

# Education





## Key messages

Despite considerable changes in national education policy and school organisation over recent years, councils retain the bulk of their statutory education duties. They have a key role as champions of educational excellence for all children and young people in their areas. This is underpinned by an Ofsted inspection regime for council support for school improvement.

Significant budget cuts and the increasing number of academies and free schools, directly funded and accountable to the Secretary of State for Education, mean that the council role in school improvement is changing.

Schools are increasingly expected to take responsibility for their own improvement and for helping other schools. A variety of models are developing across the country, with councils facilitating and supporting school-to-school improvement partnerships.

Councils must ensure sufficient high quality school places locally and there is a significant increase in demand for additional school places in many areas. This will involve strategic planning and partnership with all local schools, including academies and free schools.

Councils maintain a significant role in ensuring fair school admissions locally and have duties in relation to home-to-school transport for some children and young people. They also maintain a significant role in the local allocation of school funding.

## Schools standards and improvement

The council role in school improvement has changed considerably in recent years. There are increasing numbers of academies and free schools, directly funded and overseen by the Department for Education (DfE) and increasing autonomy for all schools. The majority of secondary schools are now academies.

The local authority role has become more strategic and schools are increasingly expected to take responsibility for their own improvement and to help other schools that are struggling. However, this is a crucial area of importance for every council and most formal statutory responsibilities remain.

Children's services have a legal responsibility to promote the wellbeing of all local children. Councillors will always have a keen interest in high school standards locally to improve the educational outcomes and life chances of local children and young people.

The Government's aim is to create a school-led, self-improving education system and a national infrastructure to support this has been established, including more than 500 Teaching Schools and the appointment of National Leaders of Education and National Leaders of Governance.

Councils make use of this infrastructure and a variety of models to support school improvement are developing. There are good examples in the LGA/Solace case study report 'The council role in school improvement.'

Ofsted inspects council support for school improvement where it has concerns that local standards are low in comparison to schools in other areas. The Watchsted website has up-to-date information on how council areas compare in terms of Ofsted judgements of local schools.

Recent statutory guidance from DfE on 'schools causing concern' says that "councils that champion educational excellence:

1. Understand the performance of maintained schools in their area, using data to identify those schools that require improvement and intervention.
2. Take swift and effective action when failure occurs in a maintained school, using Warning Notices and Interim Executive Boards whenever necessary to get leadership and standards back up to at least "good".
3. Intervene early where the performance of a maintained school is declining, ensuring that schools secure the support needed to improve to at least "good".
4. Encourage good and outstanding maintained schools to take responsibility for their own improvement and to support other schools.
5. Build strong working relationships with education leaders in their area and encourage high calibre school leaders to support and challenge others.
6. Delegate funding to the frontline, so that as much as possible reaches pupils.
7. Enable maintained schools to purchase from a diverse market of excellent providers.
8. Signpost where schools can access appropriate support.
9. Secure strong leadership and governance for maintained schools that are not providing a good enough education, by identifying and supporting successful sponsors.
10. Seek to work constructively with academies and alert the Department for Education when they have concerns about standards or leadership in an academy."

This guidance also clarified that: "Academies are accountable to the Secretary of State for Education. Therefore, local authorities should focus their school improvement activity on the schools they maintain. Local authorities should raise any concerns they have about an academy's performance directly with the Department for Education."

## School place planning

Councils have a unique responsibility to make sure that there are enough school places available for children and young people in their area. Fulfilling this duty is currently an enormous challenge in many areas, with the DfE estimating that 417,000 additional places will be required between 2010 and 2015 to meet the recent surge in the birth rate. Councils have responded well, as demonstrated by the LGA's case study publication 'The council role in school place planning.'

Most of the new places have been achieved by expanding existing schools because this is the most cost-effective solution in most cases. If a completely new school is required, the Education Act 2011 introduced the 'academies presumption' which means that new schools have to be established as academies or free schools.

The majority of demand is currently for primary school places but this will move into the secondary sector, starting from 2015 in some areas. Councils have no powers to direct academies to expand and as the majority of secondary schools are now academies, one of the challenges for the future will be to work in partnership to achieve expansion to deliver the new secondary places needed.

## School admissions

Councils are the admissions authority for community schools and are responsible for setting their admissions policies and catchment areas. Faith schools (voluntary aided schools), foundation schools, academies and free schools are responsible for setting their own admissions policies and catchments (they are 'own admission authorities').

Councils are responsible for co-ordinating all school admissions in their areas during the normal rounds at the start of primary and secondary school. This means that parents apply through the council on a common application form and have three to six choices typically, including for schools that are 'own admission authorities'.

The only exception is for free schools in their first year of operation, when parents can apply to the free school directly, as well as through the normal coordinated arrangements. The duty on councils to co-ordinate 'in-year admissions' outside the normal rounds has recently been removed, but many councils still undertake this role with the agreement of local schools.

All schools and admissions authorities are bound by the statutory admissions code and if there are concerns about the fairness of a school's admissions practices, complaints can be made to the Office of the Schools Adjudicator.

Councils have a statutory duty to raise with the Schools Adjudicator any concerns they have about the admissions policies of schools in their areas. They are required to submit an annual report to the Adjudicator about the operation of schools admissions policies in their areas and to publish the report on their website.

Councils are required to agree a Fair Access Protocol with local schools to place children unable to find a place during the normal admission rounds. This is often used to place children that have been excluded from school or that are hard to place because of their particular needs or circumstances.

The majority of schools have to agree the protocol which is then binding on all schools, including academies. If a maintained school (faith, foundation or community school) refuses to admit a pupil under the Fair Access Protocol, local authorities have the power to direct them to admit the pupil. In the case of academies and free schools, the council has to apply to the Education Funding Agency (EFA) for a direction to admit the pupil.

## Home-to-school transport

Councils are required to offer free school transport to children aged between 5 and 16 if they go to their nearest suitable school and live at least:

- two miles from the school if they are under eight; or
- three miles away if they are eight or older.

Families on low incomes who are in receipt of the maximum Working Tax Credit or are entitled to Free School Meals have greater rights to free transport.

Councils have to make transport arrangements for all children who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe.

They also have to make transport arrangements for children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability.

Councils do not have to provide free transport to young people over the age of 16, but "have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or otherwise that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training".

## Education funding

Councils retain a significant role in school funding, although revenue funding is ring-fenced within the Dedicated Schools Grant (DSG) and almost all the funding is passed directly to schools.

The council role is to agree a local formula with schools for the distribution of funds received from the Government through DSG. However, the amount of local discretion to vary local formulas to take account of local needs and priorities has been curtailed in recent DfE reforms.

The decisions about the local formula are made in the local Schools Forum, which is established and supported by the council. The DSG is allocated in three blocks: schools, early years and high needs. So the Forum is required to have representation from schools and providers covering all three funding streams including primary, secondary and special schools and nursery providers.

Academies and free schools are funded directly by the Government, through the EFA. However, they are funded in line with the locally agreed formula and academies must also be represented on the Schools Forum. Funding for academies is then recouped from the DSG and paid to them by the EFA.

The majority of school capital funding comes from the Government and councils receive 'basic need' grants to provide new places to respond to sharply increasing demand.

A total of £5 billion has been allocated between 2010 and 2015 and a further £2 billion has been earmarked for 2015 – 20/17. Maintenance capital for maintained schools also comes through councils, although there is a separately identified allocation for faith schools.

Academies have to bid to the EFA for their maintenance capital allocations and capital for establishing new free schools comes directly from the DfE, with a £1.7 billion budget to 2015.

Capital for rebuilding crumbling schools is centrally allocated by EFA through the Priority School Building Programme and the projects are centrally procured by the EFA.

## Questions to consider

How do the standards of schools in your area compare to national averages and to the results in similar neighbouring councils?

What are the arrangements for supporting school improvement in your area? Has your authority had an Ofsted inspection for its school improvement support, or is it likely to have one in the near future?

Are there any council maintained schools causing concern in your local area? What is being done in those schools to support improvement?

How many primary and secondary school places are available locally? What do projections for school places look like over the next five years? Does your local area have enough spaces to meet local demand?

What are your local school maintenance needs and how is local schools capital funding allocated? Are any locally maintained schools in need of significant central government funding for rebuilding projects?

## Useful resources

Teaching schools and system leaders:  
who they are and what they do  
[www.gov.uk/system-leaders-who-they-are-and-what-they-do](http://www.gov.uk/system-leaders-who-they-are-and-what-they-do)

The council role in school improvement:  
LGA/Solace case studies and guide  
[www.local.gov.uk/web/guest/schools-and-education/-/journal\\_content/56/10180/4024029/ARTICLE](http://www.local.gov.uk/web/guest/schools-and-education/-/journal_content/56/10180/4024029/ARTICLE)

Watchsted: The most recent school Ofsted  
inspection results  
[www.watchsted.com/tables](http://www.watchsted.com/tables)

Schools causing concern: statutory guidance  
for local authorities  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/306946/SCC\\_guidance\\_May2014\\_FINAL.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306946/SCC_guidance_May2014_FINAL.pdf)

The council role in school place planning:  
LGA case studies  
[www.local.gov.uk/documents/10180/5854661/The+council+role+in+school+place+planning/998e5667-6218-4a94-aa57-2633010edc51](http://www.local.gov.uk/documents/10180/5854661/The+council+role+in+school+place+planning/998e5667-6218-4a94-aa57-2633010edc51)

The academy and free school presumption:  
advice on establishing new schools  
[www.gov.uk/government/publications/academy-and-free-school-presumption](http://www.gov.uk/government/publications/academy-and-free-school-presumption)

The school admissions code  
[www.gov.uk/government/publications/school-admissions-code](http://www.gov.uk/government/publications/school-admissions-code)

Office of the Schools Adjudicator  
[www.gov.uk/government/organisations/office-of-the-schools-adjudicator](http://www.gov.uk/government/organisations/office-of-the-schools-adjudicator)

Fair access protocols: principles and process  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/275580/fair\\_access\\_protocols\\_departmental\\_advice.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275580/fair_access_protocols_departmental_advice.pdf)

Free School Transport  
[www.gov.uk/free-school-transport](http://www.gov.uk/free-school-transport)

Home to school travel and transport statutory  
guidance  
[www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance](http://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance)

Post 16 transport to education and training  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277016/Post-16\\_Transport\\_Guidance.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277016/Post-16_Transport_Guidance.pdf)

School performance: Academies  
[www.education.gov.uk/schools/performance/academies.html](http://www.education.gov.uk/schools/performance/academies.html)

Priority school building programme  
[www.gov.uk/government/publications/psbp-overview/priority-school-building-programme](http://www.gov.uk/government/publications/psbp-overview/priority-school-building-programme)



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