

Solace Response: Changes to the System of School Organisation

Introduction

SOLACE is the representative body for Chief Executives and senior strategic managers working in local government and the wider public sector in the UK. We are committed to promoting public sector excellence. We provide our members with opportunities for personal and professional development, and seek to influence debate around the future of public services to ensure that policy and legislation are informed by the experience and expertise of our members.

General Views

We welcome the attempt made in these proposals to bring some clarity to the mechanisms around opening, closing and making changes to all schools and to 'streamline' some of the processes. We also welcome the attempt at alignment between regulations for maintained schools and codification of processes for academies. The Society has long made the case for reducing bureaucratic statutory obligations wherever possible and instead allowing local leadership to develop place-based, context-specific approaches.

Nevertheless, we do retain some concerns with these proposals – some of which are shared with the Association of Directors of Children's Services (ADCS) with whom we discussed this consultation. In particular, we have concerns about: some inconsistencies between the obligations on local authorities and individual schools; the approach to consultation in the proposals; the new advice and guidance document; and the wider role of councils in place planning on behalf of their communities. These are discussed in more detail below:

Concerns

1. Inconsistency between requirements for schools and local authorities

On alterations to schools (expansion, change of age range etc) we would query why schools will be entirely released from statutory processes moving forward, whereas councils will retain a streamlined process. We recognise the Departments desire for a devolved and autonomous education system. Nevertheless, LAs take decisions on the basis of their responsibility for place planning for the whole community (see 4 below) – it thus seems odd that they will be subject to more restrictive regulation than individual schools.

2. Approach to consultation

We agree that the current list of mandatory consultees when proposing changes to schools was excessively detailed. However, we believe the revised approach set forward could be at risk of 'throwing the baby out with the bathwater'. It appears to risk giving governors the ability to choose who they would like to consult, rather than having a duty to inform anyone who might reasonably be considered to have an interest. We suggest, along with ADCS, that consideration is given to streamlining the process by retaining the initial consultation stage but instead removing the third stage. Also, rather than cutting the list of consultees down completely, the regulations could include a more general set of characteristics of individuals and bodies who might be expected to have a genuine interest.

3. Advice and Guidance:

On advice and guidance we again recognise that there was clearly an opportunity to pursue a reduction of the previously lengthy document. However, we again believe that the proposed advice document is at risk of moving too far in the other direction. The proposed document is now perhaps unclear in places and also may not give LAs or promoters a clear understanding of legal requirements. Given Local Authorities decisions can be subject to scrutiny by the Schools Adjudicator (or in extreme cases, perhaps even the courts) we feel some advice and guidance on key aspects of the LA role would still be useful.

4. Wider role of the Local Authority in place planning

Fundamentally, schools need to be organised in order to provide sufficient high quality education to all the children in any area. The local authority has the primary duty to ensure this is the case by long term place planning and overseeing the entire system. Because of this, regulations, advice and guidance must support them in that role. This means that they must explicitly require all parties to take particular account of the local authority, during statutory and non-statutory consultation, as the body responsible for considering the needs of a whole locality's children. This is lacking in current guidance / advice, particularly that which codifies the processes for making changes in academies.