

# NORTH YORKSHIRE COUNTY COUNCIL

## THE EXECUTIVE

19 July 2022

### SCHOOLS WHITE PAPER

#### Report by the Corporate Director – Children and Young People’s Service

## 1 PURPOSE OF REPORT

- 1.1 To brief the Executive on the Schools White Paper and to seek approval for the proposed response to the paper.

## 2 EXECUTIVE SUMMARY

- 2.1 On 28 March, the DfE published the [‘Opportunity for all Strong schools with great teachers for your child’](#) White Paper. The White Paper set out proposed reforms to the education system focussed on four key areas: 1 - providing an excellent teacher for every child; 2 - delivering high standards of curriculum, behaviour and attendance; 3 - targeted support for every child that needs it and, 4 - a stronger and fairer school system.
- 2.2 The paper forms part of the government’s Levelling Up agenda. The ambition for schools is that by 2030, 90% of children will leave primary school having achieved the expected standard in reading, writing and maths. This would be an increase from 65% in 2019 (provisional data shows 59% for 2022). Furthermore, the white paper intends to lift the attainment of all secondary pupils seeking an increase the national GCSE average grade in both English language and in maths from 4.5 in 2019 to 5 by 2030.
- 2.3 Alongside the focus on teaching, curriculum, behaviour, attendance and wellbeing and timely targeted support and catch-up for children who need it, the paper sets out the benefits of bringing greater clarity to the education system. This includes an ambition to move towards a fully trust led system by 2030 through the growth of strong trusts and the establishment of new trusts, including those established by local authorities (LAs).
- 2.4 North Yorkshire has been selected as one of the local authorities to receive a package of measures to drive improvement through the [Education Investment Areas](#) (EIAs). One third of LAs are expected to benefit from this intervention. In addition, as the North Yorkshire Coast currently contains an Opportunity Area, Scarborough district has automatically been included as a Priority EIA in order to continue to access extra funds to focus on improving attainment and social mobility.

## 3 BACKGROUND

- 3.1 Initial teacher training and professional development at every stage of a teacher’s career is central to the first chapter of the paper. This includes an expansion of the National Professional Qualifications (NPQs) as well as investment specifically targeted at the early years workforce. Teacher salaries are also expected to increase in order to attract and retain strong teachers to work in schools in disadvantaged communities.

- 3.2 The school environment and children's safety and wellbeing is central to the proposals in chapter two. The paper sets out plans for schools to access high-quality curriculum resources and to make effective use of time through a longer school week. Schools will be supported to raise expectations of behaviour and attendance following the pandemic and better use of national data will underpin this. Funded training for mental health leads will be available for all schools.
- 3.3 The third chapter sets out how children who need additional targeted support will be identified and supported to achieve their potential, including through a Parent Pledge. This aims to ensure children receive academic, pastoral or specialist evidence-based support if they fall behind; the paper sets out how one-to-one and small group tuition will be embedded to form a regular part of the school system.
- 3.4 The commitment to training, better use of national data and ongoing support for children who need it is welcome. However, no specific action is needed from the council in response to these aspects of the white paper at this time.
- 3.5 Chapter four focuses on system and accountability. It is in this chapter that the fully trust led system with a single regulatory approach is proposed and that clear roles for each part of this system are defined. The paper states that by 2030, all children will benefit from being taught in a family of schools, with their school in a strong multi academy trust or with plans to join or form one. Further, every part of the system, from strong trusts to local authorities, will be held accountable to a set of clear roles and responsibilities, so that no child falls through the cracks.
- 3.6 The government's ambitions for levelling up sees schools located in strong multi-academy trusts (MATs) alongside robust regulation of the system with local authorities empowered to champion the interests of children – particularly vulnerable children. The paper identifies the remaining challenges of the 'messy and confusing' system. These include: there has not been a systematic approach to MAT growth; the strongest trusts are not incentivised to work where they are needed most; many of the best schools operate alone; expertise already in the system has not been harnessed, and LAs have been prevented from setting up trusts. Furthermore, school, trusts and LAs have unclear and overlapping roles which have sometimes permitted grey areas, allowing children to fall through the gaps.
- 3.7 Moving forward, the government plans:
- Investment in EIAs and Priority EIAs
  - Movement of schools with two consecutive below 'Good' judgements into trusts (EIA areas first)
  - £86m Trust Capacity Funding (TCaF) to enable growth or expansion of trusts, particularly in EIAs
  - Retention payments for high priority subject teachers (eg maths)
  - £40m additional funds in Priority EIAs to tackle local issues
  - CEO development programme for senior staff in MATs in EIAs
  - Opening a number of academically focused 16-19 free schools in PEIAs
  - Careful management of trust growth (7500 pupils / 10 schools)
  - LA-established MATs where too few strong trusts exist
  - DfE Regions Group taking on regulatory role in the short term
  - 2030 timeframe to achieve a fully trust-led system - DfE Regions Group to develop local plans to do so
  - ESFA moving into the regions group to support RSC, now 'Regional Directors'
  - New collaborative standard: trusts to work constructively with each other, with LAs and with wider public and third sectors.
- 3.8 The paper describes how local authorities will remain at the heart of the system, championing all children, although they will cease to maintain schools. The role of the

LA will be to coordinate local services to improve outcomes for the most vulnerable; new legal powers will be developed, for example, in relation to attendance. The role of the LA will include:

- Sufficiency and school place planning (mainstream and specialist)
- Admissions (coordination and management – can direct admission if required)
- Safeguarding (auditing)
- Attendance

3.9 Trusts will be accountable for school improvement and will be required to adhere to academy standards – a framework for strong trusts. Future trust-wide inspections are being considered.

3.10 On 25 May 2022 the DfE published [Implementing school system reform in 2022 to 2023](#) outlining the next steps towards the department’s ambition for a single trust led system commencing in the 2022-23 academic year. This implementation framework aims to support MATs, Maintained schools, LAs and dioceses decide what to do next.

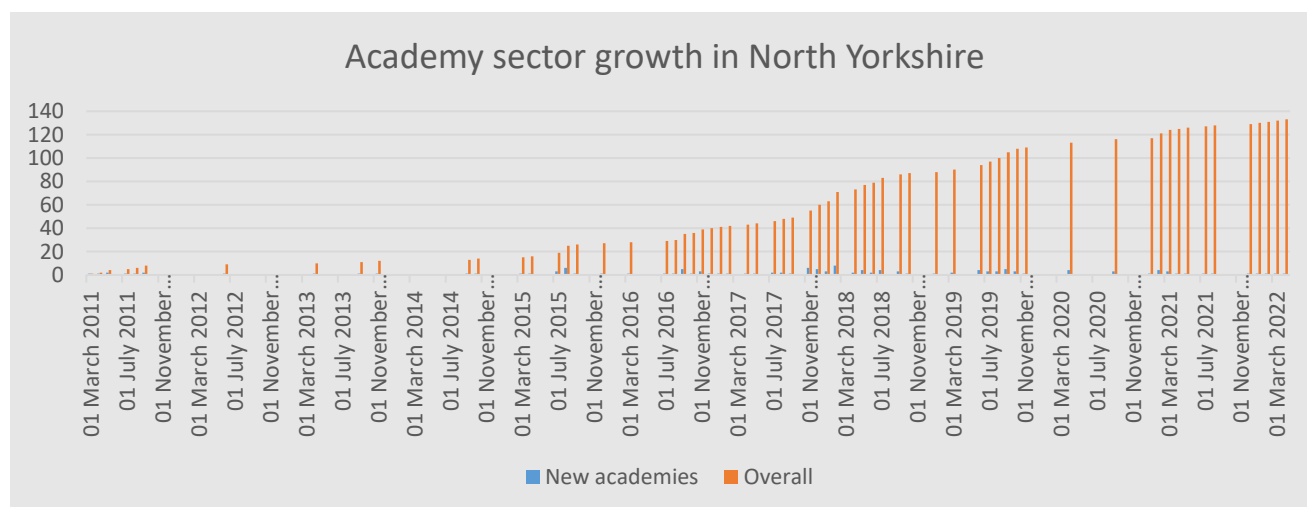
3.11 The first phase includes details about the Education Investment Areas (EIAs), including Priority EIAs and a small number of test and learn projects designed to review and refine the DfE’s approach to system reform:

- Setting up LA-established MATs
- Responding to local demand to complete the journey (in LAs where there are a higher proportion of academies)
- Progress at scale – for example in areas where there are larger numbers of rural schools

3.12 Action is required from LA in relation to the implementation framework and the move towards a trust led system, if the North Yorkshire wishes to be considered for test and learn in 2022-23.

## 4 DfE TEST AND LEARN OPPORTUNITIES

4.1 There are currently over 77,000 children in over 360 schools across the county. Over half of all school-age children are educated in academies whilst only one in three are academies. Rates of conversion from 2011 to date has been relatively steady.



- 4.2 To convert the remaining LA maintained schools at the same pace would present a challenge to achieving the DfE's ambition by the 2030 timeframe. There are currently 230 LA maintained schools in the county: 15 secondary, 201 primary, 11 special and PRUs and 3 nursery schools.
- 4.3 There are a number of benefits to engaging with the test and learn opportunities - influencing DfE policy for system reform, ensuring schools are not isolated, promoting local issues and seeking appropriate, local solutions and ensuring LA maintained schools continue to have agency over their future governance.
- 4.4 Regional Directors will have authority to issue directive academy orders to schools in the PEIA with two consecutive below 'Good' judgements from September. There are a small number of schools in the Scarborough district to which this may apply.
- 4.5 **Area based commissioning and TCaF**  
DfE hope to work to consider the needs of an area and to design and shape trust formations so schools work together well and are linked to communities. They intend to focus on strategic and coherent growth of trusts, this can mean bringing trusts into new areas. They will also consider when existing trusts should not be allowed to grow, but instead may need to focus on existing practice or joining another trust. They recognise that there are challenges with small, rural schools and that fairness and inclusion should be at the heart of the system. The Trust Capacity Fund (TCaF) is a competitive grant (£86m over three years) available to help trusts develop their capacity to grow.
- 4.6 As this area based commissioning activity relates to 2022-23 academic year, initial regional planning conversations have started to take place. DfE will publish a prospectus covering each EIA in early autumn 2022. This will set out the key educational priorities for MAT development in each area – for example, whether there is space for a trust to grow into the area and detailing the phase of schools which might join it. Existing trusts, dioceses and groups of schools will then be invited to submit proposals that respond to this statement of requirements and gain access to the TCaF grant.
- 4.7 **Setting up LA-established MATs**  
DfE wish to work with a small number of LAs to establish MATs in a test and learn approach, to make sure that they understand how best to build on existing federations and strong LA maintained schools for the benefit of pupils and staff. LA-established MATs will differ from existing trusts because there will be no restriction on the number of LA associated persons (LAAPs), elected members or employees of an LA, who can serve as members of the trust. The DfE's strong preference is for an academy trust to have at least five members, requiring at least one member to be independent of any association with the LA. The MATs, once established, will be subject to the same regulatory arrangements and quality standards, including in their approval and operation, as all other trusts.
- 4.8 The current restriction on LAAPs on the trust board (capped at 19.9%) will, however, remain in place, in order to reduce the risk of conflicts of interest arising. Trustees have responsibility for the strategic management and decisions of the trust and, once appointed, are obliged by charity law to run the trust solely in the best interests of its charitable purpose. The DfE and the LA will need to ensure that safeguards are in place to manage any potential for conflicts of interest, both for the trust and the LA.
- 4.9 DfE have invited LAs interested in forming an LA-established MAT to register their interest by 31 July 2022. Regional directors will consider these and will make decisions on which LAs can proceed to application in the first round (2022-23)

#### 4.10 **Pace and Scale**

During the next academic year 2022-23, DfE are also inviting expressions of interest from LAs who wish to move at scale to a fully trust led system and who have secured the in-principle agreement of schools. It will be possible for LAs to include proposals for LA-established trusts in area-based plans where there is insufficient capacity of established strong trusts. The DfE will offer discretionary funds to support LAs to meet the costs associated with conversion where the scale is exceptional.

4.11 In their implementation framework, DfE are asking schools to consider joining a trust or establishing a new one if needed in their area. School leaders and governors are asked to engage with other schools and with trusts in their area, and with diocesan bodies as appropriate. MAT leaders are asked to consider their trust growth strategy.

4.12 The DfE recognise the LA's role as the focal point for place based planning and hope to co-create a plan for how all schools could move towards a trust led system. The DfE are keen to secure these plans in EIAs in the first instance and have held exploratory discussions about a North Yorkshire wide approach.

4.13 The LA has engaged with LA school leaders and governors through a series of workshops in July aiming to understand the views of schools about the two test and learn opportunities and in particular the risks and benefits attached to a county-wide coordinated approach to a fully academised system, rather than a continuance of the current approach. Feedback from the sessions to date has clarified that school leaders and governors:

- feel there is still a lack of clarity, and evidence, about the benefits of joining a trust
- are concerned about losing their identity, their ethos and their independence
- feel their choice of existing MATs are limited
- believe the current system (for conversion) is inefficient and time consuming
- are concerned that the decision to convert is significant and yet it is difficult for governors to get impartial, factual information about MATs
- are worried that viability may prevent conversion, especially due to rising costs and the impact on small school budgets
- do not want schools to be left behind if trusts 'cherry pick' the most financially viable schools
- are concerned about the impact on recruitment and retention if there is further uncertainty in the system
- enjoy working with other schools in informal groups, clusters and more formally in federations
- want to have control over the future for their schools – rather than being 'done to'
- hope for sustainable, local trust arrangements where trusts understand and have experience of the local context
- are positive about the opportunity for LA-established MATs to reflect understanding of the local area and the values held in the LA
- would prefer a coordinated county-wide approach which would stop the current approach and would be time efficient, fair, transparent and would help prevent schools being isolated
- value the wider role of the LA in guiding schools, including legal, finance, HR colleagues to support them through this system reform

4.14 In summary, it is clear that many LA maintained schools attending the sessions would choose to remain as maintained if this were possible. However, given the direction towards a fully academised system, they were in general agreement that the LA should facilitate a coordinated approach so that an area-based view can be taken and schools are supported to make joined up, local decisions alongside other schools in their area, thus avoiding unnecessary isolation of individual schools.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 At this stage, there are no financial implications to this decision, other than to commit officer time to engage with discussions and register interest in the test and learn opportunities with DfE. Actions requiring decisions including those with resource implications will be brought to Executive for approval as necessary.

## **6 LEGAL IMPLICATIONS**

- 6.1 There are no legal implications to this decision at this stage.

## **7 HUMAN RIGHTS IMPLICATIONS**

- 7.1 There are no human rights implications to this decision.

## **8 RECOMMENDATION**

- 8.1 Executive are asked to note the content of the Schools White Paper and to approve the proposed activity of the county council in engaging with the DfE and other stakeholders in developing a coordinated strategy towards full academisation in line with the ambition of the Schools White Paper.

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