

CABINET

19 OCTOBER 2021

MEDWAY COUNCIL EDUCATION STRATEGIC FRAMEWORK

Portfolio Holder: Councillor Mrs Josie Iles, Portfolio Holder for Children's Services
(Lead Member)

Councillor Martin Potter, Portfolio Holder for Education and
Schools

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Summary

This report seeks to outline the role for the local authority:

- 1) As a result of the 2010 coalition Government's white paper, the Importance of Teaching, and how the Council intends to meet requirements.
- 2) To ensure school effectiveness aims, priorities and principles as well as operational arrangements for quality assuring, monitoring and evaluating and supporting and challenging schools.

These documents, which are presented for Cabinet's approval, alongside the Council's School Place Planning Strategy and the SEND Strategy form Medway Council's education strategic framework.

The report was considered by the Children and Young People Overview and Scrutiny Committee at its meeting on 30 September 2021, and its comments are set out at section 6.

1. Budget and policy framework

- 1.1. Medway Council is aspirational for all its children and young people. Within the Council strategy 2021-22 we look for all children to achieve their potential within an education setting appropriate to them.

- 1.2. Local authorities are bound by some 230 statutory duties covering education and children's social care. The way in which the roles and responsibilities of the Director of Children's Services (DCS) and the Lead Member for Children's Services (LMCS) are fulfilled will vary between different places and change over time. This are outlined in part within 'statutory guidance on the roles and responsibilities of the director of children's services (DCS) and the lead member for children's services (LMCS)'.
- 1.3. Section 10 of the Children Act 2004 places a duty on local authorities and certain named partners (including health) to co-operate to improve children's well-being. The DCS and LMCS must lead, promote and create opportunities for co-operation with local partners (for example, health, police, schools, housing services, early years, youth justice, probation, higher and further education, and employers) to improve the well-being of children and young people. Local authorities must also (by virtue of the Child Poverty Act 2010) establish local co-operation arrangements to reduce child poverty, prepare and publish a local child poverty needs assessment, and prepare a local child poverty strategy.
- 1.4. The DCS and LMCS are appointed for the purposes of discharging the education and children's social services functions of the local authority. The functions for which they are responsible are set out in section 18(2) of the Children Act 2004. Within Medway, this Director of People is the Statutory Director of Children's Services and holds these responsibilities.
- 1.5. The local authority 'education' functions do not include further and higher education functions listed at section 18(3) of the Children Act 2004.
- 1.6. In line with the guidance, the Council is a key partner of the Medway Education Partnership, working with headteachers, school governors and academy sponsors and principals, to promote educational excellence for all children and young people and be ambitious in tackling underperformance.

2. Background

- 2.1. Medway has a mixed educational landscape with most primary schools, all but one secondary school, a UTC and most special schools being academies. Medway currently has a total of 100 schools and 90 per cent of these have an Ofsted rating of good or better.
- 2.2. Given this landscape, it is the duty of Medway Council to fulfil its statutory duty to promote high standards in the context of the majority of schools being academy trusts and free schools. It follows that a local authority, where it is responsible for school effectiveness, must ensure that quality assurance procedures in place include academies, trusts and free schools.
- 2.3. Both new strategies, as additions to the overall framework, should also be read alongside the Medway Education Partnership Board's (MEPG) strategic plan, which is in the process of final revisions for consideration by the first MEPG meeting of the 2021/22 school year.

3. Advice and analysis

- 3.1. There is no legal requirement for a top-tier council to have a strategy for education. By statute, the Council has a wide range of statutory duties and powers, but no obligations to set out in a strategic document how these will be carried out.
- 3.2. The Council is inspected, with its partners (the local clinical commissioning group (CCG), public health, NHS England (for specialist services), schools and early years providers and early years settings, for the area's effectiveness in identifying and meeting the needs of children and young people with special educational needs and / or disabilities. Ofsted considers the area's strategic plan for meeting these needs.
- 3.3. It follows that there is the option not to have a Council strategic plan for education. However, given the strategic role the 2010 coalition government set out for top-tier local authority in its white paper *the importance of teaching*, it is important to for the Council to set out clearly how it will fulfil these.

Medway Council Education Strategy

- 3.4. The attached strategy for education in Medway (Appendix 1) sets out the Council's approach to fulfilling its duties as set out in the 2010 coalition government's white paper 'the importance of teaching'.
- 3.5. It describes the role of the Council in supporting settings to achieve the area's education vision through describing the local authority as: the champion of pupils, parents and communities; a maker and shaper of effective commissioning; and a convenor of partnerships.
- 3.6. In each of these domains, the strategy sets out, in broad terms, the actions the Council will take (see section 3 of the strategy attached at Appendix 1, paragraphs 3.1 to 3.19). These will be subject to more detailed annual action plans through the three-year strategic cycle.

Medway Council School Effectiveness Strategy

- 3.7. The attached strategy for school effectiveness in Medway (Appendix 2) sets out the Council's approach to fulfilling its statutory duties as set out to support and challenge 'schools of concern' and ensure that all maintained schools remain or become at least 'good' as judged by Ofsted.
- 3.8. It describes the role of the Council in:
 - supporting parents and families through promoting a good supply of strong schools;
 - supporting vulnerable learners – including children looked after, those with special educational needs and those outside mainstream education;
 - assessing accurately the performance of all schools and report judgements to governors / trustees;

- supporting schools to be self-evaluating and self-managing with the expertise, means and resources to continuously improve;
- offering appropriate support and challenge within the general principle of intervention in inverse proportion to success;
- ensuring a strong approach to underachievement and swift and effective action to remediate it;
- intervening in schools causing concern (in line with the September 2019 guidance for local authorities and RSCs); and
- championing local democracy by ensuring an appropriate choice of school governance arrangements and choice within types of provision.

3.9. A diversity impact assessment has been carried out and is attached at Appendix 3.

4. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Funding	Reduction in central block grant	Take account in MTFS; Ask schools forum to contribute through top-slicing	A, 2 or 3 depending on the severity of the reduction
Retention / recruitment of staff	Failure to retain sufficient competent managers / staff	Identify home-grown talent and encourage aspirations for promotion	D, 2
Strategic Targets	Failure to achieve targets	Detailed annual action planning, with deliverables, accountable officers, and deadlines, monitored termly	C, 2 or 3

5. Consultation

5.1. The draft strategies have been shared with Medway schools and the Regional Schools Commissioner.

6. Children and Young People Overview and Scrutiny Committee

6.1. The Children and Young People Overview and Scrutiny Committee considered the report at its meeting on 30 September 2021, and its comments are set out below:

- 6.2. The Assistant Director, Education and Special Educational Needs and Disabilities (SEND) introduced the report which provided two documents, namely the Medway Education Strategy and the Medway School Effectiveness Strategy. These documents would form part of a strategic framework for Education in Medway. He explained that the documents provided clarity around the role of the local authority (LA) in relation to education. The documents were draft and the Committee was asked to comment and recommend them to the Cabinet for approval.
- 6.3. Members then raised a number of questions and comments, which included:
- Voice of the child – concern was raised that the documents did not demonstrate enough the voice of children and young people or their input in shaping the strategies. Equally it was stated that the documents didn't recognise enough the diversity of Medway. In response, officers accepted these points and that more needed to be done around the child's voice going forward, recognising that covid had been a factor that had made this more difficult.
 - School location – the point was made that ideally every child should have a primary school within 1.5 miles from their home. Officers confirmed that although this was ideal and an aspiration for children, it wasn't always possible due to land availability.
 - Purpose of the strategies – in response to a question about the purpose of the documents and what the public would gain from them, officers confirmed that they provided clarity around the Council's role in relation to education provision in Medway and that the framework would work towards a more effective, efficient, and equitable provision across Medway.
 - Places for out of area children – concern was raised about out of area children taking up places in Medway schools, primarily selective schools. Officers confirmed that it was unlawful to set admission policies that always favoured local children over children from other boroughs. He added that Medway schools were compliant with the Schools Admission Code and they were admitting pupils on distance thereby providing Medway children with a greater prospect of gaining a place, unless children were just outside the Medway border or were able to meet higher aspects of oversubscription criteria, such as sibling links. It was added that Key Stage 2 performance still needed to improve and as and when it does, more Medway children would reach the pass mark of the Medway test and thereby gain a place at a Medway grammar school.
 - Partnership working with the diocese boards – it was recognised that the diocese boards had a part to play in supporting schools who were not performing to expected standards and could work in partnership with the LA and were welcomed to better engage in the Medway Education Partnership Board.

- Governors – in response to a question about dialogue between the LA and school governors, officers confirmed that this had been something the LA needed to do more of, and governor meetings were being started up again later in the term. These would be organised by governors and supported by the LA as it felt this would be the most successful method of maximum engagement and outcome.
- Medway Test – comment was made about whether Medway could require parents to opt their children out of taking the test, as opposed to opting in. Officers raised concerns about the legal possibilities of this but undertook to investigate.
- Home-schooling – it was confirmed that when a parent chooses to home school their child the legal responsibility around that child's education falls to them and the LA had no right to intervene if the family did not wish to access support.

6.4. The Committee recommended the Cabinet to approve the Education Strategic Framework, as detailed within the strategies attached at Appendix 1 and 2 of the report.

7. Climate change implications

7.1. No direct implications as a result of the recommendations of this report.

8. Financial implications

8.1. The dedicated school grant is an annual grant allocation awarded to the local authority (LA) to passport funding directly to schools/academies and education providers as well as to retaining funding for the LA to deliver its statutory functions. For 2020/21 the local authority was awarded:

- £892,539 through the central services schools block to continue to operate and run their statutory functions applicable to both maintained schools and academies i.e. admissions and governor services support; and
- £574,233 through a delegation top slice of maintained school budgets to operate and run their statutory functions applicable to maintained schools only. i.e. school improvement and National curriculum assessments.

9. Legal implications

9.1. This education strategic framework is an overall local authority strategic approach to education within Medway and looks to evidence how the authority will look to deliver a portion of its statutory functions as defined within this report and the document particularly around working in partnership with the local education sector. Medway's strategy reflects national policy and guidance changes. These include:

- Keeping children safe in education (October 2019);

- Education Act, 1996;
- The SEND code of practice 0 – 25 years, 2015 (COP) provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 (the Act);
- Statutory guidance for local authorities, and settings providing alternative provision;
- The Handbooks for School Inspection (Section 5 & Section May 2019) any reference to the Education Act 2005 includes Section 109 of the Education and Skills Act 2008, the Education Act 2011 and, the Academies Act 2010;
- The Education and Adoption Act April 2016 (which amends the Education and Inspections Act, 2006 and the Academies Act, 2010); gives the Secretary of State new powers of intervention in schools causing concern, and introduces new provisions for action to be taken in academies. Regional Schools Commissioners (RSCs) will exercise the powers of the Secretary of State;
- The schools causing concern guidance for local authorities and RSCs, September 2019: statutory guidance on local authorities and regional schools commissioners' responsibilities relating to schools and PRUs causing concern; and
- Guidance to promote the educational achievement of looked after children, February 2018: statutory guidance for local authorities to support looked-after and previously looked-after children's aspirations to achieve in further and higher education.

10. Director's comments

- 10.1. Throughout the COVID-19 Pandemic, the Council has worked closely with our education partners. This strengthened partnership working has been highlighted by inspectors in a recent visit. Historically, it should be noted that there has not been an education strategy. However, given the new role of the local authority and the changing landscape for education, both post and pre-Covid, it is timely to reassess our role in ensuring achievement and aspiration for the future in children and young people in Medway.
- 10.2. We will continue to work as a partner within the newly-established Medway Education Partnership chaired by the Council.

11. Recommendations

- 11.1. The Cabinet is asked to note the comments of the Children and Young People Overview and Scrutiny Committee, as set out in section 6 of the report.
- 11.2. The Cabinet is recommended to approve the Education Strategic Framework, as detailed within the strategies attached at Appendices 1 and 2 to the report.

12. Suggested reasons for decision

- 12.1. The strategic framework allows the Council to set out how as an organisation it will look to enable the system to achieve the aims set out in the council's strategy.

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Appendices

Appendix 1 – Medway Education Strategy 2021-2024

Appendix 2 – Medway School Effectiveness Strategy 2020-2023 (six annexes)

Appendix 3 – DIA

Background papers

[The importance of teaching \(education white paper, 2010\)](#)