

<b>Committee(s):</b>		<b>Date(s):</b>
Community and Children's Services	9 October 2015	
Education Board	15 October 2015	
<b>Subject:</b>	Education and Adoption Bill	<b>Public</b>
<b>Report of:</b>	Remembrancer	<b>For Information</b>
<p>Summary</p> <p>This report summarises those measures in the Bill which may be of interest to your Committee. The Bill would:</p> <ul style="list-style-type: none"> <li>• require the conversion of certain schools into Academies</li> <li>• expand the Government's powers of intervention in schools</li> <li>• allow joint arrangements to be made for carrying out local authority adoption functions in England.</li> </ul>		

## Main Report

### **Background**

1. In their election manifesto, the Conservatives set out a range of policies intended to speed up the conversion of 'failing' schools into academies. The manifesto introduced a new concept of a 'coasting school' though the phrase was not defined. A new wave of free schools was forecast.
2. Some manifesto policies did not make it into the Bill – no restrictions are placed on 'satellite campuses' opened in London by universities located elsewhere in the UK and no changes are proposed to skills funding arrangements in London.

### **Schools and Academies**

3. In a much-trailed move, the Bill contains measures intended to simplify the process of conversion from school to academy. Under the Bill, conversion can occur in one of two ways. First, a school's governing

body may apply to convert. Second, by virtue of a duty on the Secretary of State to make an 'academy order' in relation to every school judged 'inadequate' by Ofsted. Inadequate is the lowest grade Ofsted may give to a school.

4. The Bill proposes changes to the Education and Inspections Act 2006 so that schools classified as 'coasting' would be eligible for intervention by the local authority; intervention would not be mandatory and a school defined as coasting would not automatically be converted into an academy. The Bill does not define 'coasting' but rather includes a power enabling the Secretary of State to define in regulations what 'coasting' means. The Government has indicated, however, that coasting will be judged over a three year period and determined on whether fewer than 85% of its pupils achieving the 'expected standard' across reading, writing and maths. The 'expected standard' will be set each year once the results for that year are available.
5. Currently local authorities have a power to issue a poorly performing school with a warning notice regarding that school's performance. The Bill proposes that this power be extended to the Secretary of State. If brought into force, a school subject to a warning notice would be subject to a local authority or Secretary of State intervention. Such an intervention might include the appointment of additional governors and taking over control of a school's delegated budget. The power to intervene will commence at the date stated in the notice of intervention. This is a change from current practice where a school has 15 working days from the date of the notice until intervention. In the future, any notice given by the Secretary of State will supersede any local authority notice. As a result of these changes, the Secretary of State's existing power to direct a local authority to give a performance warning notice is repealed.
6. In what would be a further extension of power for the Secretary of State, the Bill proposes that she may give to a governing body of a maintained school a notice requiring it to take specified action to secure improvement of the school's performance and facilitate its conversion to an academy. This power may be exercised only in relation to a maintained school that is eligible for intervention. This replicates local authorities' current power to give such a notice.
7. The Bill proposes a wholly new power for the Secretary of State to require, in cases where a school is eligible for intervention, a school to cooperate or join with another party (for example, the governing body of

another school). A school may be obliged to collaborate with another maintained school or further education body, or to join an existing federation of maintained schools. The Bill requires the Secretary of State to consult prior to exercising this power. The consultees are the governing body of the school, the diocesan authority in the case of a foundation or voluntary school which is a Church of England school or a Roman Catholic Church school, and in the case of any other foundation or voluntary school, those who appoint the governors.

8. Authorities must notify the Secretary of State before they exercise their powers in any of the following ways: requiring a governing body to enter into arrangements with other schools; appointing additional governors; removing a school's delegated budget. The Secretary of State is required to notify the local authority that he intends to require a governing body to enter into arrangements with another school, appoint additional governors or direct the closure of a school.

### **Adoption**

9. The Bill builds on recent findings by the Association of Directors of Children's Services and the House of Lords committee on adoption legislation that collaboration between authorities can lead to greater numbers of adoptive parents and produces more successful matching of children and parents.
10. Currently each local authority is required to maintain an adoption service and may provide that service by collaborating with other local authorities or registered adoption societies. Only local authorities and registered adoption societies may make arrangements for adoption.
11. The Bill proposes a wide-ranging and flexible new power for the Secretary of State to issue directions in relation to the adoption functions of local authorities. The Bill does not set out any limit to the circumstances in which such directions may be made. Under the Bill, the Secretary of State may direct one or more local authorities to make arrangements for any or all of their adoption functions to be carried out on their behalf by one local authority or by an adoption agency. The Secretary of State can either name which adoption agency should carry out these functions, or instruct the relevant local authorities to determine who should carry out the functions. It is not apparent how big (or small) a geographical area the Government envisages such a collaboration would cover.

12. A local authority that receives such a direction would have considerable flexibility. An authority may, for example, decide to set up a new voluntary adoption agency to carry out adoption functions or make arrangements for one of the local authorities to act on behalf of the others named in the order, or with a different local authority or voluntary adoption agency.

### **Consultation**

13. The Director of Community and Children's Services has been consulted in relation to the contents of this report.

### **Conclusion**

14. The measures in relation to school performance will not affect The City's Sir John Cass Foundation primary school which was judged 'outstanding' by Ofsted in its last two inspections (2008 and 2013). Other proposals are noteworthy in light of the City's long-standing educational interests.

15. The proposals in relation to adoption will be relevant to the City's functions in that area. Coram, a specialist adoption agency, carry out adoption functions for the City and have done so since 1 June 2015.

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