

Children's Services Scrutiny Committee – 21 March 2013

Report of the Director of Children's Services

Role of the Local Authority.

The Councils statutory duties in regard to School Performance

Purpose of Report

1. To present an outline of the statutory powers placed upon the Council in the respect of school / education settings performance.

Background

2. Over the past few years there have been considerable changes to the law governing school and schools performance. In the paragraphs below are details of those powers that still exist in which a duty / responsibility is placed on local councils for education provision.

3. **1996 Education Act**

Section 5 of the above Act refers to school standards. This Act places responsibility on Council's to undertake a number of education and training functions. Of relevance to this report it places statutory responsibility on LA's to promote high standards of education, the fulfilment of potential and fair access to education. The 2009 Apprenticeship, Skills, Children and Learning Act reinforced these statutory powers.

4. Under the terms of the above Act the Council's powers refer to all schools and education settings regardless of who the maintaining Authority is. In other words for example in early years there are many providers of education from the private, voluntary and independent sector in addition to authority maintained settings. However, the act places the responsibility on the Local Authority to ensure all of these settings are of high quality and that young children are achieving their potential. This principle of the Act remains unchanged despite the diversification of maintaining authorities in schools providing 5- 16 education. Where some schools have become academies the Local Authority still has a responsibility to fulfil the terms of the above Act.

The Education and Inspections Act 2006

5. Within the many changes introduced by this Act a further responsibility was bestowed on Local Authorities. Any education setting where performance is a cause for concern or where standards and safety are not good enough the Authority was given the power to issue a formal warning notice to the governance

of the setting. This then reinforced the powers of the Council to statutorily intervene in any setting or school falling under this umbrella.

6. Where the setting is an academy a new protocol for each Authority to work with the DfE is being developed.
7. This Act also outlined the intervention powers that a Local Authority had, for example, intervention could result in appointing additional governors to the school, replacing the governing body with an interim executive board or suspending the schools right to a delegated budget. However, these powers are now restricted to maintained schools. It is the duty of the academy trust or the DfE to determine what intervention may be necessary when an academies performance is not good enough.

Education Act 2011

8. This new Education Act signified national governments desire to create many more academy schools. Academy schools under the Act have been given a number of freedoms and flexibilities to innovate and develop practise to meet the needs of their pupils. As such Academies receive their funding directly from the DfE and are held accountable by the terms and conditions laid down in their funding agreement signed with the Secretary of State. As with all other schools they also remain accountable through the school inspection process (Ofsted). Since the passing of this Act clarity has been sought by many Local Authorities about how their statutory duties relate to Academies that are directly accountable to the DfE. In January 2013, HMCI for Ofsted made it clear to all Authorities that the statutory powers of Local Authorities extend to academies. The means by which Authorities challenge academy performance is yet to be fully determined.

Finance

9. The work supporting School OFSTED inspections is funded from within existing Directorate resources. The work supporting School OFSTED inspections is funded from within existing Directorate resources.

There are no direct financial implications arising from this report.

Law

10. The statutory provisions relating to OFSTED inspections are contained in the The Education and Inspections Act 2006 and 2011

Equality Impact

11. This report takes into account the Council's Equal Opportunities Policy.

Recommendations

12. It is recommended that the Scrutiny Committee note and comment on this report.

A handwritten signature in black ink, appearing to read 'Jane Porter', is centered within a light blue rectangular box.

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