

Prosperous Overview and Scrutiny Committee - Thursday 29 September 2022

Schools White Paper - Opportunity for all: Strong schools with great teachers for your child

Recommendation(s)

I recommend that the Committee:

- a. Consider the contents of the Schools White Paper - Opportunity for all: Strong schools with great teachers for your child, which was published in March 2022 and the subsequent Schools Bill, which was published in May 2022
- b. Provide comments to support the County Council's response to strategic planning in response to changes in legislation required to enact the intentions for reform of the school system as outlined in the White Paper

Local Member Interest:

N/A

Report of Cabinet Member for Education (and SEND)

Summary

What is the Overview and Scrutiny Committee being asked to do and why?

Provide the Overview and Select Committee with an opportunity to consider and comment upon the contents of the Government's Schools White Paper - Opportunity for all: Strong schools with great teachers for your child and the subsequent Schools Bill which provides the legislation required to enact the intentions for reform of the school system as outlined in the White Paper.

Report

Background

1. The latest schools white paper, 'Opportunity for all: Strong schools with great teachers for your child' sets out the government's ambition for a school system that helps every child in England to fulfil their potential.

2. The paper sets out a range of programmes for teacher development and recruitment. It provides a vision around the additional support for schools to secure the fundamentals of behaviour, attendance and wellbeing for all pupils.
3. It outlines various interventions that could be used to target support to those who need it most and expectations around improved ambitions for outcomes at the end of key stage 2 and key stage 4.
4. It lays out the future plans for a fully trust-led system with a singular regulatory body by 2030 and defines the roles and responsibilities of all those involved in the system, including the role of councils, and sets out how they plan to ensure councils have the right powers to deliver in their role at the heart of the new system.
5. As of 01 September 2022, 270 of Staffordshire's 404 state funded schools (67%) were academies. The academies are part of 58 academy trusts.
6. The Schools Bill was subsequently published providing the legislation required to enact the intentions for reform of the school system as outlined in the White Paper.
7. The Schools Bill introduces other measures aimed at ensuring consistency in the system and raising standards, which affect school admissions; behaviour, attendance and absence; oversight, accountability and intervention; curriculum support; and teacher and school leader development.

Schools White Paper - Opportunity for all: Strong schools with great teachers for your child

8. The White Paper - 'Opportunity for all: Strong schools with great teachers for your child' is compiled in four significant chapters.

Chapter 1: An excellent teacher for every child

9. The ambition set out in the paper is that by 2030, every child will be taught by an excellent teacher trained in the best-evidenced approaches.
10. To achieve this, the government will expand on existing policies by:
 - a. Delivering 500,000 teacher training and professional development opportunities across Initial Teacher Training (ITT), the Early Career Framework and National Professional Qualifications by 2024.

- b. Raising teachers' starting salaries to £30,000 by 2023 and offering incentives for new teachers in specific subjects who choose to work in disadvantaged schools.
- c. Retaining the focus on pupil premium as a driver of attainment for disadvantaged pupils.
- d. Asking Ofsted to inspect all ITT providers by July 2024, and then every three years.

11. New proposed policies include:

- a. A new scholarship to attract talented language graduates and training to support more engineers to teach physics
- b. A new Leading Literacy National Professional Qualification available from September 2022
- c. A new National Professional Qualification for Early Years Leadership
- d. Initiatives to attract trainees and recognise high-quality teaching qualifications from all over the world

Chapter 2: Delivering high standards of curriculum, behaviour and attendance

12. By 2030, every child will be taught a broad and ambitious curriculum in a school with high expectations and strong standards of behaviour.

13. To achieve this, the government will expand on existing policies by:

- a. Establishing Oak National Academy as an arm's-length curriculum body, offering free resources for teachers
- b. Working closely with the Education Endowment Foundation and Ofsted, to ensure work is informed by the best available evidence and aligns with best practice
- c. Making no changes to the national curriculum, with GCSEs and A-levels remaining in place
- d. Introducing Mental Health Support Teams that provide extra capacity for early support and advising school staff
- e. Strengthening Relationships, Sex and Health Education, as well as statutory safeguarding guidance

14. New proposed policies include:

- a. All mainstream schools to run a 32.5-hour week minimum by September 2023
- b. Revising the behaviour, suspension and permanent exclusion guidance
- c. Introducing a National Professional Qualification in Behaviour and Culture for all teachers and leaders

- d. Launching a National Behaviour Survey to gather stakeholder views on behaviour and wellbeing in their school
- e. Introducing legislation to establish a register for children not in school
- f. Legislation to create statutory guidance on attendance that requires every school to publish a clear attendance policy
- g. A new literacy and numeracy digital test for a sample of year 9 pupils to estimate performance nationally
- h. Legislation to modernise rules on recording attendance which will provide a blueprint for other parts of the system
- i. A network of modern foreign language hubs, and effective professional development for language teachers
- j. Updating plans to support sport and music education and producing a new cultural education plan
- k. A new careers programme for primary schools in areas of disadvantage and improved professional development for teachers and leaders on careers education

Chapter 3: Targeted support for every child who needs it

- 15. The White paper commits that by 2030, every child who falls behind in English or maths will get the right support to get back on track.
- 16. To achieve this, the government will expand on existing policies by:
 - a. Providing up to 6 million tutoring courses by 2024 cementing tuition as a permanent feature of the school system
 - b. Equipping schools to robustly and routinely identify children who need support, including those with SEND
- 17. New proposed policies include:
 - a. Parent Pledge – that for any child “falling behind” in English and maths, parents should receive timely and evidence-based support, funded largely by pupil premium, making it easier for schools to use this money to support literacy and numeracy where needed
 - b. New guidance on providing catch-up support and conducting effective assessments for children who have fallen behind
 - c. Tutoring as a core academic option in the pupil premium menu
 - d. Reform of the SEND and Children’s Social Care systems
 - e. An investment of £2.6 billion in high needs capital investment over the next three years to deliver new places and improve existing provision for children and young people with SEND or with those requiring alternative provision
 - f. Equipping the DfE new Regions Group to hold local authorities and academy trusts to account for local delivery for children and young people with SEND.

Chapter 4: A stronger and fairer school system

18. The White Paper recommitments the government to achieving a fully academised school system so that by 2030, all children will benefit from being taught in a family of schools, with their school in a strong multi academy trust or with plans to join or form one.
19. To achieve this, the government will expand on existing policies by nurturing a system of strong trusts where all schools will be in or joining a multi academy trust (MAT). This will include:
 - a. New powers enabling the Secretary of State to bring a local authority's-maintained schools into the academy system where a local authority has requested this as part of their local strategic plan.
 - b. An expectation that most trusts will be on a trajectory to either serve a minimum of 7,500 pupils or run at least 10 schools
 - c. Local authorities establishing new MATs where too few strong trusts exist.
 - d. Local authority trusts will be regulated in the same way as any other trust, and the government will ensure that safeguards are in place to effectively manage any potential for conflicts of interest, both for the trust, and the local authority.
 - e. Clearer expectations for trusts over providing high-quality, inclusive education, school improvement, financial management, parental engagement and workforce deployment, training and retention.
 - f. Investing in 55 Education Investment Areas (EIA) across the country where outcomes are poor in English and maths. Staffordshire has not been identified as an EIA.
 - g. Transitioning to a direct National Funding Formula, without local amendment.
20. New proposed policies include:
 - a. A CEO development programme for established leaders
 - b. £86 million to be committed to trust capacity funding over the next 3 years
 - c. All trusts having local governance arrangements for their schools to be responsive to stakeholders.
 - d. Good schools requesting that the regulator agrees to the school moving to a stronger trust
 - e. Local Safeguarding Partnerships to commission safeguarding audits every three years
 - f. Defining a strong trust as one delivering high quality education, including for disadvantaged children and children with SEND. Having effective central leadership teams, strong school leadership and

- teaching, and using evidence-based curriculum design and implementation.
- g. School improvement - working quickly to improve standards within all their schools, particularly transforming previously under performing schools.
 - h. Strategic governance - operating an effective and robust governance structure that involves schools and exemplifies ethical standards. Utilising the expertise and skills on its boards to oversee the strategic direction and hold leaders to account. Having a strong local identity, engaging effectively with parents and the wider community.
 - i. Strong and effective financial management - prioritising the use of resources, including the estate, to deliver the best educational experience for children.
 - j. Workforce - training, recruiting, developing, deploying and retaining great teachers and leaders throughout their careers and prioritising staff wellbeing.

Schools Bill

- 21. The Schools Bill - To Make provision for the regulation of Academies; about school and local education funding; about the attendance of children at school; about the regulation of independent educational institutions; about teacher misconduct; and for connected purposes was introduced into the House Of Lords on in May 2022 and is due for 3rd reading in September 2022.
- 22. Information explaining measures in the Schools Bill is set out in [policy statements](#) included in the 5 parts of the original bill

Part 1

- 23. Academy Trust Standards and Academy Trust Intervention Powers have been removed from the Bill following the committee stage.

Statutory faith protections for academies with a religious character

- 24. The government is legislating to introduce equivalent statutory protections for academies. This is to protect the religious character of a faith school through its governance arrangements and provision of religious education and collective worship to pupils. These provisions will only apply to academies designated with a religious character, and academy trusts that manage such schools. The protections mirror as far as possible those that currently exist for local authority-maintained faith schools.

Academy Grammar Schools

25. This measure will place a duty on the Secretary of State to designate the 143 academy grammar schools in England as grammar schools, putting them onto the same legal footing as the 20 maintained grammar schools. The measure will ensure that the law protects the selective status of academy grammar schools whilst also protecting the rights of parents to ballot for the removal of selection through a parental ballot initiated by a petition of eligible parents.
26. As Staffordshire has no Grammar Schools, there is no impact.

Local Authority Academisation Power

27. This legislation enables a local authority to make an application to the Secretary of State to make an academy order in respect of any maintained schools in its area. The Secretary of State will then have a discretionary power to make such an order in respect of the schools named in the application. In practice, such decisions will be devolved to Regional Directors.
28. Prior to making a request for an academy order, local authorities will need to engage extensively with local partners to ensure that their plans for maintained schools to join strong trusts meet local needs and as required by the legislation, both:
 - a. Consult the governing bodies and foundations (where applicable) of any schools included in the local authority's plan; and
 - b. Obtain the consent of the trustees of a foundation or voluntary schools, persons by whom foundation governors are appointed and the appropriate religious body, if the school has a religious character, prior to making an application.

Transfer of land by local authorities

29. The legislation is to add a requirement for local authorities to transfer land provided for an academy in circumstances where charitable trustees are being asked to give up their current land interest in return, so that the purpose of the trust to provide land for a school can continue to be preserved.

Part 2

National Funding Formula (NFF) Reforms

30. This measure places a duty on the Secretary of State to determine funding for all mainstream schools (both academies and maintained schools) in England through a single, directly applied national funding formula. The government will use the schools NFF to decide how much core funding to allocate for 5–16-year-old pupils (reception through to Year 11) in mainstream state-funded schools in England. This will make funding more consistent for mainstream schools, no matter which local authority they are in.
31. Following a consultation with schools and with the agreement of Schools Forum, Staffordshire implemented the NFF in April 2018.

Part 3

School Attendance

32. Part 3 of the Schools Bill focuses on school attendance amending the Education Act 1996.

Children not in School

33. This measure will place a duty on local authorities in England to establish and maintain Children Not In School (CNIS) registers, and to provide support to home educators. The registers will record eligible children of compulsory school age that are: electively home educated, flexi-schooled, or receive alternative provision in an unregistered setting.
34. It places a duty on parents to provide necessary information to local authorities for inclusion on their registers where children of compulsory school age are not on a school roll. Providers of out-of-school education are required to provide information to the local authority on request.
35. Staffordshire has lobbied the Department for Education for the establishment of such a register so that we can be confident all children in Staffordshire are in receipt of appropriate education. Staffordshire already has a register in place, the change to the legislation may increase in the number of EHE families known to the local authority.

School Attendance

36. This part of the bill has four sections.
37. The first section requires the local authority to have regard to the new attendance guidance issued by the Secretary of State. This will set clear standards for local authority attendance services and help improve the consistency of attendance support received by families across England to improve access to education.
38. The guidance issued by the
39. Section two of school attendance outlines the components a school attendance policy must include, for example the attendance procedures which must be followed and the responsibilities of particular staff members. This will help set clear attendance expectations for every pupil and parent in England. The measure also requires proprietors to have regard to new attendance guidance issued by the Secretary of State which will provide further detail on how these components should be implemented and obligations, such as accurately completing attendance and admission register, met.
40. The third section of school attendance intends to allow the Secretary of State to set, through regulations at a national level, the circumstances in which the issuing of fixed penalty notices for absence must be considered. Provision would also be made for the coordination of arrangements between local authorities, neighbouring local authorities, the police and other authorised officers.
41. The final section focuses on the regulations for granting leave of absence. This part of the bill will mean that the regulations will be amended so that they also apply to academies.
42. The school attendance legislation is intended to take effect from 1 September 2023 for the start of the new academic year. Non statutory guidance has been provided for 1 September 2022 in preparation for the statutory implementation.

Part 4

Independent Educational Institutions

43. Part 4 of the Schools Bill focuses on the requirements for independent schools. It provides details about the registration requirements of independent institutions, enforcement where an independent educational institution is failing to meet the independent standards

including suspension of registration. It also covers changes to appeals of deregistration decisions on the grounds of standards. The measure also clarifies the circumstances where an application to make a material change need to be made. Finally, the Bill will strengthen the powers available to identify and investigate suspected criminal offences in relation to independent schools.

44. This part of the legislation will provide clarity on which settings need to register as a school. It extends the registration requirement to more settings which could be expected to provide all, or the majority of, children's education. This will enable these settings to be subject to regular inspection against standards to ensure that they provide a safe and suitable education to the children attending.

Part 5

Teacher Misconduct

45. The existing legislation governing the teacher misconduct limits the ability of the Secretary of State to investigate cases of serious misconduct and does not allow cases to be investigated where the misconduct occurred whilst the individual was not teaching (even where there is likelihood that the individual may return to teaching). The changes proposed will broaden the scope of the regime and will ensure that serious misconduct can be considered by the Secretary of State regardless of when the misconduct occurred or whether the individual was teaching when the misconduct was committed.

Implications for the Local Authority

46. The LA retains a number of statutory duties relating specifically to children's education including: to ensure fair access to school places, to deliver suitable home to school transport arrangements and to ensure high quality education for children and young people with special educational needs and/or disabilities (SEND), plus securing alternative provision outside mainstream school.
47. The DfE has indicated that Local Safeguarding Partnerships will need to commission safeguarding audits every three years. This is to help ensure that all schools' policies are consistent with local safeguarding arrangements and the academy trust standards. We are waiting for further details from the DfE.
48. The LA will have a duty to establish and maintain a Children not in School (CNIS) register. The register will ensure we are aware of the children not in school area so we can undertake our existing

responsibilities more effectively, which include identifying those children who are missing education.

49. Staffordshire already has a register in place, the change to the legislation may increase in the number of EHE families known to the local authority.
50. There is also a duty to provide support to parents who are electively home educating their children only. The support that may be provided by could include, but is not necessarily limited to, the following:
 - a. advice about education of the child
 - b. information about sources of assistance for the education of the child
 - c. provision of facilities, services, or assistance (including financial assistance)
 - d. access to non-educational services or benefits
51. New legislation will amend the School Attendance Order (SAO) process in England. A 'preliminary notice' (requiring the parent to evidence that their child is receiving a suitable education) will need to be issued by the local authority within 3 days of the event that triggers their duty to issue it. A parent who receives a preliminary notice will have no less than 10 days to satisfy the local authority that their child is receiving a suitable education.
52. The changes will make the process for and effect of SAOs more similar for academy schools and alternative provision academies to the current process for maintained schools.
53. The government published [Working together to improve school Attendance](#) which is currently non-statutory but subject to Parliament, the Secretary of State has committed to this guidance becoming statutory when parliamentary time allows (this will be no sooner than September 2023).
54. As local authorities vary significantly in size, organisational approach and demographics, the DfE has confirmed that the specifics of attendance service delivery and how those roles are discharged should be determined locally to meet local needs of pupils, parents, and schools. As a minimum, however, all local authorities are expected to:
 - a. Rigorously track local attendance data to devise a strategic approach to attendance to unblock area wide barriers to attendance.

- b. Have a School Attendance Support Team which provides core functions to all schools including termly conversations with schools
 - c. Multi-disciplinary support for families and where needed support to tackle the causes of absenteeism and unblock the barriers to attendance.
 - d. Legal intervention using the full range of parental responsibility measures, where voluntary support has not been successful or engaged with.
55. The guidance published by the Secretary of State requires the local authority to meet with schools, irrespective of governance, 3 times each year to discuss attendance of the children and young people on their roll.
56. As well as being permitted to use the income from penalty notices to support early intervention, the DfE will also undertake a consultation in the summer of 2022 on which local authority services should be funded through the Central Schools Services Block in future. This will also consider how local authority attendance services are funded longer term as part of the consultation.
57. The White Paper and the Schools Bill recognise the crucial responsibilities the local authority retains and recognises the importance of working in partnership with academy trusts and schools and the Department for Education Regional Directors so that every child is supported to realise their full potential.

Link to Other Overview and Scrutiny Activity

Prosperous Staffordshire Select Committee considered the final report of the [Review Group on Elective Home Education](#) 19 July 2018. One of the recommendations in the [report](#) supported the introduction of a registration scheme for all children of statutory school age who are, or become, electively home educated.

List of Background Documents/Appendices:

Appendix 1: [Opportunity for all: strong schools with great teachers for your child - GOV.UK \(www.gov.uk\)](#)

Appendix 2: [Schools Bill \[HL\] as amended on report](#)

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