

THE LOCAL AUTHORITY ROLE IN
SCHOOL
QUALITY ASSURANCE



John Freeman
Consulting

The Local Authority Role in School Quality Assurance

Summary

Since the coalition government came to power, the national rhetoric on school improvement and quality assurance has focused very largely on self-improving schools, with only a minimal role for local authorities. With increasing numbers of 'autonomous' academies, and reducing local authority central expenditure, traditional local authority education functions have been under increasing pressure, and, in many local authorities, education functions have been very substantially reduced.

However, there have been some signs that the local authority role has been seen more broadly, notably in the 2010 White Paper 'The Importance of Teaching'. More recently, Ofsted has made it clear that local authorities will be inspected on the Education Act 1996 duties to promote high standards for **all** pupils.

This discussion paper is a response to this changing national position, and proposes a model for the operation of school quality assurance functions. The model is intended to show that local authorities are able to carry through their statutory duties effectively in a way that minimises the bureaucratic burden, while recognising that there is a cost which must be met.

School improvement functions are being delivered in increasingly diverse ways, and these are not covered in this paper, though the quality assurance function will both draw from and inform school improvement activities.

This discussion paper is intended as a contribution to the broader debate on the role of the local authority with respect to education. The paper may be circulated and quoted freely subject to attribution.

Comments are welcome to: john@johnfreemanconsulting.co.uk

John Freeman CBE
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The Local Authority Role in School Quality Assurance

Introduction

This discussion paper sets out the statutory requirements on local authorities with respect to assuring the quality of education, describes a system and processes through which these requirements might be carried through, and outlines one model for staffing and organisation that would enable a local authority to deliver these arrangements effectively. For the purposes of this paper, school quality assurance is taken as shorthand for the activities necessary to provide assurance to the local authority that all schools are performing at an acceptable level, that prompt and effective action is being undertaken when schools are not performing at an acceptable level, and that all schools are working to continue to improve.

Inevitably, the processes and model have been developed without consideration for the local arrangements presently in place for school improvement and school quality assurance, and would need to be customised to meet local needs. But were a local authority to base its arrangements on the proposals set out in this paper, then it would be likely both to meet the statutory requirements laid out in the Education Act 1996 (see below) and to be able to demonstrate this through an Ofsted inspection.

There is of course a close link between school quality assurance and school improvement processes. This paper does *not* deal with school improvement, that is, the range of activities that might be undertaken to support schools to improve further, wherever they are on the spectrum of 'outstanding' to 'requiring special measures'. The Local Government Association has published '*The council role in school improvement: Case studies of emerging models*'. [Reference 1] The Association of Directors of Children's Services has published '*The Missing Link: the evolving role of the local authority in school improvement*'. [Reference 2] These documents include descriptions of local practice such as direct local authority provision of purchased services, local authority-supported school cluster peer support, local authority brokered services, and externalised provision. All of these models are consistent with the approach to quality assurance taken in this paper.

While there are clear links between school quality assurance and school improvement – for example, the evidence from quality assurance will feed directly into school improvement - there needs to be a divide between school quality assurance and school improvement functions, both because they are different in kind, and because in part quality assurance will consider the effectiveness of school improvement. The central differentiating point is that local authorities *have* to carry out the quality assurance function because it is critical to their core functions, while school improvement *need not* be provided by local authorities in an increasingly autonomous school sector. Too often in the extensive literature on school improvement, the accountability and quality assurance aspects are seen as aspects of school improvement; this discussion paper makes the point that school quality assurance is different in kind, while having close links with school improvement.

While this paper proposes and argues for a particular model for school quality assurance, it would, of course, be possible to construct a range of models along the lines of the school improvement models, including externalised provision.

It is worth saying that effective school quality assurance systems benefit schools as well as the local authority. Schools will benefit from a reliable and trusted local assessment in order to validate their internal self-assessments, but separate from the Ofsted inspection framework. For this reason, schools will derive direct benefit from positive engagement with the local authority quality assurance function.

While no attempt has been made in this discussion paper to make linkages between school quality assurance and quality assurance of other services for children and young people, there are clear parallels to be drawn, both generally and in the context of external inspection.

Finally, I have discussed this paper and the thinking behind it with a substantial number of colleagues in different agencies – I am grateful to them all, and I hope they can see their contribution reflected. Where there have been differences in view, they have related most often to the very different approaches adopted by local authority when working with academies, and to the resourcing issues. In this paper I have attempted to build on ways of working that have already proved successful in a variety of local authorities.

Context

The immediate context for the paper is the Ofsted inspection framework '*The framework for the inspection of local authority arrangements for supporting school improvement*' published on 14 May 2013 for implementation from 1 June 2013. Alongside the Framework, Ofsted published an associated '*Handbook for inspectors*'. [Reference 3] The Framework and Handbook make clear that Ofsted will be inspecting local authorities on the basis of their work in securing good education for all children and young people in their area (see below).

In his speech to the Association of Directors of Children's Services 2013 conference on 5 July 2013, Sir Michael Wilshaw said: "*I have stressed on several occasions that local authorities remain crucial to our education system. I know others might disagree, but this remains my view. The best authorities confront the crucial issues of standards head-on. They don't adopt a narrowly ideological position on schools outside their formal control. They see it as their duty to make sure that all schools are part of the same family delivering high-quality provision for all children. They're working **with** the grain of greater autonomy for both maintained schools and academies.*" (emboldening in the official text)

Before this, the role of the local authority in education was described in the 2010 White Paper '*The Importance of Teaching*' [Reference 4] at section 5.37:

"Local authorities will stand up for the interests of parents and children, and promote high standards. We want local authorities to continue to play a key role as champions for pupils and parents. The transparent publication of a great deal more school-level data for every school will enable local people to ring the alarm bell where concerns appear. Local authorities will continue both to challenge schools which are causing concern and to focus on issues needing attention which cut across more than one school. Alongside the key role of the Lead Member for Children and the Director of Children's Services, other councillors may be engaged through the scrutiny function, for example, focusing on a particular issue of concern or inviting the head teacher and/or governors to attend a scrutiny committee to listen to concerns and to respond."

This section of the White Paper has sometimes been taken as applying to maintained schools and not to academies, referring, as it does, explicitly to 'schools'. However, this misses the point of the national rhetoric which refers to 'state-funded schools', a category that includes both local authority maintained schools and academies. And the Ofsted Inspection Framework makes clear that Ofsted is inspecting on the basis that the local authority duties apply to **all** children and young people, and to **all** education and training providers, including further education colleges. Academies and local authority maintained schools are, in this respect, treated equivalently, though the mechanisms for engagement are different in several respects. In this discussion paper the word 'school', when used alone, refers to both academies and maintained schools.

The statutory basis is stated by Ofsted as being Section 13A of the Education Act 1996 (as amended by later education legislation), the central element of which reads as follows:

“A local authority in England must ensure that their relevant education functions ... are (so far as they are capable of being exercised) exercised by the authority with a view to a) promoting high standards, b) ensuring fair access to opportunity for education and training, and c) promoting the fulfilment of learning potential by every person to whom this subsection applies.” [Reference 5]

Subsection a) relates directly to the matters of school quality assurance covered in this discussion paper, as well as school improvement. Subsection b) relates to arrangements for admissions and exclusions and the School Admissions Code 2012, which, while it does not apply directly to academies through legislation, explicitly covers academies through their contractual funding agreements with the Secretary of State (except in the very rare occasions where there the Secretary of State has agreed a variation ‘where there is a demonstrable need’). Subsection c) is perhaps repetitive but emphasises that **every** child and young person in an area is covered by these duties, including, of course, those with additional needs, those who are vulnerable to poor outcomes in various ways, and those who are difficult to place in school.

Section 13A has led to questions being raised about the extent to which a local authority is ‘capable’ of exercising functions with respect to home education, non-maintained schools, academies, and colleges. The context for these questions includes the reduction in grant to local authorities when schools convert to academies, to funding limitations more generally, and the absence of statutory powers of local authorities over academies. This discussion paper argues that the cost of an effective school quality assurance service need only be small, and very much smaller than that of a traditional school improvement service, and that the absence of direct statutory powers is not a fundamental impediment to delivering Section 13A duties. This discussion paper sets out a minimalist model, and aims to show that even with reduced funding, local authorities are able to deliver their Section 13A duties.

The Handbook for Inspectors makes clear, in an un-numbered paragraph between paragraphs 51 and 52 on page 14, that ***“local authority powers of intervention do not apply to academy schools”***, and that ***“the lead responsibility for standards in academies lies with the Department for Education and the Schools Commissioner”***. The Handbook then goes on to say that ***“the form of relationship between local authority and academies is largely for the academies to determine”***. However, it always takes two to tango, and local authorities should not simply be reactive in this respect. This paper argues strongly that local authorities ought to seek to work positively with academies, and at the very least to have strong evidence that they have tried, and have continued to try. The Handbook then goes on to reiterate the role of a local authority with respect to **all** schools.

The Preface to the Inspection Framework states that “*The reintroduction of inspection aims to assist local authorities in their duty to promote high standards and fulfilment of potential in schools **and other education and training providers** so that **all** children and young people benefit from at least a good education.*” (added emboldening) While the word ‘academy’ is not used, the phrase ‘other education and training providers’ includes academies, further education colleges incorporated under the provisions of the Further and Higher Education Act 1992, and private providers where these are commissioned by the local authority, perhaps to provide education for pupils with high levels of additional need.

Taking all this together, it is clear that Ofsted will be inspecting on the basis that the Section 13A duties apply both generally with respect to schools and academies, and to every child and young person.

The phrase ‘**They are all our children**’ aptly encapsulates the point – wherever the child or young people is being educated, the local authority has a statutory requirement to ensure that the Section 13A duties are carried through. The White Paper ‘The Importance of Teaching’ emphasised this – the phrase ‘*champions for children and parents*’ implies an active role in support of **all** children and young people.

The Local Government Association has published a short document (written by the present author) on the inspection of the education functions of local authorities [Reference 6].

The attributes of an effective school quality assurance system

A good starting point is Sir Michael Wilshaw's speech to the Association of Directors of Children's Services 2013 conference which included the following excerpts, with comments embedded:

"We are seeing better outcomes for children:

- *where local authorities monitor performance and intervene appropriately before problems become entrenched;*
This is at the heart of school quality assurance, and this discussion paper.
- *where they disseminate good practice locally;*
This is at the heart of school improvement.
- *and where they use the full range of their powers.*
This picks up the point that (allegedly) some local authorities are reluctant to confront schools through the use of statutory intervention powers. This discussion paper covers the various engagements and interventions and how they might most productively be deployed.

The best authorities confront the crucial issues of standards head-on. They don't adopt a narrowly ideological position on schools outside their formal control. They see it as their duty to make sure that all schools are part of the same family delivering high-quality provision for all children.

As previously stated, this discussion paper is written on the assumption that local authorities have duties towards children and young people wherever they are educated. Local authorities have differing approaches to schools becoming academies, and academies have differing relationships with their local authorities, but this does not affect the underlying issues at all.

They're working with the grain of greater autonomy for both maintained schools and academies.

Of course, schools of all sorts have been increasingly autonomous for many years. But there is a critical difference between autonomy and independence – while school governance and management has been increasingly autonomous since 1988, schools are not independent from, for example, national accountability mechanisms, and local authority duties. Local authorities increasingly do not use 'command and control' with schools, and this is not a new trend. There is, however, a hidden danger here – it has been alleged that local authorities are too often reluctant to use statutory powers with maintained schools, simply because they cannot use these powers with academies. However, statutory powers and extra-statutory actions can be used in ways that '*work with the grain of greater autonomy*'.

- *What are you going to do about mediocrity?*
The point here is about challenge to **all** schools to improve. A school quality assurance system must be sensitive enough not just to identify outright failure but also 'coasting' and 'mediocre' schools. In addition, a school quality

assurance system must be able to identify and challenge 'outstanding' and 'good' schools to improve further, and to deploy their support for other schools (though this last point is straying into school improvement territory).

- *Are you holding headteachers sufficiently to account?*
- *Do you have those difficult conversations with the failing head in your patch?*

A school quality assurance system must both identify issues and provide mechanisms to ensure that headteachers and governing bodies (and, where appropriate, academy trusts and sponsors) are professionally engaged with the evidence, and that appropriate action is taken. Where underperformance is identified to be linked to the headteacher, there can be no excuse for failing to engage in 'difficult conversations', whether in a maintained school or an academy. There is another point, not covered in the speech, that relates to the effectiveness of governing bodies, and of academy trusts and sponsors. Governance arrangements need to be held to account for their performance, and where governance is part of the problem, again there can be no excuse for inaction.
- *Are you using your best headteachers to drive improvement in clusters and federations?*
- *If these clusters exist, how are you checking that they don't become talking shops, but are focusing on challenge and improvement?*

Clusters and federations are, of course, one model for school improvement, and they can be very powerful, either alone or in association with other school improvement strategies. Clusters can enable schools to exercise effective peer challenge and support in taking responsibility for all children and young people. Whether such clusters are stand-alone or part of a broader development strategy, they need to be keyed in with the school quality assurance system. Peer support and challenge between schools can be very powerful mechanisms for development and improvement, but they can lose focus and rigour without independent external and independent quality assurance.
- *Have you washed your hands of academies or are you taking an active interest in their performance?*

This reinforces the point about the generality of application of the Section 13A duty.
- *If you are concerned about academy performance, what are you doing about it?*
- *Are you writing to the sponsor and trustees, with copies to the Department?*
- *Have you contacted the Ofsted Regional Director?*
- *Are you writing to Ofsted with your concerns about schools outside your control?*

A robust and rigorous school quality assurance system will operate best in partnership with schools and academies – 'with the grain of greater autonomy' – but the 'how' is for discussion, with one model set out in this discussion paper.

- *Are you more worried about the status of your schools than the children who attend them?"*

Clearly the sought-for answer is that local authorities should not be concerned about the status and arrangements for governance of schools, at least in the context of children attending schools and the quality of education they receive!

So what are the attributes of a school quality assurance system that will deliver these ambitious intentions?

A school quality assurance system should:

- be built on good relationships in which schools and the local authority operate on a basis of professional trust and mutual respect.

Local authorities should work to develop relationships that include, for schools, the headteacher, the governing body, and, where appropriate, the academy sponsor or trust, and the Director of Children's Services and Head of School Quality Assurance (or whatever title is used locally) as well as operational staff on behalf of the local authority. Where relationships are not good, the local authority should consider why this is the case, and continue to work proactively to build an effective relationship. Experience is that poor relationships and historical breaches cannot be healed overnight, but there is ample evidence that a positive approach based on personal commitment by senior local authority staff can result in significant improvements if sustained over a period of months or even years.

Where relationships are so poor that an academy refuses to engage in the school quality assurance process, the local authority must nevertheless continue to work to improve relationships, on the principle (and related statutory duties) that **'They are all our children'**. While some elements of the proposed model would need to be amended or truncated in the absence of engagement, nevertheless the local authority can carry through its statutory duties, if in a less effective way. (These elements are indicated later.)

(There are of course other reasons for local authorities to engage positively with academies, including the promotion of engagement of academies to support area-based school improvement work, school admissions, where both maintained schools and academies have distinct duties, and with provision for children with additional needs.)

- operate in a standardised and transparent way against a policy framework which has been the subject of co-development and consultation with schools, and in which one of the principles should be that 'there are no surprises'.

A local authority's school quality assurance policy ought to set out the basis of operation in some detail, so that all stakeholders (including the general public)

can know what to expect. 'Hard conversations' with headteachers (to use Sir Michael Wilshaw's phrase), on the hopefully-rare occasions when they are necessary, should not be unexpected.

- be based on evidence which is open to all parties.

Much of the evidence will be in the public domain, but where it is not, it should be equally available to schools and the local authority. All evidence should be subject to scrutiny and challenge, and the methodology for securing high-quality evidence should be agreed as far as possible. (Since a Freedom of Information request for any finalised evidence about a school could not easily be lawfully denied, there is a strong argument that all such evidence should be placed in the public domain as a matter of routine. However, work in progress leading to such evidence would probably be exempt under the Freedom of Information Act 2000 Section 36 (2), on the basis that publication "*would, or would be likely to, inhibit (i) the free and frank provision of advice, or (ii) the free and frank exchange of views for the purposes of deliberation, or (c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.*" [Reference 7]

- be aimed at supporting the school improvement function to use the capacity of schools to secure sustainable systemic improvement across all schools, wherever they are on their improvement journey.

Much effort is spent, rightly, on ensuring that schools that are not delivering adequate performance are supported to improve rapidly. But this must not be the only focus – all schools should continue to strive to improve, and should be supported and challenged to do so. Schools themselves are an important reservoir of improvement talent, alongside other school improvement agencies.

- use the same principles of 'prevention and early intervention' that apply in other parts of public service, so that potential problems are resolved as early as possible.

It is easy to identify that there is a problem when key outcomes dip or Ofsted reaches an adverse judgment. Where these happen, the local authority must act promptly and energetically. But the systematic aim must be to use the available evidence intelligently to identify potential problems before they become actual. Since, paradoxically, identifying potential problems in public is likely to result in the problems becoming actual, care needs to be given to publication. Public accountability is vitally important, and the local authority needs to maintain public confidence in the delivery of its Section 13A duties both generally and when there are problems. As stated above, Freedom of Information requests may be turned down. But since one of the aims of a school quality assurance system is to promote public accountability, there should be a clear framework for determining what is published and when.

- be aimed at delivering the agreed local authority school quality assurance policy while reducing both the overall cost and the bureaucratic burden on schools to the absolute minimum.

An example of an outline local authority school quality assurance policy is given at Annexe 1. An example of a resourcing model is given at Annexe 2.

Evidence available to a school quality assurance system

There is a wide range of data about schools in the public domain, published by the Department for Education and Ofsted. The most convenient synoptic information is included in the Ofsted **School Data Dashboard**, which is already in its second incarnation [Reference 8].

The Ofsted Data Dashboard

The Data Dashboard provides the following metrics, in most cases giving the quintile in which the school is located, as compared with all schools and schools with similar Free School Meal uptake, and showing trends over time, but otherwise without comment:

% attaining 5 GCSEs grades A*-C including English and mathematics

% attaining GCSE grade A*-C in English

% attaining GCSE grade A*-C in mathematics

% attaining GCSE grade A*-C in science

% making expected progress in English at Key Stage 4

% of pupils entitled to free school meals making expected progress in English at Key Stage 4

% making expected progress in mathematics at Key Stage 4

% of pupils entitled to free school meals making expected progress in mathematics at Key Stage 4

Overall attendance

The Data Dashboard also gives basic statistical data on the size of the school, the gender balance, the proportion of children entitled to free school meals, and with special educational needs (school action plus or statemented).

While it can be argued that schools are concerned with very much more than these headline metrics, they nevertheless provide a good common basis for consideration and comparison. The key benefit to these metrics is that they are in the public domain, and should be objective and fair between schools. However, as with all metrics, they suffer from being abstracted from a wider reality known to the school and, to a lesser extent, the local authority. Therefore, a key element of any discussion between the local authority and the school ought to be the school's own interpretation of the Data Dashboard in the local context.

Schools all have a history of published Ofsted inspection reports [Reference 9]. These provide much detailed information, but this needs to be taken with several pinches of salt. First, inspection reports may be several years old, and much can happen – both positively and negatively – over a relatively short period. Second, inspection frameworks have changed over time, and judgements are therefore not easy to compare. Third, while Ofsted claim that the inspection process is objective, there is much anecdotal evidence that the conduct of the inspection by the inspectors, and the response by the school, can influence judgements. Notwithstanding these concerns, inspection reports form a valuable source of evidence, though, as before, interpretation is important. The reports and the key judgements are in the public domain, and should inform but not determine local authority and school actions:

Ofsted inspection grades

Schools judged as '**outstanding**' or '**good**' should continue to seek to improve, and should contribute expertise to the local education system.

Schools judged as '**requires improvement**' should be the subject of improvement plans with external support (from other good or outstanding schools, from their local authority, or from their academy trust).

Schools judged as inadequate – those that have '**serious weaknesses**' or require '**special measures**' should be the subject of intensive, targeted and focused improvement plans with external support as above.

The role of school quality assurance is to ensure that schools and their partners follow this general approach, with more direct action or sanctions where that is appropriate. The role of school improvement is to provide the support and challenge needed.

Locally, these metrics or assessments might be extended to include a variety of other information. This local information might be quantitative or qualitative, but in every case it ought to be agreed during the process of developing and consulting upon a local authority's school quality assurance policy.

As with the Ofsted Data Dashboard, local and national comparators can be informative. Comparisons with all schools and schools with similar Free School Meal uptake, and showing trends over time, can reveal both strengths and weaknesses. And, again as with the Data Dashboard, the school's own interpretation of their data in the local context is a key element of discussions:

Examples of local metrics and factors that might be taken into account about individual schools

Children and families

Numbers of permanent exclusions

Numbers of fixed-term exclusions

Number of children admitted against planned admissions number and net capacity

Number of in-year admissions

The proportion of children on roll at the end of the year who started the year on roll – 'churn'

Number of children with English as a second language at home

Number of looked-after children on roll, and their outcomes

Teenage pregnancy rates

Number of children with additional needs at school level (higher levels of need are reported in the Data Dashboard)

Number of children on roll known to the local Youth Offending Team

Number of children on roll known to be at risk of neglect or abuse

Other factors will include special circumstances such as, for example, 'churn' among the children of service families, and local housing issues.

Destination data

FFT (and other similar) school-based data

School and Staff

Headteacher change

(Continued)

Staff turnover

Staff vacancies

Finance issues

Finally, there are metrics and factors affecting the whole local authority against which individual schools can be compared. As before, the best approach is to agree these metrics and factors through consultation. These metrics could fruitfully be used in discussions with groups of headteachers, academy trusts and sponsors, and governors. Some of these metrics are used in Ofsted assessments of local authority performance. As before, comparators with similar local authorities and trends over time can reveal much useful information.

Examples of local metrics and factors that might be taken into account about the local authority as a whole

The proportion of children who attend a good or outstanding school or PRU, by phase

The proportion of schools in an adverse Ofsted category

The proportion of schools in an adverse Ofsted category that are not making rapid improvement

The proportion of schools that have not been judged good or outstanding.

Attainment levels at every Key Stage, including post-16

Rates of progress at every Key Stage, including post-16

Number of looked-after children, and their outcomes

Complaints about schools, including those referred to Ofsted

The local authority should also analyse these metrics for other purposes, for example with respect to the various equalities duties for example relating to gender, race, and minority and vulnerable groups, in each case with a view to taking appropriate action or bringing issues to the attention of schools for their action.

Using the agreed evidence base

The rich evidence available through national and local sources requires careful and intelligent analysis in order to identify key issues and to enable schools and local authorities to take timely action. The process for this analysis should be set out explicitly and publicly in the local authority's school quality assurance policy.

The starting point ought to be that the locally-agreed evidence base should be published to all parties by the local authority and updated whenever circumstances change, and at least annually after the summer results are published.

Every school should, of course, assess its own position as a matter of routine, carrying out its own self-evaluation based on the agreed evidence base and any other local information. The local authority should also, independently, assess the evidence base.

The central element of school quality assurance will then take place when the local authority management and the school management discuss the school self-evaluation and the local authority's external evidence assessment. The governing body will want to be engaged with the outcomes of this process, and, where the school is an academy, the academy trust and sponsors will also have a direct interest.

The discussion should involve a professional review of the evidence, avoiding on the one hand 'explaining away failure' and on the other 'failing to value success'. The aim should be to reach agreement both on what the evidence shows and on any necessary action – an agreed quality assurance overview. As the evidence itself should not be in question, there should be substantial agreement in the overwhelming majority of cases. The local authority and the school will then need to take any agreed actions and to monitor the outcomes. Care will need to be given to drafting the overview document so that it is both rigorous and meaningful both to professionals and the general public.

In the hopefully-rare cases when an academy does not engage in the quality assurance process, the local authority should nevertheless collate the evidence base and carry out its own analysis, producing an overview document on the same basis as for other schools. The overview document should be formally sent to the headteacher, the governing body, and where appropriate the multi-academy trust and academy sponsor, seeking a response.

In the hopefully-even-rarer cases when a maintained school does not engage in the quality assurance process, the local authority has direct intervention powers and should use them.

As discussed previously, the local authority school improvement function may be configured in many different ways, and appropriate arrangements should be made to ensure that information is passed appropriately. The local authority school improvement function, however configured, has a direct relationship with maintained

schools, and there is often a relationship with academies and sponsors. Similarly, academy sponsors or multi-academy trusts may have their own arrangements for supporting school improvement, and these arrangements are as varied as those of local authorities. Whatever the arrangements, academy sponsors or multi-academy trusts will need to take account of the agreed local authority quality assurance evaluation in their work.

Escalation

Where there are significant and serious disagreements on the interpretation and analysis of the evidence base, or the action that is needed to secure improvement, and these disagreements cannot be resolved by reference to the governing body and, where appropriate, academy sponsor or multi-academy trust, and the local authority has serious concerns about the performance of the school, then the local authority will need to consider escalating the concerns following procedures set out in the local school quality assurance policy. In general terms the escalation routes might run as set out in Annexes 3 and 4.

These escalation procedures should only come into operation once early discussions have been exhausted without reaching agreement. Clearly the most productive basis for securing rapid improvement is a good relationship between the local authority and the school, whether it is a maintained school or an academy; this is a central reason for local authorities prioritising the development and maintenance of good relationships between the local authority and both maintained schools and academies.

Having emphasised that good relationships make school quality assurance very much easier to manage, as stated above a local authority can carry out quality assurance functions without co-operation. Where a maintained school does not respond appropriately, the local authority has statutory intervention powers. Where an academy does not respond appropriately, the Secretary of State has direct contractual powers through the funding agreement, and in addition Ofsted has powers to inspect and place schools in an adverse category. While the improvement process with an unwilling academy is likely to be more protracted, nevertheless the local authority will be able both to demonstrate that it has carried through its statutory duties and to secure improvements for children and young people, acting as 'champion for children and families', to use the phrase in the 2010 White Paper 'The Importance of Teaching'.

John Freeman CBE
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Annexe 1

An outline Local Authority School Quality Assurance Policy

A school quality assurance policy will include the following elements, each of which will need to be determined locally, and which could be drawn in in part from the discussion above:

1. Statement of purpose, including the statutory basis
2. Statement of the approach taken by the local authority
3. Details of consultation on the Policy
4. The agreed evidence base
5. The agreed process for reaching an agreement with schools, including timescales
6. The agreed process for escalation where agreement cannot be reached, including timescales
7. Complaints and dispute resolution procedure
8. The agreed basis for publishing quality assurance information
9. The agreed process for local authority scrutiny of quality assurance information
10. The links between the school quality assurance process and the school improvement process
11. Quality assurance procedures for the overall process, involving both internal moderation and validation, and external stakeholder review

Annexe 2

Resourcing a School Quality Assurance System

This section is necessarily incomplete as it will depend both on the details of local operation and on other local factors, including the size of the local authority and what resources are already in place. What is set out here is the basic minimum for a notional local authority with 30 secondary schools and 150 primary schools and a total of 60,000 pupils.

Leadership

Assistant Director, reporting to the Director

Evidence and report management

Data Manager and support staff, reporting to the Assistant Director

Relationship management

Education specialists, reporting to the Assistant Director

(These staff need to be sufficiently senior, skilled and experienced to be able to analyse complex school data and to engage in challenge with headteachers and other stakeholders in a way that promotes positive outcomes.)

Task analysis

The task analysis is necessarily highly speculative:

Policy construction and consultation	5 weeks
Preparing annual overview, presenting to senior management and Lead Member	1 week
Collating evidence base for a primary school (timing will depend heavily on complexity of agreed data set and IT issues)	5 hours
Collating evidence base for a secondary school (timing will depend heavily on complexity of agreed data set and IT issues)	10 hours
Analysing data from one primary school and preparing initial report	4 hours
Analysing data from one secondary school and preparing initial report	6 hours

Considering one primary school's self-evaluation and preparing for school meeting, including internal moderation	6 hours
Considering one secondary school's self-evaluation and preparing for school meeting, including internal moderation	8 hours
Attending school meetings to agree local authority statement (includes time to meet headteacher and governing body separately)	6 hours
Escalation (when required – assume 5%)	20 hours

For a notional local authority with 30 secondary schools and 150 primary schools, this lead to a requirement of:

- policy: 6 weeks
- primary: $150 \times 21 \text{ hours} + 5\% \text{ of } 150 \times 20 \text{ hours} = 3,300 \text{ hours}$
(around 100 weeks)
- secondary: $30 \times 30 \text{ hours} + 5\% \text{ of } 30 \times 20 \text{ hours} = 930 \text{ hours}$
(around 30 weeks)

This totals around 140 weeks – perhaps three members of staff – although no analysis has been undertaken of work splits or time overheads, for example travel, or training. The cost of this might be £150,000.

The funding received by local authorities in the Education Services Grant amounts to £15 per pupil, or £900,000 in the notional local authority under consideration. While this has to pay for a range of other functions as well as school quality assurance, this simplistic analysis has been undertaken simply to demonstrate that the resource required is neither trivial nor completely unaffordable.

Annexe 3

Possible escalation procedure – maintained schools

Serious concerns about a maintained school

1. Informal discussion with the headteacher, seeking a rapid response and appropriate action
2. Informal discussion with the governing body, seeking a rapid response and appropriate action
3. Formal written communication with the headteacher, seeking a rapid response and appropriate action
4. Formal written communication with the governing body, seeking a rapid response and appropriate action including information on the next steps of escalation
5. If the headteacher's performance is under question, meetings between the senior responsible local authority officer and the chair of the governing body and then the headteacher to spell out the concerns and to decide any necessary action.
6. Formal warning notice under provisions of the Section 60 of the Education and Inspections Act 2006 [References 10 and 11] instructing the school to take the necessary action.
7. Appointment of additional governors, replacement of the governing body by an Interim Executive Board, requirement of the governing body to take specified actions, or removal of a delegated budget under Sections 63 to 66 of the Education and Inspections Act 2006. Whichever of these powers is used, the intention must be to ensure that the governing body or Interim Executive Board is able and willing to take the necessary actions with the support of the local authority, up to and including taking capability proceedings against the headteacher.

Annexe 4

Possible escalation procedure – academies

Serious concerns about an academy

1. Informal discussion with the headteacher, seeking a rapid response and appropriate action
2. Informal discussion with the governing body, and, where appropriate, the sponsor or multi-academy trust, seeking a rapid response and appropriate action
3. Formal written communication with the headteacher, seeking a rapid response and appropriate action
4. Formal written communication with the governing body, and, where appropriate, the sponsor or multi-academy trust seeking a rapid response and appropriate action, including information on the next steps of escalation
5. Formal written communication with the Secretary of State for Education, as the academy funder, informing him of the issues and seeking a response.
6. Formal written communication with Ofsted, as the regulator, informing them of the issues and seeking a response.

In the event of an academy not engaging with the school quality assurance process, steps 1 and 2 may not be practicable, in which case the local authority should move directly to the formal steps.

References

1. Local Government Association (with Solace), 2013
The council role in school improvement: Case studies of emerging models
http://www.local.gov.uk/c/document_library/get_file?uuid=065d24a1-6a7a-43a4-8e81-4d68ddd9efbd&groupId=10171
2. Association of Directors of Children's Services, 2013
The Missing Link: the evolving role of the local authority in school improvement
<http://www.adcs.org.uk/download/press-release/2012/ADCS%20PR%20la%20missing%20link%20in%20autonomous%20school%20system.pdf>
3. Ofsted, 2013
Ofsted inspection of local authority arrangements for supporting school improvement (Ofsted, 2013):
Framework: <http://www.ofsted.gov.uk/resources/framework-for-inspection-of-local-authority-arrangements-for-supporting-school-improvement>
Handbook: <http://www.ofsted.gov.uk/resources/handbook-for-inspection-of-local-authority-arrangements-for-supporting-school-improvement>
4. Department for Education White Paper, 2010
The Importance of Teaching
<http://www.education.gov.uk/schools/toolsandinitiatives/schoolswhitepaper/b0068570/the-importance-of-teaching>
5. legislation.gov.uk, 1996-2013
Education Act 1996 (as amended by later legislation)
<http://www.legislation.gov.uk/ukpga/1996/56/contents>
6. Local Government Association (John Freeman), 2013
Ofsted inspection of the school improvement function of local authorities
http://www.local.gov.uk/c/document_library/get_file?uuid=584eda00-e7c2-4221-a108-2d509c525f85&groupId=10171
7. legislation.gov.uk, 2000-2013
Freedom of Information Act 2000
<http://www.legislation.gov.uk/ukpga/2000/36/contents>
8. Ofsted, 2013
School Data Dashboards
<http://dashboard.ofsted.gov.uk/>

9. Ofsted, various dates
Ofsted school inspection reports
<http://www.ofsted.gov.uk/inspection-reports/find-inspection-report>
10. legislation.gov.uk 2006-2013
Education and Inspections Act 2006 (as amended by later legislation)
<http://www.legislation.gov.uk/ukpga/2006/40/section/60>
11. Department for Education, 2012
Statutory Guidance to the Education and Inspections Act 2006
<http://www.education.gov.uk/aboutdfe/statutory/g00192418/scc>