Introduction

The Schools White Paper represents a significant policy step change in terms of the relationship between government, local authority and schools. Potentially the legislation in 2011 will be as significant as that of 1988 which instigated the first phase of Local Management of Schools (LMS).

The 2011 policy vision is for a changed local authority role as a strategic commissioner, rather than as a provider of services. Central funding to the local authority will be much-reduced. The ‘traditional’ relationship with schools is likely to be difficult to maintain given an end to School Improvement Partner funding and reduced staffing capacity. While statutory responsibilities remain for admissions, transport, special educational needs and intervention where there is performance failure – the new role of the local authority is less expansive. Schools become part of a commissioned universal service, with the local authority focussing on championing children, young people and families, particularly those with additional and complex needs. Rather than providing the traditional “wrap around” challenge and support to its schools and headteachers, the local authority will champion children and excellence, holding schools to account in order to drive up standards and improve the quality of outcomes for all children and young people.

For schools a new era of independence is signalled. Diversity of school designation, which gives choice to parents, remains a key principle but there is an assumption that Academy schools will in the fullness of time become the norm. For many schools the increased freedoms and flexibilities will be welcome; for others with challenges around performance, financial sustainability, and a falling demographic an anxious period of uncertainty may lie ahead.

The government intention to move to a national funding formula, perhaps as soon as April 2012, will provide serious challenge to some of the smaller schools in Cornwall as the local Schools Forum will potentially lose its ability to support small schools in order to sustain their viability. This makes the agenda previously set by Cornwall Council under the banner of ‘The Primary Strategy for Change’ ever more urgent. Cornwall has 118 schools with fewer than 120 pupils on roll. A national funding formula is likely to force some of these into crisis and potential closure if radical and creative solutions are not found. In a predominantly rural area with extensive travel to learn distances the closure of village schools is not a palatable option.

The Cornwall Council strategic response to change on this scale will be critical in setting the foundations for successful educational provision across Cornwall in the period ahead. There are major opportunities to recast the school system to unlock the potential of schools and young people through the freedoms indicated in the White Paper. We have a growing number of good and outstanding schools across the county – but
we have yet to match the performance of the best local authorities in the country. At the same time there is a duty and moral responsibility to make sure that our most vulnerable schools and children do not fall through the net.

This strategy paper sets out to explore:

- How local partnerships can be maintained and developed as some schools in Cornwall opt out of local authority control.
- How small village schools can be sustained
- How we collectively build on the successes in recent years which have seen standards, achievement and the quality of provision steadily rise
- How we can best protect the most vulnerable to ensure equity of opportunity and access
- How we take this opportunity to celebrate the uniqueness of Cornwall and its traditions of community and inclusive provision as we respond to a national change agenda

Although the national agenda presents some serious challenges for a large rural shire county with a thinly dispersed population and significant pockets of deprivation, there is now a real moment of opportunity for reform and improvement so that Cornwall can push through to new levels of high performance and shape a school system that can offer a world class service to the community.

The aim remains unchanged. We must aspire to make Cornwall the lead performer in the south-west by celebrating and practically sharing the success that exists within our schools, creating a professional community that gives Cornwall a deserved reputation as a national leader for quality with every school judged good or outstanding in school inspection by 2014.

**Empowerment Through Shared Values**

Schools and communities will inevitably respond to the national policy framework in different ways. Local perspectives vary. Some partnerships and collaborations are more established and formalised than others. The needs of children are not the same. Some schools grapple with rural isolation and hidden deprivation; others operate in an urban context where the demands of socio-economic deprivation are more obvious. In all cases the needs of families can be diverse and challenging for schools who will continue to need strong support from the resources available through the local authority and the voluntary and community sector.
Across Cornwall, across schools and across all partners there is an acknowledged values base which has traditionally served children well. These shared values include:

- Strength through community and improvement through cross-institutional collaboration
- Respect for children and young people
- The pursuit of excellence in learning and teaching
- Support for the vulnerable and at risk
- Inclusion and equal opportunity in line with the county motto: one and all
- The distinctiveness of Cornwall and a sense of place in the curriculum

This foundation is a secure one on which to build. The policy framework has changed, there will no longer be a uniform community designation across all schools, but the shared culture of the educational community in Cornwall can act as a powerful influence to hold the educational offer as a coherent and cohesive one for children, young people and families. Institutional isolation will serve no-one well in the longer term, but partnership working can ensure that the needs of all are properly met and that best practice can be used to drive improvement for every school and service. Greater diversity in the nature of schools need not mean the fragmentation of the school system in Cornwall.

**Sustainability Through Local Partnership**

Cornwall has long debated the future of small primary schools in rural villages. With local consultation, the Directorate determined a ‘Primary Strategy for Change’ which looked at potential school partnerships through federation and used a capital investment pot to re-structure provision to provide new places where necessary and to take out the cost to the system of holding surplus places where they were not required – the removal of surplus places being a key desired outcome for government.

The thrust of current policy is entirely different.

The November 2010 White Paper does not set out any agenda for the removal of surplus school places. The White Paper further announces that capital investment in the schools infrastructure will not in future come through the local authority, but will be allocated on a regional basis through The Young People’s Learning Agency. These factors render the Cornwall Primary Strategy for Change irrelevant for the future. In effect, it will be for the market to decide if any school is sustainable – or not. The local authority is not empowered to plan any pupil place reductions.

The market approach is underlined by the government intention to move to a national funding formula. A national formula could remove the ability of The Cornwall Schools Forum to support small schools through a subsidy. If the national formula does not recognise the specific needs of
small schools, it is difficult to see how many small village schools in Cornwall could set a balanced budget. Governors and headteachers would be driven to federation or to closure.

As part of the preparatory work for ‘The Primary Strategy for Change’ headteachers and governors were asked to explore the creative possibilities for closer working. Many clusters of schools produced creative ideas for local solutions which were collated by the local authority to inform thinking on the Strategy. In early 2010, schools in areas of particularly pressing demographic issues in the primary school population were again invited in area meetings to consider the need for change.

Many schools and clusters of schools have already recognised these issues and several have taken action to implement collaborative working that will enhance their provision and promote their ongoing sustainability. Cornwall now has two federations of primary schools, with two more being consulted on, and several more executive headship arrangements.

The imminent legislation will require speedy action from headteachers and governors if an educational footprint is to be maintained in every village in Cornwall which currently has its own school.

There is an urgent need for schools to group together to achieve financial sustainability through both economies of scale and through the flexibility which shared budgets and shared staffing can bring. In single small schools, typically those where the Headteacher has significant teaching commitments, it is difficult to see how time can be given to the volume of business management required in the new market environment. It is equally difficult to see how a single small school can cope with demographic changes in the short term without partners who are willing to support with financial commitment.

The local authority, while supportive of those schools which are considering academy status, does not believe that any single small primary school can be effectively sustainable into the future even as an academy. Academy status may in some cases bring some additional funding, but it also brings considerable financial liabilities which were previously covered by the local authority. Academy status also brings with it a much increased business management workload. To ensure sustainability of a local educational offer, it makes good sense for groups of schools to come together as collaborations regardless of status. It makes even better sense for secondary schools to join with primary partners to build a strong local alliance with the scale and scope to work in innovative ways to match the challenges of the future, to further develop the quality of the local offer and to raise standards.

**The Potential of the Collaborative School Grouping**

As government moves to ‘de-regulate’ the education system there will be opportunities to grasp the freedoms being given to schools to achieve
further improvement and to drive a step change in performance through strong local collaboration. This could be through a group of primary schools coming together, or through primary schools grouping with a partner secondary school.

Such local school groupings could achieve much for children and young people by building a fully integrated learning experience from 4–19 with a personalised learning offer which draws on the particular strengths of the individual schools. Enhanced transition planning and practice could be developed; stronger patterns of out of hours learning and extra-curricular activity could be offered; shared parenting support and education welfare services could work across the partnership; common ICT platforms and virtual learning environments could be developed to support independent study, family learning and ‘live’ reporting to parents could be achieved, making use of the anticipated superfast broadband soon to be available across the county. Enhanced support for vulnerable children and young people and local solutions to challenge of raising the participation age to 18 would be very welcome to families. The curriculum offer could also be matched to local business need and economic regeneration opportunities, offering better access to employment opportunities to young people as they leave the school system.

Local school groupings could also offer greater financial efficiency through economies of scale; and through shared business management, shared staffing, and common workforce development, including potential training school provision. Through shared budgets and resourcing the financial pressures resulting from falling demographic trends could be eased. These may prove to be important considerations in the period ahead when many schools will have budget difficulties and will be looking to remain sustainable.

The partnerships may also offer opportunities for more integrated governance and give local communities greater control over the way in which the school system evolves in their area. The partnerships themselves will not be a panacea; and in some cases difficult decisions about resourcing and sustainability may still need to be made but such arrangements will not leave individual schools isolated in the face of an increasingly challenging future.

Conversations about different grouping options are already taking place at local level and the local authority is keen to support them in the interests of the community as a whole.

**School Designation: Academy School or Local Authority Maintained School?**

As collaborative school groupings are being agreed at local level, representatives of the schools involved will need to consider what designation the collaborative schools will take in the best interests of
learners and of the community as a whole: to remain as local authority maintained schools or to apply for academy status.

**Academy Schools**

An academy school is a state funded independent school. It is no longer part of the local authority and becomes a separate legal entity with different governance arrangements. School premises and land are transferred or leased to the academy. Staff are directly employed by the academy and transfer under TUPE arrangements from the local authority.

An academy trust is a charitable company responsible for the running of the academy and has control over the land and other assets. It has a strategic role in running the academy, but delegates management of the school to the governors. An academy trust can work across a number of schools.

Academy schools have further levels of funding delegated to them directly by government to cover the costs of those responsibilities which previously resided with the local authority. Academies will need to use this funding in order to buy services and to meet obligations previously covered by the local authority.

As Academies are independent schools exempt from local authority control, the governing body and Academy Trust will be answerable directly to the Department for Education with regard to curriculum and standards. The local authority will not automatically provide support on school improvement to Academies, although the governing body could ‘buy in’ such services from the local authority, or another source, if it chose to do so.

Once a school has become an academy its governing body will have full and total responsibility for its actions, working directly with the Department for Education via the Academy’s designated Lead Officer at the YPLA (Young People’s Learning Agency). Any other support required for the academy will have to be bought in from an external provider which may, or may not be, the local authority.

The local authority will no longer be in a position to offer advice to parents of children who attend academy schools and they will have to seek advice from another source, likely to be the Department for Education in London or an organisation appointed by the DfE to deal with parental concerns.

The local authority will retain responsibility for home to school transport, the overall local admissions protocol and provision for those with statements of special educational need, including education psychology.

The Schools White Paper 2011 asserts the belief that the freedoms and flexibilities afforded by academy status will give schools greater local control over the services which they use and will allow schools to deploy
resources in more effective ways in order to improve the quality of provision and to drive up standards.

For more detailed information, including a comprehensive list of Frequently Asked Questions please refer to the Academy Briefing Paper on the Cornwall Council website (www.cornwall.gov.uk/academies).

The Local Authority Maintained School

There are four main types of Local Authority maintained school, as set out below. All types of maintained school receive their funding via the local authority (under the current funding system), and all follow the National Curriculum and are regularly inspected by Ofsted. The Local Authority retains statutory duties for all maintained schools whatever their type, e.g. for school improvement and standards.

Community schools

In Community schools the Local Authority:
- employs the staff
- owns the land and buildings
- decides which admissions criteria to use

Foundation and Trust schools

In Foundation schools the governing body
- employs the staff
- sets the admissions criteria

Land and buildings are usually owned by the governing body or a charitable foundation.

A Trust school is a type of foundation school which forms a charitable trust with an outside partner - for example, a business or educational charity - aiming to raise standards and explore new ways of working.

Voluntary-aided schools

Voluntary-aided schools are mainly religious or 'faith' schools, although anyone can apply for a place. As with foundation schools, the governing body:
- employs the staff
- sets the admissions criteria

School buildings and land are normally owned by a charitable foundation, often a religious organisation. The governing body contributes to building and maintenance costs.

Voluntary-controlled schools

Voluntary-controlled schools are similar to voluntary aided schools, but are run by the local authority. As with community schools, the local authority:
employs the school's staff
sets the admissions criteria

School land and buildings are normally owned by a charity, often a religious organisation, which also appoints some of the members of the governing body.

Local Authority Maintained schools are an established designation which has given good service to the community and has served its purpose well for a number of years. Under maintained designation there have been strong relationships between the authority and schools. Attainment has risen to be at or above national average despite high levels of socio-economic deprivation; almost all families get access to their first choice of school; and in Cornwall only 2% of schools are judged unsatisfactory compared with around 9% nationally. No secondary schools are deemed so.

Governors and headteachers have enjoyed high levels of autonomy and there have been strong professional relationships between the local authority and schools based on trust and respect. Local professional knowledge within the school improvement team has facilitated school development and has fully recognised the Cornwall context in which headteachers and governors work. Headteachers and governors have had open 24/7 telephone access to officers – a swift and effective crisis support which is locally based. Local authority officers have supported schools and parents to mediate individual problems and issues. A wide range of services have remained available to schools free of charge. Through the School Improvement Team there has been a proven capacity to intervene successfully where provision has failed and a good deal of prevention work has effectively helped to keep schools out inspection failure. Importantly, schools have been democratically accountable to the local community and parents have had access to refer complaints and issues for local resolution.

These are key strengths and many headteachers and governors will wish to continue to work within this web of local support and accountability rather than to commit to oversight at a national level.

Some headteachers and governors will also feel that the additional workload and responsibilities which shift from the local authority to the school under the academy system will provide unwelcome additional pressure on headteachers, governors and school staff. Some will feel that moving from maintained school designation would change the fundamental nature and mission of the school.

The local authority must recognise such concerns and offer strong support to those that which to retain local authority maintained.

Those collaborative school groupings wishing to remain as local authority schools will also need to consider whether it is best to remain as schools working in close partnership, whether to formally federate or whether to
form a specific foundation trust arrangement. Larger groupings will have the potential to better protect schools, particularly small schools, from the potential shock of a national funding formula.

Supporting vulnerable pupils

Children Schools and Families retains a moral responsibility for all children and young people in Cornwall to ensure that they get the best possible start in life and that they are safe, healthy and achieve educationally. This responsibility exists regardless of the designation of the school which the child or young person attends.

Cornwall has relatively high levels of socio-economic deprivation and it is likely that all schools will have pupils who experience the effects of poverty: low family income and consequent poor housing which can lead to adverse health issues. Rates of domestic violence are also known to be higher in areas of relative poverty.

While the majority of our young people thrive in mainstream school settings there are some who do not without significant support from the school, and some who will need help from agencies beyond the school. It is vital that those children and young people who need help can access it quickly and the school remains one of the key frontline services in the identification of need; and often the responsibility for service requests and formal child protection referrals will fall to the school.

Because of its wide-ranging statutory obligations for those with special educational needs and disability, the local authority will be an essential partner for schools, and also a champion of parents who will seek the best possible provision, progress and outcomes for their child.

As part of its statutory obligations for safeguarding, the local authority will expect to work with all schools to ensure that referral pathways are clear and that there is immediate appropriate action in the best interests of the child through effective dialogue between school leaders, pastoral managers and social work professionals.

Each collaborative grouping of schools will need to liaise with the relevant local authority children’s services locality teams to ensure that communication and pathways for service requests and referrals are clear so that there can be prompt and effective support for individual children and young people to initiate CAF assessment and to facilitate the creation of a Team Around the Child approach when applicable.

The local authority will relentlessly champion the needs of those who are vulnerable and at risk, regardless of the designation of the school which they attend, a role which is endorsed in the Schools White Paper.
The Role of the Cornwall Local Authority

The Schools White Paper 2010 declares: “... local authorities have an indispensable role to play as champions of children and parents, ensuring that the school system works for every family and using their democratic mandate to challenge every school to do the best for their population.”

In Cornwall, the local authority will work with all schools regardless of designation to secure the best possible for children and young people wherever they live in Cornwall and whichever school they attend. We will champion children and champion excellence.

As strategic commissioner we will conduct a thorough and regularly updated needs analysis, establish key improvement priorities and communicate them to all schools, partners and stakeholders, securing focus on those Cornwall priorities by all concerned.

We will promote a good supply of strong schools and foster parental choice by facilitating and developing a diversity of designation: Maintained schools, Academies and Free Schools. We will also support, where possible, the expansion of good schools. The local authority will work to secure high quality places which are close to where people live and set an admissions policy framework, including transport, which will continue to ensure fair access to all schools for every child.

We will facilitate schools in coming together as collaborative groups to give the economies of scale required to meet the challenges of sustainability as the new national funding formula is developed. These collaborative groups will be encouraged to work as local authority maintained schools, or as academy trusts, according to local decision by the schools themselves.

While schools will have greater autonomy to deliver the universal educational offer, the local authority will provide a strong safety net for those whose needs are not being met by mainstream provision. We will support vulnerable children and young people through our corporate parenting of Looked After Children, through carrying out our statutory responsibilities for disabled children and those with Special Educational Needs, and through our integrated locality children’s services teams which will provide vigorous support for any individuals who are at risk or under-achieving by working closely with headteachers and pastoral managers in schools to put appropriate action in place including CAF and TAC.

The local authority will monitor the performance of all schools in Cornwall and will continue to offer support and challenge in our collective pursuit of educational excellence. School improvement will be offered to all schools as a traded service. We will intervene directly when maintained schools fall below the floor standard or where school inspection reveals lapses in the quality of provision. Where academy or free schools are seen to be failing their communities, the democratic mandate to challenge heads,
governors and trustees will be actively progressed through the Lead Member and Scrutiny Committee of the Children, Schools and Families Directorate of Cornwall Council.

As academy schools become more autonomous so that they can take advantage of new freedoms to procure services for themselves and seek best value, the local authority will work to create similar freedoms for community schools. The current ‘services for schools’ offer will be developed to include external providers independent of the Council. These providers will be pre-qualified through the local authority commissioning team so that schools can buy service with confidence. Opening up a range of local authority services to the market will give all schools a menu of high quality, value for money service offers and transparency in pricing. This will help to secure maximum positive impact on standards and on the support available to children.

As school to school support for improvement becomes the norm, the local authority will act as facilitator and broker so that headteachers can access best practice and draw on the services of National and Local Leaders of Education. The knowledge base of the school improvement team will provide a resource for those schools accessing the service.

The local authority will retain overall statutory responsibility for safeguarding and child protection and will hold all schools to account on such matters.

The View of Children, Education and Families Overview and Scrutiny Committee
(as expressed through an additional working group meeting, Wednesday 23rd March 2011.)

The broad approach taken by the paper as a response to the direction of national policy was endorsed by the Scrutiny working group. An ‘active neutrality’ was recognised as the best pragmatic approach to supporting schools, continuing and developing the working relationship between all schools and the LA, and ensuring that the needs of all children, young people and families could be met through positive partnership working at the local level.

As far as possible, within the parameters set by emerging central government policy, the role of the Local Authority should be to secure a good quality, locally accessible school place for all children and young people in Cornwall.

Members of Scrutiny thought it right to emphasise:

- The implications for rural primary schools in that the consequence of the move towards a national funding formula might be a future with fewer small schools in the county.
• Their strong endorsement for collaboration between schools which could help to secure sustainability of schools and the offer of a local place for every child and young person. Shared resources including staff expertise and pooled budgets were recognised as an important part of a longer term solution to the question of small school sustainability. The Local Authority should give active support to local management agreements, collaborative arrangements and federations where there was a willingness in local communities to develop them.

• The risk of governors feeling pressurised to be proactive in seeking academy status because of the media attention being received by the academies programme at present. It was feared that clear information, in plain English, about the challenges and difficulties that academy status may present was not readily available and that some governing bodies may not have the level of detail required to make an important decision which will potentially impact on their communities for years to come.

• The Local Authority should be robust in challenging governors on the level of consultation and the quality of consultation with all stakeholders before such a key decision was reached, although the lack of Local Authority control on such decisions was recognised.

• The risk of building inequalities into the school provision across Cornwall. The impact of academy conversion on such matters as: exclusions, parental complaints, admissions, fair access and workforce retention could not be known at this time.

• Scrutiny Committee would wish to monitor carefully the impact of academy development across Cornwall on the quality of provision, on outcomes for the socio-economically disadvantaged and on the quality of support available to those children and young people deemed vulnerable or at risk.

**Key Recommendations**

• All schools, particularly small schools, should urgently consider how they might form into local groups or chains of schools so that the school system in Cornwall is properly placed to secure sustainability as a national funding formula is introduced.

• Headteachers and school governors should take a dynamic lead in developing local community based school groupings, having consulted widely with their parent body and their community.

• Once collaborative school groupings have been agreed at local level, representatives of the schools involved should determine, having considered carefully the evidence, what designation the collaborative schools will take in the best interests of learners and
of the community as a whole: to remain as local authority community or voluntary schools, to acquire a foundation trust or to apply for academy status.

- Officers of Cornwall Council should support headteachers and governors in this work as a matter of priority so that collaborative plans and arrangements are in place before April 2012.

- Elected members of the Cornwall Council should similarly engage with their local community to support the sustainability of a high quality educational offer for all children and young people in all parts of the county, facilitating open debate and effective consultation.

- Each collaborative grouping of schools should liaise with the relevant local authority children’s services locality teams to ensure that communication and pathways for service requests and referrals are clear so that there can be prompt and effective support for individual children and young people to initiate CAF assessment and to facilitate the creation of a Team Around the Child approach when applicable.

- School leaders within the school collaborations should set ambitious and wide ranging development plans for the group of schools as a whole in order to maximise the benefits of joint working and to drive improvement in provision and to raise standards for all.