

By email to: Underperformance.CONULTATION@education.gov.uk

Monday 23 May 2022

ADCS response to the consultation on supporting schools that are not making necessary improvements

1. The Association of Directors of Children's Services Ltd. is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to respond to the Department for Education's consultation on supporting schools that are not making necessary improvements.
2. The process outlined for schools not making necessary improvements in the consultation and draft schools causing concern guidance is clear and ADCS welcomes the commitment to making decisions about a school's future on a case-by-case basis. It is important that the governing board, trustees and local authority are consulted with before issuing an Academy Order. Many local authorities have a strong track record in school improvement activity and this should be considered before intervening. Further, following the government's commitment in 2019 to provide an offer of support to schools judged as Requires Improvement (RI), ADCS would welcome a continued commitment to allow schools time to make necessary improvements where it is in the best interests of schools and pupils.
3. The new definition of "coasting schools" to include schools with successive RI judgements brings far more schools into scope and could lead to a significant number joining new academy trusts. ADCS therefore agrees with the proposal to trial this in new Education Investment Areas (EIAs) first. However, ADCS would welcome clarity on how this interplays with Priority EIAs and how this may influence the number of interventions in schools within those areas.
4. The investment in Education Investment Areas where education performance is lower as part of the levelling up plan is an important part of education recovery, particularly for those from disadvantaged backgrounds. We know that more deprived areas and communities were disproportionately affected by Covid-19 in terms of infection rates as well as disruption to schooling. It is therefore vital that local context is taken into account and that the importance of place is fully understood. It is important that new arrangements are delivered in a locality via genuine partnership, with all players working in concert to ensure that all children and young people receive a good education.
5. The use of an Ofsted judgement to define schools that are not making necessary improvements is the best measure available of school performance and the most holistic. However, the marginal decisions made between 'Good' and 'RI'; and, 'RI and 'special measures' are finely balanced judgements. ADCS has previously suggested that moving

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to a more nuanced and narrative approach would be fairer to all concerned and more useful as an improvement tool. Changing a school's governance arrangements can be a significant change and recent research published by the LGA found that the impact of academisation on inspection results was minimal. Given the potential implications of receiving successive RI judgements, DfE and Regional Directors (RD) must be clear on what the benefits of intervening in a school will bring.

6. The proposal that intervention powers for schools with successive RI judgements should only apply to schools that have been inspected since May 2021 and those with a long history of underperformance is reasonable. The draft schools causing concern guidance is clear that the RD will not use 2020 or 2021 performance data to hold schools to account in order to mitigate the impact of Covid. It is important that both Ofsted and the Department of Education are alive to the long-term impact of the pandemic on both children and school staff. Throughout 2021, the pandemic caused significant disruption in schools across the country with multiple school closures and high rates of staff absence. Such conditions did not allow schools sufficient time to make improvements that may have been achieved under normal circumstances. ADCS urges the Department to seriously take these mitigating factors into its decision making process.
7. Where an Academy Order is issued, and it is in the best interests of the school and pupils, it is vital that changes are made swiftly. ADCS members remain concerned about schools being left in limbo for months or even years and the impact this uncertainty has on learners' outcomes. Conversely, schools can bring about significant improvements during this time and may not meet the criteria for mandatory conversion to academy status.
8. It is important that we are equally ambitious about improving alternative provision (AP) where improvement is needed. AP can include specialist provision, from pupil referral units (PRUs), alternative provision free schools and hospital schools to bespoke vocational or sports and arts arrangements put in place to meet the needs and aspirations of individual learners. The Department must therefore be satisfied that there is enough capacity in the system that can meet the needs and provide the necessary support to AP settings with successive RI judgements. Further, there must be a clear rationale around the benefits of intervening in an AP setting and how a new academy trust will ensure improvement.
9. Members of ADCS would welcome the opportunity to discuss the points raised in this consultation with DfE, please contact the relevant policy officer in the first instance via matt.cunningham@adcs.org.uk.