

**Wiltshire Council**

**Children's Select Committee**

**27 January 2015**

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## **Final Report of the Schools and the Local Authority Task Group**

### **Purpose**

1. To present the conclusions and recommendations of the Schools and the Local Authority Task Group for endorsement.

### **Background**

2. In October 2013 the Children's Select Committee discussed its work priorities for 2013-17 and agreed that schools should remain a key part of the Overview and Scrutiny forward work programme. It was agreed that the Coalition Government's reforms to the education system in recent years, particularly the academies programme, had significantly changed the relationship between local authorities and schools and that Wiltshire's response to this was an important area for investigation. This was later approved by the O&S Management Committee.
3. This also reflected aspirations in the council's Business Plan 2013-17:
  - Key Action #4. [We will] provide opportunities for every child and young person to improve their attainment and skills so they can achieve their full potential.
  - Outcome #4: Wiltshire has inclusive communities where everyone can achieve their potential.
  - Everyone has the opportunity of a high-quality education which gives them the skills, knowledge and attitudes they need to succeed.
  - There is a much narrower achievement and aspiration 'gap' for children and young people from vulnerable groups.
  - We will improve the attainment and achievement of all children and young people – we will promote school improvement, support the Wiltshire Learning Trust and work closely with private, voluntary and independent sector partners.

### **Terms of Reference**

4. Following committee's decision that the council's changing relationship with schools should be a work priority, the committee asked the task group to consider where it could add most value. The task group undertook a scoping exercise with executive members and officers, considering a number of potential areas.
5. The task group concluded that our schools are the primary route through which the council can influence the attainment of Wiltshire children on a daily basis. It was therefore agreed that it should investigate how the council continues to provide the most appropriate services and support to Wiltshire schools in order to promote excellence and fulfil its statutory duties. The agreed terms of reference were:
  1. **To explore how the council promotes excellence and fulfils its statutory duties to children and young people in Wiltshire's schools.**
  2. **To explore whether the education services offered by the council meet the needs of schools and students, and if not, how they could be developed to help improve outcomes.**

## **Methodology**

6. The task group comprised the following membership:

Cllr Philip Whalley	Task Group Chairman
Mr Ken Brough	Primary Parent Governor Representative on Children's Select Committee
Mr John Hawkins	Teacher representative on Children's Select Committee
Cllr Jon Hubbard	
Cllr Gordon King	

NB. The task group's membership initially included Cllr Sheila Parker and Cllr Horace Prickett, who then took up executive positions and become ineligible for scrutiny activities. The task group is grateful for their contribution.

7. The Task Group met on nine occasions and received written and/or verbal evidence from the following witnesses:

### Wiltshire Council witnesses

- Cllr Laura Mayes, Cabinet Member for Children's Services
- Cllr Richard Gamble, Portfolio Holder for Schools, Skills and Youth
- Julia Cramp, Associate Director (joint with CCG) Commissioning, Performance and School Effectiveness
- Dave Clarke, Interim Head of School Effectiveness
- Fred Angus, Interim Manager of Learning, Teaching and Partnerships
- Jayne Hartnell, Interim Manager, Risk Assessment – School Effectiveness

### Other Witnesses

- Corsham Primary School
- Hardenhuish School, Chippenham
- Melksham Oak School
- St Georges Primary School, Melksham
- The Manor School, Melksham
- Winterslow Primary School
- White Horse Education Partnership (WHEP)

The task group is grateful to all witnesses for giving their time to contribute to this scrutiny review.

#### Other evidence gathering

8. Three members attended The Academies Show 2014 in London, an annual conference and trade event that addresses current issues faced by the non-maintained schools sector.
9. Three members also attended an LGiU event, 'Strengthening the role of Councils and Councillors in the Local School System', held in Norwich in November 2014.
10. The task group commissioned an online survey of all Wiltshire schools that ran for 4 weeks and received 68 responses (28.9% of all Wiltshire schools). The survey asked head teachers, assistant/deputy heads and business managers, which services it presently used, the likelihood of them continuing to use those services, and the reasons for this. It also asked schools about their intentions regarding future governance arrangements and also for their views on their relationship with the council. The task group was supported in analysing the results by the council's Knowledge Management team.

#### **Local and national educational landscape**

11. Wiltshire has 235 schools, of which 200 are primary, 29 secondary schools and 6 special schools (as at September 2014).
12. Approximately two thirds of Wiltshire primary schools are either Voluntary Aided or Voluntary Controlled. The majority of Wiltshire secondary schools are now academies (20 of 29) and the number of primary academies is growing. Overall, 22% of Wiltshire schools are academies.
13. Academy schools are state funded schools that are directly funded by the Department for Education (DfE) and independent of direct control by the local authority. They are self-governing and are constituted as charitable trusts. They may receive additional support from personal or corporate sponsors. They must meet the same National Curriculum core subject requirements as other state schools and are subject to inspection by Ofsted. The following are all types of academy:

**Sponsored academy:** A formerly maintained school that has been transformed to academy status as part of a government intervention strategy. They are run

by a Government-approved sponsor and are sometimes referred to as “traditional academies”.

**Converter academy:** A formerly maintained school that has voluntarily converted to academy status. It is not necessary for a converter academy to have a sponsor.

**Free school:** An academy established via the Free School programme

14. An academy trust that operates more than one academy is known as an Academy Chain, although sometimes the terms Academy Group or Academy Federation are used instead. An Academy Chain is a group of schools working together under a shared academy structure that is either an Umbrella Trust or a Multi Academy Trust (MAT).
15. MATs are presently the Government’s preferred academisation strategy. A MAT may take the form of a cluster of primary schools under the governance of a single trust or board, or a larger secondary school forming a MAT with its local feeder primary schools. This latter model, for example, has now been agreed in the Melksham area. MATs have responsibility for the performance of all the academies within the group, and the board of directors oversees the operation of the individual schools. However, the MAT can delegate some of its powers to governing bodies of individual academies, though it remains legally responsible for standards across the chain. Any group of schools applying to become a MAT must have at least one member judged as 'outstanding' or 'good', with performance in-line with national standards. It has been said that MAT’s will in effect become “mini local authorities” that are increasingly self-sufficient in terms of providing support and services internally, using the economies of scale provided by several schools pooling resources and contracting jointly.
16. The Education White Paper ‘The Importance of Teaching’ 2010 recognised that ‘the primary responsibility for improvement lies with schools’. However the White Paper and the subsequent Education Bill 2011 also recognised that there is a significant strategic role for local authorities. This role is set out under three headings:
  - Promote educational excellence
  - Ensure fair access to services
  - Act as champion for vulnerable children and young people
17. In addition, the local authority retains specific duties related to school improvement under the Education Act 1996 (EA) and the Education and Inspection Act 2006 (E&IA). These include a general responsibility to maintain schools (EA 1996, Section 13) and a duty to use this responsibility to promote high standards (EA 1996, Section 13A). In order to carry out these duties, the LA retains powers to identify and intervene in schools causing concern (E&IA 2006). These powers are set out in the Statutory Guidance for Schools Causing Concern 2008, 2012 and most recently 2014.

18. An additional factor is the recent introduction of Regional Schools Commissioners, who are responsible for making important decisions about the academies and free schools in their area on behalf of the Secretary of State for Education. This includes:

- monitoring the performance of the academies in their area
- taking action when an academy is underperforming
- deciding on the creation of new academies
- approving changes to open academies, including:
  - changes to age ranges
  - mergers between academies
  - changes to multi-academy trust arrangements

The compatibility of the Regional Schools Commissioner role with the traditional role of the local authority is still evolving.

## **Evidence**

### The task group's survey of Wiltshire schools

19. The task group commissioned an online survey of all Wiltshire schools that ran for 4 weeks and received 68 responses. In drawing conclusions from the survey results the following should be noted:

- Although 29% of Wiltshire schools responded to the survey, their responses may not be representative of the opinions of the Wiltshire school population as a whole. It is possible that respondents have a closer relationship with the council than the school population overall, which may have influenced the sense of loyalty suggested by respondents' future intentions regarding council service take-up. The responses do, however, broadly reflect the cross-section of school designations.
- Only 12 (18%) respondents were academies, out of 50 academies in Wiltshire at present. Only 10 of these responded to the detailed questions regarding future take-up of services.
- 60 respondents were primary schools (30% of the primary school total) and 8 were secondary (27% of the secondary school total).

### The council's statutory duties to schools

20. It was agreed that understanding the council's approximately 150 statutory duties and how they are fulfilled was an important first step for the review. Members asked officers to produce a document presenting these duties, describing:

- what are they?
- how do we meet them?
- who is responsible for meeting them?
- do we have to provide them for all schools?
- A RAG-rating of how well we are delivering each duty at present

21. Officers were not aware of other local authorities who had attempted to compile such a document; a significant task due to the number and range of duties and the various teams involved in their delivery. Ultimately it was decided that the document was not an effective use of officer time and it was not completed. However, the task group has seen no evidence to suggest that the council is failing to meet any of its statutory duties.
22. It was reported that when Ofsted inspects council arrangements for school improvement they evaluate them across nine themes set out in the inspection framework. These include effectiveness of leadership, clarity and transparency of policy and strategy, and how clearly the local authority has defined its roles. Councils are not inspected on the direct basis of fulfilling their statutory duties. It was also noted that some of the duties are clearly broad and important while others are 'technicalities'.

### Services and support for schools

23. The council's traded services to maintained schools are delivered through ['Right Choice for your school'](#) and its traded services to academies through the [Wiltshire Learning Trust](#). These are made up of a core team comprising local authority advisers, ex-head teachers, experienced senior leaders, classroom practitioners and subject specialists. The relevant team within the council is now called School Effectiveness, which includes School Performance, Strategic Planning, Business Support and Learning, Teaching and Partnerships.
24. The council also offers other services to schools, including:
  - Health & Safety Service
  - Safeguarding and Child Protection
  - Accounting and Budget Support
  - Property Services
  - HR Advisory and Recruitment Service, Payroll and HR Administration
25. Almost all Wiltshire schools buy at least one service from the council.
26. The council has to provide some services to schools by statute, but not necessarily free of charge. Some services are provided entirely for free to maintained schools, but at a charge to non-maintained schools.
27. The task group notes the existence of the Schools Forum School Services Working Group, has the following terms of reference (2005):
  - a) Consider and agree services to be provided by Wiltshire County Council for and with schools.
  - b) Consult with schools on the provision of these services
  - c) Produce a prospectus of these services on an annual basis in The right choice for your school
  - d) Monitor the quality and value for money of services, including those provided via central contracts
  - e) Maintain a strategic overview of the future provision of services

- f) Liaise, as appropriate, with other Council departments, working groups, advisory and scrutiny panels, and with other partners on all aspects of service provision, monitoring/review and procurement
- g) Report annually to Schools Forum and the Education Advisory Panel on its work.

It was noted that the Schools Services Board has met less frequently since the restructuring of children's services in 2013 and that many of the Board's roles tie in with the remit of the proposed director-led group proposed under Recommendation 1.

### Present and future take-up of schools services

- 28. A key objective for the online survey of Wiltshire schools was to establish their intentions regarding future take-up of the council's traded services. The survey asked schools to indicate if they used certain services and how likely it was that they would continue to do so in the future. If they answered "No", they were asked to indicate their reason. The most common responses were that:
  - The school did not require the service. This was especially so for specialist services such as Traveller Education Service, Ethnic Minority Achievement Service or Head teacher mentoring;
  - The school provided their own in-house service.
- 29. Certain services, for example HR and Occupational Health, were more likely to be provided by alternative providers than others. This may reflect the level of competition in those markets rather than the council's offer.
- 30. Overall the results suggest that, regardless of school designation, if the school has already used a service then it is highly likely that it will continue to use the service in future. The overall take-up of services (for those who responded) was 78% and of the schools who presently take up services, over 90% stated that they are fairly or very likely to continue using these services in future. However the take-up of services from the academies that responded was noticeably lower at 52%.
- 31. Evidence from the task group's interviews with schools and some survey responses suggests that we have two distinct but parallel patterns of behaviour: There is considerable customer loyalty and a continued intention to use council services, particularly amongst maintained schools. However, academies are more willing to either provide their own services or use providers other than the council.
- 32. This needs to be considered alongside several factors:
  - On 1 January 2015, there were 57 academies of which 35 are primary schools, 20 secondary schools and 2 are special schools.
  - In our survey of schools it was interesting to note that:

- 32 of 68 respondents (47%) had considered becoming an academy and decided against it;
  - 25 of 68 respondents (37%) either were already academies or were considering becoming one.
- The number of alternative providers of services to schools is expanding and competition with the council will increase as the market expands.

### Marketing schools services

33. Local authorities have responded in different ways to the academies programme in terms of the suite of services retained and how energetically they market them to schools. It was reported that Somerset County Council provide few schools services itself and instead tends to commission them from other providers. Staffordshire Council continue to provide a range of schools services, but do so through a public-private partnership between the local authority and Capita. Other councils such as Hertfordshire and Gloucestershire are similar to Wiltshire in continuing to directly provide a full range of services.
34. The task group has seen evidence that some other local authorities, such as Hampshire and Kent, take a proactive, business-oriented approach in the marketing of their schools services. This includes producing glossy brochures, customer contact management systems and proactively following up lost customers. Some of the local authorities spoken to believe that this has enabled them to keep take-up high and continue to provide a wide range of services.
35. 52% of survey respondents, regardless of school designation, agreed or strongly agreed with the statement, "The council needs to be more proactive in marketing the services it offers to schools."

### Customer service

36. The survey results and interviews with schools pointed to concerns regarding the customer support provided by the council 'around' its services to schools. A particular issue was response times, with only 20% of academy respondents and 52% of other respondents agreeing or strongly agreeing that, "In general the council responds to enquiries and requests promptly". Around 70% of academy respondents and 53% of other respondents agreed or strongly agreed that, "The council doesn't always appreciate when schools are the council's customers and that in many cases schools can buy services from a range of providers.
37. When asked what one thing they would like to see the council do to improve the education of Wiltshire's young people, schools' responses included requests for:
- More staff to answer queries, discuss problems and to know who to contact;



- Faster responses to requests, even if to inform the school that the request will take time to action;
- A reception desk to advise to whom enquiries should be directed;
- Less onus on schools to chase returned phone calls.

### Quality of schools services

38. 68% of respondents to the survey agreed or strongly agreed with the statement, “The services and advice provided by the council have reduced in quality in recent years”. However, around 70% of academies and 86% of all other schools agreed or strongly agreed with the statement, “In general we have a good relationship with the council”.
39. As central government funding and local authority powers in relation to schools have reduced in recent years, the council has reduced the numbers of staff working in its education departments. Some schools viewed this as having caused a reduction in service quality in recent years.
40. There were also positive comments about the support and services the council provides and an acknowledgement that many of the difficulties experienced are due to the decreased resources available to both schools and the council.
41. Specific concerns were raised about the Special Educational Needs and/or Disabilities (SEND) Service and Children’s Social Care. These focused on:
- Schools receiving conflicting information and requests about SEND matters from different council teams
  - Issues with embedding the new ‘My Plan’ paperwork for students with SEND
  - Slow response times to queries relating to supporting students with SEND
  - General concern about the children’s social care system
  - Children’s social workers changing too regularly, leading to disrupted service

### Pupil attainment and promoting excellence

42. The task group notes that the council recently consulted on a new School Improvement Strategy, which is being implemented in the current academic year. The Children’s Select Committee has been asked to undertake a piece of work on the outcomes of this Strategy in the summer.

## **Conclusions**

### The council’s statutory duties to schools

43. The time required to produce the statutory duties document requested under paragraph 20 points to the number and range of the council’s duties to schools and the spread of these across many different teams. This fragmentation may have increased in 2013 following the dividing of school responsibilities across

two new directorates: Commissioning, Performance and School Effectiveness, and Operational Children's Services.

44. The task group understands that the time investment required to produce the requested document made impractical. However, it not being completed meant that the task group was unable to establish the extent to which the council is meeting its statutory duties to schools (although there is no evidence that it is not doing so).
45. The task group believe that there should be a mechanism through which it is ensured that the council is meeting its statutory duties to schools. Over time the task group hopes that this could form part of the Children Select Committee's 'State of Education in Wiltshire' report proposed under Recommendation 1.
46. The task group concludes that action is required to
  - a) Ensure there is complete clarity around who in the council is doing what in relation to schools;
  - b) Enable strategic oversight of the council's services to, and relationship with, schools, regardless of which directorate they sit within.

(Recommendations 2, 3 and 4)

#### Present and future take-up of schools services

47. The results of the survey and interviews with schools suggest that maintained schools show considerable customer loyalty to the council. Academy schools, particularly those that are in MATs, are more willing to provide their own services or use providers other than the council.
48. 40% (27) of survey respondents were either already academies or were actively considering becoming, or are in the process of becoming, an academy. The DfE have given strong indications that current policy is that the number of MATs will increase in the coming years.
49. These factors suggest that the speed and nature of the ongoing academy programme will strongly influence the future take-up of council services by schools. The task group concludes that action is required to ensure that the council's offer to schools remains appropriate to their needs and competitive in a growing marketplace (Recommendations 2, 3 and 4).
50. The task group has not attempted to draw conclusions about the likely future take-up of **individual** services based on the survey results. Discussions with officers suggest that there are likely to be complex factors behind different results, meaning that they cannot be taken at face value and more careful analysis is required. Instead the task group recommends that the results are considered by the relevant officers and executive members as part of the strategic review of the school services proposed under Recommendation 4.

## Marketing schools services

51. The task group was impressed by the business oriented approach taken by some local authorities in marketing and trading their services to schools. It concludes that the council could maximise the future take-up of its schools services by ensuring they are proactively marketed as a single, cohesive offer. This could include:
- An attractively presented brochure and website that provide information on the full suite of the council's schools services;
  - A customer contact management system to ensure schools receive a good customer experience;
  - When a school stops using a council service, proactively investigating the reasons behind this.

(Recommendation 5)

## Customer service

52. The results of the survey and interviews suggest the perception of a lack of cohesion between some council teams working with schools. One school commented that it is left to the school to 'join up' different services, while others reflected that they received conflicting advice from different departments.
53. The dissatisfaction from some schools regarding the level of customer support they receive is a concern. The issues seem to relate to:
- Response times to enquiries
  - Inconsistent advice or information being given
  - A lack of clarity over which team or officer is the appropriate contact
54. For some schools, particularly academies, these issues contribute to a feeling that the council is still adapting to a new landscape in which schools are (in some cases) customers and can choose from a range of service providers.
55. If the council is to maintain or improve the customer loyalty demonstrated in the survey then it must not only offer high quality services but a high standard of customer service overall. This includes a commitment to meeting reasonable response times, and to ensuring schools can access the people or information they need easily. (Recommendations 6 and 7)
56. Norfolk County Council has redefined its relationship with schools, emphasising that they are **partners** rather than customers. The task group strongly agrees with this approach, though recognises that successfully marketing and trading the council's services to schools requires more of a service provider > customer relationship.

## Quality of services to schools

57. The task group noted the concerns raised regarding children's social care and SEND services. It recognises that the nature and volume of the council's interaction with schools on these matters could explain some of the negative comments. It concludes that the comments require further analysis before drawing conclusions and making recommendations. (Recommendation 8)
58. A reduction in council staff working in education was unavoidable given reductions in local authority funding and powers in recent years. The reductions may have had an impact on provision, although 67% of survey respondents agreed or strongly agreed that "Council staff are experienced and knowledgeable (though only 40% of academy respondents agreed or strongly agreed). However, 68% of respondents also agreed or strongly agreed that the quality of service and advice provided by the council had declined in recent years. It is acknowledged that a reduction in staffing levels could potentially create the **perception** of a reduction in quality.
59. The task group understands that a number of experienced ex-council staff now trade their services to schools as consultants and is concerned about the potential impact of losing further experienced and knowledgeable staff. The importance of maintaining the required levels of officer experience and knowledge within the council must be recognised. (Recommendation 9)

#### Schools' relationship with the council

60. Around 70% of academies and 86% of all other schools who responded to the survey agreed or strongly agreed with the statement, "In general we have a good relationship with the council". The task group welcomes this result and congratulates the council on its achievement. However, when interviewed by the task group a number of schools reported that the council has not fully adjusted to its reduced role and schools' increased autonomy. Some felt that the council still tries to tell schools what to do and tends to forget that schools are no longer a captive market. One head teacher suggested that there had been progress in recent years, describing the council's relationship with schools as having moved from parent>child to parent>adolescent, and it now needs to shift to adult>adult.

#### Pupil attainment and promoting excellence

61. The task group firmly believes that despite recent changes in education policy the council retains a crucial role in school improvement and as we press for excellence this must be central to all the council's work with schools. It also notes that while the role of Regional Schools Commissioners includes responsibility for school improvement in academies, the council retains a role in measuring their attainment alongside that of maintained schools. (Recommendation 10)

#### **Proposal**

62. That the Children's Select Committee endorses the task group's report and refers it to the Cabinet Member for Children's Services for response.

## Recommendations

The task group recommends that the Cabinet Member for Children's Services:

1. Provides an annual 'state of education' in Wiltshire report to the Children's Select Committee on how the council has fulfilled its statutory duties to schools and ensured that all children have received a good education. The first report should include the issues raised in the task group's report. The proposed annual report may not necessarily be a single document and could be a collection of reports provided across the year.
2. Recommends the creation of an overarching director-led group to take a holistic view of all aspects of the council's relationship with schools and the services and support it provides to them. This group should include a range of partners, such as those who currently participate in the Schools Forum's Schools Services Board. The group should meet regularly and monitor the quality and take-up of the council's schools services and the continued delivery of the council's statutory responsibilities.
3. Identifies an officer at associate director level who has overall responsibility for the council's relationship with schools and the all of the services it provides to them.
4. Undertakes a review of the services we should continue to offer to schools, that includes consideration of:
  - Which services the council provides effectively and are valued by schools;
  - Which services can be provided by the council in a financially sound way;
  - Which services are being provided effectively by other providers;
  - The customer loyalty demonstrated by the task group's survey of Wiltshire schools; and
  - The impact of the increasing number of academies and MATs, and the developing market place for school services.
5. Brings all of the services the council provides to schools into a single, cohesive offer that is proactively marketed in a business-oriented way.
6. Introduces service level agreements (including enquiry response times) across all council services delivered to schools and for their delivery to be monitored by the director-led group proposed under Recommendation 2.
7. Introduces a schools support desk and/or resource to deal with schools' enquiries and direct them to the appropriate point of contact, with the aim of:

- Improving response times to schools enquiries
  - Improving the experience of schools when interacting with the council
  - Improving the council's internal communications and processes
  - Increasing the cohesion of the council's schools services.
8. Investigates the concerns raised by survey respondents regarding SEND and children's social care services, and identify what action will be, or has been taken, in the executive response.
9. Ensures that any future schools service reviews properly take into account the importance of maintaining required experience and knowledge within the organisation.

The task group also recommends that:

10. The Committee's planned scrutiny exercise evaluating the effectiveness of the Wiltshire School Improvement Strategy 2014/15 should include a comparison with other local authorities' approaches to school improvement and their effectiveness.

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**Cllr Phillip Whalley, Chairman of the Schools and the Local Authority Task Group**

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### **Appendices**

None