure 8: Extracts from National College report on National Leaders in Education (National College, 2010)

The National College report (2010) on the National Leaders in Education (NLE) programme identified specific improvements in standards:

'*Analysis of test results for 2007 to 2009 produced the following picture:*
- *Primary schools supported by NLEs during 2007/08 improved the average percentage of pupils gaining level 4 in English and maths at Key Stage 2 by 10 percentage points, while schools nationally flatlined over the same two-year period (i.e., saw no increase in attainment).*
- *For secondary schools supported by NLEs during 2007/08, the improvement rate in GCSE pass rates over the two years (as measured by the percentage of students gaining five GCSEs at grades A*- C including English and maths) was double the national average.*'
And

'*NLEs provide intense support to schools in the most challenging circumstances. However …. the reach and impact of NLEs is being augmented by the development of LLEs across the country.*'

The National College for School Leadership has worked with schools and local authorities to develop school-to-school support. This includes the deployment of National Leaders of Education (NLE), Local Leaders of Education (LLE) and making use of the resources of National Teaching Schools (NTS). One aspect of their work is to support schools, by a variety of means, to improve. The National College's role is to provide the 'material' through selecting potential leaders and training them to undertake their role. Quality assurance is crucial and ongoing. It is proving a very valuable resource.

Significant use is being made of NLEs, LLEs and the developing National Teaching Schools (NTS) across the country. They are a growing resource. Current estimates are over 600 NLEs, 2,200 LLEs and 220 NTS with 1,000 specialist leaders in education (SLEs).

There are a range of factors to be considered when considering the impact of NLEs and LLEs:

- Good local authorities make good use of them in a variety of ways with schools causing concern. They may also use other good and outstanding heads who are not interested in becoming formally accredited.

- Quality assurance is key and the National College is aware of the need to monitor and de-designate at times. Some leaders may lead outstanding schools but they may lack the ability to support another school.

- The National College brokers the use of NLEs working with the local authority to varying degrees. LLEs are brokered locally with the NTS where applicable; meeting the need in the local context and matching personalities largely is the remit of the local authority but it all varies depending on local circumstances.

- Some local authorities have been reluctant to embrace the approach.

- There is a mixed picture of supply across England. As one head of an NTS said, '*why should a school put itself out for the benefit of others? NTS gives high status and it is up to the school what is actually does.* '

- Nationally the overall investment has been reduced; the National College able to access some funds to support the programme.

- There is no expectation for the National College or the NLE, LLE or the NTS to have the difficult conversations with heads which may lead to them leaving; there are examples of developments for greater delegation of this responsibility in parts of the country.

Overall, the results of the interviews highlight that
- School-to-school support has significant potential.

- It is at its early stages and is not yet mature or comprehensive.

- School-to-school support requires a mediating layer.

Does the type of school matter?
The context of the growth of academies and the development of free schools and the potential role of the local authority raises questions because:
- If schools fail or fall below the floor standards then there is pressure to become academies.

- As more schools become academies, the capacity of the local authority to respond to the needs of the remaining schools reduces.

- Some academies will fail in some way and the role of local authorities as the champions of children and young people needs to be considered.

- Local authorities retain a variety of roles with academies including child protection, co-ordinating admissions, special educational needs and excluded pupils. They therefore have access to a range of information about the children at academies and free schools.

- Academies tend to remain part of the local family of schools and work with the local authority and other schools in a variety of ways.

The future role of local authorities and schools causing concern

The interviews undertaken for this research indicate that many converter academies are remaining part of their local networks with other schools and working with the local authority, buying in services as before. There are significant examples of academies working with the local authority just like any other school, even getting frequent visits from 'SIPs' (local development of the school improvement officer role).

The relationships are key and often depend on historical factors, '*they don't have much to do with us, never did, were previously grant maintained,*' may indicate one end of the spectrum. Case study A, with the commitment amongst all schools to the family of schools and all children, would indicate the other.

The Department for Education is remaining silent on the potential role of local authorities with academies and free schools. There will be a mixed economy for several years whatever the long term outcome.

Right now there is a vacuum and local authorities therefore may decide to take it upon themselves to step into that gap and act as champion for the children in their area by:

- Maintaining good relationships with all schools.

- Continuing to monitor all schools using all data at their disposal.

- Identifying any concerns and discussing them with the schools.

- Referring significant concerns to the relevant governing body, sponsor, Ofsted and the Department for Education as appropriate.

As academies are independent schools they need not communicate with the local authority on these issues. Evidence shows that the majority of academies are choosing to continue to work with their local networks and with their local authority.

The evidence is clear that neither school-to-school support nor academy chains yet have the capacity to fill the vacuum. This research would indicate that local authorities, either individually or collectively, could do so, working with schools and academies. The inadequate quality of some local authority support needs to be considered and those authorities need to consider the reality of the situation. The result is likely to be a varied pattern across the country, as now.

There is a capacity issue because of the cuts to local authorities; evidence indicates that the best local authorities are still maintaining and raising their game despite and, possibly in some instances, because of the cuts.

Some would consider it the moral duty of local authorities to work with all schools, as above, as they responsible for all children living in the authority area. The best authorities have not waited on central government to tell them what to do and they have used their moral authority rather than powers provided to them. The outcomes have been for the children.

Conclusions

All concerned wish to improve educational outcomes for every child. The question is about how this is done most effectively in terms of monitoring, challenging and supporting schools. Approximately 7% of schools are academies and the number is likely to increase. In some areas there are a high proportion of secondary academies in particular. So how is there to be an effective system for all types of school? Brokerage, to become a chain or for school-to-school support, is still required.

There is much good practice in the majority of local authorities with some excellent practice in some local authorities. However some local authorities lack the capacity, skills or commitment to effectively identify schools causing concern and then to do something about it quickly and sustainably.

Statutory guidance will, in some local authorities, define the resource available as elected members are making financial decisions based upon statutory minimums.

Good practice needs to become common practice if local authorities are to have statutory duties with all schools.

Local authorities do not have a divine right to work with schools. Nor do they have a monopoly of moral purpose. Chains of academies have far greater powers than local authorities. They can intervene, dictate and monitor closely; their task is clear cut. Most sponsored academies are now providing better education than the schools did than when maintained by the local authority.

Rising standards
- Standards in schools are continuing to rise.
- Standards in schools are helped to rise by effective local authorities.
- A large proportion of local authorities are effective or very effective in supporting and challenging schools.
- School-to-school support, effective federations and academies are enhancing the menu of tools to raise standards further.
- The majority of schools, including academies, wish to work in collaboration with each other and the local authority. Collaboration is a key to continuing raising standards and supporting the best outcomes for all children, including the most vulnerable.

Concerns, implications and risks

A wide range of concerns and risks were raised through the research. The most common and most relevant are considered below.

Powers and capacity of local authorities:
- There is a varied quality of local authorities with some requiring significant improvement.

- There are reductions in the capacity of local authorities and the information which will be available as contact with schools reduces with role and resources. This includes potential lack of contact with academies and free schools **and** any reduction in the resources of the local authority.

- Issuing warning notices is a bureaucratic and slow process that get in the way although they are recognised as a powerful tool to have in the armoury of school improvement.

- Sometimes local authorities have to await a school going into a category before it has the evidence to act, if a school is resistant.

- The insistence by Department for Education that a school has to be an academy to support an academy will prevent some effective school-to-school support.

- There is a variable quality of elected member engagement, examples were given of lack of ability to make unpopular decisions, having other priorities, lack of understanding of the data and their lack of ability to maintain confidentiality.

- There is a consensus that school-to-school support will not be mature enough to take on the government's expectations for the system or some years, if then.

- Effective school place planning is at risk as new schools are agreed by Department for Education.

Scrutiny and challenge of academies and free schools
- The reliance on retrospective data (for academies and free schools) by Department for Education is a risk. There are particular risks in stand alone schools.

- There is a lack of understanding of accountability for academies and free schools; this includes the potential powerlessness of the local authority and the lack of clarity on their role with regard to any accountability framework from the Department for Education.

- The intelligence that local authorities have is not used to inform monitoring of all schools, including academies and free schools. This increases the likelihood of decline being undetected.

- Faith collections of academies lack school improvement capacity and the decline is not picked up or addressed appropriately (Hill, 2012).

- There were concerns expressed on the rising number of exclusions (based on interviews) from some academies and concerns on what happens to these pupils now and as the number of academies increases.

As Andreas Schlieffer said to the Observer (22.9.11), '*There has been a change of emphasis by this (the Coalition) Government giving schools more discretion – yet what are the levers for these schools? What are you going to do about them?*'

Common concerns irrespective of type of school

- Schools will decline and it is picked up too late if monitoring is based on desk-top data. A proportion of all businesses decline and so do all schools. Some converter academies will fail. Some sponsored academies will fail. As a group of headteachers and chairs of governors agreed, '*Someone needs to be able to identify failure early enough and to stop schools bumping along. Action needs to be bold, brave and early; if left then the capacity is lost which is needed to improve quickly.*'

- Changes, including decline, can happen very fast in schools, particularly small or urban ones.

- Capability processes can be slow and laborious, distracting from the core business of teaching and learning but key to improving educational outcomes.

- Governance quality is key. Concerns include:

    o Chairs of governors can become entrenched and there is difficulty in moving them on.

    o Governors rely on the headteacher as conduit and guide so if the heads is not good then governance is unlikely to be good.

    o The large size and the potentially limited skill set of governing bodies can limit effectiveness.

    o Many governors are not clear on what their role is and how to apply it.

    o Governors have a tendency to support rather than challenge.

    o Stand alone academies and free schools will be particularly vulnerable.

- The current and planned Ofsted frameworks are anticipated to increase the number of schools in a category.

- There is a lack of clarity about the powers, or otherwise, of the Department for Education to issue academy orders or place pressure on local authorities to do so where schools are not in a category.

- The dioceses are normally positive but passive partners in terms of school improvement as they generally lack the necessary skill set but they can also reduce the ability to appoint the best leader as, '*Faith collections are likely to be guided by God rather than educational outcomes for children.*' (Executive Headteacher in faith school) This is increasingly worrying as all faith academy chains are established.

Summary
It is a vibrant and exciting time in education. New capacity is being developed through school-to-school support and the growth of chains. They do not have the capacity to replace the roles undertaken by local authorities. The Department for Education cannot manage all schools centrally. A mediating layer is needed.

In order to pre-empt decline, monitoring of academies and free schools needs to include local intelligence and more than retrospective desk-top examination of exam outcomes and Ofsted reports.

The role of governors is crucial. Ways to ensure governors are effective need thorough consideration.

A minority of local authorities do not have the capacity to make best use of the opportunities and be effective champions for children.

The best local authorities do everything in their power and their sphere of influence to ensure the children in their community attend good and outstanding schools. There is every reason that effective local authorities continue to work with, monitor and challenge **all** schools as the champions of children and young people, irrespective of the type of school.

Appendix One

In response to specific questions as part of this research the Department of Education answered as follows:

a) What information does the Secretary of State use to measure performance?

The Secretary of State uses performance data, coupled with Ofsted judgements to measure performance.

The Coalition Government introduced **new floor standards** for schools in the Schools White Paper published in autumn 2010. These new standards, which are higher but fairer than previous targets, require schools to be above certain attainment levels and also have pupils making at least average progress between key stage levels in English and Maths.

A school must fail <u>all three</u> measures to be below the floor standard. So for secondary schools, a school must have less than 35% of its pupils achieving 5 GCSEs graded A*-C including English and Maths (this figure will raise to 40% in 2012 and up to 50% by the end of this Parliament) and in primary schools the requirement is for 60% of pupils to achieve level 4 or above in English and maths.

Ofsted inspections are key to monitoring and raising school performance. New school inspection arrangements took effect from start of January 2012 focused on 4 core areas: teaching; achievement; leadership and behaviour and safety. Inspectors must consider in reporting on these areas, pupils' spiritual, moral, social and cultural development.

HMCI plans to make further changes to school inspection from September 2012 (the consultation launched on 9 Feb), moving to no-notice inspection for all schools; raising the bar on *outstanding* including making it a requirement that schools must be o*utstanding* in their teaching'; Setting '*good*' as the minimum acceptable standard; checking the rigour of schools' performance management arrangements during inspections.

The recent changes to Ofsted inspections and the consultation on further proposed changes will improve the ability of Ofsted to identify and to act quickly on poor performance.

b) Who is the accountable body amongst the Schools Commissioner, the DfE and the YPLA?

Responsibility for an academy's performance lies with the Academy Trust. The Department monitors the academic performance of academies and will hold the sponsor and/or Academy Trust to account for under-performance.

The Secretary of State may intervene in an academy in certain prescribed circumstances. These are set out in the funding agreement or in legislation; for example the Secretary of State has powers of intervention that can be used in response to situations such as an academy being placed in *special measures* by Ofsted, financial mismanagement, health and safety concerns and dropping two Ofsted categories.

The Secretary of State's powers of intervention are his alone. Both the YPLA (Education Funding Agency from April 2012) and the Office of the Schools Commissioner (OSC) are sponsored by the Department and are accountable to the Secretary of State. Where they act on behalf of the Secretary of State they are acting as his agents. The Education Funding Agency acts for the Secretary of State on matters of financial accountability and the Office of the Schools Commissioner on matters of educational performance.

c) Who will do the monitoring?

The Department, specifically the OSC, is responsible for monitoring the educational performance of academies. The OSC, with DfE Education Advisers, support the aims of the academies programme by improving performance across the state education sector so that, in all academies, we achieve year-on-year improvements in both average attainment levels and narrowing the attainment gaps between higher and lower performing pupils.

The YPLA or the Education Funding Agency as from April 2012 has responsibility for the financial monitoring of open academies.

d) Who will broker the work with academy sponsors?

The OSC brokers sponsorship deals in conjunction with other DfE colleagues for those schools that would benefit most from being a sponsored academy. In addition the OSC is responsible for extending the academies sponsorship programme and encouraging a more diverse range of organisations to become academy sponsors.   LA and sponsor brokers are typically individuals with senior practitioner and/or senior LA school improvement experience.

Where an Academy is not making satisfactory progress, the Department will work closely with the Trust and academy to secure whatever changes are necessary to bring about rapid and sustainable improvement. This could happen fairly rapidly and might include a change of leadership, or a new partnership with a successful strong academy, sponsor, partner or school. The exact nature of the intervention would depend on the individual circumstances of each school.

Glossary

CPD	continuous professional development
DfE	Department for Education
HR	Human resources
HMCI	Her Majesty's Chief Inspector of Schools
IEB	Interim Executive Board
LA	Local Authority
LACSEG	Local Authority Central Spend Equivalent Grant
LLE	Local Leader in Education
NC	National College for School Leadership
NLE	National Leader in Education
NSS	National Support School
NTS	National Teaching School
Ofsted	Office for Standards in Education
OSC	Office of the Schools Commissioner
SIP	School Improvement Partner
SLE	specialist leaders in education
YPLA	Young Peoples Learning Agency

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