

A New Role for Local Authorities



Summary:

To realise the vision set out in this White Paper we will ensure that:

- the local authority becomes a powerful champion of parents and pupils in their area, commissioning rather than providing education;
- the provision of new schools is opened up to greater competition, with blocks on progress reduced by abolishing the School Organisation Committee, which represents the interests of existing providers;
- local authorities have new powers and duties to enable them to undertake their commissioning role through which they will:
 - promote choice, diversity and fair access as well as high standards
 - map what is needed in their area, looking at demographics, diversity and demand for children’s services
 - ensure a sufficient supply of places, letting popular schools expand or federate, closing schools that are poor or fail to improve, and running competitions to open new schools
 - specify, for new and replacement schools, what the school should provide, the community it should serve, and how it should work in partnership with other schools and services;

- help all schools improve their standards, through the support and challenge of School Improvement Partners – and intervene decisively in schools that are falling below expectations, including ‘coasting’ schools, by issuing warning notices and taking radical action promptly where necessary; and
- our major programmes of capital investment support real choice, diversity and fair access in local areas.

- 9.1** The best local authorities are strategic leaders of their communities, listening to, and then speaking for their citizens, demanding the very best for those who elected them and building cultural and civic identity. They work with neighbourhoods and local communities to help them articulate their needs, and ensure that the pattern of local services matches up to their vision and aspirations. They act as the commissioners of services and the champions of users.
- 9.2** The best local authorities also recognise that providers need autonomy if they are to be able to innovate and develop, and that their role is to provide robust challenge when standards are not high enough.
- 9.3** We will support local authorities in playing a new commissioning role in relation to a new school system, at the heart of their local communities, and responsive to the needs of parents and pupils. They will support new schools and new provision where there is real demand or where existing provision is poor. This is a very different role from acting as a direct provider of school places. We recognise that in many ways it is more challenging. But it also offers the scope to ensure that communities receive the education they deserve and aspire to.

A new role for local authorities

- 9.4** The *Every Child Matters: Change for Children* programme, the 10 Year Child Care Strategy, the *Youth Matters* Green Paper and our 14-19 education reforms all reflect this commissioner role – putting children and families at the heart of the design and delivery of services. We now need to extend this role to the school system, building on existing good practice. This will be crucial to doing the best for parents and pupils, pushing up standards, and achieving our ambitions for extended schools and for real integration of education and other services.
- 9.5** We have already taken action to ensure that local authorities’ structures and ways of working reflect and support their responsibilities for young people’s education and their wider well-being. Under the Children Act 2004, local authorities have the lead role with local partners in setting up children’s trusts, focused on improving the well-being of all children and young people, and integrating services around their needs. This will include working in closer partnership with Local Learning and Skills

Councils (LLSCs) to deliver our 14-19 reforms and make sure that young people over the age of 16 can pursue the courses they want and the local economy needs.

- 9.6** A single Director and Lead Member in each local authority will be responsible for leading the partnership across education and other children’s services. To reinforce that integration, and the links to the local authority’s wider role in community leadership, we propose to remove the term ‘local education authority’ from the statute book, and, from now on, to refer to ‘local authorities’ in our publications and our new legislation.

Clarity of purpose

- 9.7** Local authorities have longstanding duties to ensure that there are enough school places in their area, and must carry out all their duties to promote high standards. But they have never been charged specifically with promoting choice and diversity in school places, nor ensuring that places are accessible for all. To underpin their role as commissioner of places and champion of pupils and parents, we will place local authorities under a new duty to promote choice, diversity and fair access.

A new role for the local authority in Sheffield

To clear the ground for a new way of planning provision and services across the city, Sheffield City Council has:

- agreed a settlement with secondary governors and headteachers which sets out the values and ambitions which will guide joint strategic decision-making. The four values are *equity, teaching and learning quality, trust and ambition*; and
- agreed that these values are underpinned by a commitment to four agreed ways of working: *collaboration, shared leadership, innovation and diversity*.

Sheffield is currently taking decisions on the development of 14-19 and post-16 provision, school reorganisation, the BSF programme, the operation of the New Relationship with Schools, secondary school improvement and the role of two new Academies. Each issue has a partnership group at its core.

Sheffield has also set out a new pattern of delivery for *Every Child Matters: Change for Children* through seven new service districts which will determine local responses, drawing on the integrated resources of all the city’s child and family support agencies. The governance and management arrangements of these districts will be informed by the same values and ways of working. One of the service districts will be supported by the two adjacent Academies, thereby sharing the benefits of their new investment in facilities and professional capacity with the wider community.

Parents' views

9.8 Local authorities already have a duty under the Children Act 2004 to take account of the importance of parents in drawing up their overall plans for children's services. This and the new duties set out in this White Paper will extend the local authority's role:

- we will expect all local authorities to find out parents' wishes in relation to schools and extended services – making a particular effort to seek the views of those whose voices may not otherwise be heard;
- we will require local authorities to respond to parental demand for new types of school, and expect them to give expert support to help parents develop their own proposals (see Chapter 2); and
- where schools are found to be failing their pupils, we will give the local authority a particular duty to seek parents' views, and a power to appoint a champion to support parents (see Chapter 2).

Designing the local school system

9.9 Local authorities will need to plan how many schools their local area needs, where and how big they need to be, what kind of schools will serve the area best, and who the schools should serve. Local authorities will draw on their analysis of parental demand and their consultation with local partners to draw up a strategic plan for the pattern of schools in their area, as part of their Children and Young People's Plan.

9.10 They will be able to make proposals to close down schools that are not doing well, and run competitions to open others, setting out what they want the new school to offer. They will be able to make decisions about where an Academy might be needed to drive up standards; and about how Building Schools for the Future funding should be used to support their aims. The local authority and LLSC will also need to work together, in the light of local demand, to secure the right pattern of provision from age 14.

9.11 To ensure their plans respond effectively to the new duties in respect of choice, diversity and fair access, local authorities will be supported and challenged by the new Schools Commissioner (see Chapter 2). We will expect local authorities to:

- hold competitions whenever a new school is required – we will extend the duty which they already have in respect of new secondary schools to cover primary schools as well;

- work actively with promoters, who might be parents' groups, education charities backed by business or community or voluntary sector bodies, to develop high quality proposals for Trust or voluntary aided schools to meet specific needs;
- make their own proposal for a self-governing (Foundation) school, if they cannot find a suitable promoter, in keeping with the commissioner role – no more community schools (primary or secondary) will be established;
- set out their expectations in respect of the community to be served by the school, when inviting proposals for new schools, considering the pattern of childcare or extended services, Special Educational Needs (SEN) provision, a focus on the needs of particular groups or black and minority ethnic children, and collaboration with other schools and services;
- work with new schools to ensure they continue to meet community needs – the nature of the school, including any specialist SEN provision, cannot be changed without further proposals; admission arrangements will be legally binding for the first three years; and the responsiveness and impact of extended services will be reported on by Ofsted;
- be able to make proposals for the expansion of existing schools, or the addition of specialist SEN facilities – a power which we will extend to cover self-governing (Foundation) and voluntary schools as these form an increasing proportion of schools. Local authorities will not have a monopoly on making proposals for expansion – they will need to build into their plans the scope for successful schools to expand and to add a sixth form, supported by the extra capital that we will make available; and
- use their leadership and influence to encourage and support collaborative working among schools, including independent schools, both to promote high standards and good behaviour and to ensure a seamless pattern of extended services. They will want to ensure that new schools play a full part in meeting the needs of the whole community.

9.12 Currently, local School Organisation Committees, which represent existing schools and providers in an area, decide whether or not proposals for new schools and for major changes to existing schools are accepted – with a right of appeal to the independent Schools Adjudicator. This adds to bureaucracy and gives a bias in favour of the status quo. We will therefore abolish School Organisation Committees and transfer these powers to the local authority. Guidance to local authorities will make clear that there should be no arbitrary obstacles preventing good school expansion or federation. The Schools Commissioner (see Chapter 2) will advise the Secretary of State on the use of her powers where an authority fails to accept these new responsibilities. And

providers or parents who are dissatisfied with a local authority decision will be able to appeal to the Schools Adjudicator.

The pattern of provision from the age of 14

- 9.13** Ensuring that all young people have access to the broader range of opportunities envisaged in our White Paper *14-19 Education and Skills* will require schools and colleges to work together at local level to offer more between them than any one could offer alone.
- 9.14** Across the country, in rural and urban areas, pathfinder projects have been testing out a variety of different models for delivering extended curriculum choice to young people. These have shown how, where schools and colleges agree common frameworks within which to timetable, very significant improvements can be made in the choices available to young people, especially post-16.
- 9.15** We will expect all local authorities and LLSCs to draw up a prospectus for their local area, setting out clearly and simply for young people what schools, colleges and other providers have to offer. Where there are gaps in provision, we will expect local authorities and LLSCs to commission provision to fill them, so that the full range of curriculum provision is available, subject to a reasonable level of demand. We will ensure that, in each locality, Building Schools for the Future visions are designed to deliver the 14-19 entitlement.
- 9.16** Schools will be responsible for ensuring that young people on their roll have access to the full range of opportunities. For 14-16 year olds, this is likely to mean working with other schools and with colleges to guarantee access to the full range of choices through local agreements about timetabling and transport. To deal with any problems which might arise, we propose to take powers to give local authorities and LLSCs a duty to secure sufficient provision, subject to a reasonable level of demand, and schools and colleges a duty to provide access to it.
- 9.17** Effective local leadership will be central to the delivery of our 14-19 reforms. We will keep the roles, responsibilities and accountabilities of local authorities and LLSCs under review. In some areas, local authorities and LLSCs have begun to develop increasingly effective ways to strengthen their partnership, including by examining the use of pooled budgets. We will encourage some pilots to explore the potential of this approach. We are considering what further legal underpinning would be helpful in securing joint working. We believe that the principles underpinning Children's Trusts can form a constructive basis for this partnership, but want to leave enough flexibility to allow arrangements to be developed locally.

Leading in driving up standards

- 9.18** Local authorities have been under a duty since 1998 to help to drive up standards in schools, but we will build on recent reforms to strengthen this role. Ensuring quality does not mean trespassing on school autonomy, but offering support and challenge to maintain the momentum for higher standards on behalf of children and parents. The New Relationship with Schools will in future set the framework for this role, replacing the Code of Practice on LEA/School relations which does not reflect the new and dynamic system we are putting in place.
- 9.19** Under the New Relationship (see Chapter 2), local authorities will have access to up-to-date and authoritative information about how their schools are serving all their pupils: from the individualised data now available; from the School Improvement Partners they employ; and from the more frequent school inspections. For example, the local authority could challenge a school that was doing well for most pupils but letting down others (such as children in care) or that had a poor record on behaviour.
- 9.20** Their position as champions of pupils and parents will mean that local authorities will have every incentive to take early and decisive action where quality is unacceptable. In addition we will:
- make it easier and quicker for local authorities to ensure improvement in weak schools, or those ‘coasting’ schools failing to do well by all their pupils, by reforming the statutory basis for ‘warning notices’ to trigger urgent action outside the Ofsted inspection cycle;
 - expect local authorities to take more radical action in case of school failure identified by Ofsted, and work with schools receiving Ofsted improvement notices so that they are improved within a year (or are subject to radical action); and
 - give local authorities the power to require failing schools to collaborate with others as part of their improvement programme – as well as encouraging the use of voluntary collaboratives for wider school improvement, behaviour and extended services.

Championing the child and family

- 9.21** As well as ensuring that parents and children are involved as plans are formed and proposals developed, the role of champion extends to making sure that the individual child and family can have a real say, real choice and the information they need to exercise it. There is much in this White Paper to reflect that role. In summary, local authorities will:

- be expected to give parents much fuller information about choice of secondary schools, including through face-to-face sessions on secondary choice for hard-to-reach parents;
- ensure that school transport makes a reality of choice for children from the poorest families;
- be responsible for commissioning information, advice and guidance for young people in secondary schools, working through Children's Trusts, schools and colleges; and
- have a new duty to ensure that pupils excluded from school for more than five days have access to education. This may also involve working through groups of schools.

9.22 In addition, local authorities will continue to have their current role in co-ordinating school admissions, ensuring that no child is without a school place, and taking steps to identify those who do not seek admission or drop out of education. The continuing local authority role in relation to children with Special Educational Needs will remain central to ensuring that they have any necessary specialist provision.

9.23 Local authorities and their partners in Children's Trusts have a role which extends well beyond education to the whole of children's well-being. They have an important role in helping to break down the barriers between schools and other services for children. For example, local authorities will be in the lead in helping schools develop extended services (including childcare) that can serve the whole community.

9.24 Local authorities are already expected to consult schools on their Children and Young People's Plan, which covers all education and children's services in the area, and schools are encouraged to take this overarching plan into account as they plan their own development. To give greater weight to these arrangements, which are generally working well, we will put both these expectations on a statutory footing, requiring local authorities to consult schools and schools to have regard to the Children and Young People's Plan, for example, when creating their own School Development Plan.

9.25 We believe the role summarised in this chapter gives local authorities the tools they need to play their important roles in supporting parents, securing high standards in schools and joining up local services. But we will continue to consult with local government about this and on what further powers, if any, may be necessary.

Capital investment

9.26 By 2007/08, we will be providing over £6.3 billion a year to invest in our school buildings and ICT equipment. This compares with just under £700 million in 1996/97.

- 9.27** Our strategy is spearheaded by the ambitious Building Schools for the Future (BSF) and Academies programmes. We aim – over the next fifteen years – to bring every secondary and special school building in the country up to 21st century standards, using state-of-the-art procurement, design and construction techniques. All this investment will be backed by strong educational visions to transform standards.
- 9.28** A quarter of all local authorities have already started in the BSF programme and we have 27 Academies open. Subject to future spending decisions, those local authorities in later phases of BSF will receive sufficient funding to build one new school in the next few years – we have already announced the first twelve that will benefit from this investment.

Building Schools for the Future in Knowsley

In Knowsley, Building Schools for the Future (BSF) will provide just under £150 million to replace eleven existing secondary schools with eight new-build learning centres, including an Academy. These will provide opportunities for all Knowsley residents to learn in state-of-the-art environments by 2009.

The programme has allowed Knowsley to be truly transformational in its vision for secondary education, with the emphasis placed firmly on improving standards and promoting achievement for all.

Knowsley is one of 18 authorities in the first wave of BSF. Through extensive consultation, it has developed a vision for secondary education which seeks to build on the significant improvements they have already made. A number of key actions are at the heart of the Knowsley's vision:

- enhancing parental choice and the diversity of school provision available to Knowsley residents;
- building on schools' existing strengths through support to developing and furthering specialisms; promoting partnership, collaboration and federative approaches;
- supporting the implementation of integrated children's services, 14-19 education and workforce remodelling;
- placing schools at the heart of the community and lifelong learning by promoting, developing and supporting the offer of extended and co-located provision, including health and social services;
- ensuring an inclusive approach to education; and
- providing appropriate, viable, stable and sustainable learning environments that support teachers and learners.

- 9.29** A parallel programme for primary schools will start from 2008, when additional funding of £150 million (rising to £500 million per year) becomes available. This will renew at least half of all primary schools in around fifteen years. As with secondary schools, we have commissioned exemplar designs to stimulate excellence.
- 9.30** This is a once in a generation opportunity to transform our schools. We expect to see innovative new and remodelled schools that are well-designed, with cutting-edge ICT and stimulating places in which to teach and learn; that provide places that parents want, where they want them; and that are a real asset and source of pride for their communities. These major capital allocations will in future only be released where we believe that higher standards, parental choice, greater diversity, fair access, the effective provision of extended services and 14-19 vocational opportunities, and responsiveness to demographic change are at the heart of the local authority's vision.
- 9.31** We will also continue to provide substantial funding directly to local authorities and schools so that they can invest in their local needs. Local authorities' asset management plans will reflect their new role as commissioners, as well our priorities and the needs of all their schools. This investment will give local authorities the opportunity to expand existing successful primary and secondary schools, forge federations and partnerships between strong and weak schools, and invite new providers to take on the management of new and rebuilt schools.
- 9.32** In all of this, we will ensure that publicly-provided or funded assets – land and buildings – are properly protected and kept available for use by future generations.