

Government consultation: Reforming how LAs' school improvement functions are funded

Questions

Question 1: We believe that instances of Councils exercising formal intervention powers remain relatively low, and that since its introduction, this grant has primarily supported improvement functions such as early support and challenge to improve individual school performance, which overlaps with wider (non-core) improvement provision.

Do you agree that this is the case? If not, please explain.

We believe that no evidence has been presented to support the DfE's belief that the grant has primarily supported 'non-core' improvement provision or the nature of such provision. We are not aware of any activity by the DfE to attempt to collect or share information relating to the current costs associated with Local Authorities (LAs) providing 'core' provision. Indeed, from our collaborations with school improvement departments from LAs across London, we believe that an information gathering exercise would find evidence that the grant supports core school improvement provision in most LAs.

We would have expected the DfE to undertake engagement with LAs to substantiate their views before setting out this consultation paper. We urge the DfE to re-consider the removal of the grant and to undertake an evidence gathering exercise.

In Lewisham the funding is directly used to target core school improvement activity, as it funds the "Lewisham Learning Partnership". The partnership, in collaboration with schools forum (who also make a contribution as part of their existing de-delegation) provides essential school improvement support. As such, this is core school improvement activity, contributing to the avoidance of a necessity to invoke formal intervention powers.

The current Schools Causing Concern guidance gives an overview of what LAs are expected to use the Improvement Monitoring and Brokering Grant for and in Lewisham we use the grant in line with this guidance in the following ways;

- *Understand the performance of maintained schools in their area, using data as a starting point to identify any that are underperforming, while working with them to explore ways to support progress;*

We do this by undertaking an annual evaluation of all schools to identify any schools that may be at risk of underperforming, allocating each school a suitably qualified school improvement partner who visits the school at least once a year to challenge and validate the evaluation and agree the school improvement needs and brokering support.

- *Work closely with the relevant RSC, diocese and other local partners to ensure schools receive the support they need to improve;*

We do this by meeting relevant partners regularly (at least three times a year) to share information. This ensures a coordinated approach with no duplication of resource.

- *Where underperformance has been recognised in a maintained school, proactively work with the relevant RSC, combining local and regional expertise to ensure the right approach, including sending warning notices and using intervention powers where this will improve leadership and standards;*

In Lewisham our proactive and preventative approach through core school improvement provision means we have no schools judged to be inadequate or requiring statutory interventions. We believe this is strong evidence that using the grant as we do is a successful approach

- *Encourage good and outstanding maintained schools to take responsibility for their own improvement; support other schools; and enable other schools to access the support they need to improve.*

We do this by brokering leaders from good and outstanding schools to support other schools and by facilitating practice-sharing hubs. This is a successful strategy but is dependent on the LA coordinating, providing training, agreeing protocols and quality assurance

As noted in the consultation, the activities above are deemed to be 'core' responsibilities. Lewisham, in line with grant conditions undertakes the statutory responsibilities associated with school improvement.

LAs have a statutory duty within education to promote high standards and the fulfilment of learning potential by every child and young person. They also have a duty to understand and have accountability for the performance of their schools. These two duties go hand in hand and this grant provides LAs with vital funding to fulfil both.

DfE will recall that previously the education support grant (ESG) provided LAs with resources to undertake such duties. The ESG was severely reduced with a small amount streamlined to the Central Schools Services Block. The CSSB grant is itself as good as being eliminated on a similar presumption.

For a LA to be able to fulfil its role effectively it needs to work closely with all its schools. This includes activities such as annual (or potentially more frequent) visits to schools to support them in monitoring, and further visits to explore how the LA can best facilitate and broker support for the school to improve. Such work cannot be completed remotely or based purely on a desktop analysis of published data (particularly in light of the pandemic where there is limited published data available).

In Lewisham, for example each school is allocated a school improvement partner who visits the school regularly to meet with senior leaders and governors. Schools considered at higher risk of underperformance are visited more regularly. In those schools improvement plans are agreed, monitored and evaluated every six weeks. We use our local knowledge to identify good and outstanding leaders who work successfully with other schools to bring about improvement.

Given that such functions are listed within the government's own guidance as 'core' LA responsibilities, we are deeply concerned about removal the grant and the impact it will have on our ability to carry out these functions and to provide crucial support for school improvement.

In the removal of both the School Improvement and Brokerage Grant and the CSSB, there appears to be an underlying transfer of costs to schools without the transferring of similar funding levels to the Schools Block. As such we would argue that this is a transfer of burden to schools, i.e. a requirement to fund activity with no supporting transfer of funds.

In our view, the removal of this funding will result in the LA having no funding to support crucial intervention/prevention work. The outcome of this is likely to result in negative impact for schools and consequently outcomes for pupils.

The proposed removal of this grant and the transfer of burden to schools will create inequity for children and young people according to the governance of the school they attend and a form of penalty for those schools that genuinely wish to be part of a LA family of schools.

Our view remains that no child should suffer or be disadvantaged on the basis of the type of school they attend. We believe that withdrawing this grant risk doing precisely that. Approximately four million children are still taught in maintained schools in England and the government has a responsibility to ensure that all schools are supported to be as good as they can be and to continue improving, irrespective of governance arrangements.

For a LA, where the majority of our schools are maintained, we feel that the removal of this grant will have significant implications on our ability to provide continued support and improve standards and outcomes for our young people.

We believe that there remains a strong case to retain the grant. We would suggest an approach to ensure that the grant accurately reflects the number of maintained schools within an LA through a tapering approach to reflect the number of schools the LA retains responsibility for would be far more appropriate.

Question 2: *We are proposing to (i) remove the Grant (Proposal 1), and (ii) enable Councils to de-delegate funds via their schools forum to ensure they are sufficiently funded to exercise all of their improvement activities, including all core improvement activities (Proposal 2). Do you agree that, taken together, these proposals will allow Councils to continue to ensure they are adequately funded for core improvement activities; and therefore do not impose a new burden? If not, please explain.*

It is not clear from the consultation, or the accompanying documents what happens to the funding if this grant is to be removed- i.e. that the funding will move to the Schools Block. From a schools' perspective this is a real term cut in their funding. The outcome of this proposal would be LA Maintained Schools incurring new and additional costs so that LAs can carry out their core functions.

As previously stated, this consultation needs to be considered alongside the wider proposal to eliminate the CSSB which in itself funds statutory functions, where again the burden passes to schools to fund (irrespective if the end position is buyback, de-delegation) for core statutory services.

Whilst there have been announcements of additional funding being allocated to schools as a result of the recent Comprehensive Spending Review 21, the de-delegation of funds for LA school improvement provision from maintained schools via schools forum would likely result in no or little real increase in schools' budgets.

This is in the context of a number of other new or increased demands on their budgets

- National Insurance increases
- Impact of inflation
- Expected public sector pay rises
- The move to a £30,000 (£34k for inner London) starting salary for new teachers and the impact of this on other pay grades

- Movement in pupil numbers
- Unfunded SEN pressures
- Impact of Covid- increased health & safety costs & loss of additional income from use of premises etc.

We would also question the reasoning behind replacing one centrally funded, relatively simple, system that appears to be working reasonably well, with a more complex system that will require separate negotiations across every different LA.

We note the proposal that the LA can effectively appeal directly to the Secretary of State to overrule the Schools Forum decision if *“the Council had demonstrated such de-delegation was necessary to ensure the Council is adequately funded to exercise core improvement activities.”*

However, we would again question why it is necessary to create such new bureaucratic mechanisms, which are likely to disharmonise the relationship between schools forum and the Council. The process is likely to divert valuable resources away from providing the support schools need.

We are concerned by the stance taken in the consultation that this proposal “would provide a smoother transition as more schools become academies and move out of Council control.” We believe this erodes the autonomy of school leaders, governing bodies and wider school communities to decide upon the structures that best suit their school and its pupils. In Lewisham we have successful models of effective collaboration in both the maintained sector and MATs.

We believe that such fundamental decisions around funding mechanism should be subject to a full and comprehensive evidence gathering exercise and public consultation. We also believe that greater alignment could be achieved by using the grant model for *all* schools instead of a top-slicing / de-delegation approach, which may not be the best way to fund core school improvement provision whether that be in a Multi Academy Trust or a LA.

Question 3: *Bearing in mind Proposals 1 and 2, are there any aspects of our guidance to Councils on their role in school improvement which could usefully be clarified to aid understanding of what Councils are accountable for with respect to improvement and how it should be funded? (For example, our Schools Causing Concern guidance.)*

The current Schools Causing Concern guidance outlines what LAs are expected to use the Improvement Monitoring and Brokering grant for:

- *Understand the performance of maintained schools in their area, using data as a starting point to identify any that are underperforming, while working with them to explore ways to support progress;*
- *Work closely with the relevant RSC, diocese and other local partners to ensure schools receive the support they need to improve;*
- *Where underperformance has been recognised in a maintained school, proactively work with the relevant RSC, combining local and regional expertise to ensure the right approach, including sending warning notices and using intervention powers where this will improve leadership and standards; and*
- *Encourage good and outstanding maintained schools to take responsibility for their own improvement; support other schools; and enable other schools to access the support they need to improve.*

We would suggest that the DfE, in partnership with LAs and schools, develops specific examples of the sorts of activities that are and are not expected of LAs linked to each of these bullet points.

For example as the guidance suggests, data can only be a starting point for understanding school performance and in Lewisham, this involves visits to schools, conversations with school leaders and consideration of how schools work with multi-agency partners to deliver on key local and national priorities which contribute to improved outcomes for pupils..

'Encouraging good and outstanding maintained schools to take responsibility for their own improvement' is unlikely to happen without LA involvement with a cost element in delivering this work.

The consultation assumes (without evidence presented) that LAs might be using this grant to fund non-core improvement work. As noted above, in Lewisham there is clear evidence to the contrary, as outlined in our response to Question 1. Lewisham Learning (partnership with schools and LA), utilises this funding totally in the spirit of the grant and have members on its board from both the LA and schools community. The funding is used directly in line with the grant conditions and in delivering our statutory requirements.

The grant also allows LAs to provide constructive challenge to schools. We believe that for schools to maintain improvement progress, support is clearly essential, but professional, constructive challenge is also required – a role frequently undertaken by LAs and certainly in Lewisham.

This challenge must be both in terms of 'core' school improvement and within the wider context of Children's Services. We would like further clarification of the 'non-core' school improvement work that the DfE has identified as being funded through the grant. Such 'non-core' work could well be crucial in ensuring all schools continue on a trajectory of ongoing improvement and improving holistic outcomes for children and young people. Keeping children safe is a key example of an element of school function/performance that needs LA co-ordination and facilitation through a partnership approach, which may be lost if the LA role in school improvement is diminished.

Lewisham Council reiterates that the proposals in this consultation, in the context of increasing financial pressures on schools (and indeed LAs themselves) are likely to mean the loss of crucial school improvement activity across an LA, be it 'core' or 'non-core', which will ultimately impact on children and young people. We believe that this must be maintained and protected so that we can fulfil our statutory duty within education to promote high standards and the fulfilment of learning potential by every child and young person, regardless of the governance of the school they attend.

Lewisham Council urges DfE to work closely with LAs to properly understand which aspects of their current improvement work could be lost if these proposals are adopted.

Question 4: *The Public Sector Equality Duty (PSED) requires that public bodies consider the potential effects of key decisions on groups with protected characteristics. The relevant protected characteristics for the purposes of the PSED are: sex; race; disability; religion or belief; sexual orientation; pregnancy or maternity; gender reassignment; and age.*

Please let us know, providing evidence where possible, if you believe any of the proposals set out in this consultation will have the potential to have an impact on specific groups, in particular those with relevant protected characteristics.

Lewisham Council would welcome publication of the department's own Equality Impact Assessment in relation to this consultation. We believe that the proposals in the consultation are likely to create inequity for children and young people according to the governance of the school they attend and would like to understand the implications of this in terms of on groups with protected characteristics.