



## Restoring a democratically accountable school system

At the 2018 Conference, Labour announced that it would “consult on and establish a new regulatory framework for schools. This would bring schools within the principles of the National Education Service, and ensure that all schools follow the same rules, with schools being regulated by statute, rather than thousands of individual contracts”. This statement left open the exact processes by which this change would be brought about. This statement sets out how the SEA proposes that the party should implement this pledge.

### First Steps

Initially, a Labour Secretary of State should announce that they will make no new academy orders and will cease the free school programme. That would mean that the responsibility for making proposals for new schools would revert exclusively to local authorities (for more detail on proposed local authority structures, see below pp 2-3). This would have the effect of freezing the system but would not of itself restore a democratically accountable school system. To do this will require primary legislation. It will also be important to legislate in order to make the reversal of these policies by any future government more difficult.

### The key elements of an initial Schools Act would be:

1. Repeal the requirement on local authorities to seek academy proposals when planning a new school

*This requirement dates from 2011. The new act should require all new schools to be maintained schools. The local authority must be the decision maker in relation to all new schools. This is the only way of avoiding the waste and confusion that has bedevilled the free school programme.*

2. Remove the power of the Secretary of State to create any new academies.

*This would end the DfE run free school programme. It would also remove the ability of any future Secretary of State to approve any conversions to academy status.*

3. Take the power to issue regulations which will have the effect of over-riding the funding agreements of existing academies and multi academy trusts

*This would enable the Secretary of State to establish a “common rule book” for all schools regardless of their formal status. Regulations would cover areas such as staff pay and conditions, teacher qualifications and the National Curriculum. There are already precedents for this approach covering SEND and exclusions. Once the statutory power is in place, these regulations could be put in place over time to ensure that the process is manageable.*

4. Take the power to impose a new governance framework on all multi-academy trusts

*The new framework should require MATs to establish governing bodies in all schools and to devolve to them powers comparable to those held by maintained school governing bodies – so covering areas such as staffing, finance and curriculum. Governing Bodies should be representative of the whole school community and not controlled by MAT appointees. Schools should have the right to leave a MAT and to return to maintained status.*

5. Make the local authority the admission authority for all schools.

*Currently too many schools use their control of admission criteria to covertly select a more favourable intake. Local authorities should set, after consultation (including with faith authorities), admission criteria for all schools and should be required to use this power to reduce the differences in intakes between schools. The Admissions Code would need changing to reflect the new system and priorities*

6. Ban all related party transactions

*Much of the financial mismanagement and corruption found in some academies relates to commercial deals with businesses connected to staff or governors. There should be an outright ban on such transactions. Managers in some academies and MATs are paid too much in relation to other staff. Clear salary banding for managers should be re-established, setting ceiling salary levels and nationally agreed pay and conditions for all staff should apply to all education providers.*

### **Reformed Local Authorities**

One key issue is whether NES structures should be single issue organisations – as is for example much of the NHS – or whether it should be part of broader multi-purpose organisations. SEA would argue that the NHS model illustrates the flaws in the single issue model. Problems in NHS collaboration with local authority services – especially social care – have been a huge obstacle to effective service provision. A simple matter like inconsistent boundaries between local authorities, and NHS bodies make collaboration more difficult. NHS decision making is excessively centralised and the level of local community input is inadequate.

It is also the case that single issue bodies, such as NHS trusts, without their own democratic mandate, find it next to impossible to stand up to pressure from central government.

SEA therefore would argue that education should be integrated into the overall local government framework. It needs to be linked not just to health but to areas such as economic development, housing and sports and leisure services. There is a strong case for a radical reform of the current local authority structure and much of the detail will depend on whether there is a wish to restructure devolved government in England more broadly. But whatever the exact structure, managing the school system should be based on the democratic mandate of elected local authorities.

Therefore we propose that:

1. Labour should establish a national network of local authorities with responsibility for education that have the necessary size and capacity to undertake the strategic management of all parts of the NES. A significant number of current local authorities are too small for this

purpose. Labour should define a minimum size and capacity for the delivery of education services while recognising that for some purposes large local authorities may need to work through sub-divisions. All such authorities should be coterminous with one or more existing local authorities that have responsibility for education. To minimise disruption, we should be open to the use of existing systems such as combined authorities, metro mayors and joint committees as appropriate.

2. The workings of local authorities need to be more open and should facilitate the active participation of staff, learners and members of the wider community. Each local authority will establish an education committee or board which will empower both councillors and elected (where possible) representatives of the range of stakeholders in education to fully participate in decision making. There should also be the opportunity for the wider community to participate in a range of open forums where issues can be debated and proposals tested.
3. Local authorities and all schools should be committed to open and transparent staffing procedures. There should be a commitment throughout the system to developing a more diverse workforce and to reducing and ultimately removing inequalities between different groups of staff.
4. The government should take the necessary statutory powers to set out in regulations and statutory guidance the responsibilities of reformed local authorities in relation to all schools in their area. The new Education Act should require that these regulations apply equally to all schools. It should establish local authorities as the regulatory body, primary central service provider and commissioner for all educational institutions in their area. The government must commit to adequate funding of local authorities including reversing the abolition of the Education Support Grant. The key local authority responsibilities should be:

### **School Organisation**

- Making sure there are the right number of school places in the right locations and that the nature of those schools is appropriate to local circumstances.
- Managing school admissions including setting admission criteria for all schools.
- Establishing an Early Years Partnership to ensure the availability for all of the full range of high quality early years opportunities and support;
- Co-ordinate post 16 provision across schools and colleges to ensure that the full range of courses is available in ways that are both cost-effective and accessible to all based on the provision of independent careers advice and guidance.

### **School Accountability**

- Monitoring school performance, financial management and governance and intervening to address poor performance or inadequate governance. This should emphasise the positive provision of advice and support rather than the current punitive model. Local authorities should work in collaboration with a reformed national inspectorate which should replace the current Ofsted structure. School improvement should be based on schools working collaboratively to share ideas and to learn from one another.

## **School Support**

- Agreeing with schools a local funding formula which conforms to nationally determined criteria and the needs of individual schools. Strictly determining every school's budget in Whitehall is unworkable, inevitably crude and unable to respond to local circumstances.
- Providing adequate essential support services locally for schools including educational advice, SEND support and back office services while recognising the right of schools to draw on a wider range of expertise and support.
- Encouraging collaboration between schools, including clustering by location, sector and/or specialisation as appropriate.
- Providing a local framework for sharing good practice and professional development;

## **Supporting Vulnerable Pupils**

- Ensuring the needs of all vulnerable pupils are met including those with SEND, those excluded from schools and looked after children..
- Managing a fair access system for ensuring schools share the responsibility for working with challenging and vulnerable pupils. This could include collectively providing SEN resource centres and alternative provision;

## **Community Development**

- The promotion of greater equality in all parts of the school system.
  - Co-ordinating the involvement of parents and the wider community and championing the rights of all children and young people and their families including addressing complaints.
  - Co-ordinating the provision of pre/ after school care and out of school activities;
5. There would be no place for Regional School Commissioners and a much reduced role for the Education and Skills Funding Agency. It could be that RSCs are charged with supporting, in the short term, the process of establishing an effective and modernised local authority network.

## **Conclusion**

If these actions were taken by an incoming government, they would have the effect of:

- Establishing a consistent set of regulations, approved by Parliament, covering all schools.
- Restoring the autonomy of schools where this has been lost to MATs and empowering schools to determine for themselves how they want to work together within a national regulatory framework.
- Ensuring that decisions about the school system are taken by democratically accountable bodies through open and transparent procedures.
- Modernising and democratising the workings of local government in relation to schools and to education more broadly.

Given that schools have experienced excessive disruption over decades due to ill-considered government policies and legislation, it is important that, although the overall direction of travel will be clear from day 1 of a Labour government, education providers and local authorities are given sufficient time and resources to phase in these changes.