

Children and Families Committee

Date of Meeting:	11 July 2022
Report Title:	‘Opportunity for All: Strong schools with great teachers for your child’, The Education White Paper and development of local authority-initiated trusts.
Report of:	Deborah Woodcock, Executive Director of Children’s Services
Report Reference No:	CF/11/22- 23
Ward(s) Affected:	All Wards

Purpose of the Report

- 1.1 This report sets out the key aspects of the recent White Paper ‘Opportunity for All: Strong schools with great teachers for your child’. The report seeks approval to register interest to be part of an initial ‘test and learn’ pilot programme.
- 1.2 Depending upon feedback on our registration of interest from the Regional Schools Commissioner, a full options appraisal would be generated including delivery models, benefits and risks which will then need to be considered by the committee. Such considerations will need to be taken ahead of any decision to progress and actually initiate a local authority multi academy trust.

2. Executive Summary

- 2.1 This report outlines the new policies announced in the white paper which are set out in four chapters as below:

Chapter 1 An excellent teacher for every child.

Chapter 2 Delivering high standards of curriculum, behaviour, and attendance.

Chapter 3 Target support for every child who needs it.

Chapter 4 A stronger and fairer system.

- 2.2 The Government has already set a target in its levelling up paper for 90 per cent of children by 2030 to leave primary school with the expected standard in reading, writing and maths, up from 65 per cent currently.

The white paper now sets out a new “ambition” to increase the national GCSE average grade in both English language and in maths from 4.5 in 2019, to 5 by 2030.

- 2.3 The key implications for councils are set out as follows

2.3.1 Councils will get “backstop powers” to force trusts to admit children, and to object to schools’ published admissions numbers. They will take responsibility for in-year admissions, while admissions faces a “new statutory framework” to put children’s needs first and reform over-subscription rules.

2.3.2 Councils will be able to launch multi academy trusts (MATs), but the focus will be “where too few strong trusts exist”. The minister will have powers to mass convert all council’s schools at their request.

2.3.3 A new system of proactive assurance with Local Safeguarding Partnerships commissioning safeguarding audits every three years. This will “help ensure that all schools’ policies are consistent with local safeguarding arrangements and the academy trust standards”.

2.4 An overview is provided on the current maintained infrastructure, initial informal discussions that have taken place and proposed arrangements for both an internal working group and collaborative working with clusters of maintained schools to develop proposals further.

3. Recommendations

That the committee:

- 3.1 Notes the new policies in the white paper and in particular the implications for councils.
- 3.2. Provides support to explore the option of local authority-initiated trusts as outlined in the white paper through discussions with the Regional Schools Commissioner and our maintained schools to shape the possible delivery model.
- 3.3 To agree to submitting a ‘Registration of Interest’ to establish a new trust(s) which needs to be submitted by 31 July 2022. Proposals developed on the

delivery model of local authority-initiated trusts will be brought back to a future committee for approval.

4. Reasons for Recommendation

- 4.1 The white paper has stated that all schools should be part of a family of schools within a trust structure by 2030. As at Spring 2022 census, Cheshire East had 58 schools which are currently maintained (this equates to 37% of schools). The breakdown of this group of schools is shown below:

Primary Schools : 53

Secondary Schools : 3

Special Schools : 2

Of these schools, 17 are Voluntary Aided schools with 6 Voluntary Controlled

- 4.2 The decision as to which trust a school joins requires careful consideration and decision making by the leadership of the school including governors. Consultation with the local community is also required. Schools will have to carefully consider critical factors such as strategic alignment and ethos of the trust, governance models, schemes of delegation, standards across existing trust schools and financial implications as part of their decision making.
- 4.3 Maintained schools are keen to know if the local authority is going to consider initiating a trust/trusts as they need to know early if this is a realistic option for them to consider. As we develop the options appraisal this will determine the point at which we will need to make a decision about whether or not to progress.

5. Other Options Considered

- 5.1 To actively choose not to consider local authority-initiated trust/s and encourage all maintained schools to join existing trusts.
- 5.2 For the local authority not to register an interest at this early stage for a local authority initiated trust but to consider this option at a later stage.
- 5.3 To continue to support maintained schools on the basis that national policy has previously changed. All schools will now have to make individual decisions about future trust models.

6. Background Information

The White Paper - Opportunity for all: Strong schools with great teachers for your child'

- 6.1 The White Paper, 'Opportunity for all: Strong schools with great teachers for your child' sets out the government's vision for education.

- 6.2 There are two new ‘ambitions’:
- 6.2.1 Government has already set a target in its levelling up paper for 90 per cent of children by 2030 to leave primary school with the expected standard in reading, writing and maths, up from 65 per cent currently.
 - 6.2.2 The White Paper now sets out a new “ambition” to increase the national GCSE average grade in both English language and in maths from 4.5 in 2019, to 5 by 2030.
 - 6.2.3 These two ambitions will be the “measure of this white paper’s success”.
- 6.3 Many of the policies within the white paper are not new and have already been announced. This report highlights to committee the policies within each chapter of the white paper that are new and in particular the implications for councils.
- 6.4 **Chapter 1: An excellent teacher for every child**
- 6.4.1 Consultation on a new leadership level ‘National Professional Qualification’ (NPQ) for SENCOs, which would replace the National Award in SEN Coordination as the mandatory qualification for all new SENCOs.
 - 6.4.2 New scholarship to attract the most talented language graduates and a new initial teacher training (ITT) course to support more engineers to teach physics.
- 6.5 **Chapter 2: Delivering high standards of curriculum, behaviour, and attendance**
- 6.5.1 A new literacy and numeracy test for a sample of year 9 pupils to “estimate performance at a national level. This will “consist of a short series of digital activities undertaken by a small number of children in school”.
 - 6.5.2 Legislation to “modernise” rules on recording attendance, with a new “national data solution” which will provide a blueprint for other parts of the system.
 - 6.5.3 Legislation to increase Ofsted’s powers to inspect schools that are operating illegally without registration.
 - 6.5.4 An expectation that all mainstream schools run a 32.5-hour week by September 2023. Ofsted will check up on schools where it has concerns over education quality and their hours are below the minimum.
 - 6.5.5 A new network of modern foreign language hubs from 2023, and more effective professional development for language teachers.
 - 6.5.6 Updated plans to support sport and music education will be published this year, and a new cultural education plan will come out in 2023.

6.6 Chapter 3: Target support for every child who needs it

- 6.6.1 Ofsted will hold schools to account for a new “parent pledge” – that “any child that falls behind” in English and maths should receive “timely and evidence-based support to enable them to reach their full potential”
- 6.6.2 New guidance on providing catch-up “targeted support”, keeping parents updated and effective assessment for children who have fallen behind will be published in partnership with Ofsted.
- 6.6.3 Tutoring to become a “core academic option in the pupil premium menu” with a “vibrant tutoring market” from 2024. Schools will be expected to use their core budgets, including pupil premium, to pay for support.

6.7 Chapter 4: A stronger and fairer system

6.7.1 In relation to schools:

- 6.7.1.1 A target for all schools to be in strong multi-academy trusts or have “plans to join or form one”, by 2030.
- 6.7.1.2 The DfE will “expect” most trusts to work towards serving at least 10 schools or 7,500 pupils.
- 6.7.1.3 A review in May 2022 to consider new intervention powers over academy trusts if they fail to meet new statutory standards for being “strong” MATs.
- 6.7.1.4 Clearer expectations for trusts over providing high-quality, inclusive education, school improvement, financial management, parental engagement and workforce deployment, training and retention.
- 6.7.1.5 New statutory duties to work collaboratively with other trusts, councils and public bodies, and follow the admissions code.
- 6.7.1.6 Top-slicing will face new “transparency measures”.
- 6.7.1.7 In “exceptional circumstances”, good schools may be able to request moving trust.
- 6.7.1.8 A three-year £86 million pot is earmarked for trust capacity funding, with extra “financial support” for dioceses to launch trusts following a pilot.
- 6.7.1.9 A new CEO development scheme will be open to executive heads and senior trust staff.

- 6.7.1.10 A consultation, proposes new powers to force “coasting” maintained and academy schools (those with two consecutive Ofsted ratings below “good”) to convert or change trusts.
- 6.7.1.11 The title of Regional Schools Commissioner will change to that of Regional Director.
- 6.7.1.12 A £40 million fund is promised for 24 “priority” areas among the 55 disadvantaged “education investment areas” to address particular needs, such as literacy, numeracy or absence. These areas will also be targeted for establishing new “academically focused” 16-19 free schools. Cheshire East is not in such priority areas.
- 6.7.1.13 The white paper does build upon known themes which are already well utilised by our schools such as promoting the use of research informed interventions using the Education Endowment Foundation (EEF). However, there are other new and important developments for school improvement including a national ‘Institute of Teaching’ which is being branded as the ‘flagship teacher development provider’ across the whole country. As yet, the roll out of such a national programme of support is unknown.
- 6.7.2 **In relation to councils:**
- 6.7.2.1 Councils will get “backstop powers” to direct trusts to admit children, and to object to schools’ published admissions numbers. They will take responsibility for in-year admissions, while admissions faces a “new statutory framework” to put children’s needs first and reform over-subscription rules.
- 6.7.2.2 Councils will be able to launch MATs, but the focus will be “where too few strong trusts exist”. The Secretary of State will have powers to mass convert all council’s schools at their request.
- 6.7.2.3 A new system of proactive assurance with Local Safeguarding Partnerships commissioning safeguarding audits every three years. This will “help ensure that all schools’ policies are consistent with local safeguarding arrangements and the academy trust standards”.

6.8 Initiating a local authority trust

- 6.8.1 Guidance has recently been published on local authority established trusts (see Appendix 1). Careful consideration would need to be given to trust structures regarding the appointment of trustees and trust members as well as agreed schemes of delegation.

- 6.8.2 The white paper has stated that all schools should be part of a family of schools within a trust structure by 2030. Cheshire East currently has 58 schools which are maintained; therefore, the models of potential local authority established trusts would need careful consideration of size as it is very unlikely this number of schools would join one trust. Geographical factors are an obvious consideration for localised trusts.
- 6.8.3 As we have a number of voluntary controlled and aided schools, we would need to work with the Dioceses to agree the legal framework for any such trust.
- 6.8.4 The option of a local authority-initiated trust has been well received by current maintained schools but it requires significant preparatory work to fully understand the legal framework within which such a trust model could operate and its ongoing relationship with the wider requirements of the local authority.
- 6.8.5 An initial briefing has taken place with maintained schools to seek their initial response to the white paper including the option of a local authority-initiated trust. Expressions of interest have been sought from all maintained schools to understand better their current thinking; this will require early discussions with governing boards to seek their views at this early stage.
- 6.8.6 The option of further investigating local authority-initiated trusts does not restrict any school seeking to join an existing trust. Currently, Cheshire East has over 30 trusts operating across the borough each of differing size with some including schools from outside our boundaries. One of the national expectations is that smaller or single trusts move to join a larger family of schools and a notional 'expected' size is 10 schools or 7,500 learners.
- 6.8.7 The white paper states that the option of a local authority trust will be shaped by the availability and capacity of existing trusts across a local area. The recently published DfE guidance now provides a framework for local authorities to submit a registration of interest by the end of July as part of a test and learn exercise (see Appendix 1). Officers have commenced work to prepare documentation to submit a registration by this date with proposals being brought back to committee if this was considered a realistic option by the Regional Director.
- 6.7.8 This will be a complex process with numerous complex considerations needing to be made as part of a due diligence process before a final decision to progress can be made by committee. There will need to be council wide collaboration to explore this option, especially with input from legal, finance, HR and property. An internal working group will need to be established with resource identified from across the council to explore this option and consider the benefits and risks of initiating a trust.

6.7.9 In parallel, regular working groups with clusters of maintained schools interested in forming a local authority-initiated trust would take place to develop the local model.

7. Implications of the Recommendations

7.1 Legal

7.1.1 The white paper provides a basis for consultation and discussion with interested stakeholders which will inform the associated future draft legislation and supporting guidance before a bill is presented to Parliament.

7.1.2 As matters are progressed and more clarity is provided legal input can be sought as part of the collaborative working arrangements on a number of issues that may arise including but not limited to governance, property, employment, and contracts.

7.2 Finance

7.2.1 The conversion of schools to academy status brings challenges to the council in terms of the impact on income as an academy may purchase certain professional services from other commercial providers. This has happened on a gradual basis over recent years and that is expected to continue through to the point where all schools become an academy.

7.2.2 The introduction of local authority established MATs provides the opportunity for council services to consider the impact of further changes to the structure of schools and what requirements they may have.

7.2.3 The impact of the introduction of local authority established MATs in terms of additional costs to implement the change of status is not yet known but it is expected that as with academy conversions there will be costs such as legal, finance etc.

7.3 Policy

7.3.1 The implementation of academy conversion is undertaken in accordance with national legislation as per the various education acts.

7.3.2 This report sets out implications of the policies in the recent white paper, 'Opportunity for all: Strong schools with great teachers for your child'

7.4 Equality

7.4.1 The academies conversion programme is a central government policy. The local authority will continue to work with all its schools to ensure, wherever possible that there is equality of opportunity for every child and young person.

7.5 Human Resources (HR)

7.5.1 If a local authority trust was initiated employees in respect of the school would transfer from the council to the academy under the Transfer of Undertakings (Protection of Employment) Regulations 2006 to the trust under a Commercial Transfer Agreement (CTA).

7.6 Risk Management

7.6.1 The internal working group would develop a risk register.

7.6.2 If committee delay in supporting officers exploring a local authority established MAT and communicating this intention to our maintained schools then they will start to explore other options and the opportunity will not be available

7.7 Rural Communities

7.7.1 The delivery model will consider the impact on small and rural schools.

7.8 Children and Young People/Cared for Children

7.8.1 It is essential that any trust model has a clear focus on improving learner outcomes personally, socially, and academically and that the needs of all learners are best met by the structures operating within the trust. The promotion of the voice of the young person is vital and any structure needs to ensure that appropriate forums are available to constantly seek feedback from 'end users' to help shape future priorities.

7.9 Public Health

7.9.1 There are no direct implications for public health.

7.10 Climate Change

7.10.1 In developing plans geographical distance of schools with a MAT would be considered to reduce travel between schools where collaboration is identified in the delivery model.

Access to Information	
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Appendices:	Appendix 1
Background Papers:	https://www.gov.uk/government/collections/convert-to-an-academy-documents-for-schools Opportunity for all - Strong schools with great teachers for your child (publishing.service.gov.uk)