### Title: Education Strategy 2014 - 2017 and Schools’ Annual Performance Review 2016/17

**Report of the Commissioning Director, Education**

<table>
<thead>
<tr>
<th>Open Report</th>
<th>For Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wards Affected: All</td>
<td>Key Decision: No</td>
</tr>
</tbody>
</table>

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**Accountable Director:** Jane Hargreaves, Commissioning Director Education

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### Summary


It sets out key actions and proposals to meet these objectives and maintain a strong family of schools in the context of:

- The Council’s ambition and aspiration for further raising outcomes for the children and young people who live here
- National policy and reductions in government funding

Central to this is the proposal for a School Improvement Partnership with local schools which has been developed over the past eighteen months. The final business case received Cabinet approval in June of this year and the Partnership will formally begin trading from April 2018.

### Performance headlines

This has been a year of significant improvement and achievement. Headlines are set out below with further detail in the main body of the text.

- The proportion of good or outstanding schools has risen by 6% to 91% - 2% above national and in line with Outer London.
- Primary results in national tests and assessments were strong. Reading, the weakest area at 11 improved this year by 6% to in line with national. Maths and grammar, punctuation and spelling are significant strengths.
• GCSE saw solid improvement as can be judged given the changes to English and mathematics examinations and grading. Performance on the headline Progress 8 measure was particularly strong at 20th best in the country out of 151 local authorities.
• Performance at A Level remains the most challenging area. Despite significant changes to content results remained relatively stable but the gap to national and London is not closing. Vocational performance is strong.
• There has been a marked increase of 44% of successful university applicants going to the most competitive top third universities.
• The validated 2015/16 data for Looked After Children places our Key Stage 2 performance amongst the best in the country.

**Recommendation(s)**

The Children’s Services Select Committee is recommended to note the performance against the overarching objectives within the Education Strategy 2014-17 (as set out in section 2 of the report), the priorities for 2017/18 (as set out in section 3 of the report), the Council’s commitment to continuing the strong partnership with all schools in the Borough to achieve the best possible outcomes and opportunities for children and young people, and the performance of schools in national tests and examinations (as set out in Appendix 1 to the report).

**Reason(s)**

Supporting the best possible outcomes for children and young people is central to the Council’s vision and priorities. Working together as a family of schools, in partnership with the Council to share objectives and actions, makes the best use of the capacity of schools to support others and collectively improve outcomes for children and young people.

1. Introduction and Background – Education Strategy 2014-2017

1.1 In November 2014, Barking and Dagenham schools and the Council agreed the Education Strategy for 2014-2017. The two overarching objectives for education are:

- for all of our children and young people to have a place in a good or outstanding school or early years setting; and
- for them to have the best possible life opportunities by the time they leave school with reaching national and then London averages as key milestones.

1.2 This report reviews performance in relation to the two main objectives of the strategy and updates members on key developments in the local and national context over the past year. The March 2016 Education White Paper with its commitment to a fully academised system by 2022 has been dropped since last year’s annual report to Cabinet. The direction towards a school-led system, with accompanying reductions in central funding remains. There is though, greater acknowledgement of a role for Councils within a place-based approach to school support and improvement i.e. an acknowledgment of the need for
locally based approaches. As yet statutory duties have not reduced. The proposal to develop a formal School Improvement Partnership set out in November last year and agreed at the June 2017 Cabinet is well underway and remains a sensible course of action in the current context.

1.3 Performance is reviewed annually by headteachers at their summer conference and priorities are agreed for the coming year. This is in the context of:

i) a growing borough with continued and rapid expansion in secondary places. Barking and Dagenham is successfully securing investment to meet basic need estimated at around £45 million per year. Goresbrook and Greatfields Schools opened for Year 7 in September 2016 and Robert Clack and Barking Abbey Schools also increased their intake.

ii) continued growth in numbers, with particular pressure on schools’ funding from the growth in numbers of children and young people with high needs;

iii) National policy whilst tracking back from some of the March 2016 White Paper proposals has seen heavy cuts to Council Education funding and further pressure on school budgets.

iv) new primary and secondary testing and assessment and a further increase in expectations for achievement in Key Stage 2 and GCSE.

2. Performance

2.1 This section sets out performance in relation to the two main objectives.

Objective 1 - A place in a good or outstanding school or early years setting for every child and young person

2.2 At 31 August 2017 the proportion of schools judged good or outstanding was 91%, up from 86% the previous year - 2% above the national average. Performance was still below the London average of 93% but the gap is closing. We have an ultimate target of 100% of schools good or better with the 93% target for 2017/18 as the next milestone.

2.3 Ofsted carried out 15 full inspections in 2016/17. After very heavy inspection activity between 2012 and 2014 of over 80 inspections and HMI visits, the last three years have seen a lighter level of inspection.

2.4 Table 1 below shows the schools which were inspected between September 2016 and July 2017 and the outcomes.

<table>
<thead>
<tr>
<th>School</th>
<th>Previous</th>
<th>Latest</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dorothy Barley Junior</td>
<td>0</td>
<td>2</td>
<td>First inspection since opening as an academy</td>
</tr>
<tr>
<td>Five Elms Primary</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Gascoigne Primary</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Goresbrook School</td>
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<td>3</td>
<td>First inspection since opening as a free school</td>
</tr>
<tr>
<td>School</td>
<td>Previous</td>
<td>Latest</td>
<td>Comment</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>----------</td>
<td>--------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Henry Green Primary</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Marks Gate Infant</td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Northbury Primary</td>
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<td>2</td>
<td></td>
</tr>
<tr>
<td>Parsloes Primary</td>
<td>3</td>
<td>2</td>
<td></td>
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<tr>
<td>Roding Primary</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>St Joseph's Catholic Primary - Barking</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>St Vincent's Catholic Primary</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Barking Abbey</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>ELUTEC</td>
<td>0</td>
<td>4</td>
<td>First inspection since opening as a University Technical College (Academy)</td>
</tr>
<tr>
<td>Robert Clack School</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>The Warren School</td>
<td>0</td>
<td>-</td>
<td>Not published</td>
</tr>
</tbody>
</table>

**Key**

= Outstanding

= Good

= Requires Improvement

= Inadequate

2.5 Overall 2016/17 has seen solid improvement in Ofsted inspection outcomes with three Local Authority (LA) maintained schools which had worked in strong partnership with the local authority moving from Requires Improvement to Good. Dorothy Barley Junior School also was judged good at its first inspection since becoming a sponsored academy.

2.6 The Alternative Provision/Pupil Referral Unit arrangements were inspected in June 2016 and judged Requires Improvement from a previously good judgment. The Alternative Provision includes provision for excluded pupils, and some pupils on the edge of permanent exclusion from mainstream school, home tuition and the attendance unit and oversight of some college placements. Much of this provision is strong and changes were swiftly made to strengthen leadership in the weaker area of provision to address the recommendations. A monitoring board is in place to oversee rapid improvement. The strong impact of these changes was recognised in the Ofsted monitoring visit of 11 May 2017.

2.7 Marks Gate Infant School was inspected in September 2016 and judged Requires Improvement from a previous judgment of Good. The new headteacher of Marks Gate Infant and Junior Schools was in her first weeks in post. She and the governing body supported by the Local Authority have quickly taken steps to address the weaknesses identified. A monitoring board is in place and improvement was recognised in the Ofsted monitoring visit.
Currently 6 schools with inspection judgments are judged Outstanding. This has not changed over the course of the year. Whilst inspectors are recognising and giving credit for outstanding leadership it is proving very difficult on the new tougher framework to make inroads into our target of 20% or 12 schools judged Grade 1 – Outstanding overall.

**Objective 2 – Exceeding national standards and then London standards**

**Primary**

Summer 2017 saw a strong set of primary results across all age groups.

- Early Years Foundation Stage (age 5) – the percentage of children achieving a good level of development has improved at a faster rate than national and is above national for the third year running while also closing the gap to London.
- Key Stage 1 (age 7) – Barking and Dagenham children have improved on last year in reading, writing and mathematics. This is a strong set of results with all but one of the headline measures above national for both achieving the expected standard and working at greater depth.
- Although the proportion of pupils achieving the expected standard remains below the London average in all three subjects, the gap in reading has closed to a single percentage point. There has also been a significant rise in the proportion of pupils working at greater depth which is now in line with London in each subject.
- Key Stage 2 (age 11) – As with Key Stage 1 this is the first time that it is possible to make direct comparisons with last year’s outcomes. Key Stage 2 outcomes are positive and show improvements on 2016 in nearly all areas. The overall combined figure for Reading, Writing and Mathematics is up 5% on 2016 and at 63% remains 2% above national. At the Expected Standard, there have been improvements in Reading, Maths and Grammar, Spelling and Punctuation (GPS) which are all at or above national. Despite a drop in Writing this also remains above national. Reading has been the weakest area of performance in the LA for some years. This year saw a strong improvement of 6% to take us in line with national. It is still though an area for focus and further improvement. This picture is mirrored at the Higher Standard with good improvements in Reading, Maths and GPS.
- The proportion of pupils achieving the expected standard remains 3% below the London average for combined Reading, Writing and Mathematics. Although also below for each individual subject, the gap in Reading has closed to 2 percentage points. However, at the higher standard the gap to the London average remains a challenge.
Secondary

2.10 Key Stage 4 / GCSE results

- On the headline Progress 8 measure performance was strong at 0.21 – very nearly at the London average of 0.22. This performance puts our schools 20th best in the country for progress of all students between the ages of 11-16.
- At 46.2 the Attainment 8 score for Barking and Dagenham pupils is now just above national at 46.1, but below the London average of 48.6.
- On the new higher standard of a grade 5 or better in English and Maths, also known as a ‘strong pass’, secondary students in Barking and Dagenham scored 42.5%, just exceeding national results but five percentage points below London. The proportion of LA pupils achieving 9 to 4 in English and mathematics – broadly equivalent to the previous A*-C measure – was 63%, less than one percentage point below national and four points below London.
- GCSE performance in English has been strong for some years. 2017 performance was above national at 9 to 5 (63%) and 9 to 4 (78%); these results are slightly below London. Maths has for some years been not as strong as English but is catching up with the national. In 2017 47% of pupils achieved grades 9 to 5 in maths and 68% achieved 9 to 4 – both just over 1% below national and around 4% below London. Performance at the highest levels is improving with one in four students achieving the highest grades 9-7 (A/A* equivalent) in English, and one in five in mathematics.
- Overall EBacc performance has also been impacted by the changes in English and mathematics with 19% of LA pupils achieving this measure. Nationally 22% of pupils achieved the EBacc while in London the figure was 28.5%, although both also fell between 2016 and 2017.

2.11 Key Stage 5 / post 16 school results.

- Despite significant changes to A-level content and the move to 100% end of year exams in thirteen subjects, this year’s results both nationally and in Barking and Dagenham have remained relatively stable with small drops in most areas.
- Pass rates on the main indicators at A*-C fell by 3% in the borough to 74.5% compared to a 1% fall nationally to 77.3%. Performance at the highest grades A*/A held up better with 0.3% drop – the same as national. This is our most challenging indicator and the one where the gap to national remains the widest by 11%. Average Points Score per entry has improved in both A-Level and Vocational L3 qualifications. Vocational outcomes are positive: students are on average achieving a high Distinction grade across all subjects. This is in the context of a substantial increase in entries for Level 3 vocational qualifications across the local authority.

2.12 The performance of groups

- Headline performance for groups at both KS1 and KS2 was positive with most above the emerging national picture and none significantly below. The performance of disadvantaged and SEN pupils, as well as those with English as an additional language, was particularly strong at both Key
Stages. However, the performance of White British pupils continues to lag behind this group nationally.

- At KS4, strong performance in the Progress 8 measure was reflected across most pupil groups and for girls in particular. As in the primary phase White British pupils did not do as well as other groups.

2.13 Looked After Children

- As Corporate Parent the Council has a particular responsibility to support and promote the best possible outcomes for children and young people in its care. One of the mechanisms for doing this is through the Virtual School. The early results are set out below. Results for Looked After Children are provisional until 31 March 2018 when cohort numbers are finalised.

KS2 Results - Unvalidated

- This year’s cohort of students was 20 students which is a similar size to last year. It is a fairly stable cohort of students however; four students became looked after during year the academic year. The KS2 test results show 50% of eligible students met the expected standard in the combined score for Reading and Maths.

<table>
<thead>
<tr>
<th>KS2</th>
<th>% Met expected standard – all National</th>
<th>% Met expected standard – LAC National</th>
<th>% Met expected standard – all LBBD</th>
<th>% Met expected standard – LAC LBBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>Not yet available</td>
<td>NYA</td>
<td>NYA</td>
<td>50</td>
</tr>
<tr>
<td>Writing TA</td>
<td>NYA</td>
<td>NYA</td>
<td>NYA</td>
<td>NYA</td>
</tr>
<tr>
<td>Maths</td>
<td>NYA</td>
<td>NYA</td>
<td>NYA</td>
<td>42</td>
</tr>
<tr>
<td>GPS</td>
<td>NYA</td>
<td>NYA</td>
<td>NYA</td>
<td>58</td>
</tr>
<tr>
<td>Combined R&amp;M</td>
<td>61.1</td>
<td>NYA</td>
<td>62.9</td>
<td>50</td>
</tr>
</tbody>
</table>

- 50% of Year 6 students have a statement of special educational needs or an Education, Health care Plan which is up from 31% last year. 8 pupils were educated in borough (40%). Of those students 7 were in maintained schools and 1 was in an Independent Special School. Of the other 12 students (60%), 11 were in maintained out of borough schools and 1 was in an Independent residential placement.

- This is a very pleasing set of results for our year 6 students. All students who had achieved level 2 (expected level) at the end of KS1 went on to meet the expected standard at KS2.

KS4 Results - Unvalidated

- The official validated results for looked after children at GCSE are published in April 2018 when the cohort is fixed.

- The year 11 cohort consists of 49 students of whom 20 arrived during KS4. Of these students 6 were unaccompanied asylum-seeking children (UASC), who have English as an additional language. 10 students have an EHC plan. Of the 49 students 13 were educated in borough, 10 of whom were in mainstream education, 2 had home tuition and 1 was in alternative
provision. Of the 36 students educated outside the borough, 28 were in mainstream education, 4 received home tuition, 3 were in a secure unit, 1 was in an Independent Provision and 6 were in Independent Special schools.

- Students were supported in various ways by the Virtual School. All KS2 students received at least 6 hours of 1:1 tuition, mainly for maths and English. KS4 students were supported with 1:1 tuition where appropriate. Our advisory teachers supported students with poor attendance, poor attainment and those at risk of permanent exclusion by setting up alternative provision, specialist mentoring and various online support packages. We also ran sessions in semi-independent living placements to ensure all students accessed some education.
- The fact that so many young people arrived during KS4 shows the mobile nature of the cohort. In addition to this more students were educated out of the borough than last year. The Virtual School advisory staff made every effort to attend at least one PEP meeting per pupil per year, including using Skype where appropriate.
- Some key priorities for this academic year are to continue to support more students using 1:1 tuition, prioritise support for students’ mental health and to further develop our mentoring programmes.

Validated Data 2015-2016

This final data is included as it was not published until after last year’s annual report.

KS2 – Validated Data 2015-16

<table>
<thead>
<tr>
<th></th>
<th>Expected Standard R, W&amp;M</th>
<th>Quartile</th>
</tr>
</thead>
<tbody>
<tr>
<td>LBBD LAC</td>
<td>55</td>
<td>A</td>
</tr>
<tr>
<td>LBBD All</td>
<td>58</td>
<td></td>
</tr>
<tr>
<td>All England LAC</td>
<td>25</td>
<td></td>
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</tbody>
</table>

- The validated results for 2015-16 clearly show that our students are performing above the national average for all LAC, are above our statistical neighbours and are close to the borough average of 58 for the combined reading/writing/maths score. Being in the top quartile, and equal ‘first’ in the country is an outstanding achievement for our students. While there is still room for further improvement we are delighted with this set of results and look to achieve the borough average next year.

KS4 - Validated Data 2015-16

<table>
<thead>
<tr>
<th></th>
<th>Average Attainment 8 Score</th>
<th>Average Progress 8 Score</th>
<th>Quartile</th>
</tr>
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<tbody>
<tr>
<td>LBBD LAC</td>
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<td>-1.12</td>
<td>B</td>
</tr>
<tr>
<td>LBBD All</td>
<td>50</td>
<td>0.15</td>
<td></td>
</tr>
<tr>
<td>All England LAC</td>
<td>23</td>
<td>-1.14</td>
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</table>
The validated KS4 results for 2015-16 showed that our students outperformed Children Looked After nationally by a small margin in terms of Progress 8 and were equal to Children Looked After nationally for Attainment 8. The Virtual School was disappointed with these results but given the context of high mobility within the key stage, two thirds of students being educated outside the borough and the high level of need we have accepted these results as the best we could have achieved. Within these results there are some which stand out. One student who achieved below average results at KS3 went on to achieve 9 GCSEs grade A*-C. Another student who attended 5 different secondary schools achieved 2 C grades for English language and literature and a D in maths. This has enabled her to go on to sixth form to take the course of her choice. We remain highly ambitious for our students and continue to set the national outcomes for all children as our target.

2.14 Post 16 Participation

The headline measure was recently changed, retrospectively, to the December 2016 to February 2017 average % of 16 or 17 year olds who are NEET or not known (previously November-January average). Comparing this new measure with the equivalent from last year shows a fall of 2.3% to 5.6%, 0.4% better than national and close to the London average of 5.3%. From June 2016 to June 2017 participation for this age group jumped by 3.7% to 94% which is 2.6% above National and close to the London average of 94.2%. An increase of just 11 young people in education, employment and training is needed to reach the London average. Over the same period, not-knowns fell by 2.2% to 1.3 (72 young people) which was well below both the National average of 3.2% and the London average of 2.8%. The priority has now shifted from tracing and tracking Unknowns to supporting and encouraging those who are NEET to return to education and/or training.

In 2016 the number of young people progressing to university from LBBD schools and Barking and Dagenham College dropped by 15% from 837 to 708 (8% fall for schools only). This was linked to the falling numbers in Year 13 in seven schools and an increased interest in apprenticeships reported by sixth form staff. However, there was been a striking increase in the numbers going to the more competitive top third of universities (a DfE benchmark), with 44% of all successful applicants from LBBD schools and Barking and Dagenham College going to these institutions (48% from schools only) compared with the 2015 figures of 22% (and 25% for schools only). In addition, six students attained places at Oxford or Cambridge Universities.

3. Priorities for 2017/18 and beyond

3.1 The core priorities are: to maintain progress towards the target of all schools at least good with an increasing number outstanding and towards outcomes for children and young people which are at least in line with London where that has not already been achieved.
3.2 This is in the context of a significant change nationally and locally. Locally the decision to commission school improvement services and support ambition for young people through a school improvement company represents the biggest change in the Council’s school improvement arrangements since the service was set up, almost 30 years ago. The overriding priority for this year has to be in partnership with schools to help this company launch strongly from 1 April 2018 and flourish so that it can support schools in a time of increasing uncertainty and challenge.

3.3 Alongside this the Council is increasingly successfully marshalling its resources, levers and influences in a more coordinated way to support schools and outcomes for young people. This will continue and develop over the coming year with the focus on the following priority areas:

- Publicising and celebrating the success of children and young people and our schools and colleges using media resources and expertise in the Council.
- Supporting ambition and aspiration for all our children and young people with a particular attention to 16 - 18 year olds where at present the gap to London is widest. Main areas are:
  - A Council sponsored programme to further reduce the number of young people who leave school at 16 or 17 and become NEET (not in employment, education or training). Details were set out in the June 2017 Cabinet report
  - Activities to encourage young people to aspire and aim high including:
    - Increase in Council work experience placements with targets for all service areas
    - Bursaries for top 50 GCSE students supported by the Colin Pond Trust
    - Links with business and HE to support opportunities and entry for young people of Barking and Dagenham to the most competitive fields
  - Building on the strong relationship with local colleges and HE providers – in particular Barking and Dagenham College and CU London – to provide new and innovative opportunities for young people in the borough.
  - Supporting the recruitment of new and retention of experienced teachers through innovative housing offers and council support for marketing the borough.

4. Responding to the emerging Government policy

4.1 Since the scrapping of the March Education White Paper the new administration has supported the overall direction of the White Paper, but has removed the timescale for full academisation and has indicated a willingness to explore models for how schools and local authorities might work together to support school improvement. Nevertheless, as set out in section 7 - Finance, the Council’s dedicated education funding has been drastically cut.

4.2 In this context arrangements for a School Improvement Company, set in train over the past two years, stand up as a sound decision and indeed increasingly
other councils are taking a similar approach. Schools have worked strongly and collectively with the Council over the past year to plan a sensible and measured approach, which as far as possible supports the local family of schools continuing to work together for the benefit of all children and young people.

4.3 In relation to Government direction of travel towards an increasingly academised system at a slower pace than a year ago – with no fixed timescale, Local Authority advice to schools is to form strong partnerships with other like-minded schools, to consider different forms of partnerships, to take time to explore and understand the options and their implications and to test out partnerships before taking irrevocable steps.

5. Options Considered

5.1 Over the past eighteen months or so the Council and schools have considered a number of options for School Improvement arrangements.

5.2 The decision to set up a formal school improvement partnership with schools on a legal basis was taken by Cabinet in June 2017. From April 2018 the new company will take on core school improvement functions and maintain a collective responsibility for improving outcomes for all the children and young people who are educated here.

5.3 Substantial consultation has taken place and support for the proposals gathered for the following key reasons:

i. It allows all schools, community faith based, academies and free schools to be a member so no one needs to be isolated;
ii. It supports schools to take on the leadership of school improvement in a phased and supported way; and helps to avoid fragmentation;
iii. It allows the Council to continue to work with all schools who choose to join.

6. Consultation and Development

6.1 Senior officers have consulted widely with all schools, governors and unions to develop proposals for the School Improvement Partnership. Groups of headteachers, governors and unions have met regularly to help inform developments.

6.2 Governing bodies are being asked to take a formal decision to become members of the new Barking and Dagenham School Improvement Partnership (BDSIP) at their Autumn term meeting.

The implications below, which were for the 14 November 2017 Cabinet version of this report, are for the CSSC’s information only.

7. Financial Implications

Implications completed by: Katherine Heffernan, Group Manager Finance and Investment
7.1 The Government remain committed to their National Funding Formula policy but in response to strong lobbying from many interested parties including this Council have both modified the original timescale and introduced a small amount of additional funding at the national level. Despite this however the financial outlook for both local schools and the Council is extremely challenging.

7.2 The National Funding formula (NFF) will be phased in over the next three years with a two-year transitional “soft formula” stage. In this period allocations will be calculated using NFF methodology but passed to Local Authorities as an aggregate total for further local distribution in consultation with the Schools Forum.

7.3 Under the formula it is expected that most or all primaries schools will receive the minimum funding increase of 0.5% for pupil led factors. This is below the rate of cost increase for pupil led factors estimated by the NAO and others of 1.6% so is effectively a real terms reduction. The picture for secondary schools is more mixed but many will also see a less than cost increase.

7.4 There are also concerns about arrangements for funding growth in pupil numbers which will be based on historic patterns and so may not cover current need.

7.5 The High Needs Block has been under severe pressure for a number of years and finished last year with a £1.5m overspend. The Government also plans to introduce a High Needs formula which will move more funding towards Barking and Dagenham over time but during the transition period the increase in funding will be constrained to around £0.7m which does not cover the expected demand.

7.6 During the transition period the current arrangements for central funding of services such as the Community Music Service, School Improvement and Trewern can continue but there is a clear expectation that this will reduce over time and be replaced by direct charging of schools.

7.7 The Council’s new savings proposals include a small level of savings expected from these services of £20k from CMS and £15k from Trewern. This will allow the Council to further reduce its own funding support for these services.

8. **Legal Implications**

Implications provided by Assaf Chaudry, Lawyer – Corporate Legal

8.1 The report sets out the Council’s and the Schools’ response to the challenges of the March 2016 White Paper and has proposed a setting up of a School Improvement Partnership (SIP). The Council has powers to participate in a range of legal entities with partners. There are a number of ways of achieving this.

8.2 Local Authorities have the following powers to participate in external bodies:
Section 111 of the Local Government Act 1972
The section 111 power was introduced to improve the discharge of functions and enables the authority:
"...to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.".....
This power permits the Council to participate in and even establish separate entities, provided the particular action is not prohibited in any other enactment, and the Council is of the opinion that doing so will improve the discharge of the particular functions.

Section 1 of the Localism Act 2011 (the general power of competence)
The general power provides that "A local authority has power to do anything that individuals generally may do" (section 1(1)).
The power is not limited by the need to evidence a benefit accruing to the local authority's area, as the well-being power is. Nor is it limited in geographical scope. However, existing and future restrictions contained in legislation continue to apply. The restrictions and limitations will have to be considered in some more details when the option is refined.

8.3 The SIP will be a Company Limited by Guarantee (CLG). A CLG does not have share capital and the members (equivalent to the shareholders in a Company Limited by Shares) give a nominal guarantee to cover the company's liability, normally limited to £10. Therefore, if the Council was to appoint members to the SIP their liability is limited to the sum of £10 and if directors are appointed to a SIP they are not liable for the debts of the company except in limited circumstances.

8.4 The SIP will not be a wholly owned company of the Council given that it will only have less than 19% ownership, the balance of 81% will collectively be owned by the Schools. As such the SIP will not be influenced company under Part V of the Local Government and Housing Act 1989 and therefore will not be subject to financial and propriety controls of the Council.

9. Other Implications
9.1 Risk Management – Risks are two-fold – both financial from national cuts and to the Council’s ambition for improved outcomes for young people – from the anticipated removal of school improvement duties for councils in an increasingly fragmented context of school governance. See section 5 above for mitigation of financial risks. Re the risk to outcomes this is mitigated in two ways:
1) through the proposed school improvement partnership – which seeks to maintain a collective responsibility for outcomes, including for the most vulnerable, across the family of schools. It places the current expertise of local authority school improvement officers directly at the service of schools to support continued improvement;
2) through the Council using its levers, influences and resources in a more coordinated way to better support outcomes for children and young people. See Section 3.3 for examples.
9.2 **Staffing Issues** – In order to minimise risk to the new partnership it needs to start modestly. Education has adopted a prudent approach to school improvement staffing in recent years, including buying in ad hoc support for core work. Staff and professional associations have been briefed and consulted on the developing proposals for education. Formal consultation on the TUPE proposals for around 34 staff will take place between January and March 2018.

9.3 **Corporate Policy and Customer Impact** – The proposals represent an important opportunity to improve outcomes for all children and young people in the face of considerable risks from national policy – particularly to more vulnerable individuals and groups. The actions to maintain a family of schools working in partnership with the Council, with a collective focus on safeguarding the interests of all children and young people in the community attempts to mitigate the risks which come from a schools’ system which is at once fragmenting and centralising.

The Borough Manifesto sets out the long-term vision, aspirations and targets for the borough. A key theme in the manifesto is ‘skills and education’ with an aspiration for educational attainment at all levels to be better than the London average.

The Council’s Equality and Diversity sets out our approach to equality and diversity. The strategy has specific actions to improve educational attainment and tackle inequality for specific groups where there are known issues or underachievement.

9.4 **Safeguarding Children** – As set out in 7.4 the proposals aim to mitigate some of the risks to vulnerable children and young people from the removal of school improvement duties and move to a fully academised system.

9.5 **Health Issues** – As set out in 7.4 the proposals aim to support collective responsibility for children’s wellbeing. To date there has been strong support for schools for promoting health for example by schools’ forum support for school games coordinators and by high levels of success in the Healthy Schools Programme. A schools’ led school improvement vehicle forms the best chance of maintaining collective support for health.

9.6 **Crime and Disorder Issues** – As set out in 7.4 above the proposals aim to support a collective responsibility for children and young people. Relations with the police are generally positive and the secondary schools value highly the community police officers based in their schools and have strongly expressed their concern about reductions. Any model which maintains the family of schools is likely to have benefits for joint work to prevent crime and disorder.

9.7 **Property / Asset Issues** – Over the next six months the Council is considering appropriate accommodation for the School Improvement Company. As the financial implications of the new national funding formula become clearer, it will be prudent to look at options regarding the future of the Trewern Outdoor Education Centre which is owned by the Council.
Public Background Papers Used in the Preparation of the Report:

- Assessment and Reporting arrangements 2017, Early Years Foundation Stage, Key Stages 1 and 2: [https://www.gov.uk/government/organisations/standards-and-testing-agency](https://www.gov.uk/government/organisations/standards-and-testing-agency)

List of appendices:

Appendix 1 - Education Dataset