

**Lancashire County Council**

**Education Scrutiny Committee**

**Tuesday, 15th March, 2011 at 10.00 am in Cabinet Room 'C' - County Hall,  
Preston**

**Agenda**

**Part 1 (Open to Press and Public)**

**No. Item**

**1. Apologies**

**2. Disclosure of Personal/Prejudicial Interests.**

Members are asked to consider any Personal/Prejudicial Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

**3. Minutes of the meeting held on the 19th January 2011 (Pages 1 - 6)**

**4. Academies Act 2010 (Pages 7 - 28)**

**5. Schools White Paper "The Importance of Teaching" and the Education Bill 2010/11 (Pages 29 - 40)**

**6. Urgent Business**

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

**7. Date of the Next Meeting**

The next scheduled meeting of the Committee is due to be held at 10.00am on the 12<sup>th</sup> July 2011 in Cabinet Room 'C' at County Hall, Preston.

I M Fisher  
County Secretary and Solicitor

County Hall  
Preston



# Agenda Item 3

## Lancashire County Council

### Education Scrutiny Committee

**Minutes of the Meeting held on Wednesday, 19th January, 2011 at 10.00 am  
at the Cabinet Room 'C' - County Hall, Preston**

#### **Present:**

County Councillor Clive Grunshaw (Chair)

#### **County Councillors**

|            |            |
|------------|------------|
| K Bailey   | S Fishwick |
| Mrs R Blow | J Jackson  |
| K Brown    | A Jones    |
| Mrs P Case | A Knox     |
| K Ellard   | S Riches   |
| C Evans    | C Wells    |
| P Evans    | M Younis   |

#### **Co-opted members**

|            |   |
|------------|---|
| T Charnock | (RC Schools representative)             |
| F Kershaw  | (CE Schools representative)             |
| K Wales    | (Free Church Schools<br>representative) |

County Councillors J Jackson and K Ellard replaced County Councillors A D Kay and Y Motala respectively as members of the Committee for this meeting.

#### **1. Apologies**

Apologies for absence were received from County Councillor S Derwent and Mrs J Hamid, Coopted member representing Parent Governors (Secondary)

#### **2. Disclosure of Personal/Prejudicial Interests.**

There were no declarations of interest in relation to matters appearing on the agenda.

#### **3. Minutes of the meeting held on the 2nd November 2010**

County Councillor Riches referred to the discussion on Academies and stated that it was important the Committee received information regarding the insurance liabilities of the Governors of Academies across a range of issues, including corporate manslaughter. In response Mr Stott, the Director for Universal and Prevention Services assured the Committee that the implications in terms of insurance liability would be included in future reports and was already being

addressed in briefings for Governors of schools which were considering becoming Academies.

**Resolved:** That the Minutes of the meeting held on the 2<sup>nd</sup> November 2010 be confirmed and signed by the Chair.

#### **4. Revenue Budget 2011/12 and 2013/14**

In response to a request from the Chair there was general agreement amongst the members of the Committee that County Councillor Susie Charles, Cabinet Member for Children and Schools, be allowed to attend the meeting and speak in accordance with the Code of Conduct. The Cabinet Member was accompanied by Mr Stott, the Director for Universal and Prevention Services and Mr Hart, the Director of Capital Investment and Resources from the Directorate for Children and Young People.

A report was presented regarding information considered by the Cabinet on the 6<sup>th</sup> January 2011 including the County Council's Financial Position as at 30<sup>th</sup> November 2010 and Revenue Budget 2011/12 and 2013/14 recommendations. Details of the Cabinet resolutions insofar as they related to education were also presented.

The Chair referred the members of the Committee to the separate summary of the budget proposals relating to education which had been circulated previously for ease of reference. Having familiarised themselves with the proposals as set out in the summary the members of the Committee then discussed each proposal in turn and the following points were raised.

##### **Efficiency Saving – Special Educational Needs (SEN) Transport.**

In response to queries from members of the Committee Mr Stott confirmed that there was no specific budget for SEN transport, the costs of which were funded from a single budget stream. Mr Hart added that the efficiency saving was in the first instance around improved procurement, routing and possible shared use of transport.

The Cabinet Member informed the meeting that a government green paper was expected in relation to reform of the SEN legal framework which would have implications for service provision. It was noted that the continuing personalisation of services, increased choice and more cost effective use of transport would contribute to savings.

##### **Service Policy Proposals**

##### **Specialist Special Educational Needs and Disability (SEND) Transport**

It was reported that the County Council provided training for passenger assistants who would travel between home and school with younger children or those with severe disabilities. However, in some cases the passenger assistants were also staff from the school and similar training was provided by the school. In order to achieve further efficiency savings it was suggested that a joint training programme be developed for all passenger assistants.

In order to develop their independence it was suggested that capacity be developed so that where appropriate young people with SEN could be encouraged to make greater use of public transport. However it was recognised that such a move would need to be balanced against risks both to the individual, parents and others and may result in a need for additional passenger assistants. Mr Stott reported that whilst there were significant efficiencies which could be achieved the safeguarding of individuals was paramount. The Cabinet Member informed the meeting that issues such as the potential risks associated with SEN transport were discussed with the Parent Carer Forum which provided valuable feedback.

It was noted that when County Council vehicles were not being used for SEN transport they could be used for other purposes such as transporting people to/from hospital, thereby making better use of vehicles.

With regard the provision of SEN transport by parents in certain circumstances Mr Hart confirmed that the effect of rising fuel costs and inflation had been factored into the budget proposals so that if parents chose to provide transport themselves the County Council would be able to provide some assistance though the full benefits of the measure would only become apparent in 2012/13 and subsequent years. Mr Stott informed the meeting that the County Council would continue to consult with parents and develop strategies which would take their needs into account as part of the ongoing transport review which was expected to deliver significant savings.

### **Statutory Responsibilities for Schools**

The Committee noted that the government White Paper had significant implications for the role of local authorities with regard to education and this would impact on the relationship between the County Council and schools in Lancashire.

It was reported that the estimated £2 million saving over three years reflected the fact that certain functions would no longer continue to be the responsibility of the County Council, including school improvement. However, it was emphasised that many schools in the County recognised the value of services provided by the County Council and had indicated the desire to continue to 'buy in' those services. It was noted that the County Council would continue to work in partnership with schools and where appropriate provide school improvement services on a cost effective basis.

### **Interest on School Balances**

The Cabinet Member reported that in the past schools had benefitted from the County Council providing them with preferential interest rates on school balances and that the intention was to offer a fixed percentage below the County Councils pooled rate with a 'floor'. It was noted that the proposal would mean that schools earned a lower rate of interest on their balances than at present but Mr Hart highlighted that schools would still receive a better rate than that offered by the commercial market.

It was noted that the Schools Forum had been consulted and had broadly accepted the proposal.

### **Reduction in Area Based Grant**

A specific question was asked about the £5M allocation by the County Council to support Early Intervention. It was reported that such funding had been used to recruit additional social workers, to commission early intervention proposals from the Locality District Childrens Trusts and appoint early intervention officers for two years.

With regard to the cessation of funding from the Area Based Grant (ABG) in relation to teenage pregnancy it was noted that important work in this area was already provided for children during years 8 and 9 at School and often involved the County Council working in partnership with the Police, Health and District Councils on joint initiatives. Mr Stott informed the meeting that the work done in schools underpinned the teenage pregnancy strategy and Mr Hart assured the Committee that whilst partner organisations would also be looking at their respective budgets every effort would be made to maximise the available resources in the future.

In response to a query from the Chair Mr Hart stated that many of the services affected by the reduction in ABG were around literacy/numeracy or connected with behaviour which schools were now expected to provide directly. Mr Hart added that members of the Committee would be provided with a list of school facing activities which would not be provided in the future outside of the meeting.

It was further reported that in future schools would provide support for each other in relation to some services and the County Council had worked with schools in relation to school improvement. Mr Stott added that the proposed change also presented an opportunity for the County Council to trade certain services both within Lancashire and to schools outside of the County and could provide an additional source of income. It was also noted that funding for schools had been simplified by combining the majority of previously separate funds into a general fund, giving schools greater flexibility as to how to use resources.

In response to concern about the impact on the local education authority Mr Stott acknowledged that in the future there would be a more pluralistic market due to the introduction of Academies and Free Schools. However, he added that the County Council would not become complacent and would continue to build on its achievements and provide good quality services which could be made available on a largely traded basis to schools.

### **Denominational Transport**

It was noted that the Committee had discussed the introduction of a parental contribution towards the cost of denominational transport at the last meeting. In response to a query regarding a possible challenge to the decision taken by the Cabinet Member to implement the £2 charge with effect from September

2011 Mr Stott confirmed that whilst the County Council had responded to various queries he was unaware of any move towards a judicial review. It was reported that other authorities had decided to completely withdraw from providing travel assistance on denominational grounds whereas in Lancashire from September 2011 the County Council would still meet 60% of the costs of such transport.

### **Increased income from Lancashire Outdoor Education Service**

It was reported that many local authorities had in the past chosen to dismantle their outdoor education provision whereas Lancashire had maintained facilities at four different sites.

The Committee was informed that the proposed developments at the Tower Wood facility would provide greatly improved accommodation and offer an opportunity for the facility to be also made available for use by other groups, during parts of the year when the centres were not used for education, thereby generating additional income. In response to concerns that the improvements would be in competition with a similar facility in the area which was run by the Scouts Mr Stott reported that rather than competing the County Council could work with the Scouts to ensure that the two sites complimented each other.

The Chair thanked the Cabinet Member and Officers for the contributions.

### **Resolved:**

1. That the report be received and the comments of the Committee as set out above noted.
2. That the Clerk, in consultation with the Chair and Deputy Chair of the Committee prepare a list of recommendations for circulation to members of the Committee in order to formulate a response on behalf of the Committee to the Cabinet's Budget Proposals;
3. That the response of the Committee on the budget proposals be presented to the Cabinet at its meeting on 3rd February 2011.
4. That a list of the school facing activities which would not be provided in the future following the reduction in Area Based Grant be circulated to the members of the Committee outside of the meeting.

### **5. Urgent Business**

There were no items of urgent business presented for consideration at the meeting.

### **6. Date of the Next Meeting**

**Resolved:** It was noted that the next scheduled meeting of the Education Scrutiny Committee would be held at 10am on the 15<sup>th</sup> March 2011 in Cabinet Room 'C' at County Hall, Preston.

County Hall  
Preston

**ANNEX**

**Recommendations of the Education Scrutiny Committee to be reported to the Cabinet on the 3<sup>rd</sup> February 2011.**

In addition to the published Minutes of the meeting the Cabinet is asked to take account of the following recommendations when considering budget proposals in relation to the 2011/12 and 2012/13 revenue budget.

1. That the possibility of further efficiency savings through the provision of a joint training programme for passenger assistants who accompany children with Special Educational Needs and frequently also work in the schools be explored. Those who often work more widely with these children presently are given two sets of training.
2. That, subject to the necessary safeguarding checks, young people with SEN be encouraged to make greater use of public transport or shared transport in order to develop their confidence and independence.
3. That greater use be made of County Council vehicles for other services when they are not required for SEN transport.
4. That the implications of the government White Paper 'The Importance of Teaching' be monitored and the County Council continue to provide good quality services in areas such as school improvement in order that they can be made available to schools as a traded service.
5. That should the proposed change in relation to interest on school balances be implemented the Schools Forum continue to be consulted in order to monitor the impact on schools.
6. That the proposed investment in developing facilities for outdoor education at Tower Wood be welcomed and that once completed the facilities be marketed in order that they can be made available to other groups at off peak times in order to generate additional income.



# Agenda Item 4

**Education Scrutiny Committee**  
Meeting to be held on 15 March 2011

|                                     |
|-------------------------------------|
| Electoral Division affected:<br>All |
|-------------------------------------|

**Academies Act 2010**  
(Appendices "A", "B", "C" and "D" refer)

Contact for further information: Bob Stott, Director for Universal and Prevention Services, (01772) 531652, Directorate for Children and Young People, [Bob.Stott@lancashire.gov.uk](mailto:Bob.Stott@lancashire.gov.uk)

## **Executive Summary**

The report seeks to provide members with a further update on the position regarding Academies in Lancashire. The Academies Act 2010 is now in place and a number of outstanding maintained secondary and primary schools in Lancashire have converted to Academy status or are consulting on converting. The DfE have also extended the conversion procedures to include outstanding special schools, and primary and secondary schools that are good with outstanding features. Other primary and secondary schools can also apply to convert as part of a group or federation, provided that at least one of the schools is outstanding or good with outstanding features, or they can apply to join an existing Academy Trust.

As requested at the last meeting, the report also contains some information on liabilities.

On 26 January 2011, The Education Bill was introduced into the House of Commons. Part 6 of the Bill sets out a number of provisions in connection with Academies, and these are also summarised in this report.

## **Recommendation**

The Committee is asked to agree:

- (a) to note the report
- (b) to identify any further reports they may wish to receive on these matters

## **Background and Advice**

At their meetings on 13 July and 2 November 2010 the Committee received reports on the main features of the Academies Bill, on a number of changes made to the Bill as it passed through Parliament prior to receiving Royal Assent on 27<sup>th</sup> July 2010,

and on the emerging position regarding Academies in Lancashire, including the position regarding Free Schools.

The earlier reports noted that Academies are independent schools funded via agreements between Academy Trusts and central government. Academies have some freedoms and flexibilities (for example in connection with the national curriculum, teachers' pay and conditions, and school term and holiday dates). The earlier reports described the three ways in which an Academy can be established under the Academies Act 2010: "Conversion" of an existing maintained school; "Direction" by the Secretary of State where a maintained school is eligible for intervention; "Addition" where the Secretary of State agrees to proposals by an existing independent school or a wholly new "Free School" to become an Academy.

At the meeting on 2<sup>nd</sup> November 2010 the Committee

### **Resolved**

1. That the report be noted.
2. That a copy of the letter dated 23<sup>rd</sup> September 2010 from the Chairman of the Lancashire Schools Forum, together with concerns of the Committee regarding the future implications in relation to Cumbria and Lancashire Education On-line be sent to the Secretary of State for Education and the Local Government Association Children's Board.
3. That the Committee continue to receive further reports regarding the development of Academies, with particular attention to the issue of insurance liability and the County Council's residual responsibility regarding pupils who attend Academies in relation to issues such as assistance with home to school transport.

### **Further updates regarding the development of Academies**

#### **Outstanding Maintained Primary and Secondary Schools in Lancashire that have converted to Academy status**

The following schools ceased to be maintained by the County Council and became Academies on 1 January 2011:

Hambleton Primary School  
Lancaster Girls Grammar School  
Clitheroe Royal Grammar School

In addition, during Autumn 2010 the Secretary of State issued Academy Orders for Lancaster Royal Grammar School and Hodgson High School, and on 25 January 2011 an Academy Order was issued for Ripley St Thomas Church of England High School. Formal notification of conversion dates is awaited.

## **Extension of conversion process – other primary and secondary schools**

In November 2010 DfE announced the extension of the arrangements for conversion, allowing other schools to submit applications.

### **Primary and secondary schools judged by Ofsted to be good with outstanding features**

Good schools with one or more outstanding features that wish to convert to become Academies can now do so, on the same basis as outstanding schools. They do not need a sponsor, but must establish an Academy Trust and enter into a Funding Agreement, and will be expected to agree to support another school to raise attainment.

**Other schools** (i.e. schools that are neither judged by Ofsted to be outstanding nor to be good with one or more outstanding features)

In principle, the Academies Act 2010 enables all maintained primary, secondary and special schools to apply to convert to become Academies. However, schools which are neither outstanding nor good with outstanding features will effectively only be able to apply in conjunction with an outstanding school or a good school with outstanding features. This covers schools in hard federations, where at least one school in the federation is outstanding or good with outstanding features. The federated governing body could apply on behalf of all of the schools.

Similar arrangements are available for schools in collaborative clusters, provided that at least one is outstanding or good with outstanding features, but in this case each school in the group would need to apply and would commit to working in partnership with a high-performing school to raise standards.

Individual schools could also apply to join an existing Academy Trust.

### **Other developments**

Voluntary and foundation schools with an existing foundation/trust (such as church schools) need the consent of the existing foundation/trust before they can apply to convert to become an Academy. DfE have now agreed model documentation with the National Society (Church of England) and the Catholic Education Service that can be used where such schools seek to convert to become Academies. The application from Bishop Rawstone Church of England High School, referred to in the previous report, will be able to proceed with the consent of the Diocese/existing trustees.

## **Extension of conversion process - Outstanding Special Schools**

From January 2011, DfE will consider applications from maintained special schools wishing to convert to Academy status, where the school has been rated outstanding for overall effectiveness by Ofsted. DfE have provided an on-line application form and guidance on their website, and expect the first special Academies to open in September 2011.

The application and conversion process largely reflects the process for outstanding primary and secondary schools, and outstanding special schools converting to Academy status do not need a sponsor. They will have to establish an Academy Trust and enter into a Funding Agreement with the Secretary of State, and are also expected to support other schools to improve the quality of provision for pupils with SEN or disabilities.

Extending the scope of conversion to special schools raises some particular issues in relation to funding and admissions/placement, when compared with the position in "mainstream" Academies.

In so far as statemented pupils in primary and secondary schools are concerned, although local authorities may delegate funds to the schools, DfE arrangements for mainstream Academies allow local authorities (LAs) to pay individually assigned funding for pupils with statements of special educational needs (SEN) to the Academy. DfE guidance states that "The LA will continue to have a legal duty to ensure that the statement of SEN is fulfilled and does this by paying the individually assigned funding, and monitoring provision made by the Academy."

It is important to note that all pupils placed in special schools (and, presumably, in special Academies) are expected to have statements of SEN, and the LA's legal duties towards those pupils are no different to those for statemented pupils in mainstream schools.

In connection with admissions, DfE advise that admission to a special Academy will be by way of a statement of SEN, that parents may make representations for a placement in a special Academy, and that the LA retains responsibility for deciding whether to name the special Academy in the statement. The LA must consult the special Academy before naming it, but once named the Academy is under a statutory duty to admit the child.

Although they will be independent schools, DfE advise that special Academies will wish to maintain close and collaborative relationships with LAs, who in effect are commissioning their services on behalf of the children and young people for whom the LAs hold statutory responsibility

In connection with funding, DfE appear to assume that special schools are funded on a place-basis, and have indicated that future funding for special Academies will be based on the number of places for which they are funded currently. This raises concerns in several ways, and seems at odds with the notion of a commissioning relationship. It may also limit the flexibility of LAs to respond to parental wishes if, for example, an increasing number of parents seek places in mainstream rather than special schools/special Academies.

### **Other Lancashire Schools applying to convert/consulting on conversion to Academy status**

Schools are not obliged to consult the local authority on a proposal to convert to Academy status, so the information available may be incomplete. It is understood that in addition to the 6 schools mentioned above (Hambleton Primary School,

Lancaster Girls Grammar School, Clitheroe Royal Grammar School, Lancaster Royal Grammar School, Hodgson High School, Bishop Rawstorne CE High School) that are listed on the DfE website (5 January 2011) as having already converted/applied, Ripley St Thomas Church of England High School (Lancaster) has applied and an Academy Order has been issued, and St Michael's Church of England High School (Chorley) has also applied to convert. The Governing Body of Lostock Hall High School has resolved to apply to convert, and Bowland High School is consulting on possible conversion.

A number of other schools are also believed to be considering the matter, and may be carrying out initial consultation.

Where the Secretary of State agrees to issue Academy Orders, these orders enable the schools to convert to become Academies, but in each case the conversion will only happen if the Funding Agreement is signed. Once the Funding Agreement is signed, the Secretary of State will advise the County Council of the date on which the school should cease to be maintained by the local authority.

### **Direction of schools eligible for intervention**

DfE are looking more closely at the use of Direction in the case of schools eligible for intervention (for example, because the school has been deemed by OFSTED to require special measures, or to require significant improvement, or because the local authority has issued a warning notice to the school).

New minimum standards on attainment and progression are being used by DfE to identify underperforming schools, and DfE expect LAs to explore Academy options, working with existing Academy sponsors and trusts. The Secretary of State has made clear that he will use the power of direction where he judges it necessary to bring about change in poorly performing schools and where there has not been decisive action locally.

### **Additional Schools/Free Schools**

There have also been recent developments in connection with additional schools (for example, an existing independent school, or a wholly new school) applying to the Secretary of State to become an Academy. DfE are currently considering an application from the Maharishi School, an independent school for pupils aged 4-16 in West Lancashire. DfE reported on 31 January 2011 that 35 Free School applications nationally have been approved to move to business case and plan stage, and of these, eight have been approved to move into the pre-opening stage. None of these eight is in Lancashire.

There has been no formal contact from DfE regarding two other potential Free Schools (a possible wholly new school in Chorley and an existing independent school in Lancaster).

At the last meeting of the Committee information was provided about the DfE decision to reduce the Harnessing Technology Grant in 2010/11 in-year in order to release capital for the development of Free Schools for March 2011. This had

previously been considered by the Schools Forum, and as noted above the Committee resolved that the letter from the Chair of the Schools Forum together with the concerns of the Committee regarding the future implications in relation to Cumbria and Lancashire Education On-line be sent to the Secretary of State for Education and the Local Government Association Children's Board. A copy of a reply to Mark Hendrick MP on the same matter has been reported to the Schools Forum and is attached at Appendix "A".

### **Schools Commissioner**

On 14<sup>th</sup> January 2011 DfE announced the appointment of Dr Elizabeth Sidwell as the new Schools Commissioner. Her role will be to broker Academy arrangements between schools and sponsors; encourage and recruit more potential sponsors; enthuse leaders of good schools to go for Academy status; and raise the profile of Free Schools among prospective promoters.

### **Responsibilities of Academies, and Liabilities of Academy Trusts and Academy Governing Bodies**

Academies will be responsible for most of the matters that LAs are responsible for in maintained schools, and receive funding for these responsibilities. The relevant activities and responsibilities, as summarised by DfE, are set out at Appendix "B".

Liabilities can be considered in connection with the Academy Trust, the Academy Governing Body, and individual governors. In so far as individual governors are concerned, the situation is similar to that in a maintained school – liabilities and responsibilities will be corporate, and individual governors do not incur personal, individual liability in the exercise of their powers as governors provided that they act reasonably and in good faith, and do not deliberately exceed their statutory or delegated powers. Governors would normally only ever be open to personal liability if they acted fraudulently, or with criminal intent.

DfE advise that (for Academies arising from conversion) the Academy Trust is established by the Governing Body of the predecessor school as a Charitable Company Limited by Guarantee. The Academy Trust enters into the Funding Agreement with the Secretary of State, and has a strategic role, with control of the land and other assets, the power to enter into contracts and employ staff, and the responsibility for taking out Employers Liability Insurance. The Trust appoints the Academy Governing Body, which oversees the running of the Academy on behalf of the Trust. Under the DfE model Articles of Association for single Academies there are definitions of Members of Trusts, Directors and Governors. Some information on powers and liabilities extracted from the DfE model is attached at Appendix "C".

The Governing Body is a corporate body. This means that the Governing Body is a single, separate legal entity – distinct from the individual governors who make up that Governing Body. Decisions are made by the Governing Body as a whole, and not by the governors themselves. It is the Governing Body (or the Academy Trust) which enters into contracts and obligations, and it is the Governing Body (or Academy Trust) which can incur liability for its actions. Individual governors do not

generally have any personal responsibility for the consequences of decisions made by the Governing Body.

There is nothing about the constitution or the principles of an Academy Governing Body which make this position any different than it is for maintained schools.

Insofar as the Academy Trust is concerned, the principle of corporate responsibility applies in exactly the same way. Once again, liability for all actions and decisions will rest with the Trust, which is a company limited by guarantee. By definition, the extent of any such liability upon the company is limited (to the amount specified in the guarantee). There would be no prospect of individual responsibility upon the members of the trust (provided they act in good faith, and within their powers etc.)

## **Insurance**

Advice from DfE to Academies in connection with insurance is set out at Appendix "D". The advice makes clear that Academy Trusts are responsible for making arrangements for the insurance of the Academy, and emphasises that it is imperative that a converting Academy is insured from midnight on the date of conversion so that there is continuity of cover. In obtaining insurance, DfE advise that the Academy Trust must follow normal public procurement rules and ensure that the policy offers value for money, but also note that insurance premiums for Academies are often higher than for maintained schools. DfE, through the Young People's Learning Agency (YPLA) currently reimburse Academies for the actual cost of insurance, including Broker's fees and insurance tax.

Although Academies can approach the LA and seek to be included within the LA's insurance policy, DfE recognise that the LA or its insurer may not be willing to extend the cover to include an Academy. The main reasons are set out at Appendix "D". To date, two Lancashire schools considering conversion have approached the LA about insurance arrangements and likely costs, and the LA has obtained quotes from the County Council's Property insurers. Having considered all the guidance available, including legal advice, it is considered that the LA may only currently offer Property related insurance to an Academy. To date neither Academy has accepted the quotes which the LA has provided to them and certainly one has opted to make all of their insurance arrangements direct with an insurer. If an Academy accepted the quote, there would be a separate contract between the Academy Trust and the insurers, the Academy would not be part of the LA's insurance.

## **Continuing residual responsibilities of the local authority**

The LA remains responsible for the following activities in connection with pupils attending Academies:

- Home – School transport
- Education psychology, SEN statementing and assessment
- Monitoring of SEN provision, parent partnerships etc
- Prosecution of parents for non-attendance
- Individually assigned SEN resources
- Pupil Referral Units and education otherwise

## **The Education Bill**

DfE describe the Education Bill, introduced on 26 January 2011, as an important step in implementing the Government's education reform programme and helping to create an education system that delivers ever higher standards for all children. Part 6 of the Bill proposes some amendments to the Academies Act 2010 and includes the following provisions in connection with Academies:

- Academies will no longer be required to have a specialism in a particular subject area
- The Academies programme will be expanded to allow "16-19 Academies" and "alternative provision Academies". DfE consider that enabling more diverse provision in response to parental demand may increase competition and that overall standards may increase as providers compete for students. DfE also indicate that they will consider the impact on other providers and only make public funding available for provision which is needed and which offers value for money to the taxpayer. DfE consider that greater competition will deliver lower unit costs for alternative provision places.
- Where a voluntary or foundation school that has a foundation is eligible for intervention, before making an Academy Order the Secretary of State must consult the trustees of the school, the person(s) by whom the foundation governors are appointed, and, in the case of a school which has a religious character, the appropriate religious body.
- Where a school is eligible for intervention, the consultation required for conversion to become an Academy may be carried out by the school's governing body or by a person with whom the Secretary of State proposes to enter into Academy arrangements in respect of the school or an educational institution that replaces it.

The Education Bill also contains provisions concerning Academy conversions involving federated schools; transfer of property, rights and liabilities; the impact of new and expanded educational institutions; staff at Academies with a religious character, and references to the adjudicator in connection with Academy admission arrangements.

### **Further information**

Briefings for Headteachers and Chairs of Governors have been held in July 2010 and January 2011. As more details emerge from DfE, further information on the various issues for schools and the County Council will be included in future briefings for Headteachers and Governors, and will be added to the existing information on the Schools Portal. As reported previously, the DfE website includes many supporting documents to assist schools that are seeking to convert.

### **Funding**



As reported previously, DfE advise that Academies will continue to be funded at a comparable level to maintained schools, but will also get a "top-up" to represent their share of central funding that the local authority spends on behalf of maintained schools (Local Authority Central Spend Equivalent Grant or LACSEG). The "top-up" will be calculated pro-rata to pupil numbers, but this does not necessarily reflect either the current basis of allocations or the need to spend on the relevant services or items.

The earlier report to the Committee indicated that DfE was holding discussions with DCLG on the recoument from local authorities of the funding "top-up" that Academies will receive in lieu of certain services from the local authority. The proposed level of recoument is far higher than has been the case for Academies that were opened under the Education Act 2002 arrangements, where recoument has been based only on certain items within the Schools Budget which DfE have recouped from the Dedicated Schools Grant (DSG). In future, the government intend to recoup more elements of DSG and also recoup relevant items from the Local Authority Budget by adjusting the local authority formula grant.

Press reports at the end of January 2011 stated that for 2011/12 the Government would remove £148m nationally from local authority formula grant in 2011/12 and £265m in 2012/13. It seems that this approach to recoument may affect all local authorities, regardless of whether they have any Academies, and presents serious challenges as it is unlikely that pro-rata reductions could be made to LA expenditure – the large number of maintained schools in Lancashire would continue to need broadly current levels of service provision in order to continue to meet needs and discharge responsibilities adequately.

In so far as the Schools Budget (DSG) items are concerned, DfE wrote to local authorities on 9 February 2011, in advance of the publication of the School Finance Regulations for 2011/12, to advise that one of the proposed elements of LACSEG, relating to SEN support services, would not be recouped from DSG in 2011/12, and that as a result LAs should generally provide such services in 2011/12 on the same basis for Academies and for maintained schools. DfE also advised that arrangements for future years will be subject to the wider review of school and academy funding that is taking place nationally.

### **Provision of services to Academies**

In principle, Academies can if they wish seek to purchase services from their former local authority or other local authorities. Lancashire already provides some services to Academies in Lancashire, and to some maintained schools and Academies in other local authorities, and to independent schools and colleges, although the great majority of traded service provision is with Lancashire's maintained schools and other activity is marginal.

It is intended that, where Academies wish to purchase services from the Authority, services will in the great majority of cases be provided, on condition that there would be no detriment to service provision to Lancashire's own maintained schools, and that charges were based upon full cost recovery plus a premium. Academies will also have to pay VAT, for which they receive a VAT grant from DfE.

## **Consultations**

Not applicable

## **Implications:**

This item has the following financial implications:

Some funding issues are referred to in the report. The financial implications are still emerging and a full impact assessment of any funding changes cannot be carried out at this time. This should become clearer as further announcements are made.

## **Local Government (Access to Information) Act 1985 List of Background Papers**

| Paper                                | Date         | Contact/Directorate/Tel                                   |
|--------------------------------------|--------------|---|
| Academies Act 2010                   | July 2010    | Stephen Mercer  |
| Education Bill and Impact Assessment | January 2011 | Directorate for Children and Young People<br>01772 531925 |
| Supporting papers on DfE website     |              |   |

Reason for inclusion in Part II, if appropriate – N/A



HOUSE OF COMMONS  
LONDON SW1A 0AA

16 November 2010

John Mr Davies  
C/O The Forum Clerk, School Policy & Operations  
PO Box 61, County Hall  
Preston  
PR1 8RJ

Our Ref: LANC01062/01100769/EW

Dear John Davies

I enclose a copy of the response I have received from Lord Hill, Parliamentary Under Secretary of State for Schools, Department for Education, following my enquiries regarding the Harnessing the Technology Grant.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Hendrick', written in a cursive style.

Mark Hendrick  
**Member of Parliament for Preston**

**MARK HENDRICK MP**

Preston Technology Management Centre, Marsh Lane, Preston, PR1 8UQ  
Tel: 01772 883575 Fax: 01772 887188  
Email: hendrickm@parliament.uk Website: www.prestonmp.co.uk



2010/0088994POJH

**Lord Hill of Oareford**

Parliamentary Under Secretary of State for Schools

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0870 0012345 ministers@education.gsi.gov.uk

RECEIVED  
15 NOV 2010

Mark Hendrick MP  
House of Commons  
London  
SW1A 0AA

Your ref: LANC01062/01100769/EW

9<sup>th</sup> • November 2010

*Dear Mr. Hendrick,*

Thank you for your letter of 23 September, addressed to the Secretary of State, enclosing correspondence from Mr John Davies, Chair of the Lancashire Schools Forum, about the Harnessing Technology Grant. I am replying as the Minister responsible for this policy area.

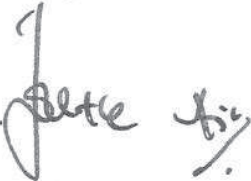
I understand Mr Davies' concerns about the reductions in the Harnessing Technology Grant and the implications for schools in Lancashire. I should first assure you that the Department does expect that technology will support good teaching and learning. However the current fiscal climate makes it vital that the Government makes reductions in public expenditure whilst doing as much as possible to ensure that those resources get to the front line and give schools more freedom to take decisions that best suit their particular set of circumstances. This will ensure that schools can continue to develop models of good practice, including the use of information and communications technology (ICT) resources.

Technology is now generally well-embedded in schools – much more so than when the grant was first established – and so the case for a separate funding stream has diminished. We do recognise the difficulties involved, and that is why there will be one further instalment of the grant to enable local authorities and schools to plan how to manage the impact of the reduction. We recognise that broadband connectivity is part of this infrastructure but the Harnessing Technology Grant was intended to cover capital not revenue costs. Broadband subscriptions are covered by other non-capital funds and we would expect this to continue in the same way as other revenue costs.

The re-allocation of capital funding from the Harnessing Technology programme to the Free Schools programme was one of a number of budget changes made this year to reflect the new Government's priorities. This re-distribution was undertaken at national level, with an overall cut to the Harnessing Technology budget in order to make capital funds available to Free Schools, wherever they are being established.

Yours sincerely,

JONATHAN HILL

A handwritten signature in black ink, appearing to read 'Jonathan Hill', written over the printed name.



### **Transfer of responsibilities and funds**

DfE advise that Academies will receive funding for the following transferred services and costs (NB many of these are already delegated to schools by Lancashire):

- Special Educational Needs support services (\*but see below)
- Behaviour support services
- 14-16 practical learning options
- School meals and milk
- Assessment of free school meals eligibility
- Repair and maintenance of kitchens
- Museum and Library services
- Licences and subscriptions
- Certain staff costs (maternity, long term sickness, trade union duties)
- Costs of certain employment terminations
- Costs of LA's statutory & regulatory duties
- Asset management costs
- School improvement services
- Monitoring national curriculum assessment
- Education Welfare Service
- Pupil support (clothing grants)
- Music services
- Visual and performing arts services
- Outdoor education services
- Certain redundancy and early retirement costs

DfE also advise that Academies will be responsible for matters including insurance, and for remitting employer and employee contributions to the pensions authority. Academies need to consider how they will obtain or provide these services, using the additional funding they receive. They may if they wish approach the local authority to provide these and other services (such as payroll).

The Local Authority retains some funding for services that it has to continue to provide. DfE advise that these are:

- Home – School transport (including SEN transport)
- Education psychology, SEN statementing and assessment
- Monitoring of SEN provision, parent partnerships etc
- Prosecution of parents for non-attendance
- Individually assigned SEN resources for certain pupils
- Pupil Referral Units and/or education otherwise for a pupil who is no longer registered at an academy





### Extract from DfE Model for Single Academy Trust

Under the DfE Model Articles of Association, Academy Trusts have the power:

"To provide indemnity insurance to cover the liability of Governors which by virtue of any rule of law would otherwise attach to them in respect of any negligence, default, breach of trust or breach of duty of which they may be guilty in relation to the Academy Trust: Provided that any such insurance shall not extend to any claim arising from any act or omission which the Governors knew to be a breach of trust or breach of duty or which was committed by the Governors in reckless disregard of whether it was a breach of trust or breach of duty or not and provided also that any such insurance shall not extend to the costs of any unsuccessful defence to a criminal prosecution brought against the Governors in their capacity as Governors;"

A Governor may benefit from any indemnity insurance purchased at the Academy Trust's expense to cover the liability of the Governors which by virtue of any rule of law would otherwise attach to them in respect of any negligence, default or breach of trust or breach of duty of which they may be guilty in relation to the Academy Trust: Provided that any such insurance shall not extend to any claim arising from any act or omission which the Governors knew to be a breach of trust or breach of duty or which was committed by the Governors in reckless disregard to whether it was a breach of trust or breach of duty or not and provided also that any such insurance shall not extend to the costs of any unsuccessful defence to a criminal prosecution brought against the Governors in their capacity as directors of the Academy Trust.

Every member of the Academy Trust undertakes to contribute such amount as may be required (not exceeding £10) to the Academy Trust's assets if it should be wound up while he or she is a member or within one year after he or she ceases to be a member, for payment of the Academy Trust's debts and liabilities before he or she ceases to be a member, and of the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves.

Subject to the provisions of the Companies Act 2006 every Governor or other officer or auditor of the Academy Trust shall be indemnified out of the assets of the Academy Trust against any liability incurred by him in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which he is acquitted or in connection with any application in which relief is granted to him by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Academy Trust.

## **Supporting documents**

The key supporting documents provided by DfE include the Memorandum of Association and the Articles of Association.

The relative roles and responsibilities of the Academy Trust and Governing Body under the new model Articles may be summarised as follows.

### **The Trust**

The initial subscribers to the Memorandum of Association become the members of the Trust (the Company) – the DfE prescribes a minimum of three (of the existing governors). The members' liability is limited to the extent of the guarantee (£10) and there would generally be no individual liability unless members acted outside their powers or failed to act in good faith. Liabilities to external parties would normally be those of the Trust rather than the Governors. Members can be governors and vice-versa.

### **The Governors**

The Trust appoints the governing body (in line with the composition agreed by the pre-conversion governing body). The governors become company directors and charitable trustees - this is confirmed in the Governance FAQs on the DfE website. (In practice, a private company only needs one director).

The governing body effectively becomes the Board of Directors and runs the company on behalf of the members. The Board is a corporate entity with collective responsibility for all the activities of the company (or at least those which are delegated to it in this instance) but acts as the agent of the company rather than as a separate legal entity. The Articles of Association are the contract between the members and the directors (the Trust and the Governors) and set out the rules by which the Governors (as directors) must run the company on the Trust's (members') behalf. Directors (Governors) have unlimited liability to the company for their own defaults, but would not be liable for any debts or liabilities provided they act in good faith and within the powers and authority delegated to them. It is this potential for liability which creates the need for indemnity insurance to be taken out by the Trust which the DfE requires to be a minimum of £10m. As directors and charitable trustees, Governors will be responsible for complying with both company and charity law requirements.

**Insurance arrangements for academies converting from maintained schools: DfE briefing note**

Introduction

1. Local authorities are responsible for funding insurance of maintained schools, even if funding is delegated or devolved to schools for certain categories of insurance. Very commonly, schools which are given funding buy back into the local authority's scheme because that offers better value for money than a stand-alone policy with an insurer. In some authorities all insurance arrangements are made centrally.

Academies

2. Academy trusts are responsible for making arrangements for the insurance of the academy. It is imperative that a converting academy is insured from midnight of the date of conversion so that there is continuity of cover.
3. The main types of insurance cover which must be arranged are:
  - a) premises and contents. These should be insured at replacement cost against damage by subsidence, fire, lightning, explosion, storm, flood, riot, malicious damage, terrorism and similar risks;
  - b) business interruption (Academies Financial Handbook suggested level of cover £1-2m, but this would depend on the school's size)
  - c) governing body and employer liability. The currently recommended level of cover for academies is £10m for each, as a minimum;
  - d) any statutory motor transport insurance.
4. Other types of insurance such as engineering cover may also be arranged.
5. Guidance on insurance cover, and reimbursement of insurance costs, are the responsibility of the Young People's Learning Agency. Reimbursement is made at actual costs on receipt of invoices, not as part of a formula allocation. Broker's fees and insurance tax are also reimbursable, but insurance cover for vehicles is not currently reimbursed except where the vehicle is used solely for maintenance purposes (eg large mowers).
6. Insurance premiums for academies are often higher than for maintained schools, although this will vary depending on the nature of

the buildings and the area in which the school is situated. At present a typical premium for a large secondary academy is about £90k.

#### Obtaining insurance

7. In obtaining insurance, the trust must follow normal public procurement rules and ensure that the policy offers value for money. In particular, it must follow EU procurement directives where they apply, and if a multi-year agreement is under consideration it is very likely that the EU threshold for OJEU advertisement will be reached.
8. This means that an academy seeking to make insurance arrangements should first of all approach the local authority, which will have a group policy for schools tendered in compliance with EU rules. The LA may be willing to have the academy included in this, at least for premises insurance; and it will normally be financially advantageous for the academy to take advantage of this, due to economies of scale. However, the authority or its insurer may not be willing to extend the cover to include an academy. The difficulties in doing so can arise from three main points:
  - a. the LA scheme may have a high threshold (typically £250k) which the authority would have to meet before any payment by the insurer. The LA would naturally not wish to meet this for an academy. It is sometimes possible to negotiate a lower threshold specifically for the academy, on payment of an extra premium, so that the threshold is a reasonable one for the academy to afford from its own resources;
  - b. the LA or the insurer may take the view that the LA has no 'insurable interest' in the academy and therefore cannot be covered by the LA's policy. The concept of insurable interest means that the body taking out insurance must be in a position where it would suffer loss, directly or indirectly, if the event being insured against took place. This is intended to protect the insurer against fraud. In the view of the Department, LAs do have an insurable interest in academy buildings and for business interruption purposes, because of their statutory duty to provide sufficient school places in an area, and even more so if the academy building is held on a lease from the LA; but it is up to the LA and the insurer to take a view on this. In most cases the LA and insurer would not consider that there is an insurable interest for liability insurance, and in those cases where LAs are including academies in group schemes it is therefore normally only for premises and sometimes business interruption;
  - c. the LA may take the view that offering insurance to academies is trading outside its statutory powers.
9. If LA insurance is not available the next source which should be considered is the framework established in conjunction with the

Department by the Crescent Purchasing Consortium, whose website is at: <http://www.cpc.salford.ac.uk/>

10. Although primarily working for the FE sector, CPC has established an EU-compliant framework for academy insurance. This allows the submission of one set of information from the school which is passed to insurers on the framework, who will then quote for the business.
11. Apart from these sources it is open to an academy trust to approach an individual insurer either direct or through a broker. School insurance work tends to be limited to a few companies. If an insurer is approached direct or through a broker the trust must ensure that either it carries out an EU compliant tender exercise or that it limits any insurance agreement to a value below that specified in the EU procurement directives. That will normally mean having a one year agreement only, and then seeking a multi-year agreement in subsequent years through an EU-compliant route
12. A school which has had approval for conversion should keep its assigned DfE Project lead up to date with its progress in obtaining insurance because of the need for continuity of cover.
13. When cover has been obtained, the YPLA academy funding team: [AcademiesFinanceTeam@ypla.gov.uk](mailto:AcademiesFinanceTeam@ypla.gov.uk) will need to be asked for reimbursement of the premiums. Copies of the invoice should be supplied.

DfE  
August 2010

nb. This note does **NOT** deal with insurance schemes for staff absence through sickness etc, which is not regarded as insurance in the same way as the risks set out above. Academies receive funding for such insurance in their formulaic General Annual Grant, not as additional reimbursement, and must decide for themselves whether to take out absence insurance or cover their own risk.



# Agenda Item 5

**Education Scrutiny Committee**  
Meeting to be held on 15 March 2011

|                                     |
|-------------------------------------|
| Electoral Division affected:<br>All |
|-------------------------------------|

**Schools White Paper "The Importance of Teaching" and the  
Education Bill 2010-11**  
(Appendix 'A' refers)

Contact for further information: Bob Stott, Director for Universal and Prevention Services, (01772) 531652, Directorate for Children and Young People,  
[Bob.Stott@lancashire.gov.uk](mailto:Bob.Stott@lancashire.gov.uk)

## **Executive Summary**

The report seeks to provide members with an overview of the Schools White Paper and subsequent Education Bill 2010-11.

## **Recommendation**

The Committee is asked to agree:

- (a) to note the report
- (b) to identify any further reports it may wish to receive on these matters

## **Background and Advice**

The White Paper was published in November 2010. The subsequent Education Bill received its second reading in the Commons on 8th February 2011.

Some commitments within the Bill have already been put into practice (e.g. the introduction of new 'floor standards' for schools and the 'English Baccalaureate' measure and the general publication of schools' financial information).

The White Paper sets out actions under six areas, summarised under A to F below and offered in more detail in Appendix 'A'.

### **A: Teaching and Leadership**

This section proposed changes to the recruitment, training and regulation of the teaching profession. This includes the expansion of 'school to school' support through the creation of 'Teaching Schools' and a review of reward and capability procedures. This section also suggests the removal of 'unnecessary statutory duties' on schools and LAs, such as the duty to co-operate with Children's trusts, the

requirement to produce a Children and Young People's Plan and the replacement of the existing schools Financial Management Standard (FMSiS).

## **B: Behaviour**

This section proposes to increase the powers of teachers and schools to discipline pupils, to protect teachers from malicious allegations and to reform exclusions procedures (e.g. removing the power of a review panel to require the re-admission of a pupil, whilst making schools responsible for the subsequent provision for and performance of the pupil). There is also a commitment, over time, to transfer the funding for alternative provision for excluded pupils from the LA to schools in order to purchase or commission provision from any provider (including LAs or free schools). It should be noted that the LA has submitted an expression of interest to the Department for Education around being involved in pilot activity around the management of behaviour and excluded pupils in conjunction with groups of schools.

## **C: Curriculum, Assessment and Qualifications**

This section sets out actions intended to ensure a robust examination system which ensures that pupils achieve the highest international standards. The national curricula for the Early Years, primary and secondary schools are under review in order to reduce prescription and focus more strongly on core subject knowledge (applying only to LA maintained schools). The examinations system will ensure rigorous testing at three key points: introducing a new reading test at age 6 alongside examinations at the end of primary and secondary education. GCSE and 'A' level qualifications will be reviewed to ensure academic rigour and the 'English Baccalaureate' will be introduced to recognise those students achieving good passes in a defined set of five subjects. Vocational qualifications are under review to ensure they prepare school leavers adequately for higher education. The age for participation in education and training will be raised to 18 by 2015.

## **D: The New School System**

This section deals with the acceleration of the Academies programme and proposes how school improvement will be supported, including for schools causing concern. Any school well above the 'floor standard' will be free to convert to Academy status, including special schools and primary schools; conversion to an Academy is the preferred solution for any school remaining below the floor standard or otherwise causing concern. There will be a presumption that any new school within a LA will be an Academy or Free School and the Secretary of State will gain increased powers to direct school closure or conversion to an Academy. The LA role in supporting schools causing concern is outlined, facilitating school to school support to bring about rapid improvement. LAs remain champions for parents, families and vulnerable pupils, co-ordinating admissions and ensuring high quality school places. LAs are also expected to develop their own school improvement strategies, reflecting local needs and marketing school improvement services beyond their local boundaries.



## **E: Accountability**

Proposals in this section are intended to confirm that schools are responsible for their own improvement, with accountability shifting from LAs to parents and local communities. Increased data about the performance, context and expenditure of schools will be placed in the public domain. The Ofsted school inspection framework will be reviewed to focus more strongly on the key business of schools, retaining a focus on different pupil groups and the most vulnerable pupils. Strong schools will be exempted from routine inspection, whilst those deemed to have significant weaknesses will be given shorter timescales in which to improve. A new 'floor standard' has been introduced for primary and secondary schools at a higher level than the previous 'floor targets', rising over time and including Science in the secondary phase in the near future. The composition and focus of school governing bodies will be reviewed (to include a minimum of two parents and the headteacher, alongside foundation governors where appropriate).

## **F: School Improvement**

This section revisits school improvement, emphasising that schools are responsible for their own improvement and are free to find support as they see fit; removing the requirement for statutory targets and School Improvement Partners. LAs and schools will be able to access a National Endowment Fund in order to support schools causing concern and a financial collaboration incentive will be available to facilitate school to school support.

## **G: School Funding**

A financial 'pupil premium' will be allocated to schools based on the numbers of the poorest pupils on their roll. A national funding formula will be developed, with the new Education Funding Agency (EFA) directly funding Academies, Free Schools, 16-19 provision and distributing resources to LAs to pass to maintained schools. Regulations associated with clawback and capital finding will be reviewed, along with the funding of high-cost provision for pupils with SEN and disabilities; all with the aim of devolving the maximum funding to schools.

## **Consultations**

N/A

## **Implications:**

This item has implications for the local authority's support for school improvement, including elements of marketed universal support and the central responsibility to support schools causing concern. The acceleration of the Academies programme and the introduction of Free Schools also have implications for future school organisation and the commissioning of school places. Changes to the funding arrangements for schools will also have implications for LA systems and processes.

## Risk management

As this report is for the information of the Committee there are no identified risks at this stage.

## Local Government (Access to Information) Act 1985

### List of Background Papers

| Paper  | Date                      | Contact/Directorate/Tel  |
|--|---------------------------|--------------------------|
| <a href="#">"The Importance of Teaching"</a> Schools White Paper | November 2010             | DfE website              |
| <a href="#">Education Bill 2010-11</a>                           | From January 2011 onwards | House of Commons website |

Reason for inclusion in Part II, if appropriate

N/A

## A. TEACHING AND LEADERSHIP

1. Improve the quality of entrants to teaching:
  - a) Reform teacher training to increase the focus on core teaching skills;
  - b) Only fund trainees who have at least a 2:2 **degree** (from Sept 2012);
  - c) Review '**basic skills**' literacy and numeracy tests for trainees to ensure rigour;
  - d) Assess aptitude, personality and resilience as part of the **selection** process.
  
2. Increase recruitment routes into teaching:
  - a) Expand **Teach First** - highly-qualified graduates who intend to work in other professions but are willing to teach before doing so;
  - b) Apply financial incentives in shortage subjects (e.g. paying tuition fees);
  - c) Develop **Teach Next** (recruiting in 2011), a new employment-based route from other professions, providing an accelerated route to leadership;
  - d) Develop '**Troops to Teachers**' programme to sponsor leavers from armed services.
  
3. **Transfer key functions** from arms-length bodies to the Secretary of State (regulating the profession, misconduct and competence, defining teacher quality standards):
  - a) **Review national standards** for teachers and headteachers.
  
4. Increase **school to school support**:
  - a) Double the number of National Leaders in Education (NLE) and Local Leaders in Education (LLEs) by 2015 – 'accredited' headteachers from good and outstanding schools recruited to support their peers in other schools;
  - b) Introduce 'Specialist Leaders of Education' (SLE) – excellent leaders below the headteacher (deputies, bursars, heads of department);
  - c) Develop **Teaching Schools** - outstanding schools led by NLEs, funded to lead local training for teachers and headteachers (quality assured by National College);
  - d) Teaching Schools draw together **outstanding teachers** locally who are committed to supporting other schools (absorbing the current roles of Advanced Skills Teachers, Excellent Teachers and Leading Teachers);
  - e) Introduce competitive **national scholarships** to support training (from 2011);
  - f) **University Training Schools** created to access academic research and innovation.

5. Expand **National College** - train Chairs of Governors and leaders of children's centres.
6. More freedom to reward **good performance** (pay flexibilities to attract good graduates and reward high performance, introduced at the end of the current pay freeze) and to tackle **poor performance** (shorter simpler competence regulations and no duplication between performance management and 'capability' procedures).
7. Remove unnecessary **statutory duties** and requirements - duty to cooperate with Children's Trusts; requirement for LAs to produce a Children and Young People's Plan; simpler list of governing body decisions (e.g. length of school day); Financial Management Standard.

## **B: BEHAVIOUR**

1. Strengthen teachers' powers to issue same day **detentions**, use **reasonable force** and to **search** pupils.
2. Extend headteachers' powers to punish pupils who misbehave **en route** to or from school; support headteachers to tackle **bullying**.
3. Trial a new approach to **exclusions**:
  - a) change independent **appeals process** – faster, with no compulsion for headteachers to reinstate a pupil following a serious offence (but review panel can request governors to reconsider their decision and may require schools to contribute towards the cost of additional support for the excluded pupil);
  - b) new **responsibilities** for schools to find and fund ongoing education and care of excluded children (shift money for alternative provision from LAs to schools who could collaborate with others to provide suitable places, or buy them from the LA, voluntary sector or local colleges);
  - c) ensure results of excluded children count in school performance tables.
4. Improve and expand **alternative provision** using Free Schools and voluntary sector providers. PRUs gain the same self-governing powers as community schools (including staffing and finance and the option to become Academies). If necessary, Secretary of State will close inadequate PRUs and specify what sort of provision will replace it.
5. Protect teachers from malicious **allegations** – speed up investigations, grant teachers anonymity when accused by pupils until they are charged with a criminal offence, update guidance to ensure allegations do not automatically result in suspension.

6. Focus Ofsted **inspection** more strongly on behaviour and safety, including bullying.

## **C: CURRICULUM, ASSESSMENT AND QUALIFICATIONS**

1. Review the national curriculum:
  - a) reduce prescription, refocus on **core subject knowledge and concepts** that every pupil should gain in traditional subject disciplines;
  - b) all schools required to teach a broad and balanced curriculum but Academies and Free Schools will retain freedom to disapply aspects;
  - c) review **Early Years curriculum** to prepare all children for school (report Spring 2011);
  - d) every primary school to teach **systematic synthetic phonics** and introduce a simple national reading check at age six, ensuring children master core arithmetical functions by the end of primary school.
  
2. Review the examinations system:
  - a) ensure **proper assessment** at each transitional stage: ages 6, 11, 16;
  - b) Ofqual to make sure **exam standards** match the highest standards overseas;
  - c) direct schools to take part in **international tests** of literacy, mathematics and science;
  - d) certify an **English Baccalaureate** to recognise any student with C+ GCSE in English, maths, 2 sciences, modern or ancient foreign language and a humanity (history or geography);
  - e) reform **GCSEs and A levels** to support progression to further and higher education or employment, limiting the number of re-sits; favouring terminal exams; ensuring spelling, punctuation and grammar are emphasised in examinations in all subjects.
  
3. Reform **vocational education**:
  - a) to support progression to further and higher education and employment whilst ensuring low-attaining pupils do not disengage (recommendations Spring 2011);
  - b) support Apprenticeships for 16–19 year-olds, with more emphasis at advanced and higher levels, progression to high level skills or higher education.
  
4. Raising the **participation age** in education to age 17 by 2013 and to 18 by 2015.

## **D: THE NEW SCHOOL SYSTEM**

1. Increase **freedom and autonomy** for all schools to choose how best to develop:
  - a) restore **Academy freedoms**, ensuring a level playing field on admissions;
  - b) **Academies programme** open to all schools: schools identified by Ofsted as good with outstanding features automatically eligible, all other schools must work in partnership with a high performing school or other sponsor;
  - c) every school judged outstanding or good with outstanding features must commit to **support at least one weaker school** in return for Academy status;
  - d) open to **special schools** from January 2011
  - e) no school meeting minimum standards will be forced to apply;
  - f) more schools to **collaborate** through Academy chains, multi-school trusts and federations;
  - g) support teachers, charities, faith organisations and parents to set up new **Free Schools**, especially in areas of deprivation;
  - h) LAs will encourage good schools to expand and ensure an Academy or Free School is the first choice where there is a need for a **new school**.
  
2. Addressing the **lowest performing schools**:
  - a) schools attaining poorly and in an Ofsted category, or not improving, will be considered for conversion to Academies;
  - b) DfE powers to require conversion if need be, and extend powers to close schools subject to a notice to improve;
  - c) LAs support maintained schools performing below floor standards (*see section E below*) to improve quickly or convert to Academy status, helping other schools to collaborate with them;
  - d) LAs expected to take action over concerns about the performance of any school, using intervention powers in maintained schools to act early and secure improvement (concerns in Academies and Free Schools raised directly with the school for informal resolution; if concerns significant and not adequately addressed, LAs can ask Ofsted to inspect, or escalate concerns to Secretary of State).
  
3. **LA strategic role** as champions for parents, families and vulnerable pupils:
  - a) bringing together local services;
  - b) ensuring supply of high quality school places;
  - c) co-ordinating fair admissions (revised Admissions Code by July 2011).
  
4. LAs develop their own **school improvement strategies**:
  - a) supporting local schools to deliver an aspirational curriculum and ensuring teaching and learning reflects the nature of their local community;
  - b) marketing services to schools beyond their immediate geographical area;

- c) focusing on issues needing attention across more than one school;
- d) challenging schools which fail to improve (transparent publication of school-level data will enable local people to raise concerns);
- e) supporting **vulnerable pupils** – those looked after, with SEN or outside mainstream education.

## **E: ACCOUNTABILITY**

1. Reduce **duties, requirements and guidance** on all schools to make sure every school can, over time, enjoy the freedoms that Academies currently have.
  
2. More **information in the public domain** to enable parents and others to assess and compare performance:
  - a) attainment in specific subjects, trends over time, class sizes, attendance levels, composition of the pupil body, financial information, admissions information, oversubscription criteria, curriculum, phonics and reading schemes, setting arrangements, behaviour policy and home school agreement, SEN policy, information about how the school uses the Pupil Premium;
  - b) **'families of schools'** documents, grouping similar schools in a region with detailed performance information so schools can identify others from which they can learn;
  - c) online information on **expenditure**, including the amount allocated per pupil;
  - d) establish **common performance measures for 16–19 education** and training;
  - e) reform **performance tables**, avoiding perverse incentives for schools to offer lower quality qualifications and removing the contextual value-added measure (CVA).
  
3. Reform **Ofsted inspection**, by Autumn 2011:
  - a) more time in classrooms;
  - b) reduced focus on key issues of educational effectiveness (pupil achievement, the quality of teaching, leadership and management, the behaviour and safety of pupils);
  - c) strong focus on key pupil groups, including the most vulnerable;
  - d) termly monitoring of schools judged inadequate (currently 6 monthly);
  - e) satisfactory schools making little progress to receive a monitoring visit within a year - judged inadequate if they have not improved;
  - f) no routine inspection for outstanding schools - inspect only if evidence of decline or widening attainment gaps;
  - g) from Autumn 2011 schools can pay Ofsted to inspect if it feels the last judgement is out of date and does not reflect the improvement it has made.

4. New '**floor standard**' for primary and secondary schools:
  - a) an **escalating minimum** expectation for attainment, including expected standards of both attainment and progression;
  - b) from January 2011, primary schools below 60% at level 4+ [with English & Maths] and fewer pupils than the national median making expected progress between KS1-KS2;
  - c) from January 2011, secondary schools below 35% with 5+A\*C [with English & Maths] and fewer pupils than the national median making good progress between KS2-KS4;
  - d) the floor will rise over time, and will include science in the secondary phase.
  
5. More flexible models of **governance**:
  - a) smaller, more focused governing bodies from early 2012 (a minimum of two parent governors and the headteacher), encouraging business people and professionals to volunteer;
  - b) stronger focus on strategic direction, supporting governors to set high expectations and ask challenging questions through access to comparative data;
  - c) encourage the use of trained clerks;
  - d) National College training for chairs of governors.

## **F: SCHOOL IMPROVEMENT**

1. Governors, head teachers and teachers have responsibility for improvement:
  - a) no statutory targets - schools set their own priorities;
  - b) schools free to choose (and pay for) whatever external support they want;
  - c) no requirement for every school to have a **School Improvement Partner**;
  - d) LAs, Academy chains, professional associations, subject associations and others will bring together teachers and headteachers in formal and informal ways;
  - e) LAs free to provide whatever **improvement support** they choose, defining their role in local school improvement: e.g. continuing to provide support and challenge to schools that want it, running improvement conferences, bringing people together to tackle local problems, brokering support from excellent schools to support others;
  - f) LAs and schools to bring forward applications to an **Education Endowment Fund** for innovative projects to raise attainment of deprived children in underperforming schools.
  - g) A new financial **collaboration incentive** to reward schools which effectively support weaker ones and disadvantaged pupils and improve their performance.
  
2. Support for schools **below floor standard** (including Academies and Free Schools):
  - a) ensure those seriously failing or unable to improve are converted to Academies;



- b) any mainstream school below floor standard, or a special school judged inadequate by Ofsted, will receive focused intervention and support from DfE, working directly with schools and LAs to fund an experienced and effective education professional (e.g. serving or recent headteacher) to act as lead adviser;
- c) schools below floor and not progressing, or judged inadequate by Ofsted, will receive further intervention.
- d) if school sixth form provision falls below minimum levels of performance for post-16 provision, it will be subject to improvement action, which could result in loss of funding.

## **G: SCHOOL FUNDING**

1. **New Pupil Premium** will follow poorer children directly to the school they attend:
  - a) in addition to underlying schools budget from 2011–12;
  - b) not ring-fenced for schools - can decide how it is used to support our poorest young people.]
  
2. Clear, transparent and fair **national funding formula** (consultation Spring 2011):
  - a) new DfE Education Funding Agency (**EFA**) responsible for direct funding of Academies, Free Schools and 16–19 provision and distributing resources to LAs to pass on to maintained schools;
  - b) Academies and Free Schools receive funding for services which maintained schools receive from their LA - calculation under review to ensure it is fair both for LAs and for Academies and Free Schools;
  - c) requirement for LA claw-back removed from 2011/12, guidance reviewed for 2012/13;
  - d) **FMSIS** financial standard replaced with a simpler standard during 2011/12;
  - e) SEND Green Paper will explore proposals for funding high cost provision – eventually, money for **alternative provision** will go directly to schools;
  - f) ensure school sixth-forms and colleges are funded at the same levels (beginning in 2011/12 and completed by 2015);
  - g) cut bureaucracy from the allocation of **capital funding**, ensuring places for the predicted increase in the number of school age children, particularly at primary level;
  - h) **devolve** maximum funding to schools, making information and tools available to governors and headteachers to support them in making good spending decisions.

