

TO: EMPLOYMENT COMMITTEE
DATE: 16 JANUARY 2017

**Restructure of the School Improvement Service
Director Children, Young People & Learning**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is for the Employment Committee to note the restructure as agreed at the Children, Young People & Learning Departmental Management Team on the 15 November and the Corporate Management Team on 14 December 2016, and to authorise redundancy process associated with the restructure.

2 RECOMMENDATION

- 2.1 **That the Employment Committee agrees that subject to any redeployment opportunities offered to those affected, that the three postholders be declared redundant in accordance with the dates and terms set out in Exempt Appendix 1.**

3 REASONS FOR RECOMMENDATION

- 3.1 The consultations on the proposed new structures have now closed and the final decision on the new structure has been agreed by Corporate Management Team.
- 3.2 The LA has a range of statutory duties in order to promote high standards and fulfilment of children and young people's potential.
- 3.3 **The Education Act 2011** acknowledges that schools – Governors, Headteachers and teachers are responsible for their own school improvement and gives LAs a strategic role:
- As champions for parents, families and vulnerable pupils by promoting a good supply of strong schools.
 - In ensuring fair access for each child.
 - Supporting maintained schools performing below floor standards to improve quickly and to develop their own school improvement strategies.
 - Ensuring there is support for schools increasingly to collaborate.
 - Providing information and training to governors and make the instrument of government for all maintained schools.
- 3.4 **Section 13a of the Education Act 1996** gives LA the duty to:
- Promote high standards,
 - ensure fair access to opportunity for education and training, and promote the fulfilment of learning potential
- 3.5 LA's are also required to use statutory powers in accordance with the Schools Causing Concern document 2016 to ensure standards are high enough for all groups of pupils. Currently in Bracknell Forest these statutory powers have never been implemented.
- 3.6 The **Education Act 2006** includes the criteria that the LA will use to identify a school as a cause for concern and these are when:
- Standards of performance of pupils at the school are unacceptably low and are likely to remain so unless the authority exercises its powers under Part 4 of the 2006 Act.

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- 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.
- The safety of pupils at the school is threatened (whether by a breakdown of discipline or otherwise).

- 3.7 Despite an overall improvement in school performance re Ofsted outcomes over the last two years where the focus has been placed upon those schools requiring improvement, this has resulted in good schools now being in decline as capacity has not been available to actively support these schools. This has been evidenced by recent Ofsted inspections and outcomes in July 2016. The focus needs to be on all schools and ensure the expertise required to achieve this moving forwards exists. The School Improvement restructure needs to ensure that it is fit for purpose to meet the demands of the changing landscape of education policy and address under performance within all schools using statutory powers as required within a reduction in financial resources.
- 3.8 Performance in both primary and secondary schools is broadly average and should be better given the starting points of pupils. Performance within the EYFS, although above national average overall, the gap for disadvantaged pupils against non disadvantaged pupils is not narrowing and is 22.3% compared to 20.3% in 2015. Early reading skills are undeveloped and there is a 24% gap between disadvantaged pupils and non disadvantaged at the end of KS1 in reading. The national gap is 17%. Ensuring young children are prepared for entering school with the required language skills is a key focus for the LA. The gap for disadvantaged pupils across all sectors remains a huge concern and needs addressing.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To make no changes to the current structure of the School Improvement Service. This will undermine the ability of the service to address school improvement priorities as there is currently limited capacity in the key skills needed to raise standards through appropriate challenge for leaders and fulfil statutory duties as stated with the above Education Acts.
- 4.2 Alongside this, national policy changes to the role of LA's although as of the announcement in October 2016 this now remains unchanged, budget reductions in education grants, savings targets and the national academy programme together make a school improvement service within the LA unsustainable in the long term. Making a reduction in non-essential staff and strengthening the team will position the service to move into a more commercial model of delivery in 2017-18, in line with government policy and the financial objectives of the School Services Transformation Project.

5 SUPPORTING INFORMATION

Context

- 5.1 The current restructure paper was presented at the Departmental Management strategic day on the 15th November 2016 which also included members of the wider leadership team. Since the paper was originally reviewed Bracknell Forest primary schools are now at the bottom of the 'Watchstead' tables for the percentage of pupils in a good or better school. Currently 67.2% of pupils are in good or better school placing the LA 162 out of 162. Although secondary schools appear in a stronger position with 100% of pupils being in a good or better school there are currently two schools that are vulnerable based upon pupil outcomes in July 2016. In addition to this the gap for disadvantaged pupils not narrowing across all Key Stages places Bracknell Forest in a vulnerable position for an LA School Improvement Inspection from Ofsted.

- 5.2 The structure will support the savings target and will also increase the capacity of the School Improvement Team to deliver a quality service holding senior leaders including governance to account for pupil outcomes.

Background

- 5.3 Government policy through greater autonomy for schools over a number of years has been moving resources towards being able to deliver a school-driven school improvement system and Bracknell Forest's position of maintaining a relatively diverse school improvement team is becoming an anomaly. The LA needs to ensure that the resources being used are supporting high quality outcomes for the pupils in Bracknell Forest. Therefore evaluating their strengths and weaknesses in delivering the best pupil outcomes for children is a priority for the LA.
- 5.4 The council's budget position, reduction of education grants and the financial impact of schools becoming academies, all add weight to the policy rationale, supporting the case for working towards a new approach for the LA in delivering school improvement.
- 5.5 Currently, the School Improvement Service is funded through a multitude of income streams comprising council resources, including LA education related grants, a Service Level Agreement paid for by primary schools and other income generated from schools through training, consultancy, Newly Qualified Teacher induction etc. In addition, significant cost recharges are in place to the Dedicated Schools Grant, of which the scope to continue to use this funding source will be removed through the current school funding reforms, placing further financial pressure on the service. There is not a specific SLA for secondary schools to purchase.

The current structure

- 5.6 Priorities for the School Improvement Service are evidence based and include
- Improving Ofsted inspection outcomes through improved leadership.
 - Addressing underperformance across the primary and secondary phases in all subjects.
 - Raising standards for all groups of pupils and diminishing the difference for disadvantaged pupils within Bracknell Forest.
 - Ensuring schools are meeting statutory duties and reflecting best practice.
- 5.7 The current staffing structure cannot deliver on these priorities as not all staff have the range of skills required. The current structure includes staff with specialisms in PE/sports/PSHE, music/arts and Design and Technology. Whilst these specialisms undoubtedly have an educational value, in the current financial context there is no justification for maintaining these staff in post when the consequence is that support cannot be provided in core curriculum areas of maths or meet the needs of disadvantaged pupils. There is also a growing national pressure to develop more data collection, analysis and presentation capacity. At present there is no scope in the budget to do this.
- 5.8 The budget in this financial year is not sufficient to maintain the current staffing, purchase necessary specialist support from consultants that cannot be met from BFC staff and deliver paid for services to schools required to meet the budgeted income target. A budget deficit of around £0.035m is currently being forecast which will be covered in the short term through a compensating saving in the Governor Services Team. Also, moving forward, it is anticipated that the School Improvement budget is likely to reduce through the work of the School Services Transformation Project.

The relationship with the School Services Transformation Project

- 5.9 The School Services Transformation Project is one of a number of projects established to identify how the savings required by the Council over the medium term will be made. The project lead is reviewing all services which schools purchase through a Service Level Agreement and will make recommendations about which services are financially viable. Work is also being undertaken on new ways of delivering services outside of the council, such as through a company. This is particularly relevant to School Improvement services as the council will be unable to provide these services as they are currently funded post 2018. Other education related statutory and regulatory duties, which are currently notionally funded through the Education Services Grant that will end at September 2017 will also need to be included within the Transformation Projects.

The process so far

- 5.10 Initial agreement by CYPL DMT to a proposed restructure resulted in a first consultation process during May 2016 with the staff and unions. This included one to one meetings with staff.
- 5.11 During the consultation, the publication of proposed savings targets for the next financial year, notification of intended national reductions in education grants, the information available on school performance in Bracknell Forest (paragraph 5.1) in addition to savings being made through the Transformation projects, all had to be taken into consideration. As a consequence, a second proposed structure was consulted on.
- 5.12 The new structure included two additional posts an EYFS Standards and Effectiveness Partner and a Data Manager.

Implementing the new structure will:

- reflect the council's new narrative of prioritising service provision of statutory duties
 - ensure the LA is reflecting national educational policy and financial requirements better meet the needs of schools
 - encourage establishing more Teaching Schools who would be brokered to provide subject specific support through the Standards and Effectiveness Partners
 - provide the financial flexibility to respond to needs through the commissioning of additional services as and when required
 - reduce the risks to the organisation of maintaining permanent staff in post for whom there is insufficient work
 - ensure that if redundancy costs need to be met from existing budgets, there is sufficient funding available to achieve this.
- 5.13 The new structure will have sufficient capacity to ensure all current statutory duties can continue to be delivered as well as actively providing support to primary and secondary schools in key areas. Statutory duties with regard to monitoring secondary school performance will be conducted through a desk-top exercise as in previous years and where schools cause concern adviser support and challenge will be provided. It will also better position the school improvement service to make a transition into a more commercial delivery model which is currently being scoped through the School Services Transformation Project.

Risks

- 5.14 The key risks are reputational, financial and management capacity to successfully deliver the required changes.
- 5.15 To maintain a school improvement service which does not have the expertise to address underperformance and does not have the capacity to provide targeted support to schools is at high risk of failing and to ensure a trajectory of improvement.
- 5.16 The impact of more schools converting to forced academisation is likely to have a reduced need for LA School Improvement functions and also income generation opportunities, including through the current Primary SLA.

Financial Information

- 5.17 The anticipated financial implications for the current year and those anticipated includes a number of assumptions, in particular around income generation and the impact of academisation and the withdrawal of Schools Budget grant receipts through the current DfE school funding reform process.
- 5.18 For the current year, the School Improvement Service is forecast to over spend by £0.035m. This anticipates no changes in structures this financial year and that the underlying forecast saving in Governor Services is applied to finance the over spending currently being forecast.
- 5.19 Moving to the preferred staffing structure, a saving of around £0.14m is anticipated for 2017-18 and 2018-19 before a number of income streams are lost that reduce the forecast saving to £0.07m. These figures assume the new structure is implemented from April 2017 and that the on-going savings in Governor Services are transferred into School Improvement. The anticipated savings will be reported against the School Services Transformation Programme.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Human Resources

- 6.1 The consultation arrangements are being managed under the Council's protocol for organisational change. As required under this protocol there is a duty to consider reasonable alternative employment options before any dismissal through redundancy can take effect. There are three members of staff in place who will be at risk of redundancy who are currently working in school advisory roles – two of which work in subject specific positions of PE and music. They will be considered for the new posts in the structure however, it should be noted, they do not possess the requisite skill set to deliver the outcomes required for the service.
- 6.2 Although redeployment opportunities to schools will be pursued, this will be a challenge as the staff are on different salary scales, pension arrangements, terms and conditions to all teaching positions in schools. This will need to be considered as to whether any school based positions could be classified as a reasonable alternative post.
- 6.3 Alternative employment and redeployment opportunities will continue to be considered throughout the notice period. This will include liaison with schools. The cost of these redundancies would likely be around £40k with one also requiring some capitalised pension costs in addition.
- 6.4 Through the previous consultation arrangements there does appear to be opportunities to consider more school led arrangements, particularly through the PE and sport activities where future grant increases will present further funding to schools. This

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could lead to the further transition of services from the local authority to school led models. But, as stated at 6.2, the salary levels and different conditions of service could hinder these opportunities but they will continue to be pursued.

Borough Treasurer

- 6.5 The financial implications arising from this report are set out in Exempt Appendix 1, with the one-off costs being met from the Structural Changes Fund. There is an accrued pay back period of 5.5 months.

Borough Solicitor

- 6.6 The relevant legal issues are contained within the main body of the report.

7 CONSULTATION

7.1 Principal Groups Consulted

All staff in the School Improvement service and the relevant trade unions.

7.2 Method of Consultation

Group and one to one meetings with staff and union representatives.

Background Papers

None

Contact for further information

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