

West Sussex County Council Cabinet Meeting 28 October 2014

Report on the Development of the Education Function in West Sussex

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Introduction

1. As a follow up to the West Sussex LGA Corporate Peer Review of November 2013, I was asked by the Interim Chief Operating Officer to provide external support and challenge to the Council as it considers the development of its education function. For the re-assurance of councillors, this support is provided *pro bono*! The work has complemented that of the Schools Executive Task and Finish Group.
2. I am currently the lead Chief Executive on Children and Young people for the Society of Local Authority Chief Executives (SOLACE), lead Chief Executive Adviser on children and Young People to the County Councils Network, a member of Schools' Minister David Laws's Ministerial Advisory Group and a member of the Department for Education Consultative Group, chaired by the Permanent Secretary of the Department. Previous to being appointed Chief Executive of Devon County Council in 2005, I had held the posts of Director of Education and Deputy Director of Education.
3. In the preparation for this report I have reviewed extensive written material provided by the Council, covering performance, structure, ambition and plans. I have also spoken to representative groups of Secondary and Primary headteachers and attended a meeting of the Schools Executive Task and Finish Group. The report is necessarily a snapshot, and a personal view. It sets out some preliminary conclusions and provides pointers for the re-casting of the education function within the Council. It does not offer a blueprint for how those services should be organised. That detail should be a matter for the Strategic Director and Director of Education and Learning, once appointed, but the report does suggest a broad agenda for developing the Council's education function and its relationship with schools. Because of time constraints, I have not covered in this report the area of skills and links with Further Education, Higher Education and employers.
4. At the outset I would like to acknowledge the contribution of Brin Martin, interim head of the Learning Service, in helping me with my work. It is only fair to say that he has already recognised and started work on a number of the issues I have highlighted below.

National Policy Context

5. The national context over the past few years has been far from straightforward. On the one hand, the 2010 Academies Act, Department for Education (DfE) guidance on the Local Authority School Improvement and changes to the funding arrangements for Local Authority education functions, have pointed to a marginalisation of Councils. On the other, the 1996 Education Act statutory responsibility for promoting higher standards in all maintained schools remains, and in 2013 Ofsted introduced a new framework for the inspection of local authority school improvement services, to be targeted on Councils where pupil and student attainment is a cause for concern. The DfE is adamant that Local Authorities have almost no role in relation to Academy performance, whereas Ofsted is equally clear that Local Authorities should be aware of Academy underperformance and ready to challenge it. Within the last year the DfE has established a network of Regional Commissioners to discharge many of the Secretary of State's school related responsibilities at the local level, including oversight of Academy performance, but their capacity is limited, and they have no accountability to local communities.
6. In this confusing environment Local Authorities have made various responses. Some have clung to a pre-2010 Academies Act model and maintained a relatively high level of resource, some have taken the route followed by West Sussex County Council and disinvested in their education services at the same time lowering their profile within the Council, while others have continued to place an emphasis on the education function but have remodelled their services. All of these are logical responses.
7. Very recently, the two largest political parties have floated proposals in relation to the school improvement function which may in due course appear in their election manifestos. The Prime Minister has suggested that a future Conservative government would extend the powers of the Regional Commissioners to include intervention in Local Authority maintained schools. Tristram Hunt, the Shadow Secretary of State, has suggested that a future Labour Government would introduce a system of directly elected Directors of Schools at sub-regional level, who would work with Local Authorities on raising standards in schools. Neither of these appears to herald the end of Local Authority responsibilities, but simply to add further layers of intervention and supervision.
8. All the indications are that Local Authorities will continue to have an important role in supporting improved educational attainment, but that their role will continue to evolve, with an increasing emphasis on championing the vulnerable.

The West Sussex position

9. In its 2013 report, the LGA Corporate Peer Challenge team, challenged the West Sussex County Council 'to consider whether its ambition for every young person leaving education to be 'work ready' by 2017 is supported by its capacity for improving educational performance and skills levels'. It was clear to us that something had 'got lost in translation' between the Council's clearly stated high level ambitions and the mechanisms which might help it achieve those ambitions. The education function appeared to be buried within the Council's structure and the relationships between the school improvement function and other services supporting the improvement of pupil and student attainment, such as Special Educational Needs and Early Years services, appeared weak both in structural terms and in practice.
10. The Council has now moved to rectify that position by re-affirming its commitment to education, and its own maintained schools, and through establishing the posts of a Strategic Director for Children's Services and a Director of Education and Learning. The announcement of the new senior posts was an important signal of intent which has been well received by schools. Unifying the management structure at a senior level is a necessary but not a sufficient condition for improvement.
11. The Council's relationship with its maintained schools has been severely strained. Its clear promotion of 'Academisation' was all the more keenly resented because of the long survival of a 'paternalistic' relationship between the Council and its schools. The relationship must now be re-forged, but it will need to be different in many key respects to reflect the constrained financial resources available to the Council and the changing nature of the Local Authority role and responsibilities.
12. Despite the difficult relationship over the past few years, there remains a strong sense among schools (including Academies) that they wish to remain part of the family of West Sussex schools and agreement that there is a role for the Council to play which individual schools or groupings of schools do not have the capacity or strategic view to discharge. Representative groups of headteachers state that they would welcome more challenge from the County Council, particularly in relation to vulnerable groups of pupils, but also that there should be more 'reciprocal accountability' for the Council's performance in discharging its functions.
13. Schools have responded well to their engagement with the Interim Chief Operating Officer and she has quickly established their trust and confidence.
14. As part of the development of an education vision, Council officers have started work on an 'ambitions statement', but schools have not yet been widely engaged and many of the targets expressing that ambition appear too closely tied to national averages to seem particularly ambitious.

15. There is currently no coherent mechanism for managing the relationship with schools. Whilst it has recently done some important work, eg that of the Task and Finish Group on Alternative Provision, the Schools Forum is seen by schools as financially led and perceived by some to be a 'rubber stamp'. The Forum could be used in a much more ambitious and strategic way, to help align resources within the schools', Council's and partners' budgets to match agreed educational priorities. The Forum could also be used more effectively to overcome the widely held view among schools that the Council is not transparent when it comes to resource allocation and managing budget changes.
16. Overall, education spend per head of population in West Sussex is around the median for English County Councils and comparable with that of most South East counties. Expenditure on Special Educational Needs per child is around 5% below the shire county average. Spend on school improvement is just over half the County Council average. There is, however, not a strong correlation between reported Council spend on school improvement and performance!
17. Although at a local level relationships are reported as good, at a strategic level there appears to be little shared understanding between primary and secondary phases. This is not uncommon, but appears particularly marked in West Sussex, possibly due to the recent vacuum in leadership at the most senior level. This is where the Council's strategic oversight is important. The Council needs to restore a sense of common purpose, recognising that Early Years settings, Primary schools, Secondary schools and colleges are all part of the same educational path followed by children and young people in the county.
18. There are mixed views about the Council's education support services. Primary schools are generally very appreciative of the support they have received from the Council's Learning Service, which they regard as very effective in improving schools found by Ofsted to be failing or requiring improvement. They believe that the interim head of the Learning Service has been key in maintaining the quality of support, and relationships with schools, despite significantly reduced budgets and a lack of support across the rest of the Council. Secondary schools are not so positive about the strength and appropriateness of school improvement services, but this is at least partly explicable by the greater capacity for school to school support within that sector.
19. There is scope for the Council to develop its understanding of the range of resources supporting school improvement across the system, and how Council services can effectively complement and support the work of Teaching Schools, National Leaders of Education (NLE), Local Leaders of Education, Academy Chains and locally grown capacity such as the e-DP professional development brokerage. As a very small example, the head of a Teaching School expressed frustration that the Schools Finance service did not understand the requirements of a Teaching school and that this had been a barrier to developing local capacity.

20. On the face of it, the range of school-based improvement structures is less well developed in the primary phase. West Sussex is one of 42 Councils which has been targeted by the National College for Teaching and Leadership for additional NLE schools.
21. Council maintained schools are critical about a number of support services delivered by Capita under service level agreements (eg HR and ICT support). They feel, in particular, that there should not have been a cost to opting out of those services and choosing another provider. I have insufficient information to pass a judgment on whether these services provide value for money, but there is a perception amongst schools that they do not.
22. The County Council was a 'Pathfinder' for the implementation of Special Educational Needs and Disabilities (SEND) reforms. Despite this, schools say that the Council's strategy has lost direction and a degree of confusion persists. In addition there is a lack of clarity about how SEND, Early Help, Think Family and children's safeguarding services are expected to work together to improve outcomes for children. This is by no means uncommon (indeed we are working through similar issues in Devon) but has been exacerbated by some of the Council's structural arrangements whereby services have been under separate strategic control and educational considerations appear to have been afforded to low a priority. This needs urgent attention.
23. As elsewhere, schools report an increased incidence of pupils experiencing problems with mental health and that, in secondary schools in particular, report this as an increasingly significant issue in relation to student attainment. This is seen as an area in which the Council could add value to the work of schools, because of its increased responsibilities for, and influence over, health services.
24. In 2013 the Council set out its ambition that every child should be ready for school. Universal Early Years provision is critical to the delivery of that ambition. Whilst there is no particular need for the Early Years service to be structurally located within the Learning Service, neither current nor proposed structures appear to allow for a strong enough focus on the educational contribution of the Early Years system.
25. School place planning has proved difficult for the Council in areas of rapid growth, but it appears, that in some instances predictable increases in demand for places has been identified at a late stage, and this has had a direct deleterious impact on individual schools. The Council does have an established systematic process for place planning, but this appears to be more focused on meeting year on year demand than long term planning.

Pupil and Student Performance

26. The Council is rich in performance data and conducts very detailed analysis of school performance, but the big picture is not always made clear.
27. Put simply, West Sussex is a 'third quartile' performing area, which is not where it wants to be. Attainment is below average for the south east region, and whilst this reflects a slightly lower than average median wage for the south east, does not match the aspirations set out by the Council.
28. Unusually, the Council's relative performance across the phases of education is fairly consistent. Taking crude absolute measures, in 2013 (as yet probably a more secure benchmark than 2014) West Sussex was 22nd of 27 Shire counties for Foundation Stage assessment, 21st for Key Stage 2 Level 4 and above including English and Maths, and 18th for 5 A*-C grade GCSE including English and Maths. Although this demonstrates a slight improvement in relative performance through the age ranges, West Sussex is the lowest performing of all South East Counties at GCSE. In 2013 the gap in performance between pupils and students with Free School Meals and their peers was 22% at Key Stage 2 against a national average of 18%. At Key Stage 4 the gap was 29.3% against a national average of 26%. Despite a very encouraging improvement of 5% in 2013 West Sussex was 97th out of 151 Councils in the GCSE performance of students entitled to Free School Meals.
29. In 2013 76% of primary age pupils were in a good or outstanding school against a national average of 78%. In the secondary phase the respective percentages were 71% and 74%.
30. As is understandable (it is something we all do to an extent) there is a slight tendency to take the 'West Sussex is more deprived than you think' approach to explain away performance. This temptation should be avoided. The crude position is that whilst West Sussex is around the 20th most deprived of 151 upper tier Councils, it is below the median in terms of GCSE performance.

13 Things the Council should do!

31. **Shared Vision** The Council must re-establish the process for the development of a shared vision engaging schools more widely in its approach. This process should be owned and driven by the new senior appointments, but it can be developed before they take up post so that momentum is not lost. My suggestion is that the Council should frame its aspirations around top-quartile performance rather than the 'average'. The Council should not be afraid of looking at approaches taken elsewhere such as 'Raising the Bar' in Suffolk.

32. **Clear Statement of Accountabilities** As important as the vision is the need to produce a clear statement of accountabilities. This should clearly delineate the relationship with its maintained schools and with other categories of maintained schools. It should set out what is expected of schools and groups/networks of schools and what the Council will do to support and challenge schools to improve outcomes for pupils and students. The need for is recognised by the interim head of the Learning Service.
33. **Priorities** Drawing from the vision and the statement of accountabilities the Council should agree with schools a manageable set of priorities on which it will focus. These will be the areas where it can have most impact. There is likely to be a strong emphasis on vulnerable groups of youngsters who are currently under-achieving and whose under-achievement is having an impact on overall performance. From discussions with schools, it might also include leadership and workforce development.
34. **Performance Reporting** The Council should develop a clear performance reporting framework or dashboard, relevant to its priorities, which becomes the single point of reference for understanding how well the system is performing and is widely communicated. Changes to assessment, test and examination reporting at the national level must, of course, be reflected in the new local reporting arrangements.
35. **Operating model** The Council's future operating model will need to reflect its statement of accountabilities and the fact that the school system is primarily a self improving one. It needs to map and assess school-based capacity to support improvement and how it might encourage the development of new capacity where there are shortfalls. The Council has taken the decision to retain in-house its school improvement service, and this is generally welcomed by schools. It also has the advantage of giving the Council greater flexibility in a changing environment. There does however need to be consideration of how the capacity and expertise necessary to support its ambitions can be sustained and this may mean securing services in a different way in the future. In the meantime, commissioning arrangements need to be sufficiently robust to hold the in-house service to account for improving outcomes.
36. **Resources** The Council is a low spender on school improvement services and its central education function more generally. This is not necessarily a bad thing, but it is likely that further reductions would damage its ability to support its ambitions for improvement and its credibility with schools. Consideration needs to be given as to whether the planned reductions for 2015/16 are consistent with the Council's ambitions. That said, it is unlikely that the Council will be in a position substantially to increase its central education expenditure and so it will need to think about how best to marshal its combined resources to support improved pupil and student attainment. In particular it should

consider how it can best use the Public Health Grant and its Early Help and Think Family services to support the achievement of better educational outcomes for young people.

37. **Ofsted Framework.** If it has not already done so the Council should undertake a self -evaluation exercise against the Ofsted Framework for the inspection of Local Authority school improvement functions. We have found it very useful in Devon to use an external educational expert, in our case a very recent former HMI, to support and challenge our self - evaluation.
38. **Schools Forum.** The Council should seek to re-invigorate the Schools Forum and put it at the centre of managing its relationship with schools, ensuring that it provides a mechanism for linking its strategic ambition and priorities to the allocation of resources across the system.
39. **Early Years.** The Council needs to ensure that its management arrangements allow for a focus on the educational element of Early Years provision and support its ambitions for 'school-readiness', incorporating Early Years within the overall strategy for improving pupil and student attainment.
40. **Support Services** The Council should assess how well its contracted infrastructure support services are actually supporting schools and the scope it has within existing contracts to drive improvement and better value for money. It should consider whether the 'penalty clauses' for schools opting out of service level agreements are appropriate.
41. **School Place planning.** To ensure that it is getting the best value for money and that school place planning is part of its improvement strategy the Council should consider a systematic process of area based reviews engaging schools and local communities. This is an approach we have tested in Devon with some success and we are now supporting East Sussex in developing a similar approach there.
42. **SEND.** As a matter of urgency, the Council should review how the arrangements for delivering the SEND reforms work with schools and how schools are involved in assessing the clarity and effectiveness of those arrangements.
43. **Vulnerable Youngsters outside maintained schools** If it has not already done so, the Council should ensure that it has a clear understanding of outcomes for youngsters who are outside the maintained school system and who can all too easily become invisible. It should further ensure that the interests of these youngsters are fully reflected in its commissioning and performance reporting processes.

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