

# Devolving Power in Education School Freedom and Accountability

Policy Review Consultation, March 2012

## The Labour Party

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### Foreword

The current Government has overseen a huge programme of centralisation in our school system since the General Election. By the end of this Parliament, at least half of secondary schools in England are likely to be controlled by central funding agreements, accountable only to ministers and only able to open and close via decisions made in Whitehall.

Where once schools were run by local councils, the Government has placed power in the hands of remote civil servants. While I seek no return to town halls running schools, the Government has missed an opportunity to empower communities and parents to have a greater say in local education. However hard working and dedicated civil servants are, they are not best-placed to monitor the performance of thousands of schools across the country, nor to pick up on parents' early warnings before failure is allowed to take hold.

In meetings with those working in education, concerns are often raised with me about this democratic deficit, the increasing fragmentation of our school system and the absence of mechanisms to spot warnings of falling standards and performance. There is also a real need to respond quickly to failure – where a school is letting down its pupils we must have a clear process to be able to intervene without delay.

While centralisation has been a feature of all administrations, it has accelerated under the Tory-led Government. Whereas Labour set up two hundred Academies to raise standards in some of our most disadvantaged neighbourhoods, the current Government has distorted the purpose of the academy programme and seen the numbers of Academies and Free Schools rise to closer to 1600. This figure will rise further. It is neither desirable, nor practical for so many schools to be directly accountable to no one but Central Government.

Bureaucracy is increasing too. Before 1988, Secretaries of State for Education had only three powers of direction: removing air raid shelters from playgrounds; organising teacher training; and approving the opening and closure of schools. Today, the Secretary of State has over 2,000 powers. Maintained schools have to cope with around 30,000 regulations, and even academies have to manage 6,000 regulations through contract law.

This consultation aims to examine how we can reform our education system to ensure both the freedom to innovate and manage schools to drive up attainment and success- for all children- and necessary local accountability.

That means involving parents, communities, and local government in ensuring that schools play a positive role in local areas, delivering high standards and innovation. Labour will be consulting on the best way to ensure local accountability in education, while promoting autonomy for schools.

New politics.  
Fresh ideas.

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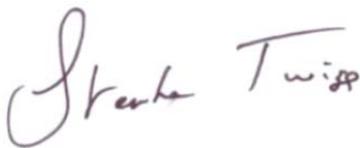
Labour has no desire to turn back the clock and return powers from schools to Local Authorities. Nor do we want to see a reduction in the autonomies we gave schools through academies, trust schools and federations. In fact, although school autonomy is not the focus of this consultation, I want to see more schools get the freedoms that allow them to serve their pupils and communities most effectively.

The term 'middle tier' has featured prominently in the discourse in education policy. It means different things to different people. When I talk about the middle tier in relation to schools, it relates to two things. First, the service provision that sits between schools at one level and central government on another – those 'shared services' such as school improvement, human resources and SEN provision. Second, the 'voice' as it relates to democratic accountability in the school system: so local communities, parents and pupils have a say in how their local schools are run.

The debate on the middle tier provides us with an exciting opportunity to learn from the positive experience of existing models, both in England and abroad. I want to see how we allow schools to flourish – by working collaboratively together, sharing best practice, spotting failure, ensuring fair access and long term planning of places.

While I am clear about the ultimate aim – to drive up standards and performance in schools- I am open about how we get there. In practice this may mean looking at ideas like local schools commissioners, school district boards, or some hybrid of the two. There is a range of options to establish a middle tier from direct elections to central appointment, and clearly a number of important powers that this middle tier will fulfil.

I want to see a school system where autonomy and collaboration go hand in hand. I hope you will submit your ideas and thoughts to the consultation, and I look forward to reading them.



Stephen Twigg MP  
Labour's Shadow Education Secretary

## Context

This consultation will consider how best to devolve power in the school system, and what future role, functions and power a 'middle tier' could have, sitting between local schools and central government.

*Western Cape in South Africa drove significant increases in literacy whereby district leaders developed a literacy strategy, with hands on support for schools. Team leaders meet weekly to discuss*

It is easy to dismiss such a structure as another layer of bureaucracy. Of course, the key to reforming education and driving up standards is to focus on what happens in the classroom. But the international evidence suggests that to sustain improvement, and to ensure that we change the whole system, not just a few select schools, we need a mediating layer to strengthen delivery.

This is true in other systems – school boards in Ontario, districts in Western Cape, regional support services in Hong Kong, provincial offices in South Korea and more recently school clusters in Singapore and Boston have all helped raise standards in their communities. We have seen success in English schools too. The Gipsy Hill Federation, the Cornwall Co-op Trust and Manchester's Academies model are examples of middle tier interventions in England.

The lines between where power lies in the education sector are increasingly blurred. Duties and functions of power in the education system exist at different levels; with parents, schools, trusts, chains, local authorities and central government. Uncertainty with current arrangements has increased risk. Identifying and addressing gaps, clarifying functions and powers at different points in the system and determining the appropriate delivery agents are important issues to address.

In the school system, the traditional model placed power- in the form of statutory requirements – in the hands of schools and local authorities. Local authorities, acting as an intermediary tier between schools and central government, have held power. The rapid expansion of more autonomous forms of schools- notably Academies and Free Schools- has altered the landscape creating uncertainties over areas of responsibility and leading to opportunities for exposure to risk in the system (as well as positive opportunities for innovation).

*The Gipsy Hill Federation is an example of Lambeth's successful strategy of partnering high performing leaders and schools with schools that require rapid improvement. The Executive Headteacher, Craig Tunstall, was the head of Kingswood Primary in West Norwood, when Lambeth brokered an agreement for him to assist Elm Wood primary and then Paxton primary following poor Ofsted inspections. These three*

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*Boston Public Schools established geographic school clusters to encourage peer to peer support and best practice sharing for principals. Cluster leaders were selected from the most effective principals and*

Recent experience has shown that when things go wrong, central government has missed opportunities for early intervention.

A strong evidence base is needed to ensure that reforms in the education system meet the needs of our children and young people. An honest appraisal of the current power levers and power brokers in education is needed to reach an accurate assessment of the system. It is for this purpose that this consultation is being conducted.

Funding agreements between Academies and Free schools and the DfE have replaced the traditional relationship between schools and local authorities for an increasing number of schools. In February 2012, the Department for Education published a list of statutory duties on local authorities in relation to schools. The

list of 207 functions<sup>1</sup> identifies areas of statutory responsibility in relation to performance and standards; safeguarding; planning and provision of places; SEN provision; governance; and the role of parental engagement in education. These functions now form components of the relationship between these schools and central government, within the parameters set out in the funding agreements between the Secretary of State and individual schools.

The direction of travel of education policy under the current administration indicates that the level of centralisation will be accelerated. This centralisation is not sustainable, nor is it desirable.

One of the current failings is the inability of the system to properly plan for the long term. The current Government is not acting to address properly the urgent crisis in primary places.

Addressing risk is another aspect. Improving the education system as a whole is equally important. We know from international evidence that to sustain improvement and to ensure that we change the whole system, we need a mediating layer that will have a strategic role to strengthen delivery across the whole system so that it works in the best interests of local children<sup>2</sup>. Looking at models from abroad and from the experience of others will provide important lessons for the English system.

There needs to be a degree of appropriate devolution to the most relevant area, whether thematically or geographically. Some argue that in London, for example, the level of devolution might need to expand beyond the currently defined borough level. We will need to respond to the creation of new elected mayors as well.

Ensuring the quality and performance of governing bodies is important to raising or sustaining a school's performance. While the role of governors is not the subject of this consultation, school governors will play an important role in the 'middle tier'. The area of school governance will be explored elsewhere in Labour's policy review in education.

*In Ontario, the 2009 changes to the Education Act increased the role of School Boards to drive student achievement as well as provide financial and administrative support*

<sup>1</sup> Statutory duties of local authorities (DfE; February 3, 2012)

<http://www.education.gov.uk/childrenandyoungpeople/strategy/a00198443/statutory-duties-of-local-authorities>

<sup>2</sup> McKinsey Report: 'How the world's most improved school systems keep getting better'

Similarly, issues around school autonomy, or provisions for SEN pupils will inevitably be important when considering the provision of shared services. However, Labour is examining both these issues separately, and they are not the central focus of this consultation.

Labour believes in a strong role for local government, though not going back to the idea of schools being run by town halls. This consultation aims to get views from a range of stakeholders, so we can ensure parents, families and local communities have a strong voice in our school system, as well as people working in education.

*Academy chains act as a 'middle tier' in setting standards and targets and monitoring performance. A number of chains have demonstrated excellence in*

## **Functions of a Middle Tier**

There is a range of important functions which Labour envisages the middle tier fulfilling, some of which are outlined below. We want to consult on the exact scope, role and powers of the middle tier and how best to devolve power to parents and communities.

### **Parental Power**

Research has consistently shown that parental involvement in children's education improves attainment and many parents want better opportunities for involvement. There are various structures for involving parents in the school that their children attend – such as PTAs and governing bodies. However, it is critical to encourage parents to get involved in how their local schools are run, and there

are currently limited opportunities for parents to do this. Parents also want an effective way to influence decisions about the shape of the school system in their local community. Labour wants to see parents have a stronger role in their local family of schools. There is clearly a debate about how best to involve parents – via parental forums, for example. We will welcome suggestions in this area.

## **Admissions**

Securing fair admissions is a key aim of any education system. Changes introduced under the Education Act 2011 have weakened the Admissions Code, allowing grammar schools to expand the number of places, and reducing the parental role in scrutinising school expansion. There is a need for local scrutiny on admissions, and ensuring fair access to good schools. There is a strategic role a middle tier can play to ensure access for all pupils, particularly those from groups who may be more at risk of falling through the net such as SEN pupils, excluded pupils or children in care. Some areas have experimented with multi-local authority planning, and it may be that this may be adopted more widely

## **Performance management and school improvement**

Driving up performance and standards in the education system, from EYFS to schools and colleges, will need to come about through activity at a number of different levels. Labour will develop proposals for the role of 'middle tier' bodies in improving standards and performance across the board. This may focus on specific challenges in a local area, such as raising literacy performance. There is also a need for a highly effective mechanism to spot failing schools. At the moment, the local authority power to intervene in academies and free schools is minimal. Where chains of academies exist they are able to intervene, but it is important that chains themselves are accountable. While Ofsted inspections are becoming less frequent, there is a need for a 'trigger mechanism' to ensure effective and rapid intervention in failing schools e.g. performance consistently falling below an objective measure of standards. One suggestion has been to establish local contracts with Free Schools and Academies, to replace the existing Funding Agreement. This is a complex area legally but we are keen to foster a debate on such a reform. The key for any performance management system is to ensure best practice is spread effectively between schools, and that when a school is failing, the system intervenes quickly.

## ***Commissioning Places***

The current crisis in primary school places in many parts of the country has exposed the failures of centralised place planning. One of the current failings is the inability of the system to properly plan for the long term – there are plenty of examples of school closures under all governments where there was a surplus of places only to find a few years later there is a significant shortfall. There is a real anomaly in the current system of commissioning. Local authorities have responsibility for planning local school places, but do not have financial powers to make this happen. In addition, the information that councils give to central government on local need is extremely varied and often not as accurate as it could be.

## ***Collaboration***

Schools should not operate as islands. There is a wealth of evidence which demonstrates that collaboration between schools is important to raising standards, particularly at a time when we need to do more with less. Peer to peer support between schools can enable both head teachers and teachers to share best practice, examine what works (and what doesn't) and provide encouragement and advice to each other. On the other end of the spectrum, it is also essential for schools to collaborate on areas of safeguarding to reduce risk for vulnerable children and young people. Schools have a vital role to play in providing intelligence about the wellbeing of a child and what their life is like beyond the school gates. Many schools work effectively together already. Having an effective forum for collaboration will ensure that the journey to school improvement is sustained in the long term, and that it is spread across the whole system.

## ***Shared Services***

Increasing pressures and the need for greater efficiency in public spending mean we must ensure value for money in the services schools purchase either from local government or other providers. Collective commissioning between schools has clear benefits.

There may be a need to ensure a form of quality control (like a kite mark) to ensure that schools are getting value for money in procurement on certain services, especially around school improvement. Exploring existing practice and new ideas in this area forms part of this consultation process.

## **Powers**

There is a range of powers and functions which a middle tier will need to be endowed with, in order to carry out the functions outlined above. This may include the following:

- A trigger mechanism for inspecting a failing school
- Developing collaboration between schools
- Enforcing fair admissions
- Holding contracts with non maintained schools
- Power to recommend school closure
- Recommendations for school capital investment in new places
- Providing a kite mark guarantee on shared services and procurement advice
- Developing local strategies for raising performance
- Representing parents in the school system

This list is not meant to be considered as exhaustive, and we would welcome contributions which examine expanding/ limiting or consolidating the powers of a future middle tier.

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## **How to respond**

Respondents are requested to contribute to the response by completing the consultation response form below.

Completed forms should be sent to [adam.mcnicholas@parliament.uk](mailto:adam.mcnicholas@parliament.uk) in a Word-compatible format or posted FAO Adam McNicholas, Office of Stephen Twigg MP, House of Commons, London, SW1A 0AA

## **The final deadline for responses is 10 July 2012**

**Enquiries to:** Office of Stephen Twigg MP

**Contact Details:** [adam.mcnicholas@parliament.uk](mailto:adam.mcnicholas@parliament.uk) / 020 7219 7103

Please return the form below to [adam.mcnicholas@parliament.uk](mailto:adam.mcnicholas@parliament.uk)

Or FAO Adam McNicholas  
Office of Stephen Twigg MP  
House of Commons  
London SW1A 0AA

## Response form

Respondents are asked to limit their submissions to the word count identified in each of the five sections identified below.

## Parental power

Parental participation at school level is promoted through school governing bodies and PTAs. However, there may be other vehicles by which parents could influence and shape their child's school. And there are currently limited opportunities for parents to influence the school system in their local community. Whilst there are important policy debates on governance within schools, they will be addressed elsewhere in Labour's policy review process.

Respondents are encouraged to submit proposals on the options for parental voice and influence to be strengthened.

Traditionally, local authorities have provided a vehicle for democratic accountability and scrutiny, and will continue to do so. However, with the expansion in school autonomy, how can we strengthen parental voice and influence at the level between schools and central government?

Comments (max 400 words)

## Admissions

Ensuring a fair admissions system is essential to raising attainment across the board. The current Admissions Code sets a statutory framework. The implementation of the Code rests within defined geographical regions, leading to a lack of coherent oversight.

Respondents are encouraged to give suggestions on the role of a middle tier component, which sits between schools and central government, to ensure the implementation of the Admissions Code.

Comments (max 400 words)

## Performance and standards

Greater autonomy and partnership work has delivered advances in performance and standards in many schools. However, it is generally agreed that there needs to be a robust mechanism in place to monitor performance and standards in the gap between the level of the school and central government. International evidence also shows the middle tier has a crucial role to play in driving up school standards.

In the United States, the local school commissioners' model has been used to address the 'gap', generating some discussion in education circles in England on the applicability of a form of this model. Another model to have been suggested is the trust model, forms of which already exist in England. Respondents to this consultation are asked to submit their views on the options for a model of 'middle tier' accountability to monitor performance and promote high standards and innovation.

Views are sought here on forms that a middle tier could take and the scope and remit for proposed models.

Comments (max 600 words)

## **Commissioning places**

The current primary school place shortage highlights the need to address the weaknesses in local and central government planning.

Respondents are encouraged to put forward suggestions on the role for the middle tier in the strategic oversight of planning and commissioning.

Comments (max 400 words)

## **Shared services and collaboration**

Shared services and collaboration between schools and partnership work are important vehicles for improving standards and performance and driving innovation on the one hand, and for maximising efficiency on the other. The constraints on public spending make this agenda as important now as it has ever been. There are various different models of 'middle tier' currently in operation that seek to strengthen this agenda.

Respondents are encouraged to identify examples and make suggestions for sharing best practice.

Comments (max 400 words)

## **Space for further comments**

Comments (max 400 words)