

Labour party consultation on local accountability in the National Education Service

Response of the Association of School and College Leaders

A. Introduction

- 1 The Association of School and College Leaders (ASCL) represents over 19,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
- 2 ASCL welcomes the opportunity to respond to this important consultation. This builds on our response to Labour's 2018 consultation on the National Education Service, which can be found [here](#)¹.
- 3 Our response to the previous consultation set out our broad vision for education, based on our 2015 policy document [Leading the Way: A Blueprint for a Self-Improving System](#)². We highlighted four areas where we felt Labour should focus their attention – funding, accountability, the 'middle tier', and teacher recruitment and retention. For each of these areas, we outlined the major problems, and proposed some solutions.
- 4 This consultation, as we see it, essentially focuses in more detail on two of these areas: accountability and the 'middle tier'. These are notoriously complex issues, further complicated by a series of often disconnected and partially completed reforms undertaken over the last decade.
- 5 We do not believe that the solution to strengthening local accountability lies in undoing all recent structural reforms, or in returning all schools to local authority control. More structural reform would further destabilise the system, distract schools from the core business of teaching and learning, and require investment which would be better directed towards core school and college funding.
- 6 The infrastructure which previously enabled local authorities to effectively support schools has all but collapsed in many areas. Reinstating this infrastructure would be hugely costly and would not, in our view, achieve Labour's desired intentions.
- 7 Instead, a Labour government should identify where the current system may be leading to a democratic deficit, and seek to implement policies which improve local democratic accountability without undermining the many examples of strong, collaborative practice that have developed over the last few years.

¹ www.ascl.org.uk/policy/consultation-responses_news-detail.labour-s-national-education-strategy.html

² www.ascl.org.uk/policy/blueprint-for-selfimproving-system

- 8 Through our answers to the consultation questions below, we have attempted to illustrate where we feel further reform would be helpful, and the role different agencies might play in this. We have also, in Section C below, included some thoughts on how the mechanisms governing multi-academy trusts might be adjusted to encourage greater local democratic accountability without wholesale structural change.

B. Answers to consultation questions

Question 1:

How can we create a culture in which education is accepted and valued as a social good from which we all benefit and to which we all contribute?

- a. What policies should be introduced under the National Education Service to support this?*
b. What information and data should a Labour government publish or stop publishing?
c. What changes can be made and implemented at a local level?
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- 9 We agree that education is a public good, as well as clearly playing a crucial role in individual success. We also agree that the education of our citizens should be seen as a collective endeavour, and that education and social policies should encourage shared responsibility.
- 10 We would add that this collective endeavour should have a particular focus on the most disadvantaged groups in society.
- 11 There are a number of ways in which the current education system in England operates which make this collective responsibility, with a focus on the most disadvantaged, difficult to achieve. These include:
- a chronic underfunding of education, based on the unhelpful paradigm that education is a cost rather than an investment, which pits the needs of one group against another
 - an accountability system which incentivises schools to compete rather than collaborate
 - an over-focus on the concept of parental choice, which encourages stakeholders to consider schools as isolated units, rather than part of a joined-up system
 - a messy, half-reformed system with a mix of maintained schools and academies, which makes effective collaboration more difficult and leads to system-level inefficiencies
- 12 These education-specific issues are exacerbated by endemic and persistent social and financial inequality in the UK. Changes to the education system itself can help to create the culture envisaged by the NES, but can only go so far.
- 13 Policies which an incoming Labour government should consider to help address these issues include:
- On funding:
 - properly fund all schools and colleges, to enable them to provide the education to which our young people are entitled (see ASCL's recent report on the [True Cost of Education](https://www.ascl.org.uk/news-and-views/the-true-cost-of-education)³ for our thoughts on what sufficient funding looks like)
 - review the way in which high needs funding is allocated, to ensure our most vulnerable children and young people are properly supported
 - implement the National Funding Formula, to ensure money is equitably distributed

³ www.ascl.org.uk/news-and-views/the-true-cost-of-education

- On school and college accountability:
 - review the way in which schools and colleges are held to account, to incentivise them to focus on what matters most and to reward inclusivity
 - replace the current performance tables with a 'dashboard' of broader information about a school or college
- On system reform and local accountability – see answers to questions below.

Question 2:

a. What can the following groups contribute towards making the National Education Service accountable, inclusive and democratic and relevant to individual, local and national needs? Are any voices missing?

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| • Parents and carers | • Staff and Trade Unions | • Learners |
| • Local Communities | • Employers | • Early years providers |
| • Schools | • Further Education Providers | • Adult Education Providers |
| • Universities | • Children's Services | |

b. What should these groups expect from each other, as part of an accountability system based on the principles of inclusivity, dialogue and reciprocity?

c. What evidence should institutions provide to demonstrate expectations are being met?

- 14 All these groups have important and complementary roles to play. We need to ensure we are drawing on their knowledge and experience appropriately (e.g. learners will have strong views on their current educational experience, but won't yet have the perspective on how well this has prepared them for their future lives).
- 15 Groups are entitled to expect from each other honesty, respect, transparency and a shared commitment to creating the high quality education to which young people are entitled.
- 16 Principles that we would encourage Labour to consider when considering the role of different groups in the NES (from our *Blueprint* document) include:
- The highest form of accountability is an individual's professional accountability for the quality of his or her own work and to the people who the profession serves.
 - Government has a role in defining a slim, smart and stable public accountability framework with a small number of ambitious goals.
 - We believe that decision making should be devolved to the most immediate level consistent with its implementation and to the place closest to students, i.e. to schools.

Question 3:

What structures, channels, and mechanisms would need to be put in place at a local, regional and national level to support a high quality, accountable NES?

- 17 The current structures, channels and mechanisms for delivering, supporting and monitoring education in England are complex, confusing and expensive. In particular, there is a proliferation of 'middle tier' bodies, in some cases with overlapping or contradictory remits.
- 18 We do not believe that the answer is to convert academies back into maintained schools. Another major structural upheaval is not what our education system needs.
- 19 Instead, we should encourage all schools to enter voluntarily into deep, carefully considered collaborations with other schools, to build capacity and encourage shared local responsibility.
- 20 In developing the NES, Labour should consider ways in which accountability might operate at a trust, federation or regional level, to encourage collaboration rather than competition between schools.

- 21 They should also consider ways in which schools in a local area could be encouraged to take collective responsibility for all the children and young people in their area (e.g. through fair access panels focused on the needs of 'at risk' and vulnerable children, and local coordination around exclusions).

Question 4:

- a. Should there be a single democratically accountable structure for the NES that deals with each part of the system and its institutions at local and national level?**
- b. If so, what could this look like? What would it need to consider to ensure education institutions retain appropriate levels of autonomy and independence?**
- c. If not, what should local, democratic accountability look like for the following education institutions? What resources should it set, monitor and allocate?**
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| <i>i. Early years providers</i> | <i>iii. Further Education Providers</i> |
| <i>ii. Schools</i> | <i>iv. Universities</i> |
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- 22 Given the extreme fragmentation of the current system, establishing a single democratically accountable structure that includes all the different types of education institutions listed above would be extremely complex.
- 23 The English education system, compared with many other jurisdictions, includes a significant proportion of institutions run by private or voluntary providers, as well as state-funded providers. If a single accountable structure were to be introduced, careful thought would need to be given to the extent to which non-state-funded institutions would be included in this.
- 24 See answer to question 6 below for our thoughts on what local, democratic accountability should look like for schools and FE providers – ASCL's core focus.

Question 5:

What impact could devolution have on a local accountability structure?

- 25 To date, the role of devolution in education has largely focused on Post-16 education and employability skills. This is in keeping with the remit of combined authorities and metro mayors to focus on broad issues such as regeneration and economic growth.
- 26 Education, including school-based education, clearly has a major role to play in such issues. We must be cautious, though, not to introduce duplication between the roles of local authorities and combined authorities / metro mayors.
- 27 Combined authorities / metro mayors are in a strong position, however, to consider the long-term social and economic needs of a region, and to encourage both national and local government to ensure they are ensuring that schools and colleges are providing children and young people with the knowledge, skills and experience they will need to play a full and useful role in their communities.

Question 6:**What should be the role of the following in a local democratic accountability?**

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| i. Local authorities | iv. Local Enterprise Partnerships |
| ii. Combined authorities | v. Regional School Commissioners |
| iii. Metro mayors | |
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- 28 Our response to this question focuses on what role these authorities should play with regard to schools and FE providers. Other educational institutions, such as universities and non-school-based early years providers, are outside of ASCL's core remit.
- 29 The over-arching principle that the NES should apply, with regard to these 'middle tier' bodies, is that each should have a clear remit, with no overlap between them.
- 30 The role of local authorities should be focused on ensuring every child has a place at a high-quality school or college. The levers available to deliver on this commitment should include co-ordinating admissions, and place-planning. LAs should also play a central role in ensuring our most vulnerable children are receiving the highest quality education in the most appropriate settings. They should do this through, for example, advising on the number of places required in the area for children with special educational needs or in need of alternative provision, and working with schools to ensure the seamless transfer of permanently excluded pupils from one institution to another.
- 31 Regional Schools Commissioners should oversee the performance of schools in their area (based on information from inspections, and data on academic and financial performance). They should retain their executive powers to intervene when a school is underperforming, and the criteria and process by which they do this should be clear, transparent and evidence-informed. Their powers of intervention should include requiring an under-performing school to join a multi-academy trust, and requiring an under-performing trust to relinquish some or all of its schools. RSCs should continue to be responsible for commissioning (i.e. contracting with) a trust to set up new schools, based on evidence of need supplied by LAs.
- 32 While RSCs should be *able* to require an underperforming school to join a multi-academy trust, this should always be just one of several options open to them. An incoming Labour government should revoke the requirement for RSCs to issue schools judged inadequate by Ofsted with an academy order. Instead, RSCs should be permitted to consider and implement a range of options to support such schools, as they can for schools in other circumstances. These options should include sponsored academisation, but also other actions such as brokering support from another school or teaching school alliance, or allowing the school to enter into a service level agreement with a MAT.
- 33 See answer to question 5 for our thoughts on the role of combined authorities and metro mayors in education. Local Enterprise Partnerships can play a similar role in helping schools and colleges to ensure children and young people are effectively prepared to take advantage of local opportunities, and to contribute to their local economy.
- 34 This question doesn't ask about the role of governors and trustees in local democratic accountability. This is, in our view, an unfortunate oversight. Governors and trustees are crucial in helping schools and trusts to better understand the communities they serve, and in enabling those communities to have a strong voice.
- 35 The role of parent governors is particularly important in local democratic accountability. Maintained schools, academies and multi-academy trusts should continue to be required to include elected parents on their governing board. In the case of MATs, these roles should continue to be able to be held at the level of either the trust board or the local governing boards of each school.

C. Specific proposals with regard to multi-academy trusts

- 36 As we have made clear above, we do not believe that attempting to return all schools to local authority control is either desirable or practicable.
- 37 Neither do we believe that academies are inherently less accountable than local authorities and maintained schools. The accountability requirements on academy trusts differ in some ways from those on maintained schools, but are no less stringent.
- 38 We do believe, however, that there are ways in which a system based increasingly around multi-academy trusts could be made more democratically accountable at a local level.
- 39 We would encourage an incoming Labour government to consider making the following changes to help to achieve this:
- a. As proposed in paragraph 31 above, revoke the requirement for RSCs to issue an academy order for all schools judged inadequate by Ofsted. Instead enable them, through meaningful engagement with a school and its local community, to consider a range of possible options to secure rapid and sustainable school improvement.
 - b. Review the composition of Headteacher Boards (HTBs), which provide advice, scrutiny and challenge to RSCs, to include headteachers of maintained schools as well as academies. In addition, demand greater openness and transparency around HTB and RSC decisions.
 - c. Consider the way in which parents and communities are consulted when a school becomes an academy and/or joins a MAT, and how such consultations can be made more meaningful.
 - d. Ensure MATs which take on struggling schools are effectively supported, both financially and otherwise.
 - e. Develop mechanisms which enable schools more easily to move between trusts, when this is in the best interests of all parties. Such mechanisms would enable different groupings of schools to establish themselves as the MAT landscape matures, while recognising the status of a trust as the single legal entity.
 - f. Further develop the fledgling MAT accountability framework to give a more sophisticated and rounded view of a trust's performance.

D. Conclusion

- 40 In summary, we would strongly encourage the Labour party to look beyond issues of school structures in order to deliver the educational culture and system it wishes to achieve.
- 41 Instead, they should identify the principles that underpin a system that delivers the education our children and young people need and deserve. They should focus particularly on addressing the chronic underfunding that is having such a devastating impact on our schools and colleges and on the life chances of young people, and on reforming an approach to accountability which distorts the education they receive. Further wholesale structural reform risks exacerbating the very problems Labour hopes to alleviate.
- 42 I hope that this response is of value to the process. ASCL is willing to be further consulted and to assist in any way that it can.

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28 June 2019