

Policy Statement – Academies and Free Schools – September 2011

1. Background

1.1 National Government policy since the Education Reform Act (1988) has been to promote school autonomy as a means to raise educational standards and outcomes through improvement and innovation in teaching and the ability to deploy all resources flexibly.

1.2 The Academies Act (2010) has widened the range of schools able to seek to become an academy. Under previous legislation, the academy 'route' was used to address those secondary schools in serious weakness or with long term under performance challenge. Under the new Act the Government has determined that any school can seek to become an academy. The Government is also promoting the creation of new 'Free Schools' where there is demand to improve parental choice and quality. Free schools will operate in the same way as academies.

1.3 Each academy becomes a publicly funded, independent school. It is independent of the LA and has an individual funding agreement with central Government. All elements of funding provided to the local authority which relate to the provision of services or support to the academy are removed from the local authority and allocated to the academy.

1.4 The local authority retains a number of statutory responsibilities (notably school place planning; home to school transport; statementing processes for children and young people with Special Educational Needs) for children and young people and must provide services to these children irrespective of the type of school attended.

1.5 Academies are able to commission or provide directly a range of services. The academy can continue to contract with the local authority or with any other service provider.

1.6 The authority accepts the diversification of the schools sector and the Government's stated aim of driving up achievement and closing the achievement gap for the most deprived children and young people. The authority takes the view that all local schools are an intrinsic part of the social, professional and political 'fabric' of the area irrespective of their formal designation. All schools educate our children and young people and as such will be supported, and challenged to be the best that they can for all of our children.

2. Responsibilities of the Local Authority

2.1 As mentioned above, the local authority retains a number of statutory responsibilities as broadly outlined above. However, this section deals with the wider role of the local authority.

2.2 The local authority retains a key strategic responsibility for the 'whole system' within which children and young people are cared for and educated. This responsibility includes ensuring that the schools and learning settings within the local area are effective, accessible and focussed upon the individual and collective needs of children and young people who live within the community.

2.3 The local authority will champion all children and young people and will act and challenge to secure the highest standards possible for them including those who are most vulnerable and those who potentially might underachieve.

2.4 The local authority directly and in partnership with the Local Safeguarding Children's Board (LSCB) will act robustly and decisively to ensure that all children and young people are appropriately cared for, safeguarded and to secure their well-being. This will include challenging schools and learning settings to ensure that their systems are child-centred recognise those vulnerable and in need of care and protection as well as those whose wellbeing is potentially compromised.

2.5 The local authority will ensure a fair and equitable admissions system is in place and will act to secure co-ordination across the schools system. The authority will also provide timely and accessible information to parents and carers to enable them to exercise their preference effectively and will act to address admissions practices that are inconsistent with the Admission Code of Conduct.

2.6 The local authority will promote high standards in all schools through helping to establish collaborative networks between schools, monitoring and analysing performance data and trends and through the provision of timely and accessible information to parents and carers about school performance and outcomes. Ideally this will include all schools within the area; however, as individual academies are able to provide this independently, the local authority will support parents and carers by "sign-posting" them to relevant sources of performance information.

2.7 The local authority will actively develop its new strategic role and will become a strategic commissioner of educational services rather than a service provider. This role fits with the increasing diversification and autonomy within the school system and will enable the local authority to deliver its responsibilities effectively.

2.8 Schools and the local authority have a strong relationship and the local authority wishes to sustain this as the new roles of both LA and schools develop. The LA commits itself to work in partnership and to be transparent in its decision making. Partnership working will continue and will be utilised to consider future models for service delivery both for those services where the LA has a continuing responsibility and those which can be wholly or partly provided in a different way.

2.9 The local authority commits to develop any new service models in partnership with all schools so that the needs of all children and young people are effectively met. In developing new models the local authority will develop effective guidance and toolkits to support school decision making and choice and will remain mindful of the need to secure sustainable, high quality and value for money arrangements for the ongoing provision of services for which it remains statutorily responsible.

2.10 There is a critical interplay between schools and the wider array of Children's Services which underpins the educational achievement, secure development and overall wellbeing of our children and young people. Decisions in one part of the wider system can have repercussions in other parts. The local authority disagrees with the Government decision to remove the duty on schools to cooperate to secure the wellbeing of children. The local authority believes that this is a retrograde step and is at odds with other stated policy objectives, for example, supporting community cohesion, removing child poverty and closing the attainment and achievement gap. The local authority therefore anticipates that all schools within the area will continue to collaborate to secure the wellbeing of all children and young people. Such commitments can be evidenced through a variety of means e.g. decisions on resource deployment by Schools Forum, commitment to collaborative fora such as Behaviour and Attendance Panels, Area Panels etc.

2.11 To reinforce this and in line with its responsibilities towards all children and young people in the area, the authority will actively seek to work with academies beyond its strict functional remit in order to seek to ensure, for example, that:

- The best safeguarding practice is adopted;
- Governing bodies are well-informed and advised
- Mechanisms are developed to share and encourage the adoption of best practice
- A culture of mutual challenge and shared responsibility is maintained.

3. The Role of Schools

3.1 Schools are at the centre of their communities, they are critical to the development of resilient, confident and able citizens. Schools form a critical part of the universal public service to families and must play a full role within the delivery of good outcomes for all children and young people. The local authority believes that all children have the right to a quality local school and also believes that every child has the right to the best opportunities that can be provided to meet their specific educational needs. Even those who are most challenging to educate are a shared responsibility and the prevention of possible educational failure is a collective responsibility.

3.2 Schools have a responsibility to neighbouring schools to share practice and improve outcomes. They have a responsibility to hold one another to account and to support school improvement through collaboration across areas and phases and in partnership with the Local Authority.

3.3 Increasingly schools are becoming and will continue to be more accountable to the public and parents. The LA role will shift to commissioning, brokerage of support and provision of information to parents as 'consumers' of education for their children. School leadership and governance will have to adapt to this and become more open and respond to what will be a more market orientated education system.

4. Further development of Academies

4.1 The local authority recognises that the 'loosening' of criteria may lead to a greater number of schools choosing to become academies. The local authority accepts this and would wish to see academies remaining part of the local pattern of provision and acting in the collaborative way outlined above, so that all schools, and by definition their children and communities receive a high standard of education regardless of their designation

4.2 For those small number of schools where attainment is lower and the rate of improvement is slower, the local authority will actively support a decision to become an academy where it can demonstrate that the course of action is part of a planned strategy that will lead to improvement and where there is a robust partnership or collaboration planned with another, preferably outstanding school. As part of the new role of the LA as commissioner, the LA may well broker or facilitate such a development. However, applications for academy transfer which are not grounded in a strong school improvement strategy, or conflict with the wider educational strategies of the local authority, will be challenged by the local authority.

4.3 Where a 'good' or 'outstanding' school is considering academy transfer and is seeking a partner school to collaborate with to raise standards further, the LA would actively seek to support such developments, including liaising with other local authorities should a suitable school lie in another administrative area.

4.4 As part of its ongoing work to assess the impact of the Academy Act (2010), the local authority will examine whether a 'tipping point' may be reached with regard to secondary schools where a joint policy position is reached and all schools move to become academies. This has substantial implications for those schools which may not wish to move to become academies and for the functions of the local authority. However, the issue merits debate and analysis.

4.5 It is not anticipated that this same 'tipping point' would be reached with either primary or special schools in the foreseeable future, but the local authority will work with interested schools to explore viable models for effective and responsive service delivery in both sectors.

5. Free Schools

5.1 The starting point of the local authority is that we have a diverse range of mainly good to outstanding schools across the primary, secondary and special phases, so that the vast majority of parents receive one of their preferred school places. Where there is a legitimate unmet need, the local authority seeks to build capacity to enable parents and carers to access a local place for their child/ren.

5.2 Before supporting any proposal to establish a free school the local authority would expect the proposing group to be able to demonstrate:

- Serious consideration of the coherence of school places in the LA including an analysis of impact on over-provision/excessive capacity
- Robust planning on viability of pupil numbers and a funding model
- The ability to provide a high quality education and outcomes over the period during which children would complete a key stage or phase of their education
- Robust governance arrangements which link the school to the wider community
- A robust Equalities Impact Assessment to identify how the proposal contributes to the development of more highly skilled, resilient communities within Bath and North East Somerset

6. Conclusion

6.1 The local authority fully accepts the change in its role within the sphere of education and will assume its new strategic role in a positive manner. The strength of local relationships will support this change and the local authority will work in collaboration with all schools to enable them to move into their new roles so that our children and young people are well served.

6.2 This policy statement will be reviewed periodically by the Local Authority to ensure that it remains current and reflects changes and developments in our local context.