

Final Report of the Education Strategy Overview and Panel

1. Introduction

- 1.1 As part of the development of an Education Strategy for Barnet, the Business Management Overview and Scrutiny Committee commissioned an Overview and Scrutiny Panel to contribute to its direction. The Committee agreed that the focus of the Panel should be on developing a vision for the role of elected Members in the new education landscape, with a particular focus on championing the needs of vulnerable children and young people, parents and families and educational excellence.
- 1.2 This report sets out the national and local context within which the review took place and makes recommendations for how elected members can most effectively fulfil their role as champions to ensure that Barnet's local vision and priorities for its residents are delivered.
- 1.3 This report should be read in conjunction with the report to Cabinet on the Education Strategy for Barnet as this work complements the overall strategy document.

2. National Context

Background

- 2.1 Changes in national education policy present a number of significant strategic issues for local authorities, schools, settings and education providers. The emerging new national education landscape raises questions for local authorities about the role they can, and will play going forward within the education arena and how local corporate priorities and objectives can be best met, whilst delivering the range of statutory duties that remain at a local level.
- 2.2 The move towards greater autonomy for schools and the consequence for the role of local authorities in education has been thrown into sharp focus by the speed with which schools and new education providers have embraced the Academies agenda. Whilst arguably the move towards a more autonomous school sector began over two decades ago with the delegation of funding, the current landscape with a rapidly growing mixed economy of providers is causing much national and local debate about the role of local authorities in education.
- 2.3 The future role for local authorities in this developing climate is prompting much debate and numerous national studies of emerging policies and practice. Within this debate, the Minister of State, David Laws MP, made a speech to the Local Government Association late December, reaffirming the need for local authorities not to be simply the deliverers of change, but leaders and innovators within their own school communities. He challenged local authorities to have a greater ambition for their own role in improving educational outcomes and for them to seek to achieve their potential. He emphasized the need for local authorities to have a key strategic oversight role in education. Critically, he reminded local authorities that they can and must support schools, challenge schools, and – where necessary – intervene in schools, even in this new landscape where schools' autonomy presents a new perspective in the relationship between the local authority and schools. He called on local authorities to rise to the challenge in their role as 'champions' of parents and pupils.

Issues Emerging from National Policy Direction

2.4 Nationally, over 50% of secondary schools are now Academies. Nationally, the primary sector has been more cautious in grasping the Academy agenda and Academies account for around 8% of the primary sector. An increasingly important feature of the national Academy landscape is the growth of Academy 'chains' of which there are now approaching 300 nationally, incorporating almost 1,000 Academy schools. Chain arrangements take a variety of forms including collaborative partnerships, multi-academy trusts and umbrella trusts. These developments are seeing a diversity of education providers emerging.

Figure 1 – Number of Academies Open Nationally at the End of Each Month from August 2010 to October 2012

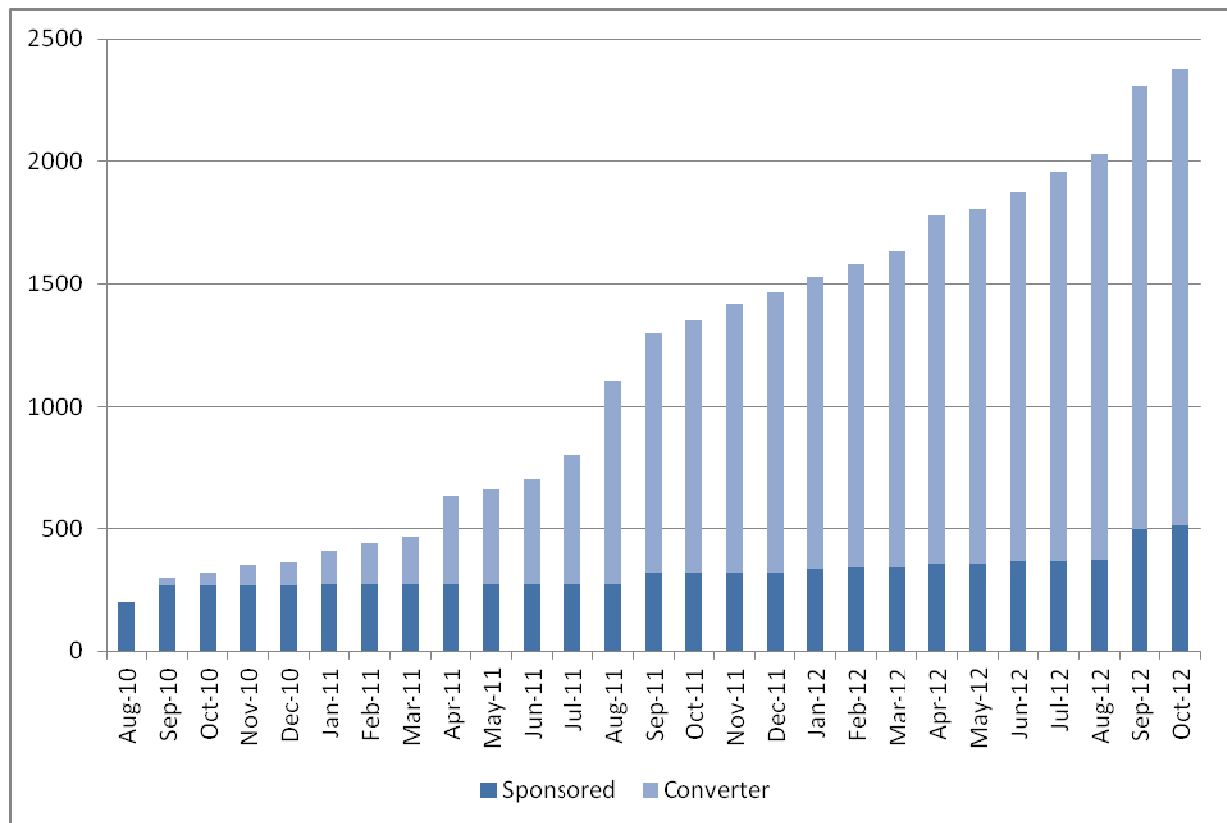
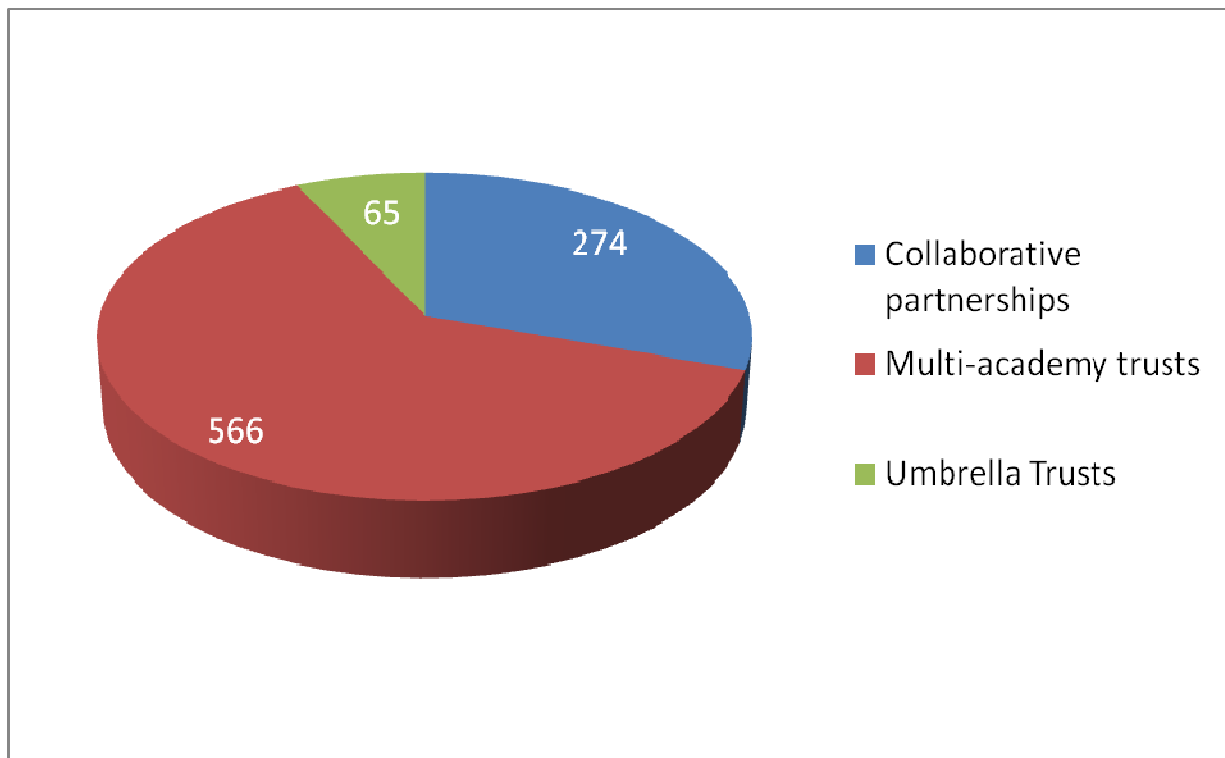


Figure 2 – What is Happening Nationally – Growth of Academy Chains



- 2.5 The Department for Education, London Councils and the Greater London Authority have all commissioned research or analysis to try to capture the debate, articulate the issues and opportunities of this new environment and share local authority experience and practice. All stress the emerging nature of this policy area and that the position is by no means settled. Of particular interest is research commissioned by the Department for Education that looked at the experience of nine local authorities in responding and reshaping their role in the light of the national policy direction. The findings of the research include a list of key learning points that highlight out the importance of developing what the local authority's role as 'a champion of pupils and parents' *really* means, including the scrutiny role of members.
- 2.6 The quality of education is central to any local vision or ambition for creating successful communities. Vast sums of public money are invested in schools, early years settings, further education providers and other education related activities and many Barnet residents are employed within the education sector. High quality, effective education underpins many of the aspirations of the local community and is essential to delivering the very best outcomes across a range of services. Local democratic accountability to deliver community aspirations means that education will therefore remain very much a local issue, whatever structure and future landscape emerges from this policy reform.
- 2.7 Within the education field, the impact of changes to the school funding regime from 2013, the new Ofsted inspection regime, the proposed reforms of special educational needs provision, the new post-16 responsibilities and a plethora of other policy developments have yet to be played out. However, there are some areas where, with variations in language, a consensus is emerging to help shape the conversation about the 'championing' role of the local authority.
- 2.8 In essence, this role in its very broadest sense is one of 'championing' the needs of children, families and young people. Local democratic accountability and this role of elected members in championing the needs of children, families and young people is a

key plank of the accountability framework within the new education landscape – as the range of education providers within the locality diversifies.

2.9 The context of the role for Members as champions is centred on five key principles:

- The democratic mandate held by Members
- Link to other areas of local responsibility and services
- Local collaboration and local expertise, knowing local communities
- Collective responsibility for a community of pupils
- Statutory responsibilities

2.10 In this evolving policy environment, it is recognised nationally that there is a tension between rushing to seek clarity about roles and relationships and taking time to develop a robust consensus that will stand the test of time. The sheer pace of change, has instilled the need for us to discuss, debate and develop a local response and approach on how both the council and schools' resources and efforts will deliver locally on our vision for the borough, particularly during a period of austerity facing public services.

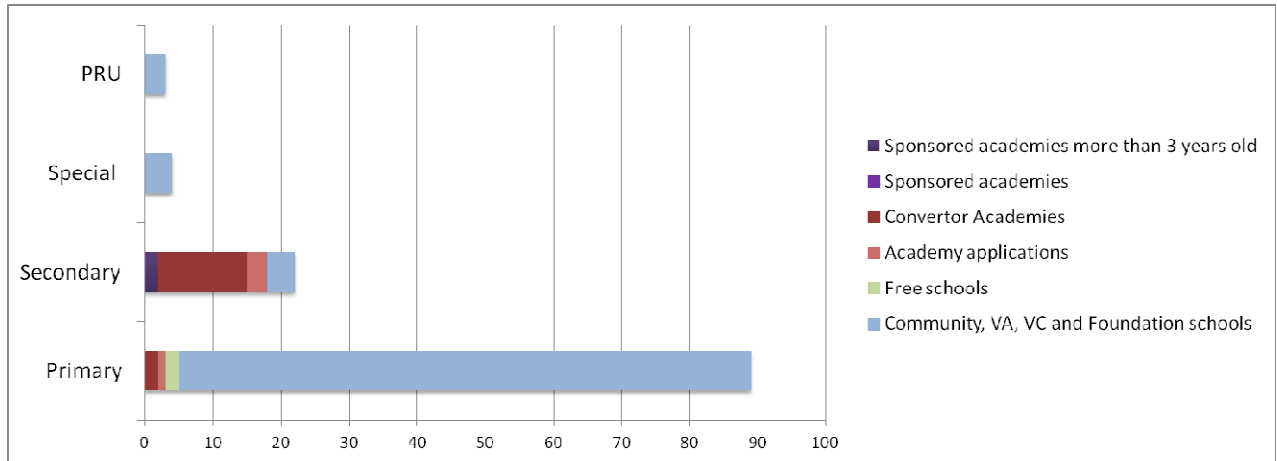
Local Context

2.11 Barnet is witnessing a population growth requiring significant investment in school places to ensure that the statutory duty to provide sufficient provision is met. The census in March 2011 revealed that the population of Barnet was 356,400, the second largest population in Greater London. Barnet's population has increased by 41,800 (+11.5%) since the 2001 census.

2.12 The census also reveals that there are more children and young people in Barnet than the prevailing projection suggested, with an additional 1,650 0 to 19 year olds and 1,300 more 20 to 24 year olds.

2.13 Barnet schools have historically been keen to seize opportunities to develop their autonomy as evidenced by Barnet's high delegation of funding to schools compared to other local authorities. 17 of our 22 secondary schools now have Academy status with only one non-VA secondary school (Friern Barnet) remaining a community school. As elsewhere in the country, primary schools have been more cautious with only three Barnet schools having converted so far. There are signs nationally and locally that the primary sector is growing in confidence with the exploration of various structures to enable umbrella or multi Academy type structures to develop. To date, there are no Academy chains present in the borough although London Academy is creating a multi-Academy trust with Deansbrook Junior. The development of the new school at Mill Hill East and the requirement by the DfE for any school in a 'category' to become a sponsored Academy is likely to see Academy sponsors come into the borough.

School Diversity in Barnet



2.14 Whilst standards overall are being maintained and in some cases, bucking the national trend, there are early signs that maintaining performance is proving a challenge. Maintaining Barnet's reputation for academic excellence and achieving further improvement requires a relentless focus on attainment across the whole spectrum of school provision. While the government is relying heavily on the concept of parental choice, the new national OfSTED inspection regime and other developments to do this, we need to fulfil our role as local champions to ensure that schools deliver their part in maintaining Barnet as a successful suburb. The role of the council and elected Members in championing and scrutinising standards and how this translates into service provision needs to be scoped and agreed.

Barnet School Performance Trends

Table 3 – Percentage of Children Achieving Level 4 in English and Maths

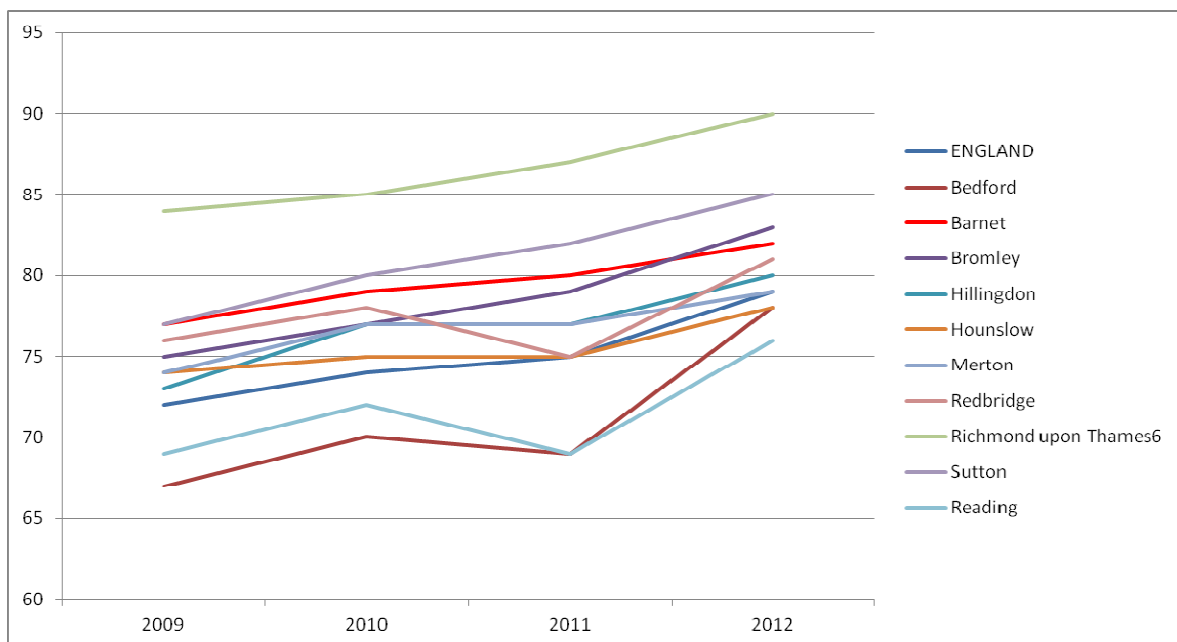
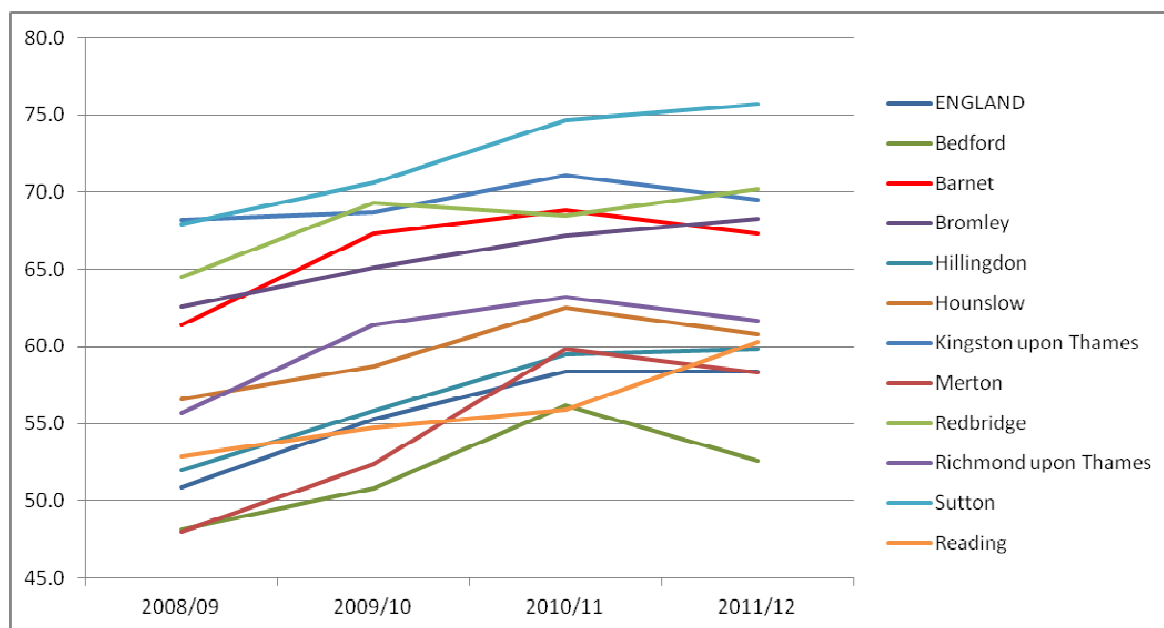


Table 4 – Percentage of Young People Achieving 5 A*-C (including English and Maths)



2.15 Currently, Barnet has retained a limited resource to monitor and challenge schools, acting as the ‘eyes and ears’, but the majority of school improvement functions are now offered as a traded service through the establishment of the Barnet Partnership for School Improvement. The overwhelming majority of Barnet primary schools have bought into the service, whilst all but one of Barnet’s secondary schools are commissioning services from elsewhere.

3. An Education Strategy for Barnet

Overview and Scrutiny Panel – Key Findings

- 3.1 To support the development of an Education Strategy for Barnet, the Business Management Overview and Scrutiny Committee commissioned an Overview and Scrutiny Panel to consider the role of elected Members in the new education landscape, with a particular focus on how best Members can fulfil their role in championing the needs of vulnerable children and young people, parents and families and educational excellence.
- 3.2 The Panel met five times between January and March 2013 and received evidence from the Cabinet Member for Education, Children and Families, head teachers, parent governors and council officers. Details of their meetings and key findings are set out below.
- 3.3 An initial meeting was held on 21st January 2013 where the Panel agreed to focus on the following areas during the review:
- Elected Members as champions of: vulnerable children and young people; parents and families; and educational excellence;
 - Determining how elected Members could best fulfil this championing role;
 - Determining how elected Members could play a part in ensuring high standards in schools within the context of current changes in responsibilities
 - How elected Members could assess performance against strategic targets; and

- How schools would be accountable to the communities they serve as a front-line service on which very extensive sums of public money are spent.

3.4 On 28th January 2013, the Panel met with three head teachers (one from a maintained school and two from academies), the Cabinet Member for Education, Children & Families and a Learning Network Inspector. Members noted the following key points:

- The Cabinet Member for Education, Children and Families considered that the future role of the local authority would be to support improvement, be champions for educational excellence and have a strong strategic role.
- The head teachers of secondary academies stated that where existing local authority appointed governors had been effective, they had been invited to remain governors of the new Academy. The best and most effective local authority nominated governors were highly valued for their local knowledge and links with the local community.
- Strong national and regional networks were developing for Academies which could over time, replace the local authority offer. The development of other support and challenge networks meant that the local authority had to have a clear 'offer' as to the benefit of participating in local Barnet based partnerships and collaborations. There was a suggestion that local expertise could be retained through building up local authority traded services to offer services outside of Barnet to become more competitive.
- Local authority support in connecting with communities was seen as crucial to the success of a school, despite the increasingly autonomous education landscape.
- Governing bodies had an increasingly important role to play in challenging and monitoring high standards. It was suggested that not all governing bodies were performing as well as they could or should be. It was identified that there was scope to professionalise governing bodies to improve performance, with a smaller number of people from multiple backgrounds acting in a more strategic way.
- There was an appreciation among Academy headteachers of the role of locally elected Members in championing education standards, in ensuring that the needs of residents were met, particularly those that are vulnerable within the growing autonomous landscape. It was acknowledged that scrutiny of performance was important in fulfilling the shared ambition for all schools in Barnet to be good schools. Communicating performance to residents would enable elected Members to demonstrate how they were fulfilling their role.

3.5 Following the evidence session, the Panel made the following conclusions:

- The role and benefits of local authority nominated governors should be more clearly articulated.
- It was noted that there was no requirement for local authority representation on governing bodies of Academies. Where the input local authority nominated governors was effective, it was likely that Academies would wish to retain representation because of the contribution to the school, local knowledge, challenge and support
- The Council should consider developing and publishing criteria for considering the recommendation of particular Academy chains bidding to run Barnet schools and that local engagement be incorporated

3.6 On the 11th February 2013, the Panel met with three parent governors, two from maintained primary schools and one from a secondary Academy to obtain their views on the role of governors in the new education landscape. The Panel made and noted the following key points:

- Parent governors considered that they primarily represented the parent body of the school rather than the wider community. Parent governors in Academies had a different role due to the greater independence of Academies and the requirement to be more of a critical friend to the school's management.
- Whilst some parent governors were unclear of the specific role of local authority governors, others welcomed the knowledge and experience that they brought to the schools where they were appointed to the governing body.
- Academies no longer had a requirement to appoint elected Member governors. However, some wished to retain a local authority governor and maintain linkages with the local authority. Parent governors agreed that it was important to maintain a relationship with the council to understand the wider education context in which they were operating.
- Panel Members highlighted that schools spent significant sums of public money in the local area and democratically elected Members were a key link between the school and the communities in which they were based.
- Local authority facilitated governor training sessions were considered to be useful by parent governors from maintained schools. The Panel noted that parent governors in Academies required a range of skills to perform their role effectively and it was identified that the local authority training offer should be relevant and competitive in the emerging market.
- Parent governors suggested that the local authority could provide support in professionalising governing bodies to ensure a minimum standard. A suggestion was made that governing bodies may benefit from having a skills audit to ensure that the board as a whole could undertake its role effectively. This was considered to be of increasing importance as Ofsted is placing greater emphasis on the effectiveness of governing bodies.
- Elected Members and parent governors welcomed the role of Learning Network Inspectors as education professionals offering a challenge, monitoring and support function from outside of the school. It was noted however, that not all governors were aware of their role and more could be done to raise their profile with governing bodies.

3.7 The Panel also received feedback from the Governor Conference hosted by the council on 6th February 2013 which had identified the following key themes:

- The need to increase the professionalism and effectiveness of governing bodies.
- An acknowledgement of the need to share expertise and best practice between governing bodies.
- The desire to retain a strong local partnership in Barnet and find ways within the more autonomous system to retain links with the local authority

3.8 On 26th February 2013, the Panel met to consider their findings and develop recommendations. Members emphasised the importance of local councillors in the new education landscape where the local authority had less direct control over schools. Councillors have a unique position as democratically elected representatives to be community leaders and hold schools to account on behalf of their residents.

3.9 Following consideration of the evidence received, the Panel agreed the following recommendations should be made to the Cabinet:

1. The Panel recommend that, pursuant to the role of championing high educational standards and the needs of vulnerable children, the overview and scrutiny

committee with responsibility for education matters receive a six-monthly update detailing the educational outcomes and Ofsted outcomes for all publicly funded schools (maintained, Academy and Free Schools) in the borough. Upon consideration of this information:

- i. The Committee may wish to invite head teachers, chairs of governors and local authority governors to give evidence in relation to the performance of their schools should Members have concerns they wish to raise.
 - ii. The Committee may wish to convene a time-limited working group to consider any concerns arising regarding particular groups or aspects of educational provision in the borough as a whole
2. The Panel recommend that the Cabinet endorse the proposal to adopt a streamlined approach to nominating Local Authority Governors (as set out in the Annex).
3. The Panel recommend a review of the training schedule for governors offered through the council's traded service is undertaken, to ensure that it meets the needs of governors in fulfilling their responsibilities within the increasingly autonomous school system.
4. The Panel recommend that the Council pilot, initially for one year, the production of an annual report to parents on educational provision in Barnet to be published on the internet.
5. The Panel recommend that the Council develop best practice guidance for governing bodies to ensure the delivery of good governance and share best practice across the borough.
6. The Panel recognises that the Learning Network Inspector service is well regarded and valued by schools. It recommends that the council maintain the provision of a dedicated, appropriately qualified education professional link for all schools going forward.

PROPOSED LOCAL AUTHORITY GOVERNOR APPOINTMENT PROCESS

Current Practice in Barnet

In Barnet, the current process for appointing Local Authority (LA) Governors is as follows:

- In the first instance, nominations from political parties are invited for consideration by the Council;
- If vacancies are not filled in a predetermined time period (of three months), the field of candidates is widened to incorporate applications from members of the local community, local groups and Council employees;

Applications from the wider community are screened by Governor Services according to the appointment criteria.

The School Governance (Constitution) (England) Regulations 2012

School Governance (Constitution) (England) Regulations 2012 set out new arrangements for the constitution of the governing body of those maintained schools in England:

- that are established on or after 1 September 2012; or
- whose instrument of government is varied following a decision to vary made on or after 1 September 2012.

The School Governance (Constitution) (England) Regulations 2007 continue to apply to existing governing bodies until such time as it is decided to vary the instrument of government.

Under the new regulations, the number of Authority Governors per Governing Body must not exceed one. The Authority Governor is to be nominated by the local authority but appointed by the Governing Body, based on eligibility criteria. An individual eligible to be a staff governor may not be appointed as an Authority Governor. Removal from office would be by the local authority that nominated them.

Current Practice in London

As part of the review, information was obtained from London boroughs with regard to their LA Governor appointment practices. The majority of appointments are non-party political as set out below. Practice among other boroughs includes

- a panel with one minority and one majority party councillor meet together with Governor Service manager to decide on appointments based on an application form, CV and comments from the chair of governors regarding desirable skills and experience. Candidates are asked to visit the school to confirm that they understand the role and can make the commitment before finalising the appointment.
- individuals in the community nominate themselves by completing an application form. These applicants are not from political parties, but are members of the community. The application form is considered by a panel of five councillors. If they agree, the person is then appointed by the Director to a vacancy. Parents are not

appointed to schools where they have a child and the head teacher's agreement is sought if the applicant is known to the school (e.g. ex-governor).

- the Cabinet Member for Education and Children's Services has power to appoint after Governor Services recruit and nominate. Appointments are made on a non-political basis. Under the new 2012 regulations for schools that have reconstituted, the Cabinet Member has the power to nominate a candidate after Governor Services has identified candidates. The governing body then chooses whether to appoint or not.
- LA Governors appointed by Appointment Panel comprising representative from Council, Representative HT and Representative Governor

Proposal for New Appointment Process in Barnet

It is proposed that Barnet adopts an amended system for LA Governor appointments. Details are set out below:

A Panel with one minority and one majority party councillor would meet together with the Governor Services Manager to decide on appointments. First preference would be given to Ward Members who have put themselves forward. If a ward member is not put forward, other candidates will be assessed for suitability based on an application form and CV, together with comments from the Chair of Governors regarding desirable skills and experience being sought.

The Ward Member/proposed candidate would be invited to visit the school to confirm that they understand the role and can make the commitment before finalising the appointment. The candidate is then appointed to a vacancy, either by the Director of Children's Services (under The School Governance (Constitution) (England) Regulations 2007), or by the Governing Body (under School Governance (Constitution) (England) Regulations 2012).

The proposed new arrangements would: be in accordance with the 2007 and 2012 Regulations; streamline the current process; and would further enhance the promotion of effective governance through the recruitment and appointment of suitably skilled Governors.