



<b>Report to:</b>	<b>Schools Forum</b>
<b>Date of Meeting(s):</b>	<b>20<sup>th</sup> October 2022</b>
<b>Subject:</b>	<b>Maintained School De-delegation 2023/24</b>
<b>Report of:</b>	<b>Colette Dutton- Director Children and Families</b>
<b>Contact Officer:</b>	<b>Emlyn Wright Service Lead – Standards and Learning Mark Rotheram Strategic Finance Manager Anthony Meehan Group Finance Manager</b>
<b>Summary:</b>	To provide information on the School Improvement and Brokerage Grant and to present options in regards to school improvement de-delegation.
<b>Recommendation(s):</b>	For Schools Forum to consider the options presented and to consult with stakeholder with a view to agree one of the options at the next meeting.
<b>Implications:</b>	
<i>What are the <b>financial</b> implications?</i>	As set out in the report below.
<i>What are the <b>staffing</b> implications?</i>	None
<b>Risks:</b>	n/a

Please list any appendices:-

Appendix 1 – School Improvement De-delegation values

## **1. Introduction/Context**

- 1.1 This paper is brought forward to School Forum owing to changes made to the School Improvement and Monitoring Grant brought about by the DfE in Academic year 21-22.

## **2. LA statutory function for School Improvement**

- 2.1 The Schools White Paper (March 2022) re-states the DfE's position that "all schools will be or be on their way to being in a Multi Academy Trust (MATs) by 2030". Further, the Schools White Paper indicates that the long-term goal for the 'Future School System' is that MATs will have sole responsibility for 'ensuring quality' i.e. School Improvement.

In the time until then, the LA retains responsibility for School Improvement in maintained schools and settings. Currently in Wigan LA, 75% of schools and settings are **not** academies. This equates to 98 schools and settings for which the Local Authority retains *statutory responsibility* for School Improvement.

- 2.2 The Schools Causing Concern Guidance of March 2022 (and the revised version currently out to consultation which has no changes in this regard) is clear on the *statutory responsibilities* of the LA.

### **Warning Notices**

Local Authorities are responsible for issuing warning notices to hold their schools to account and may issue warning notices to their maintained schools under the following circumstances:

1. the standards of performance of pupils at the school are unacceptably low and are likely to remain so; or
2. there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance; (incl poor financial management) or
3. The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise); or
4. The governing body have failed to comply with a provision of an order under section 122 of the Education Act 2002 (teachers' pay and conditions) that applies to a teacher at the school; or have failed to secure that the head teacher of the school complies with such a provision.

**Failure to comply with a warning notice and a school becomes 'eligible for intervention'**

The LA has several intervention powers of as set out in sections 63-66 of the 2006 Education Act:

- Section 63 – power to require the governing body to enter into arrangements;
- Section 64 – power to appoint additional governors;
- Section 65 – power to appoint an interim executive board (IEB);
- Section 66 – power to suspend the delegated budget

NB: Forthcoming proposed powers to issue Academy Orders

### **Other LA statutory responsibilities for School Improvement**

Section 13A Education Act 1996 – LA's have a statutory role to exercise its education functions with a view to promoting high standards. The LA is responsible for:

- Understanding the performance of maintained (for Wigan read all schools as we wish to maintain the Wigan Family of Schools) schools in their area, using data as a starting point to identify any school that is underperforming, while working with them to explore ways to support progress;
- Working closely with the relevant Regional Director (RD), diocese and other local partners to ensure maintained schools receive the support they need to improve;
- Where underperformance has been recognised in a maintained school, proactively work with the relevant RD, combining local and regional expertise to ensure the right approach, including sending warning notices, and using intervention powers where this will improve leadership and standards;
- Should a local authority have any concerns about an academy's standards, leadership or governance, they should raise these directly with the relevant RD.
- Encourage good and outstanding maintained schools to take responsibility for their own improvement; to support other maintained schools; and enable other maintained schools to access the support they need to improve.
- Non statutory oversight of governance in maintained schools

It is clear therefore that, in the transition phase from the current school system to the proposed future (2030) position that there is a central responsibility for the Local Authority in relation to School Improvement.

### 3. Current funding arrangements

3.1 This statutory function had, until AY 2021-22, been funded by a central Government Grant (the School Improvement and Monitoring Grant) which was supplemented by Wigan Council. In addition, the role of Service Lead for Standards and Learning is funded by Wigan Council.

In October 2021, DfE brought forward a consultation (Reforming how local authority school improvement functions are funded) that proposed the staged removal of the grant, to 50% in AY 21-22 with full removal at April 2023. The consultation also proposed that LA's should seek funding through de-delegation from maintained school budgets in order to meet the described statutory functions. The proposals in the consultation were accepted and brought forward as policy by DfE in January 2022.

This left LA's with very little time to adapt as any delegation for 22-23 had to be agreed by School Forum in the Spring of 2022. Wigan School Forum made a commitment to de-delegate £100,000 for the AY 22-23 to enable to SI service to maintain the 'current position'. The funding situation is therefore:

Academic Year 21-22	Sept 21- March 22	£197,000
	April 22- August 22	£65,000 * grant reduction commenced
	<b>Total Grant</b>	<b>£252,000</b>
Academic Year 22-23	April 2022	De-delegated £100,000 at School Forum
	September 22-March 23	£96,000 * expected balance of reduced grant
	<b>Total Funding</b>	<b>£196,000 (approximate figures until DfE announce final grant determination)</b>
Academic Year 23-24	COMPLETE GRANT REMOVAL	
	<b>Total Funding</b>	<b>£0</b>

3.2 For Academic Year 23-24, there is no funding agreed (grant funded, or through de-delegation) to allow the LA to exercise its statutory responsibilities.

The current School Improvement System in Wigan and how it is funded is best represented by the model below:

## Warning Notices and Intervention

### Local Authority - Central

- Liaise with DfE (RD)
- Liaise with Diocese
- MAT and SAT engagement
- Issue pre-warning and warning notices to maintained schools
- Use intervention powers in maintained schools where this will improve leadership and standards
- Coordinate School Improvement & monitoring across the system

## Other LA statutory responsibilities for School Improvement

### LA / System partnership- School Improvement Boards

- Understand the performance of all schools in the area, using data as a starting point to identify **any school** that needs support to ensure all children have a good school place. Triangulate this with monitoring and consortia level intelligence.
- Where a need has been recognised in a maintained school, proactively work together to combine local and regional expertise to ensure the right approach to prevent schools becoming group 1.
- Provide this support with MATs and SATs where that need is established from LA Trust engagement

### LA / System partnership- The National, Regional and Local School Improvement System ('The Menu')

- Support the Wigan Family of Schools by encouraging all good and outstanding schools to take responsibility for their own improvement
  - Enable maintained and academy schools to access the support they need to improve.

£105,000

£ 38,000 for School Improvement Boards

Balance of SIMB for School Improvement (£ 160,000 for SI support)

#### 4. Options for consideration

4.1 There are three options for consideration by School Forum:

Warning Notices and Intervention	Other LA statutory responsibilities for School Improvement	
Option A	Option B	Option C
funding required to do core statutory work - £105,000	Plus funding required to also maintain School Improvement Boards- £143,000	Plus funding required to do a level of SI work under a new set of principles (below) £200,000 - £250,000
<p>Option C- Revised funding principles:</p> <ul style="list-style-type: none"> <li>• Only fund SI activity at a school level where a school is identified as group 1 or at risk of group 1 and is projecting a deficit budget <i>in year</i>;</li> <li>• There will be a discussion with that school about savings to pay for the required intervention work;</li> <li>• Some funding will be used to fund system wide thematic work in line with the KAF work for the benefit of the whole system;</li> <li>• All other SI work would be paid for from a school's budget with a menu of our offer and costings developed across 22-23</li> </ul>		
What might these options 'look like'?		
Option A	Option B	Option C
<p>Desk top identification of schools of concern, supported by fieldwork from a LA Monitoring Officer who visits school to triangulate the data.</p> <p>Upon identification of an issues, the LA would issues a statutory warning notice</p> <p>The support for this would be brokered from the Academy system through consultation with CEOs. Future support would be funded from that school's budget, by the MAT or through DfE intervention funding if the criteria for that funding were met.</p>	<p>Desk top identification of schools of concern, supported by field work and school improvement work from Lead Headteachers.</p> <p>Lead Heads would be the lead professional to identify what the issues are, what action is required and who could provide that support ahead of any potential warning notice.</p> <p>Any support would be funded by the receiving school budget, or by the supporting school, a MAT or through DfE intervention funding if the criteria for that funding were met.</p> <p>This would be Quality Assured and assured by a LA monitoring officer.</p>	<p>Desk top identification of schools of concern, supported by field work and school improvement work from Lead Headteachers.</p> <p>Lead Heads would be the lead professional to identify what the issues are, what action is required and who could provide that support ahead of any potential warning notice.</p> <p>Any support would be funded by the budget made possible by de-delegation and where the above conditions are met. Otherwise, the support would be funded by the supporting school, a MAT or through DfE intervention funding if the criteria for that funding were met.</p> <p>This would be Quality Assured and assured by a LA monitoring officer.</p>

4.2 As with other de-delegations a per pupil value would be applied for any agreed funding. This will be based on pupil numbers as at the October 2022 census. The school level cost of the above options have been modelled in Appendix 1 of this report based on October 2021 pupil numbers in order to provide indicative values for Schools Forum consideration. This will change with the updated census data for October 2022.

Furthermore, it is the case that the DfE have made it clear that, in line with other de-delegation decisions, the Secretary of State will retain the power to approve the de-delegation contrary to the decisions of the schools forum, if satisfied that the council had demonstrated such de-delegation was necessary to ensure the council is adequately funded to exercise core school improvement activities.

## **5. Recommendations**

5.1 That School Forum members give consideration to the options with key stakeholders in the system and return to school forum in November prepared to debate and make a vote on the option for the future.