

## **ADCS submission to the Education Select Committee Inquiry on the role of Regional School Commissioners (RSCS)**

### **1. Summary**

1.1 Whilst local authorities (LAs) and Regional School Commissioners (RSCs) have their own specific responsibilities as defined in statute, collectively we are accountable for the educational outcomes for all children, whatever the status of the school they attend.

1.2 The role of RSCs is broad and ambitious - there are just over 20,000 primary and secondary schools in England meaning each RSC has somewhere in the region of 2500 schools in their area. They are responsible for the performance management of existing academies and approving any changes to their size or operation. The new Education and Adoption Bill proposes that RSCs should broker new academies, manage the sponsor market, approve new free school applications and seek to address under performance in maintained schools as well.

1.3 ADCS believes RSCs are struggling to deliver their current remit and the Education and Adoption Bill sets out a continued commitment to the academies programme and a pledge to provide 500 more free schools in this electoral term. Once the Bill is enacted this will diminish any capacity RSCs may have had to deliver improvement in the system.

1.4 It is hard to see how the role can practically work across such large geographical areas if the majority of schools become academies. The RSC will inevitably need to develop some sort infrastructure in addition to Head Teacher Boards in order to discharge these new duties yet this already exists in local authorities.

1.5 There is some confusion surrounding the current arrangements, particularly in relation to coasting and failing academies, and the DfE should seek to clarify roles and responsibilities before the outcomes of children and young people are adversely affected by this uncertainty. LAs are determined to work with all schools to drive up standards, regardless of status or designation, and we have worked in partnership with a range of religious organisations and community interest groups involved in the delivery of education at a local level for many years now. RSCs are no different.

1.6 ADCS is concerned that fragmentation within the system is putting the outcomes of pupils at risk. Moves towards greater autonomy in the system should have been complemented by a review of accountability and governance of education at a local level, and, making a co-ordinated response to tackle underachievement the business of all providers. Structural changes alone will not foster outstanding teaching, strong leadership, good governance and effective collaborations. It is our belief that valuable resources should be focused where they can be more fruitfully employed - in the classroom.

1.7 ADCS calls for greater openness and transparency in relation to how the RSCs' duties are conducted and requests that the operational structures have a clear local and national accountability framework. This should be strengthened through the development of a regulatory and inspection framework. ADCS would also welcome formal working protocols between LAs and RSCs, outlining respective remits, information sharing agreements, arrangements for monitoring performance and intervening in schools causing concern.

1.8 It is our hope that this inquiry will be a catalyst for an informed debate about how the key players, including the DfE, LAs, academy chains and RSCs, can work together to challenge and support each school, irrespective of its status, to attain high standards and ensure all learners achieve success.

## **2. Introduction**

2.1 The Association of Directors of Children's Services Ltd (ADCS) is the professional association for directors of children's services and their senior management teams. Under the provisions of the Children Act 2004, the DCS is the chief officer responsible for the discharge of local authority functions with regard to education and children's social care. The DCS provides a clear and unambiguous line of professional accountability for children's services. ADCS therefore welcomes the opportunity to submit evidence to this inquiry on the role of Regional School Commissioners (RSCs).

2.2 The powers of RSCs are extensive and include encouraging would-be academy sponsors to come forward and deciding if existing sponsors should expand, approving the funding agreements for setting up a new academy and assessing applications for new free schools.

2.3 Whilst LAs and RSCs have their own specific responsibilities as defined in statute, collectively we are accountable for the educational outcomes for all children in all schools, whatever the status of that school. There is, however, clear overlap in school improvement responsibilities and some confusion as to the respective roles of the LA and RSC in relation to coasting and failing academies. The current arrangements require improvement and the Department for Education (DfE) should seek to clarify remits as a matter of urgency before the outcomes of children and young people are adversely affected by this uncertainty.

2.4 LAs are determined to work with all schools to drive up standards, regardless of status or designation, and the best interests of children and young people are always our overriding concern. We have worked in partnership with a range of religious organisations and community interest groups involved in the delivery of education at a local level for many years now. RSCs are no different.

2.5 It is our hope that this inquiry will be a catalyst for an informed debate about how the key players, including the DfE, LAs, academy chains and RSCs, can work together to challenge and support each school, irrespective of its status, to attain high standards and ensure all children and young people achieve success. To that end ADCS would welcome the opportunity to expand on this written submission via the provision of oral evidence at the Committee's hearing on this topic.

## **3. What the role of RSCs currently is, how this might change as the academies landscape evolves, and what the role of RSCs should be?**

3.1 The role of RSCs is both broad and ambitious - there are just over 20,000 primary and secondary schools in England meaning each RSC has somewhere in the region of 2500 schools in their area. They are responsible for the performance management of existing academies and approving any changes to their size or operation. On top this RSCs are charged with brokering new academies, managing the sponsor market and approving new free schools.

3.2 The new government's new Education and Adoption Bill proposes a much wider role for RSCs, suggesting they should pay closer attention to the track record of sponsors, be more active in the grouping of existing academies into chains and seek to address under performance in maintained schools too. This will entail establishing and managing a number of new relationships eg with diocesan offices, and it is hard to see how this role can work across such large geographical areas if the majority of schools become academies. Some sort infrastructure would inevitably be needed at a regional, sub-regional and even at a local level, yet this already exists in local authorities.

3.3 The Bill also makes new provisions for schools causing concern but lacks sufficient detail about how this will work in practice and where responsibilities lie. The government should move to clarify the following points to ensure that key stakeholders are working efficiently:

- What will the role of the RSC be within maintained schools and how this will be implemented?
- Who has ultimate say regarding commissioning academisation?
- The criteria that will be used when recommending, selecting and encouraging sponsors to grow?
- The powers the RSC can exercise in relation to trustees and / or governors?
- Clarity around what constitutes a failing school – particularly in relation to Ofsted's new Common Inspection Framework?
- Clarity over what will happen to schools currently judged as requiring improvement?
- How any potential conflicts of interest for individual RSCs and members of the HTB will be managed?

3.4 ADCS is increasingly concerned that fragmentation within the system is putting pupils' attainment at risk; the lack of a holistic system locally, together with the high pressures of national accountability measures means individual schools are struggling to meet the needs of challenging pupils whilst sustaining rapid improvement. LAs are prohibited by law from swiftly intervening in academies where performance is giving concern, this is both frustrating and troubling for individual local authorities and ADCS alike.

3.5 According to the most recent report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2013/14, six in 10 secondary schools in England are now academies or free schools yet only half of this number are part of a Multi Academy Trust (MAT). The report goes on to suggest that too many standalone academies are not in receipt of effective challenge and support. It is the view of ADCS that the attention and resources of RSCs might best be directed towards the 2000 or so standalone academies. There is also a clear role for RSCs in terms of identifying, assessing and holding academy sponsors to account; it is important this process is independent of the DfE.

#### **4. Whether there are sufficient RSCs and Head Teacher Boards to fulfil their expanding role, and whether they have adequate resources?**

4.1 It is unclear how resources are allocated to support the work of RSCs, we are unsure whether a set amount of money has been allocated to each region or if a funding formula been developed by the DfE based on the profile of the current and future pupil population or the communities served. In addition there is little, if any, publically available information about how this money is spent.

4.2 The government needs to be clearer about the core function and purpose of this role. The geographical areas RSCs are expected to oversee are too large – the South-Central England and North-West London region encompasses 27 local authority areas. RSCs are reliant on LAs to share strengths, concerns and any local developments, moves to formalise this relationship would ensure that local knowledge was taken into account when reaching decisions that affect local communities e.g. the location of a new free school.

4.3 The size and membership of the Head Teacher Boards is a significant cause for concern for ADCS. RSCs and HTBs have powers to decide which academy chains in their region grow, and which do not. Inevitably conflicts of interest will arise but as minutes of the HTBs are not subject to FOI, there is little transparency offered in the decision making process. A board purely made up of serving academy heads is unrepresentative of the wider sector and the reliance upon such a small number of people raises serious questions about sustainability and quality assurance.

4.4 Going forward the workload of HTBs will increase so it seems appropriate that the membership should expand to include a broader cross-section of stakeholders including heads of maintained schools, elected members and FE providers, for example.

4.5 On a related note there is an anomaly around funding for academies, they receive a grant to enable the purchase of services not provided by the LA e.g. school improvement, yet the RSC provides this service for free. This puts maintained schools at a disadvantage.

## **5. What relationship RSCs should have with Ofsted, local authorities, the DfE, individual schools and local communities?**

**5.1 Ofsted** - Whilst it is essential that RSCs and the inspectorate are independent of each other there is a clear need for a good working relationship between individual RSCs and Ofsted's regional directors. We are also of the view that RSCs should be held to account for the effectiveness of their improvement work through an agreed Ofsted inspection framework.

**5.2 Local authorities** – Under the Education Act 1996 local authorities retain a number of statutory duties in respect of all publicly funded schools within its geographic area, including:

- Attendance and prosecution of parents for non-attendance
- Co-ordination of admissions; a key concern is whether academies are seeking to influence their intake and maximise their examination results by gaming the system
- Early education sufficiency and childcare provision
- Home to school transport
- The attainment and progress of children in care
- Parent partnership; parents tell us they are unsure about who to speak to when concerns arise about their child's education in an academy
- Provision of pupil referral places and provision for pupils no longer registered at academies
- Place planning; the government has pledged 500 new free schools over the lifetime of this parliament, this programme does not yet systematically link to local needs or priorities
- Pupils with special educational needs or disabilities
- Safeguarding
- School improvement.

5.3 ADCS is concerned about the timely collection of exam results and pupil attendance records from all academies and free schools, delayed and incomplete data returns inhibit the discharge of the above duties and those outlined under the Children Act 2004. The development of shared data sets and reporting mechanisms would increase accountability, reduce duplication and save valuable resources at a local, regional and national level. ADCS would also welcome involvement in the development of a common working protocol between all LAs and all RSCs. Some informal arrangements outlining respective roles, information sharing agreements and operational arrangements for performance monitoring and interventions already exist but there is a danger these will differ from region to region.

**5.4 Community** - It is critical that RSCs do not place greater emphasis on the views of academy principals above other interested parties such as parents or governors. The remoteness of RSCs makes it difficult for them to appreciate the particular needs of individual communities. In terms of the wider learning community, RSCs should have an overview of the quality and capacity of teaching schools, colleges and universities as well as prevailing demographic, societal and economic shifts in their area. There should be a professional and productive relationship between RSCs and all of these stakeholders, based on the interests of children and young people, not on the institutions or their leaders.

**5.5 DfE** – It is crucial that the DfE takes a leading role in holding RSCs and HTBs to account in order to ensure the needs of children and young people are at the forefront of decision-

making and that public funds are being well spent. It is unclear if the DfE routinely collects, or has plans to collect, and publish, any data from RSCs.

**5.6 Individual schools** - The role of the RSC is to challenge academies and free schools judged as inadequate or requiring improvement however we believe they should be charged with holding all academies and governing bodies to account, including those judged good and outstanding. We are concerned about the capacity of RSCs to oversee individual academies, free schools and MATs and their ability to deliver effective interventions whilst maintaining the freedom for successful heads to run schools as they see fit.

## **6. What evidence exists on the early operation of RSCs in terms of their impact, and how this impact should be measured?**

6.1 There is insufficient information to judge the impact of RSCs on educational outcomes at this time. In addition LAs are not routinely informed of the outcomes of concerns they raise in relation to exclusions rates, inclusion, behaviour and other key safeguarding issues arising in individual academies or MATs with RSCs. There needs to be greater clarity around the responsibilities of RSCs in dealing with these concerns and this could usefully be covered in a formal working protocol.

6.2 We believe that RSCs should develop and publish an ambitious regional strategic and operational plan with measurable outcomes. LAs and other key stakeholders might usefully contribute to open evaluation processes through formal feedback mechanisms. RSCs should look to publish all contacts with academies, this would evidence their impact on educational standards and learner outcomes and enable their effectiveness to be evaluated, particularly where interventions have been deployed.

## **7. How RSCs should be held to account in their role?**

7.1 It is the view of ADCS that the accountability of RSCs is unsatisfactory at this time. Likewise the balance of power and influence between the RSCs and their HTBs is unclear yet the dynamic between the two is at the heart of this governance system. HTBs should regulate the work of the RSC but we are concerned this is not possible because members are selected by the RSC.

7.2 The success of RSCs is inevitably intertwined with performance of academy chains and MATs and the issue of impartiality needs to be given more weight. It is not clear, for example, whether there are incentives or reward systems in place for RSCs in relation to the number of academies created.

7.3 The [www.gov.uk](http://www.gov.uk) website provides limited information about RSCs, their staff teams, governance arrangements and financial accounts. Likewise published records of HTB meetings are sparse and only feature a list of discussion topics and a decision record. Reasons why an academy order was approved or declined is not provided and a summary of the information presented to the meeting is similarly unavailable. Greater transparency is needed in the future to enable the government and local communities to hold RSCs to account for the work that they do and the public funds that they spend.

7.4 There is a gap in the national accountability framework in relation to standalone academies in England. We believe Ofsted should develop an inspection framework to assess the effectiveness of RSC oversight in relation to these schools and the interventions put in place as they do not fall under the inspection remit of the local authority or MATs. This would enable local and national accountability.