

NORTH YORKSHIRE COUNTY COUNCIL

Young People Overview and Scrutiny Committee

3 June 2016

**White Paper:
“Educational excellence everywhere”****1.0 Purpose of Report**

- 1.1 To introduce background papers as part of a briefing at the meeting on the White Paper: “Educational excellence everywhere”

2.0 White Paper Implications

- 2.1 As you now know, the process regarding the proposal to amalgamate Caedmon College and Eskdale Schools at Whitby has been paused. This was against the backcloth of the implications of the White Paper “Educational Excellence Everywhere” which set out the Government’s intention that all schools will be expected to become, or be in the process of becoming, academies by 2020, with all converted by 2022.
- 2.2 The Government then announced that, while reaffirming its continued determination to see all schools to become academies in the next 6 years, it was not thought necessary to bring legislation to bring about blanket conversion of all schools to academy status. Copies of the two NYCC briefing papers is attached as Appendices 1 and 2.
- 2.3 Appendix 3 is a report to the group spokespersons’ Mid Cycle Briefing which helped those members take stock of current practice regarding the committee’s role in strategic level decisions regarding the provision of education.
- 2.4 Your attention is drawn to the final paragraph of this paper which highlights the involvement of scrutiny in similar, previous reviews. As the report indicates there is no hard and fast rule about how the committee will react to being advised of such reviews, nor is there any criteria which would automatically trigger involvement. Recognising that the picture is now a fast changing one, your group spokespersons believed the adoption of some general principle would be both useful, and timely. Not wanting anything overly prescriptive, however, they were happy to support the recommended approach in the final paragraph:

It is suggested that as a matter of routine, when any proposal has been agreed by Executive Member to go to consultation, the Scrutiny Officer is notified, to enable the Chairman of YPOSC to consider whether, and at what time, the committee might wish to learn more about the proposal.

- 2.5 The Corporate Director has agreed to present a full briefing on the content and implications of the white paper, focussing especially on recently issued DfE guidance.

3.0 Recommendation

- 3.1 The Committee is recommended to note the position.
- 3.2 You agree the proposed suggestion regarding scrutiny committee involvement in strategic level decisions regarding the provision of education.

BRYON HUNTER
SCRUTINY TEAM LEADER
County Hall,
Northallerton
Author and Presenter of Report: Ray Busby
Contact Details: Tel: 01609 532655
E-mail: ray.busby@northyorks.gov.uk
25 May 2016

Background Documents Nil



White Paper News 17 May 2016

Briefing on the government's White Paper "Educational excellence everywhere"

What a difference a few days make!

Since our first White Paper News, the Secretary of State made her announcement on 6th May, which, whilst not in any way departing from the government's direction of travel, made significant concessions in terms of the ways in which schools are able to determine their future. North Yorkshire County Council, together with other high performing councils, had been making strong representations to government about the matter of compulsion, in particular, and our Members are pleased that the Secretary of State has responded in the way she has. A copy of the letter sent by our Leader, Councillor Carl Les, and our Executive Member for Schools and Early Years, Councillor Arthur Barker, can be found at <http://cyps.northyorks.gov.uk/educationwhitepaper>.

At the time of writing, we are expecting the Queen's Speech which will outline legislation to follow the White Paper. It is important to remember that neither the White Paper nor the Queen's Speech have any legislative standing; any changes to the law will need to go through the normal processes through the Houses of Commons and Lords.

We welcome the Secretary of State's announcement. It gives valuable "thinking time" for schools and for the local authority. It is clear that a fully academised system is what the government intends; equally it is clear that the route to that may not be straightforward for many schools in North Yorkshire and around the country.

North Yorkshire Local Authority: today and in the future

North Yorkshire is a strong local authority with a clear vision for the future and for education and children's services. That vision is built firmly on school led school improvement, maximising funding for schools and a real respect for the autonomy of quality school leadership in the county.

88% of North Yorkshire schools are judged good or better. Our rate of improvement is twice the national average. Every week sees success stories of schools moving from RI to Good. We are not an authority which the Secretary of State is likely to consider inadequate.

Nor are we anywhere near the “tipping point” mentioned in her statement where the balance of schools no longer supported by a local authority in effect means that authority is unable to support the rest. Currently, only approximately 8% of North Yorkshire schools are academies. To reach the point of a third of schools becoming academies, such a movement would equate to, or even outnumber, the total number of schools in several smaller authorities.

North Yorkshire Local Authority values education and those that provide that education, funding services for them well in excess of national funding expectations for decades. We have a clear vision for all the county’s children, described in “Young and Yorkshire” and we see all schools, whether maintained or academies, as having a key role in supporting outcomes for children articulated in that plan.

The LA has, we believe, experience, skill, expertise and resource. The question is how that historic capacity is best applied in the future. As described earlier the style of leadership has changed over time to a model which fully embraces a school led rather than an LA controlled approach. The success of the county, we believe, has been because we have adapted, have respected schools, recognised the crucial importance of school leadership, and also put great value on leadership of place. We still hold to those values, in the context of the changing landscape of 2016 to 2022. An emphasis on place should not be confused, however, with parochialism or any lack of understanding of the need for us to continue to learn and share from best practice nationally and, indeed, internationally.

Our vision for the future

The LA is committed to further developing a school led self-improving system; this was enshrined in the commission report and its recommendations are now implemented but ripe for enrichment. Teaching School Alliances will be at the heart of this strategy.

The County is committed to supporting all schools and academies now, and in the future, to be as successful as they can possibly be for the communities that they serve. The stronger they are, the stronger the County’s communities are.

North Yorkshire sees all schools at the heart of its growth strategy for communities, families and the County’s economy.

We will continue to deliver high quality services, support and challenge schools and facilitate the development of multi-academy trusts.

We are developing a menu of opportunities for support which schools and multi-academy trusts, as appropriate, will be able to interact with in whatever ways seem appropriate.

More details of this will emerge in the near future but in essence, at one end of the spectrum is the development of increased opportunities for purchasing services through SmartSolutions. At the other end may well be an “umbrella trust” arrangement which may be of interest to smaller multi-academy trusts within the county. We are very mindful of the importance to many school leaders and governors of

geography and community, and the challenges of size. We want to find a mechanism to ensure that schools of a similar view have choices available to them.

It is a complex matter and further clarification is required from government but we are being asked about this possibility by schools across the County and so feel it important to let you know what is being considered.

We will keep you updated about progress on this.

Opportunities to engage and help shape the future

As outlined in the last newsletter, numbers of conversations are taking place between school leaders and senior officers of the authority. We are doing this to try to get a rapid “sense check” of the various views amongst schools/current academies, the academy prospects they are contemplating, and the local circumstances. Those school leaders are from primary schools, from secondary schools and teaching school alliances. We have also prioritized and held initial but constructive discussions with the Special School Improvement Partnership. These conversations are also helping us understand the options for where we need to develop new provision to meet growing numbers of children requiring school places.

Many schools are associated with churches of various faiths and we are seeking to work closely with them and the relevant Dioceses to support and develop their work for the future.

We are encouraged by the ways in which schools, whilst understanding the continuing direction of travel, are taking the opportunity offered by the Secretary of State’s announcement to consider their options carefully before making decisions that will be irrevocable. We support them in that and welcome the opportunities that are being offered to work alongside schools - including existing academy leaders – to help them shape that future. This term’s network and governor meetings will create excellent opportunities for further face to face discussion with larger groups and we are ensuring senior engagement in those sessions from the LA.

For further information/discussion at an individual level, feel free to contact any of the officers below.

As ever, if you have any comments or feedback on this communication they would be welcome.

Your Local Authority contacts

Pete Dwyer, Corporate Director – Children and Young People’s Service

email: pete.dwyer@northyorks.gov.uk – telephone: 01609 532234

Carolyn Bird, Assistant Director – Strategy and Commissioning

email: Carolyn.bird@northyorks.gov.uk – telephone: 01609 532740

Jill Hodges, Assistant Director – Education and Skills

email: jill.hodges@northyorks.gov.uk – telephone: 01609 532843

Anton Hodge, Assistant Director – Strategic Resources

email: anton.hodge@northyorks.gov.uk – telephone: 01609 532727

Visit: cyps.northyorks.gov.uk/educationwhitepaper

White Paper News

29 April 2016

Briefing on the government's White Paper "Educational excellence everywhere"

It's hard to realise that it is still only 43 days since the publication of the White Paper "Educational Excellence Everywhere".

As you will have seen there has been a tremendous amount of national discussion and debate in the media, amongst schools, local authorities, MPs and indeed at a parliamentary level. If the purpose of a White Paper is to encourage discussion and pave the way for legislation it is certainly achieving that.

A statement of intent has been made by the Government regarding a direction of travel towards a fully academised system. What is not so clear is the manner in which that will come about. If the national engagement in the debate has been high, so has the local with many good individual and collective conversations underway and more to follow. This is necessary and welcomed and we are keen as an LA to be open and actively engaged wherever possible.

For areas such as North Yorkshire, where the numbers of existing academies are very small (below 8%), the challenge for schools is to ensure they are in good, productive and quality arrangements which will secure improvement as well as retaining appropriate levels of autonomy. As you will know existing and new Multi Academy Trusts do - and will - vary both in terms of their style/culture and indeed effectiveness. Try and view "due diligence" as something that operates both ways and ensure, if exploring options, there is organisational and cultural fit.

As we have said previously, part of our local strategy is to ensure that we are communicating well across the school community. It is really important that individual and groups of schools feel empowered to make good timely decisions.

The Local Authority's position

Our position remains clear and consistent with our ambitions for all schools to be good or outstanding and welcoming the essential role school/sector led improvement plays as a key component of that.

In terms of academy status:

- We are not concerned with the “name over the door” – we are concerned with what best drives and embeds improvement
- We do feel that where possible and appropriate local solutions bring additional value and believe that there is much about “community of place” and “leadership of place” that remains important.
- We want to work closely and positively with all current academies, academy trusts and teaching school alliances and also positively fulfil a role in enabling the growth and development of new organisational forms.

In terms of facilitating further academies:

- We are concerned about the relative lack of capacity in the region in terms of MATs to take in the 92% of non-academy schools in North Yorkshire.
- We are actively encouraging good and outstanding schools in strategic locations and existing partnerships/teaching school alliances to form MATs. We are also in dialogue with the Diocesan Authorities to discuss their ambitions.
- We are already working with some groups of schools to support and facilitate their thinking. The decisions to be made are ultimately for schools, but we can help with setting the scene, enabling school leaders/governors to consider the wider picture, and with modelling options.

So what can we do to help?

- We want to encourage open debate and avoid, wherever possible, any sense that discussions need to be secretive. Sharing intelligence will help us fulfil our facilitative role.
- We acknowledge there is also some anxiety in some areas of the school community following the publication of the White Paper. We want to support schools to make the right decisions at the right time and we are concerned that rapid decisions may not always be the right ones.
- We can facilitate workshops for groups of headteachers and governors
- We can instigate if necessary or indeed join discussions between schools/existing academies/MATs/TSAs or try and answer specific queries that may exist on eg funding/HR issues

- We can simply provide – as we always have – a knowledgeable objective and confidential sounding board for headteachers and governors

Next steps

Aligned to the White Paper, we will be clarifying future roles for the LA and, in particular, the School Improvement Service. Some are asking whether we will develop the suggested option of an arms-length umbrella trust. At this stage we are keen to understand this further and discuss with yourselves. Our early thinking recognises that there are some risks in confusing our future “championing” role with that of direct delivery arrangements, but we are interested and want to understand any opportunities there may be. It is still early days in terms of the developing scene. We do anticipate that those looking for “places to shop” will be able to access a rich School Improvement Traded Service.

There will be many opportunities created for further discussions on both an individual and collective basis in the coming weeks.

We want to be involved. We are available to help. We look forward to hearing from you.

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Any comments on this or any suggestions for future issues
please email us at pete.dwyer@northyorks.gov.uk or carolyn.bird@northyorks.gov.uk

**NORTH YORKSHIRE COUNTY COUNCIL
YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE**

3 June 2016

Strategic Re-organisation of educational provision

REPORT CONSIDERED AT MID-CYCLE BRIEFING: 13 May 2016

Key points:

The LA has a statutory duty to ensure sufficient high quality school places are available in its area. So there is a duty to provide additional places where insufficient exist.

The corollary to that – that we should remove surplus places, has never been enshrined in law, although successive governments have articulated differing views as to whether local authorities should be removing surplus.

Most strategic reorganisations are intended to address issues of quality and/or sustainability and/or poor governance. Others are where there are significant rises in school populations as a result of housing development.

So strategic re-organisation of school places falls into three main categories:

- 1) Making “prescribed alterations” to schools (this includes enlargements if of sufficient proportion)
- 2) Closing schools
- 3) Opening new schools

The legislative background is complex. Areas of this are enshrined as far back as the 1944 Education Act, others are in the School Standards and Framework Act 1998, as amended by the Education Act 2002, and the Education and Inspections Act 2006 as amended by the Education Act 2011. The Childcare Act 2006 and the Academies Act 2010 are also relevant, and a large number of government guidance documents, many of which have statutory status.

Following the White Paper (the next day) further guidance was issued which refers frequently to decisions needing to be in keeping with the White Paper “Education Excellence Everywhere”. Given that legislation has not yet been passed, this is unusual, as are references to local authorities or governors (as appropriate) needing to speak to the DfE first if they are intending, for instance, to change status to become a foundation school. These still technically exist, but the DfE expect that schools would instead become academies to gain similar “freedoms”. As a recent CSN briefing stated:

“Clearly the government is entitled to have policies and make them known. It is also reasonable for it to seek information and monitor developments in which it has an

interest. However, pressuring independent actors to act in accordance with government policy before it has persuaded Parliament to change the law is arguably not wise and may lead to government by decree. There is also a pragmatic question about the wisdom of issuing guidance ahead of planned legislative change given the calls from Government backbenchers for changes in the policy and the opposition of the Opposition.”

It is fair to say, therefore that at present, some aspects of school organisation process and procedures are likely to remain unclear (and therefore potentially challengeable) until further legislation has been passed.

It is also likely that when legislation has been passed, it would be appropriate for us to review our processes, including, potentially, avenues for approvals to consult and determination of proposals.

In view of this, and in view of the complexity of requirements and nuances around the various forms strategic reorganisation can take, it may be best to look at the key supporting principles around reorganisations, and then turn to the points at which Scrutiny Committee might engage with the process.

- 1) The local authority can make proposals in relation to Community or Voluntary Controlled schools. For Voluntary Aided schools proposals have to be from the governing body. In practice, very often this LA provides advice and support for VA governing bodies, including drafting consultation papers, supporting meetings and drafting statutory notices. The decision makers similarly depend on the character of the school.
- 2) Expansions have to be subject to formal proposals if they are in excess of certain numbers or percentages of the school capacity.
- 3) New arrangements have been brought in to require the local authority to notify the DfE of any “contentious proposals” or if an enlargement is taking the capacity of a school beyond 2,000 or in excess of 50% of its existing capacity. There is no definition of “contentious”
- 4) There are many variations which have to be subject to proposals. Potentially problematic can be those relating to changes of age range which now may be proposed by governing bodies.
- 5) All proposals have to be subject to reasonable consultation, although that is no longer prescribed in the way it used to be.

In NY we adopt the following process:

- i) Executive Member approves the basis for consultation
- ii) Consultation takes place – usually with written information, public meetings and/or drop in sessions
- iii) Report goes back to Executive for decision whether to publish appropriate statutory notices
- iv) These give a further period of four weeks for comments to be registered.

- v) If there are no objections, the Executive Member may determine the matter. If there have been any objections the matter goes back to the Executive for final determination.
- 6) There are rights of appeal under certain circumstances, for diocesan authorities or the governors of foundation or voluntary schools to appeal to the Schools Adjudicator against a decision made by the local authority.

Involvement of Scrutiny.

There is no hard and fast rule about what matters Scrutiny should take an interest in.

Generally if a proposal is particularly contentious it would be raised within Scrutiny briefing with the offer of a report, or the Scrutiny support officer would be informed by CYPS that Scrutiny might wish to take a view. Scrutiny has in the past rarely wished to look at proposals, and where they have done it has tended to be with a view to ensuring that appropriate considerations have been made and that consultation has been carried out appropriately.

Examples are:

The amalgamation of Graham and Raincliffe schools in Scarborough in 2011

The removal of the middle school system in North Craven in 2010/11

Members of Scrutiny have certainly wished to be briefed on some of these more high profile pieces of work.

Suggested way forward

It is suggested that as a matter of routine, when any proposal has been agreed by Executive Member to go to consultation, the Scrutiny Officer is notified, to enable the Chairman of YPOSC to consider whether, and at what time, the committee might wish to learn more about the proposal.

Once the legislation has been passed following the White Paper, there will doubtless be a further issue of guidance for decision makers.

In the light of that we are intending anyway to look at our processes again, to ensure that we are operating in the most reasonable and effective way. This may or may not require changes to the constitution and at that time the interface with Scrutiny will be re-examined.

Carolyn Bird

Assistant Director: CYPS

May 2016