

Education Committee

Oral evidence: Regional Schools Commissioners, HC 1330

Tuesday 13 April 2021

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Members present: Robert Halfon (Chair); Apsana Begum; Dr Caroline Johnson; Kim Johnson; David Johnston; Ian Mearns.

Questions 1 - 84

Witnesses

I: Dominic Herrington, National Schools Commissioner; Sue Baldwin, Regional Schools Commissioner for East of England and North-East London; Vicky Beer CBE, Regional Schools Commissioner for Lancashire and West Yorkshire; and Andrew Warren, Regional Schools Commissioner, West Midlands.

Written evidence from witnesses:



Examination of Witnesses

Witnesses: Dominic Herrington, Sue Baldwin, Vicky Beer and Andrew Warren.

Q1 **Chair:** Good morning, everybody. Thank you for coming to our Select Committee today. Could you introduce yourselves, please, for the benefit of the tape and those watching on the parliamentary internet and television?

Dominic Herrington: I am Dominic Herrington, the National Schools Commissioner.

Sue Baldwin: I am Sue Baldwin. I am the Regional Schools Commissioner for the East of England and North-East London.

Chair: I should declare that I know Sue well and work with her, because she also represents the academies in my constituency of Harlow in Essex.

Andrew Warren: Good morning. I am Andrew Warren and I am the Regional Schools Commissioner for the West Midlands.

Vicky Beer: Good morning. Vicky Beer, Regional Schools Commissioner for Lancashire and West Yorkshire.

Q2 **Chair:** Thank you very much. There has been a lot of discussion about the catch-up programme and longer school days. What are you doing as Commissioners to work with the schools and your academies in the catch-up programme? Have you had regular discussions with Sir Kevan Collins, for example?

Dominic Herrington: Yes. I have been speaking to Sir Kevan since he started in February, and there are two things. The first is to offer our services and see how best we can help as the recovery work that he is leading starts to come out into the system. We have started a dialogue, and he has met all the Commissioners for a first conversation. The second thing is that we have already started work. We have been doing some work helping to promote the national tutoring programme. We called all local authorities and spoke to a sample of multi-academy trusts that had the lowest take-up of the programme to understand the issue and to promote the programme and correct any misapprehensions around it. We have done quite a bit of work in that space already. We have arranged for schools to speak to the EEF—particularly in the north-east we have had local webinars and conversations. We have found—

Q3 **Chair:** Sorry to interject. There has been a fair bit of concern, particularly from the National Audit Office, that the catch-up programme is not reaching disadvantaged pupils. What are you doing to try to make sure that the catch-up programme is helping the pupils who have learned the least during lockdown?

Dominic Herrington: It is through this work, by talking to local authorities, explaining the programme, correcting misapprehensions, talking to multi-academy trusts that have high numbers of vulnerable



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children in them. We have seen an increase in take-up recently, but I think our job has been to promote the programme and to ensure that everyone understands fully what is on offer. The other area that we are going to do some more work in is promoting summer schools, for which guidance is out already. There is an opportunity for schools and trusts to offer summer schools, which are an important part of getting going now. We will be doing some more work to promote that and to understand issues in the system.

Q4 **Chair:** Do any other witnesses want to comment briefly?

Vicky Beer: We are also scheduling a series of roundtables at the start of the summer term. That will involve local authorities, trust leaders across each of the regions, and also some input from Kevan Collins's wider team. Part of that is to help discuss collectively what the expectations are but also, importantly, to share good practice and approaches. We are talking to trusts already, and they are connecting with each other on their approaches to diagnosing what the needs are for youngsters but also subsequently the sequenced approach to their retrieval programmes. Much of that is being shaped around the EEF guidance, but we also want to make sure that the best practice across each of the regions is being shared as effectively as possible.

Q5 **Chair:** What is your view about the discussion on longer school days? I am not necessarily talking about extra teaching hours but using longer school days for extracurricular activities, mental health, sporting activities, wellbeing. We know that 39% of academies started before 2010 are doing this already, and all the statistics suggest it has a very good effect on educational attainment as well as the mental health of young people. What are your views on that, and what are you feeding into Sir Kevan Collins?

Dominic Herrington: I think it is a wider policy strategy issue, as you allude to. We will be able to feed into the wider conversation from academy trusts that have been doing this for a while: what they have learned, what has worked well, what they have improved, what they have learned on the way. I think our job will be to feed into the wider conversation, the bigger conversation about the practice that some of the academy trusts have put in place already. Some of those trusts have seen and realised opportunities for a longer school day in both the academic aspects and the wider sport, arts, dance space.

Q6 **Chair:** Given what has gone on, the lost learning and the mental health problems that children have faced because of lockdown, do you think that longer school days should seriously be considered?

Dominic Herrington: I think it is one of the things that Sir Kevan is looking at alongside the targeting, the tuition and the teaching aspects that he has talked about. I don't want to prejudge where that will come out. That would be a bit premature.

Q7 **Chair:** You said you were having discussions with him. You must be



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feeding in your views, given your role in supervising all the academies across the country.

Dominic Herrington: Yes. We have fed in some of the perspectives that we have picked up, but it would be premature for me to try to judge that for him. It is part of a wider package of recovery, as you have said.

Q8 **Chair:** You must have a view on whether or not it is possibly a good idea, given what you have seen in your academies. You are giving me a very Sir Humphrey answer.

Dominic Herrington: I am not Sir Humphrey. I am Dominic and I love my job, but I think it is something for Sir Kevan to consider and we will feed in what we know. There is practice to learn from academies that have been doing it.

Q9 **Chair:** Okay, but do you think it could be something worth looking at seriously?

Dominic Herrington: As Sir Kevan has said, there are a number of things to look at. One is teaching and how we get the best quality teaching to aid recovery. He has also talked about targeting, and I talked earlier about the national tuition work that has been going on, and there is the issue of time and how we use time in the school year.

Q10 **Chair:** I will move on to one other thing before I bring in my colleagues. We will discuss maintained schools that have problems and are taken over by academies, but I want to ask you now about when academies themselves have significant problems and Ofsted gives them difficult reports. I am trying to understand why it takes so long to deal with an academy that may be failing and either change that academy to another academy or deal with the management inside the school. It seems to me that often by the time these things are dealt with, a year or 18 months has gone past, sometimes two years, and the damage to the children's academic attainment and other attainment is considerable.

Dominic Herrington: The average time that a transfer takes is six months, and that includes school holiday periods.

Q11 **Chair:** That is once the transfer decision has been made, and that six months is also a long time. There seems to be an incredibly long process before you give the green light, and all the while the school may be failing and pupils are struggling and suffering.

Dominic Herrington: The most important thing is that, no matter how long the process takes, we ensure that there is a plan to help the school improve as soon as possible. The trust that is taking the academy under its wing will put a programme in place, a plan for the school, whether the final transfer takes six months or nine months. There is no school that will just be left floundering in that situation. As Commissioners, we will ensure there is a support plan in place for the school.



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The speed of this really depends case by case. Every trust will want to look at the school that is coming into it, and look into all the aspects, and there will be a whole load of logistical issues to sort out. There will also be the TUPE transfer of staff from one—

- Q12 **Chair:** Again, we are talking about once the green light has been given to change over. I am talking about why in the run-up it is taking so long to deal with. Once you identify that a school is failing, on average how long does it take to intervene and make a decision about whether or not there needs to be a new academy chain?

Dominic Herrington: It doesn't take very long at all, and we are talking about a very small number of academies. Last year 241 academies transferred from trust to trust, and 70 of those were due to underperformance. But to answer your question, it doesn't take long. We will make a decision with all the evidence very quickly, ensure that there is a plan in place and then work really fast to ensure that all the issues of logistics and transfer are done as quickly as possible. Our job is to speed this up and to ensure that there is a plan of support for the school in the interim period—we will never stop—and making sure that happens quickly is a core part of our job.

- Q13 **Chair:** My colleague David Simmonds, who couldn't be here today, asked: how do Regional Schools Commissioners respond to allegations about the sexual harassment issue that has come up in recent weeks? What is the process for dealing with it?

Dominic Herrington: The allegations are shocking and awful, and safeguarding is everyone's business. We don't have a formal role, but we do two things. In all of our regional teams we have a designated safeguarding lead, and there are two ways in which we will act. One is that, if we come across or are given any intelligence about a potential issue in this area, we will immediately notify the local authority and our colleagues, the ESFA. Secondly, if there is anything to do with a safeguarding issue in an inadequate school, because of our responsibility to make change happen in that space, we will ensure that happens as rapidly as possible, always notifying local agencies and always working with the ESFA. We will signpost anything we get rapidly to the responsible agencies.

- Q14 **Chair:** Have the Regional Commissioners had any cases, as has just been brought up, in your own areas that you have had to deal with?

Sue Baldwin: Yes, and Dominic is absolutely right. I have had safeguarding cases, but also extremism cases where we make sure that we are reporting those to the due diligence and counter-extremism group within the Department. We do, sadly, have to deal with those. Our role is to make sure that every member of our staff knows exactly what to do to make sure that they pass the information on very quickly. Everybody within our group has access to what we call the immediate risk on a



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page, so they complete that the moment they find anything and pass it through to the ESFA, who pick it up.

We also get regular reports back. They are anonymised, but we get the reports back so that we can track for any potential trends. In some of my area, for example, we have worries about county lines and so we are engaged in those conversations, too. We do things that are very case specific but also get involved in the wider conversations with our safeguarding partners.

Q15 **David Johnston:** Good morning, panel. Could you describe in a sentence what Regional Schools Commissioners do?

Dominic Herrington: They oversee the academy and free school system in their regions in all its shapes and forms. Sorry, it is more than one sentence. Secondly, they lead the operational Covid pandemic response in their regions for the Department.

Q16 **David Johnston:** Part of the idea behind Regional Schools Commissioners was to shift decision-making from Whitehall to regions. This may not be a question for you, Dominic; feel free to answer but it would be good to hear from some of the other panel members. In practice, how do you work with local communities when you make your decisions?

Vicky Beer: First, as Regional Schools Commissioners we have the usual business of academies and the decision-making at a local level. In the last year, for example, we have done 117 pieces of business that have involved approving sponsors to take on the most vulnerable schools. It has also seen us approving converter academies to add to the wider capacity. It has seen us approve significant change requests and new sponsors.

On all those occasions, there is an opportunity for the local community and stakeholders to make representations. That is clearly signposted through the GOV.UK website. We publish our agendas at least two weeks in advance of our headteacher board meetings. That is very transparent so that local communities and stakeholders are aware of the agendas of the meetings in advance and gives them an opportunity to engage in discussions. That is the usual bread-and-butter business.

Separately, we engage with local authorities very regularly. That is a really good route if there are any particular discussions that need to take place that pertain to a local community. Of course, if parents want to contact us they can, but generally parents will make their first point of contact with the school that their child goes to or with the multi-academy trust that has responsibility for the school. That said, if there are significant issues, if it was a complaint, we work in the way that Sue described with ESFA, but to be transparent we will have discussions with groups of stakeholders as well. It depends what the issue is.

Q17 **David Johnston:** What you have described, Vicky, is not proactive



engagement on your part. There is consultation on the website, people can contact you if they want to, which is the same as any arm of government. What is the difference between having a Regional Schools Commissioner and having somebody based in Whitehall in what you are proactively doing with the regions that you work in?

Vicky Beer: I will bring in Andrew and Sue in a second, but first and foremost it is important that we make a distinction between the duty that we have, which is that when a school is inadequate, as judged by Ofsted, if it is a maintained school, to convert it into a strong sponsor. That is less about consultation. We communicate with the local governing body, with the school that is involved.

Separately, though, the main route and the main distinction is the level of local intelligence. We have a very clear picture of the profile of the regions that we represent. My team is divided into four subregions. There are members of my team who have a particular responsibility as a local authority place lead. They will know the structure and form of the local authority area very well indeed. Other members of the team are trust relationship leads. It is their business to talk frequently with our multi-academy trusts to understand the issues that are arising, what successes they are celebrating. It is the regularity and the level of detail that is very much about regional awareness.

I will bring in Andrew. I think he was going to add to my previous comments.

Andrew Warren: To give you a scale of some of the things that we are doing, in the last 12 months we have had 19 significant changes, which is where local authorities are talking to us and to trusts and saying that there are concerns over pupil places and that they are really keen that the trust can take in more pupils. We have had 24 inadequate schools, which over this year we have been able to put into strong trusts—again, working with local communities.

As Vicky said, our teams absolutely know their local authorities and some of the issues there, and that has been a really important part not just of our Covid response but of our business as usual and working with local authorities. I think there have been 58 voluntary transfers in my region. That is maintained schools, working with local authorities, that have wanted to join academy trusts.

There is a range of other work where our teams on the ground, working weekly and at times daily with Covid, are understanding what the challenges are. Above all, our main brief is to make sure that children and young people go to great schools, and we are working with our local authorities to make that happen. I can give you many more numbers and figures if you want to get a sense of the scale of the work that we have been doing, as well as our Covid response work.

Q18 **David Johnston:** There is a lot of interaction with local authorities, with



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trust heads and, presumably, with the leadership teams of schools when you are making decisions about them, but if you are not a school that is inadequate, that is not on the verge of being put into a trust or similar, would you have any interaction with your Regional Schools Commissioner at all? The second question on that, based on what you just said about making sure that children and young people get a good education, is: how much interaction, if any, do you have with children and young people?

Dominic Herrington: I will come in with a first bit on that, if I may, and then pass back to Andrew and Sue. There are 21,500 schools, and one of the principles of the school system is school autonomy. We would not expect every school to be contacting a Regional Commissioner all the time, every five minutes. A school may approach us if, as colleagues said, there is a decision-making function. They may approach us just for information, support and signposting to something that the DfE is doing. They may want some information about a programme that is being run, an application, a deadline, about a whole range of things. There are things that schools will do, but we don't expect every school to be reporting into us and I don't think that would be a good thing anyway. Schools are places that should be teaching children, not reporting to RSCs every five minutes if they are doing really well and getting on with their work.

Andrew Warren: We have 2,700 schools in our region. I wouldn't have any direct contact with the local maintained schools at all unless they are interested—as I said, about 60 of them have been this year—in joining multi-academy trusts. Then we will get engaged with them. Our contact for maintained schools is through the local authorities, and that is the right and proper way. We are engaging with them. All of us meet regularly with our local authorities to talk about school performance, an overview of the key issues in a local authority. That is alongside the Covid response work that we have been doing. There is a really good connection there. We also have a diocese; I would not want to forget them. We meet regularly with our diocese, trying to understand where they are at and how we can support them with their plans.

Dominic Herrington: On the question about meeting children and young people, before you bring in Sue, we visit schools, either physically or virtually. Every visit I go on I always ask to talk to children about their experiences of education, what they are learning, what their aspirations are for the future, what their views are on the schools. We always seek to get that perspective. Sue, do you want to add any more regional exemplifications?

Sue Baldwin: There are a couple of things. I was going to mention that we talk to children, but it is more on an ad hoc basis. It is not an RSC lead, but most of us are engaged in opportunity areas, for example, and that has been a helpful and very rich source of engagement with young people, the young people's Parliament and so on. My team and I are on



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the boards in my area, and we all have engagement with young people through those.

I want to come back to a particular example of engaging in the wider communities. A number of local authorities in my region have been thinking about their special education delivery, how to reshape that to meet the demand that is ever evolving and changing. We have done some really interesting work in partnership with the local authority. I am thinking of one in particular that has established and has wished to establish a number of special education units across a number of schools. Our role is to enable that by suggesting which schools might have the capacity to do that. As well as taking the formal decision-making process, it is making sure that the right consultations are taking place and so on. That is an example where we work in partnership with the communities, the schools and the local authority on a very specific and area-based responsibility.

Vicky Beer: David, to round off that question on the other engagement with maintained school leaders, pre-pandemic we were invited regularly to local authority conferences that brought all of their headteachers together, whether they were academy headteachers or maintained headteachers. Throughout the pandemic we have engaged with groups of headteachers. We have been working with one particular local authority that has brought together their headteachers at least once a month.

Q19 **Chair:** Part of my colleague's point is not just about headteachers. It is about the engagement with teachers across the board, because some teachers say they never hear from their Academy Commissioners. It is only the headteachers who have engagement with them.

Dominic Herrington: I will almost repeat what I said earlier that teachers are really busy. We have seen over the last 12 months the fantastic efforts of teachers, heads and support staff to respond to the pandemic, and I put on record our thanks to them. We would not expect teachers who are really busy people, focusing on teaching and learning, to be thinking about contacting their Regional Commissioner. Their role is within their school and their trust. That is the unit where education takes place.

Our role is as an overseer and an enabler, as Sue identified, and to ensure that all the actors and those involved in the oversight of education are joined up, talking to each other and ensuring that the system works. I would not expect very busy teachers—and I have teachers in my extended family—to phone up the Regional Commissioner. I would expect them to be getting on with the great job they do.

Q20 **David Johnston:** A lot here seems to rest on the local authority, because in each of your answers "local authority" comes back over and over, "We meet regularly with local authorities. Local authorities tell us this," and so on. Therefore, are we relying a lot on the local authority to notify you that there is a problem and suggest that action should be taken? Does it



mean that, in those areas where perhaps the local authority is not working with you as much, decisions about inadequate schools are slower or are put off for much longer because the LA is not playing that role?

Dominic Herrington: Probably one of the reasons that local authorities come through quite strongly in the answers is because of the pandemic. We have noticed in the last 12 months that the local authority, with its responsibilities under the Civil Contingencies Act and the links to public health, has been more of a partner. That explains some of the answers. We have a really good set of sources of intelligence. We talk to multi-academy trusts regularly and, as Vicky said, all of our teams are located in their regions. We have fewer staff based in central London. They are based in Darlington, Bristol, Cambridge, Coventry and so on. We are much closer to the ground, and the local authority has a very important role but it is not the only source of intelligence to us.

We also have a system of headteacher boards, which are trust leaders who advise RSCs on their decisions and provide local context and local intelligence, so there is a regular source of local intelligence coming through from trusts and directly from school leaders. The pandemic has definitely made us talk more to local authorities because of their local responsibilities, but I think we have a very strong set of sources of intelligence away from the local authority that help guide our work and inform our decision-making.

Q21 **Ian Mearns:** In David's question was the shift in emphasis from decision-making in Whitehall to more involvement by schools at a regional level. But I think the fundamental question is that, given that you have a kind of pyramidal structure, the Regional Schools Commissioners are responsible to the National Schools Commissioner who is responsible to the Secretary of State, how do people in the regions that you all oversee—apart from Dominic, of course—hold you to account?

Dominic Herrington: Maybe I will give a few headline points.

Chair: Yes, as concisely as possible. I would like to bring in other Commissioners, Dominic.

Dominic Herrington: Sure, just a couple of headlines to get us going. The first is that there are public key performance indicators for Regional Schools Commissioners. They are set out in an academy's annual report and are mainly around inadequate schools, inadequate free schools, the speed of conversion, how—

Q22 **Ian Mearns:** Dominic, with respect, those key performance indicators are not set locally or at a regional level. They are set by the national framework.

Dominic Herrington: Yes, sorry, I was coming to that point. We have a national framework where I am accountable for the Regional Schools Commissioners and they have a quite tight set of key performance



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indicators that are set nationally. It is important that Regional Commissioners have that responsibility and wider accountability to their local systems, but the performance lines are through me, Ministers and the national key performance indicators. Those are the things that we have been tasked to focus on the most clearly. We also do a lot of work to ensure that, for example, as colleagues have said, local systems work. We do a lot of work with the opening of free schools to ensure that they open on time and that we play our part in the system, but the formal accountability is a national one. We are part of a national team regionally located, if you see what I mean.

Q23 Ian Mearns: In other words, there is not really any regional accountability at all. It is all part of that national framework and then up through the structure. I think it is more difficult when Regional Schools Commissioners have responsibility for a trust whose geography is widespread across many regions. The contact must be much more difficult for personal intervention.

Dominic Herrington: That is something we have really tightened up on in the last two or three years. There was a time three years ago when there were problems in the academy sector, and that was one of the problems.

Q24 Chair: Can you give us a practical example of how you have tightened up?

Dominic Herrington: We have tightened up in the sense that we have a much tighter and more regular set of conversations with trusts. That includes trusts that are in more than one region.

Q25 Chair: What does that mean in practice?

Dominic Herrington: It means more regular reviews of their performance and more regular monitoring from the ESFA of their financial performance. It means much tighter relationships between ourselves and the ESFA so that we have a single approach to all these trusts. We have really tightened up on that. The other thing is that the sector itself has tightened up. We have ensured that the MAT sector has grown sensibly and prudently over the last two or three years. There has been a much greater assessment—self-assessment actually—within the MAT sector of risk, of growth, of sequentialising growth. I think that would have been a fair criticism two or three years ago, Ian. We have now tightened that up.

Chair: I want to try to bring in other Regional Commissioners as well. It is very important that we hear from them.

Vicky Beer: I am going to give a very practical example. All the Regional Commissioners have agreed working protocols where we are the lead relationship holder for a trust that works across more than one region. We have formalised roles that help guide our work in practice. I am the relationship lead for a multi-academy trust that is a national trust. It operates in four or five different regions. I hold the responsibility for



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ensuring that there are clear communication routes to the other regions but also for gathering intelligence back.

Before I speak to the multi-academy trust, I will engage with the other regions to get any local intelligence. The multi-academy trust knows who their key RSC lead is, as do each of the teams that work across the different regions. We worked hard to refine and enhance that over the last 18 months, two years. It gives a much better process for managing some of those issues.

Sue Baldwin: Again, another practical example. I am the lead relationship manager on behalf of all my colleagues here and not here for a large national primary trust. I want to reflect what that meant during the pandemic, which was a regular—and I mean regular—biweekly conversation with the lead there between me and my team and the chief executive and his team about what was going on. We have the oversight generally on non-Covid-related business, but also over the last year it has been useful to understand from their perspective what their experiences have been in different parts of the country, whether that is the West Midlands, East Anglia or further north. That is very important. It is also important where they are slightly smaller but there are opportunities for trusts to develop across the boundaries.

We are constantly talking to each other to say, if someone has an issue with an inadequate school, for example, “Do you have a trust, on that boundary, that is able to come in and support the school?” There is the national trust that we are responsible for, but the more regional trusts are also very important.

Andrew Warren: That works both ways because there are trusts where I am the lead and there is a trust that covers my region and Vicky’s region. If Vicky wants to make decisions about that, her team will be talking to my team. Similarly, there is a large trust—Sue was referring to it—that has a number of schools in my region and if we have any concerns or if there are any issues coming up, my team would be liaising very closely with Sue.

One of the benefits of all this—and I think Sue alluded to it—is that we have been able to share good practice. The good practice that has been shared around, say, the Black Country in the West Midlands is not just kept there. We are able to share that wider because we are seeing trusts that are finding answers to some of the challenges before other regions. I have found it really helpful being able to share and signpost. Our role has been not just liaising with our other RSC colleagues but also signposting and sharing good practice out in the system, and that has worked really effectively.

Q26 **Chair:** Thank you. It does help to have the practical examples, so that is very helpful. Nick Gibb sent a letter to the Committee—to me—last year talking about REACT. In essence, he said that REACT’s remit was to co-ordinate engagement with local authorities and children’s services.



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Dominic, you will have a major role in this. What has happened with REACT, because there has not been much news about it? Vicky Ford spoke about it last September. What is its role? What is it doing? If you could set that out, that would be kind. Thank you.

Dominic Herrington: I am really happy to. REACT was us pivoting to be something like a front door to the DfE during the pandemic. You have not been hearing much of it just because we have been getting on with the work. Our job has been to co-ordinate support for local authorities and trusts. As a couple of practical examples of that, we have been running a scheme where any school that was struggling during the pandemic could ask for support from another school, from a strong school, a MAT or a national leader of education. We have been running that scheme. Over 680 schools have benefited from getting support from another school through the pandemic and we have been operating that scheme.

We have been helping schools with anything they want or advice they need on testing. Obviously the testing system has been a tremendous success in schools, thanks to the hard work of heads and teachers. We have had 200 schools approach us asking for advice and help, and in some cases for help from the military in the early set-up days. We have done a lot of work looking at attendance and helping whenever we can, particularly with the reopening of schools, making sure that everyone locally understands the plan, understands the thinking. We have been getting involved if schools have problems ordering their laptops, cutting through any barriers there, making sure they—

Q27 **Chair:** The Regional Commissioners might want to answer this. What have you been doing specifically to help the children over the past year who were not able to learn at home, do much remote learning, and also to help the schools that were having difficulties in the early days? I know that remote learning has changed a lot. What did you do in your areas?

Sue Baldwin: I can give you a very specific example, and I know colleagues will have similar. In one of my areas I have a large multi-academy trust that specialises in special education. In the run-up to Christmas, when the rates were really increasing, they were having significant problems. A lot of their staff were having to shield, clinically extremely vulnerable, so they were struggling from an operational perspective to be able to keep open for vulnerable children, because those are the children we have prioritised since the beginning of the pandemic.

As Dominic alluded to, we were able to link up that trust with another trust with a very similar makeup in the provision it offered but that had come through those problems, addressed them all and found solutions. We were able to link the two together and, as a result, the first trust was able to stay open all the time and all the way through the run-up to Christmas, whereas at one point we were worried that it would need to close.



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That is a very specific example of what we did. That was repeated time and time again, where you were able to say, “You have an issue, but we know of another trust, another early-years setting or another college that has been able to deal with that,” and we would link them together. With that school-to-school support, in my region alone there were over 120 schools that had support and are still receiving support from leaders of education. I think that is a very important resource for them to access.

Andrew Warren: We could fill the next hour giving you examples of the way in which very practical—

Chair: Give us a couple that normal people understand, without the jargon, about what the REACT team has done and what difference it made.

Andrew Warren: Can I give you an example about transport? Would that help?

Chair: Yes, but I would also like examples about how you help. We know that millions of children did very little learning at all. I want to know what you did in your area to try to help those children and those schools learn during lockdown.

Andrew Warren: Taking you back to, say, June last year when we went to phase 2, one of the big challenges for schools was the way in which they would balance face-to-face teaching for the children who were coming in with remote learning for those who were at home. This was a huge challenge. I can think of one particular academy trust in the Black Country that had already been working out ways of doing both face-to-face and online, and they shared their resources. It is a very different challenge if you are a three-form entry primary school than if you are a one-form entry infant school. This particular academy trust reached out to all the schools—maintained and academies—across Dudley and Sandwell, offering their support, offering advice on how to balance the face-to-face and the remote learning for schools of different types.

That is just one example, but there are many more that we could share. I could share others in Birmingham as well, but I will let Vicky come in.

Vicky Beer: Echoing what Sue and Andrew have said, I think there was consistent practice across each of the regions, but boiling it down into real practicalities, the first job was to check that they could get the kit. That involved ensuring they either had routers provided or the laptops. It was also setting up the quality of the support for them. That was done through linking them with some of the ed tech demonstrator schools across each of the regions, which were set up to support schools in extending their remote learning.

Andrew talked about the model to help support blended learning, doing live lessons at the same time as remote learning. Also in my region we brokered 135 instances of school-to-school support. That is 81 leaders across the region who were engaged in supporting their colleagues either



as clusters—there was an example of one leader supporting a cluster of primary school heads who had some early challenges in the first phase of lockdown with extending the technology to the children.

We also signposted where there was some emerging best practice because, of course, the remote learning was not just about the technology. We were able to signpost some of the really good practice that trusts were doing, for example having visits within socially distanced guidelines to particular children to check that they were able to engage. We had another example of one of our teaching schools that extended some resource to support parents so that they were able to help their children with their remote learning.

There were quite a lot of little practical steps that collectively helped the sector to respond. Of course, we should not forget the massive contribution of Oak National Academy in supporting that as well.

Q28 Chair: To understand, could you explain to me how REACT—perhaps this is one for Dominic—works with your existing roles as Schools Commissioners and with Ofsted?

Dominic Herrington: With our existing roles, we have taken it on as an extra responsibility. We have brought all the bits of DfE into an internal virtual team around each local authority. We have taken it on as an extra responsibility. We have had a bit of extra resourcing and we have worked a lot harder through the last year. It has been an additional and necessary response to the pandemic, and that has been a core part of our lives.

Very early on in the pandemic, Ofsted was part of REACT and did a great job in offering its support and help to local authorities and Government Departments when inspection was suspended and we worked very closely. It was part of the overall team, but as inspection has started again, Ofsted has rightly stepped back because it has its right and independent role in the system. As you know, it is now back in inspection mode. One of my reflections of the last 12 months is that it has allowed us and Ofsted to understand each other far better, to understand the different but complementary roles we play in the system. I hope that is helpful in explaining—

Q29 Chair: To be clear, REACT continues now?

Dominic Herrington: Yes, REACT continues because we are still in the pandemic. We have a massive job to do in ensuring that attendance of vulnerable children continues to grow, to help the promotion of the national tutoring programme and summer schools, and to ensure that home testing carries on and is part of the school system for this term. We have a very important role this term, because we are still in the pandemic.

If I might throw in another reflection, regional teams and Regional Commissioners have become a very important voice in local health



conversations. At local level you have Public Health England, directors of public health, NHS Test and Trace and the Department of Health. Our Regional Commissioners are now part of those regional public health partnerships. That is really important so that we understand how the virus and the pandemic is playing out and the impact it can have on school reopening. We have obviously wanted schools to stay open as long as possible, and getting that across at local level to health colleagues has been important.

Q30 Kim Johnson: Good morning, panel. I want to pick up on the previous question from the Chair. We know that online learning has created a major digital divide, with differential learning loss and disparity between disadvantaged areas. How did the RSCs assess the quality of online learning and whether resources reached those in greatest need?

Sue Baldwin: From the very beginning we were keen to make sure that vulnerable children were able to attend face-to-face, onsite. About 80% of schools in the first period, between March and May of last year, were open for vulnerable children and for children of critical workers. That was really important, and we prioritised their attendance all the way through. We got to a point in January, when we were faced with that dreadful national lockdown, where about 34% of children with education and health care plans were in school, and that rose towards the end of March to mid-80%. As Dominic said, our job this coming term is to make sure that those children get supported to enable them to stay in school.

On remote learning and access to online facilities, the Department enabled many thousands of devices to be distributed. I think we are heading towards 1.3 million now, plus the remote devices. As Vicky said, it is really important that the children most in need are able to access those devices. I also know, and it is worth reflecting and praising where praise is due, that a number of other organisations—multi-academy trusts, local authorities, charities—also contributed to the bigger and wider effort. It is really important all together.

Assessing the quality of online learning does not fall within our remit. That is something Ofsted looked at during its remote visits and assurance visits. It did a number of pieces of work that looked at how the remote education was being delivered, and it was able to share that information with us.

Q31 Kim Johnson: You mentioned that many devices were sent out to schools, but, as a Select Committee, we know that a lot of schools did not receive the relevant number of allocations. How did the RSCs ensure that the schools that needed the equipment got it, as and when?

Sue Baldwin: We made it clear that our door was always open for people to contact us if they needed us to unblock any of these things. If you remember, I said earlier that I lead the relationship with a large national primary trust. One of the conversations we had, over a couple of weeks when the devices were being distributed, was about their having a



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couple of blockages, and I was able to enable that blockage to be released so that we could get the devices to them quickly.

We were getting weekly reports about how many devices had been ordered, how many had been delivered, and we were able to use that to monitor and see whether we could spot where there might be any problems. We get information from the schools directly and intel from the local authority, and our own oversight of the data that we were afforded helped us to spot any issues and deal with them.

Kim Johnson: Vicky or Andrew, do you have anything further that you would like to add to what Sue has just said?

Vicky Beer: Perhaps just a couple more practical examples, because I don't think I can add much more to Sue's description of the process. The initial allocations to areas were based on agreed criteria. I can think of two local authorities in my region in particular that came to me to say, "The criteria are fine. We have got the allocation, but we have another group of youngsters that we feel now fall into this category. What can you do to help enable an extra delivery?" We were able to release some additional deliveries to both of those local authorities. In one case there was an extra 1,300 devices and in another it was nearly 3,500 extra devices.

There is a much smaller example of a local authority where a primary school had struggled to get its allocation. There had just been a glitch in the system. We were able to put them in touch with the technology team on the same day, and they had their extra delivery by 10 o'clock the next morning.

It was unblocking those challenges, but also listening and being able to expedite an additional delivery for particular local authorities that had a greater proportion of disadvantaged youngsters.

Andrew Warren: I have three short points to make on that. A couple of our local authorities found some challenges with the scale, and we were able to work with them and help them with the distribution. We have a couple of examples there. There were a number of schools that we rang up and said, "You don't seem to have taken your allocation. Is there a problem? How can we help you?" We did that in about 50 schools in our region. If you are aware of particular schools that have not received, please let us know and we will follow this up. If you are thinking of particular examples behind your question, please get in touch and we will be keen to see what we can do to help.

Q32 **Kim Johnson:** Thanks, Andrew. Dominic, there has been some criticism about the catch-up funding and the national tutoring programme not reaching the most disadvantaged pupils. You spoke earlier about promoting the scheme, but actions speak louder than words. Can you explain how RSCs review, monitor and action improvement with those schools that are not actively engaging? Do you believe that the national



tutoring programme provides value for money? What are your views on the outsourcing to under 18s in Sri Lanka paid £1.57 an hour? Should this funding have been allocated directly to schools?

Dominic Herrington: There are quite a lot of questions. I will try to deal with them all. On the point about how we should help, we will get the numbers of how many children are taking up the tuition offer by region. We will have looked at each of those regions and seen where take-up is perhaps lower than average and think about why that is happening and what we can do to help boost it. There are a number of things in play here. One is that we find that sometimes there are misapprehensions and we have to correct those. That it is not a complete substitute for teaching. It is an additional thing that can help and be in addition to what a teacher is teaching children.

The second thing that we can do is run local events, introduce people to the EEF and run local webinars. We can facilitate and, as Sue said, broker conversations among people, so that awareness is developed and built and more people will take it up and understand that it will help as part of recovery. We learned that some schools initially thought the tutoring programme was not for children in special schools or in alternative provision units, so we have corrected that.

The most important thing here is that we play our part in a national programme to ensure that tuition is there. Of course, I would never condone children being used as tutors, and I think it was corrected immediately in that example. The tuition programme is quite new, so our job is to make sure that it works and to help it to work. It is probably early to make an overall judgment of value for money, but certainly from what we have seen it is an important and vital part of the work to recover and to help the learning that has been lost. We want to support it, to get behind it and to do what we can to help it to ensure that children can catch up some of the days of education they have lost.

Q33 **Kim Johnson:** Finally, do the RSCs believe that multi-academy trusts meet their public sector equality duty? Can you explain how you assess this? Do all trusts publish their equality data as required?

Chair: If you could answer as concisely as possible.

Dominic Herrington: A lot of trusts are taking this issue very seriously; they have duties under the Equality Act 2010. They will have policies in place, like some of the other policies that every trust has to have as part of its funding agreement with the Department. What we have seen in the sector—and we are obviously quite keen to help to promote equality and diversity to see a greater number of leaders from underrepresented backgrounds in the school system. We had a talk from Dave Watson, who is the black CEO of Venturers Trust in Bristol. He talked to all the RSCs and our teams about being a black leader in the system, his journey and his role modelling for the system. That was incredibly powerful, and we



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will always want to help where we can there. The question for each trust—

Chair: In a nutshell if you can.

Dominic Herrington: Sorry, Chair. Every trust will have that as part of the policies that it needs to engage with and publish. It is a picture that is improving.

Andrew Warren: A practical example is that, when there are trust board vacancies, my team have started talking to the chair about what they are doing about diversity, whether their board is a diverse board and whether there are particular new skills, expertise, experience, and so on that they want to bring on board. We are starting that whenever we have an opportunity to do so.

Kim Johnson: I will just say that it is one thing having policies but another thing is to implement effective action, because actions speak louder than words.

Q34 **Chair:** Dominic, can you set out briefly how you are going to evaluate whether the REACT programme that you are charged with has worked and what the improved outcomes have been?

Dominic Herrington: There will definitely be a time to do that. One of the first bits of external commentary we had was from the National Audit Office, which has done a report looking into the Department's response to the pandemic, and the REACT teams were referred to in that. We were glad to see there was a positive comment from the local government world, for example, but REACT—

Q35 **Chair:** Are you going to do a formal evaluation yourselves?

Dominic Herrington: We will look at the best way of evaluating it.

Q36 **Chair:** You set out very good practical examples, but we do not know across the board whether it has really, truly made a difference. It may have done, but we do not know.

Dominic Herrington: It is making a difference, and I hope some of the practical examples are useful for you and the Committee. Obviously, when the time comes, we will look at the best way of evaluating that.

Q37 **Ian Mearns:** I do apologise, at the outset I should have stated that I am a member of an academy trust board, as I am sure Dominic knows. I declare an interest from that perspective.

Just going back to the point that Kim was raising, is it not a matter of grave concern that so few schools in areas like the north-east of England are engaging in the tuition catch-up programme?

Dominic Herrington: I think the numbers in the north-east are going in the right direction now.

Ian Mearns: From a very low base.



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Dominic Herrington: As I said, our job is to explain the programme, to correct any misapprehensions and to promote the programme. In different parts of the country I suppose there will be different traditions of using tutoring. Our job is to help those regions where that tradition perhaps isn't as well established, to explain the benefits, to do the brokering, to introduce people and to get people going. I don't have the latest numbers in the north-east, but they are going up. We are happy to write to you with them.

This is an ongoing process. As we have seen through the pandemic, tutoring is now something that we will need to build into the rhythm of education as part of recovery, so we are starting on that journey.

Q38 **Ian Mearns:** It is not just about tradition, Dominic. It is about the development of a market of tutors in a particular area. I think that will be very different in different parts of the country. I will just leave that there.

The DfE set up a multi-academy trust for so-called orphan schools, which have been stuck in limbo without a sponsor. Is a separate school trust the best way to solve the problem of orphan schools?

Dominic Herrington: I will say a bit about that and maybe bring Vicky in. One thing I should say at the start is that this is a top priority. The schools that do not have a trust, we will never stop in—

Q39 **Ian Mearns:** How many is it currently?

Dominic Herrington: Two years ago there were about 200 schools, inadequate maintained schools, going through the process to conversion. A year ago it was 149, and it is now down to 76. Of those 76 most of them will open this year as academies. We are getting down to a very small number. As I said before, the most important thing—whatever the number is—is that there will be a plan for improving that school and for helping the heads and the teachers in that school.

Q40 **Ian Mearns:** To be fair, Dominic, when there were 40 orphan schools it was a matter of concern to a previous iteration of the Education Select Committee. Now we are at 76.

Dominic Herrington: It is not 76. It is coming down all the time. It will be very low. We do not use the word "orphan" because we recognise that those schools have heads and teachers who are working really hard. We are always a bit careful about how we use the language. There are 21,500 schools. We are talking about a very small number.

What we find is that the judgment that triggers the school becoming an academy exposes wider issues—

Q41 **Ian Mearns:** It is unfair to use the total number of schools, because there aren't 21,000 academies. There are still an awful lot of maintained schools, particularly in the primary sector, so you are using the wrong number to compare it with. It should be the number of schools without a parent academy trust, as opposed to the number of academies in total.



That is the comparative figure, isn't it, surely?

Dominic Herrington: Whatever the comparison, the number is small and is coming down. We have been working ferociously hard at this number for the last two to three years, and my reflection is that the judgment often exposes wider questions about the school, particularly the viability of the school. In that very small group, and the number is coming down, there will be schools where actually the question is really more about whether the school should stay open at all. They tend to be very small primary schools.

In that situation, what we have to do is have that conversation with the local authority about the viability of that maintained school.

Q42 **Ian Mearns:** Quite often they have converted to being an academy because, potentially, they were under threat of closure from the local authority in the first place.

Dominic Herrington: There are lots of different cases, but some of them haven't. What we find is that, in this situation, there is a very small number where the local authority may be thinking about the viability of that school. They are often church schools, so you will have to bring the diocese into the conversation. As you said, this is the trust you are part of.

The other issue is that we often find there are very complicated land or capital issues in those schools. There is often a question that goes back years about who leads and who is in charge of the land, who owns the land in that space, and also the capital condition of that school. You can find all sorts of things that go on in schools like this. Asbestos and so on.

These things take a long time, but I want to repeat what I said earlier. In this situation we will always ensure with the local authority that there is a plan for improvement. They will not flounder.

Q43 **Ian Mearns:** Is the creation of the DfE parent trust the best way to solve this problem at the moment?

Dominic Herrington: It is one extra tool in the locker. We have the pilot trust, Falcon, which has two schools in it. That is another arm, another opportunity to make sure that we get this number as low as possible.

Q44 **Ian Mearns:** Isn't the creation of that additional trust at the DfE level an indication of failure of the trust model or of the Regional Schools Commissioners themselves? I am just posing that question. I am looking for a defence.

Dominic Herrington: I would rebut that very strongly. It is not about the failure of the Regional Commissioners at all. We have worked incredibly hard. There is nothing more important than the education of children and young people in these schools.



What I was trying to explain—and I apologise for probably not making it clear—is that what we come across in these schools are serious structural problems that are nothing to do with whether they become an academy or not. They are just factors about the position of those schools.

Q45 Ian Mearns: Doesn't that inherently beg the question as to why they were allowed to become academies in the first place? Some of them will not have been academies that long. Was it because some of them were forced into transition because of not meeting particular threshold targets?

Dominic Herrington: I was talking about the maintained sector, not the schools that come into the academy sector as a result of being a sponsored academy. When it comes to the very small number of underperforming academies, we find it is less a viability question because they have not been in that position and they have not had a long period where they have converted.

As I wanted to say earlier, I think our approach over the last two or three years has been to grow the MAT sector sensibly and cautiously, and to ensure that risk is a far more important aspect of decision-making and so, therefore, we have fewer of these kinds of situations in the academy sector now. We have a small residual number of local authority maintained schools, as I said, where we come across issues and the judgment exposes a whole set of other issues.

Q46 Ian Mearns: In that case, do you think that the oversight of multi-academy trusts is sufficiently robust at present?

Dominic Herrington: Yes, I do. I think it is very robust. It has become far more robust in the last couple of years. We have done a whole load of work as RSCs to more regularly review education performance. We have looked far more closely at growth and the growth of trusts, and we have sequenced that far more. We have had far more internal conversations across regions—as colleagues talked about earlier—in terms of managing trusts. I think the ESFA has really tightened up its financial regulation of academies in a whole number of ways.

The sector itself has approached growth in a far more mature and calmer way. What we have been trying to do over the last two or three years is shift the conversation away from: why have some multi-academy trusts gone wrong and there have been problems in the past? Into more about what can multi-academy trusts do? The fantastic things they can do in terms of bringing schools together, ensuring teachers can learn from one another, ensuring leadership plans, strong governance, strong trustees—

Chair: Okay, thank you.

Q47 Ian Mearns: Given the capacity that has been built in these multi-academy trusts, do you think that Regional Schools Commissioners should have the power to direct those trusts to take on board those orphan schools? They are building that capacity to do all this good work, but those schools have to end up somewhere.



Dominic Herrington: That is a matter for those trusts. They have obligations under the charity and company law that they need to follow as trusts. Our role is to ensure that there are as few schools in the situations that you have described as possible. We talk regularly to multi-academy trusts about the opportunities there are for more schools to join them in a sensible way, to give children a better education.

There is far more advice and support for multi-academy trusts out in the system. The Confederation of School Trusts, the National Governance Association, Challenge Partners, Forum, Ambition, there are lots of organisations that are helping trusts think these things through. As the system matures, more of those conversations—

Q48 **Ian Mearns:** Thank you. Lastly from me, do you agree with Her Majesty's Chief Inspector that Ofsted should have the power and duty to inspect MATs?

Dominic Herrington: We have not taken that view as a Department. Ofsted do a really good job and inspect schools—

Q49 **Chair:** Why not? Just give us a real answer. Why is it right that—

Ian Mearns: Local authorities are still inspected.

Chair: Let me give you one example. If you have an academy trust that is mismanaging its finances and then takes away money from a school that is doing relatively well, it means that school suffers financially in order to deal with the trust's own financial profligacy. There seems to be no check and balance on those kinds of things.

Dominic Herrington: I would take a different view there, Chair. Those examples were mainly from two or three years ago. To answer your question about multi-academy trusts it is because the oversight of MATs is far tighter now, with RSCs and the ESFA working together. There is better understanding within the system and there is less clamour for Ofsted, I think, to inspect MATs because of the tightening up and the regulation and the oversight.

Q50 **Chair:** Where is the check and balance if an academy is mismanaging its finances and then siphons off money from its individual schools, leaving those schools to suffer? I have seen that for myself directly. What is the check and balance on that without an Ofsted inspection of the MAT?

Dominic Herrington: All the work that the ESFA does to scrutinise accounts, to get forecasts, its sampling, its financial notices to improve. Over the last two years the ESFA has incredibly stepped up its oversight of academy finances. The Academies Financial Handbook is now full of the requirements for academy trusts to follow good financial practice, the expectations of academy trusts in terms of their reporting and the skills that they are meant to have in terms of accounting officers. There is a whole panoply of regulations there.



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In fact, one of the issues we sometimes get now is that more MATs are saying, “We understand why you are doing this, but the regulation now is incredibly tight.”

Chair: Ian, have you finished?

Q51 **Ian Mearns:** Just one last one. The Hanson School is coming up to its tenth anniversary of being given an academy order. Does that not need sorting out urgently?

Dominic Herrington: Can I bring in Vicky, because Hanson is in her region?

Vicky Beer: Ian, you are absolutely right. Hanson is a school with which we have remained in very close contact throughout the duration that we have been identifying a sponsor. There are a range of complex issues with it, not least a really challenging PFI contract, a private gym contract and the significant deficit. However, I am really hopeful that we have a sponsor identified that is ready and able to take the school.

In the meantime, it has had significant levels of school improvement support. First of all through emergency funding that we have been able to allocate to it with the support of another strong multi-academy trust that is also a teaching school. Latterly, it has also been supported in partnership with the opportunity area, where system leadership support has been alongside it.

I also sit on an oversight panel with the local authority—because it is still a maintained school—the opportunity board and the system leaders that have been commissioned to monitor closely the improvements that are being made. I had one of those a fortnight ago and was really pleased to be able to see, despite the significant challenges that the school has, pupils are back in and responding well to the remote learning offer.

I am hopeful that, if I were to talk to you in the not-too-distant future, I will be able to confirm the sponsor and give you a conversion date.

Ian Mearns: Vicky, I would be very interested to hear that from you. I am aware that that particular school has been shunned by three other potential parent academy trusts, and the school is still inadequate as far as I know.

Chair: Can I suggest you continue it off camera?

Ian Mearns: It is not really my patch, Chair. It is just something I am aware of.

Q52 **Chair:** I beg your pardon, Ian. The multi-academy trust the DfE set up for orphan schools, the Falcon Education Academies Trust, how many schools does it have and what is going on with that?

Dominic Herrington: It has two schools in it now. Vicky, do you want to take over?



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Vicky Beer: Yes, thanks. It has two schools currently. One is a Thornaby school, which joined on 1 September. The second is a Leeds school that joined on 1 April. It is important to say that Falcon was set up as a pilot, in particular to help us understand a bit more about approaching risk. Generally, the type of projects that we cannot find a mainstream trust to take on have significant levels of risk attached.

Falcon was also set up as a temporary solution to make sure that these schools had an immediate offer of support. Falcon will stay with the schools until they are stabilised and we are able to transition them back into another trust. We have not put a timescale on that yet, but this is something that is beginning to make good progress.

Q53 **Chair:** Just to understand, this is literally a Government academy?

Vicky Beer: No, it is a trust that has been set up with a bespoke funding agreement and articles to reflect the high levels of risk. In every other means, it operates exactly the same as a normal multi-academy trust, including levels of accountability specifically to the Charity Commission but also through the—

Q54 **Chair:** Is the intention to Hoover up the orphan schools?

Vicky Beer: It is about piloting an approach to managing risk. As Dominic has already said, we have worked really hard to mitigate the proportion of schools that have an orphan label.

My region had a significant proportion of the 76 that were left. There are 28 left. We have converted 27 already this year. Of the 28, it is important to say they are not orphans. There are 12 that have opening dates this academic year. There is another one that has an opening date in the next academic year. The 15 remaining are predominantly diocesan-related schools, which means we have to come up with a slightly different solution. The first of those is converting next month, and it has been in the pipeline for 45 months. That would previously have been termed an orphan school.

We have made very good progress in working with the archdiocese, in particular. That will see the remaining 15 begin to be unblocked.

Just to reiterate Dominic's other point, we literally never give up. A couple of months ago we converted a school that had been stuck for several years. It was stuck because of a French PFI contract, would you believe. It took the Cabinet Office, it took the council, it took my regional team to work collectively over a period of years to get that contract resolved. I am delighted to say that we have done that now, so I think the number of—

Q55 **Chair:** Thank you. Is it the general intention that this Falcon Education Academies Trust will look after orphan schools across the board when these things happen?



Dominic Herrington: Not all schools that are in this position. It is a two-year pilot. We are a year in, so obviously we are going to see how it works. What we found is that the number of schools in this position has started to come down, but the aim is that this trust will be one of the things that help us unblock all the issues that we have been facing.

Vicky Beer: One final point on this. In the particular instance of Falcon, sometimes there is an appropriate sponsor that is ready and willing to take on the school. However, part of the RSC's role is to consider the level of risk of a trust taking on a project. What Falcon provides is an opportunity in the short term to support that school by taking it in, to work to stabilise it. The risks are mitigated so that, when it is ready, we can subsequently transfer it to the original trust. Sometimes it is about helping to balance the portfolio of risks at a given time.

Q56 **David Johnston:** My question is to Vicky, Sue and Andrew about staffing. You each have very large regions to cover, as do the other Commissioners. Do you have the resources and support you need to do the job? When you answer, can you give us a sense of how many staff you have and how many schools you are supposed to cover with that staff?

Sue Baldwin: Let me start with the number. I have 45 members of staff, about 42 full-time equivalents. My region covers 15 local authorities. The thing to think about for my region is that—putting the pandemic to one side—I have a high proportion of schools that have become academies, and the vast majority of them are very good. I would always wish them all to be able to do more, but I do have enough.

It is not just my immediate team. I have NLEs that I can call on. I have the new teaching school hubs to call on. I have 10 dioceses that I work very closely with. Together with the MATs as well, yes, I would always wish for more to do more, but I do have enough at the moment.

Q57 **David Johnston:** Fifteen local authorities, how many schools are we talking about?

Sue Baldwin: In my area, local authority schools as well as multi-academy trusts and single academy trusts is about 2,300, of which 1,272 are academies. We tend to work through the multi-academy trust model or the trust model, so I have about 200 multi-academy trusts that we work with very closely. Does that give you a sense of what you are after?

Q58 **David Johnston:** It does. In practice, how many are your 45 staff working with, given the discussion we had about high-performing ones that you are not working with?

Sue Baldwin: To give you a sense of scale, we have done about 100 pieces of business in the year to date. That refers to interventions, so high-intensity, complex cases where I might have two or three people working at quite senior levels with a multi-academy trust and a local authority on very complex matters, all the way through to members of



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the team who are working on five or six significant changes and they might be where there is an age range change. For example, working with Norfolk local authority to add nursery provision to schools.

They all need to be worked through, and we always have to do due diligence. It doesn't matter how straightforward the ask might be, we still have to do all the due diligence. It will depend on the complexity of the case and the kind of business that is being done. That does not take into account all the conversations and the ongoing termly reviews that I personally have with academies that might have weak schools. All those things go on top.

Andrew Warren: I have 60 staff in my team, which cover 16 local authorities, 12 diocese. It is around 2,700 schools, of which just over 1,200 are academies. That represents just under 400 trusts.

Like Sue, we would always like to have more to do more with but, obviously, what we do on a weekly basis is assess the weeks coming up, the next week and the week ahead, and try to get an understanding of the demands on Covid work, the REACT work, which has been hugely demanding, and also the business-as-usual work coming up.

We have done just under 100 pieces of work through our headteacher board, 58 voluntary conversions, 24 inadequate schools placed into trusts. Pretty high volumes of work. We have also had a number of single academy trusts that want to transfer into multi-academy trusts, 33 of those. What we are seeing is an increasing desire from maintained schools and single academy trusts to come and join large groups, which have seen the benefit of that.

The last thing to add on that is the huge amount of engagement with the sector. Others have mentioned roundtables. I have spoken at many headteacher conferences, with maintained schools and academy trusts. I have spoken at police conferences—

David Johnston: I have a couple more questions, so let's go on to Vicky.

Vicky Beer: Probably somewhere between Sue and Andrew, because staffing allocations are done on the quantum of need, academy coverage and so forth. I have 61.3 to be precise, but 61 full-time members of staff. My region covers 25 local authorities, but we have lower levels of academisation. Although the region has just over 3,300 schools, academies are just over 1,000 and 85% of the academies are distributed across 294 multi-academy trusts.

My team is divided into subregions, as I mentioned earlier. Specifically, we have also had the additional support that Sue referenced through the wider REACT teams but also through a central DfE team. They are able to work alongside each of our regional teams in supporting with conversions and so forth.



During Covid, we have also been able to benefit on a regional level from some surge capacity. Particularly in the first lockdown, as you probably know, the north-west had significantly higher levels of Covid than elsewhere. My team was able to be supported by some flexible deployment from elsewhere to support those managing the REACT needs of the work but also to keep business as usual moving. We still had vulnerable schools that needed to be converted, and we managed to do that successfully.

Q59 David Johnston: Yes, everybody would like more but it does not sound as if there is a problem of resourcing for you to be able to do your jobs as you see them.

My next question is about turnover. There is a concern that there is a revolving door between the Regional Schools Commissioners and academy trusts. A number of members of the Committee, including myself, know someone poached by an academy trust after not very long of doing the Regional Schools Commissioner role. Could you comment on the turnover of the Commissioners, particularly them going to academy trusts, but also more broadly your staff turnover—if you know the percentage of your turnover—and what proportion of them are going to academy trusts?

Dominic Herrington: Turnover of Regional Schools Commissioners has lessened. We have had one change in the team in the last 20 to 22 months. The aim in the team is to have a mix of experiences, so we have a mix of those who have worked in the sector and those who have been civil servants and have regulatory experience. The aim is to always have a mix.

I am less worried about that point, about turnover, because we have had less turnover more recently and we expect to have less turnover going forward. I do not have the figure to hand for turnover of staff, but turnover is different in different places. Turnover will perhaps be lower in Darlington than in London. We have offices all around the country that are part of different regional labour markets.

We do not have a huge number of staff who go into multi-academy trusts. We recruit slightly more staff who have been working in the sector. That is a good thing. We want our staff to be a mix of those who have educational sector experience and those who have civil service experience, but we do not have a huge turnover of staff going to work in multi-academy trusts. Our staff are a fantastic, hardworking group of people. They will move into other civil service roles in the Department, and that is to the benefit of the Department as a whole.

Q60 David Johnston: I think it is good if turnover has lessened, but are you confident that is not just a reflection of the fact that the last 12, 13 months have been the pandemic and not many people have changed jobs generally? Do you think there has been a change in getting people who stick and do not just jump to a trust?



Dominic Herrington: Yes, I think so. We have thought hard about this, about the profile of the team, what we bring to it and what we all have in our collective experiences of it. I find it helpful in a way because I was a Regional Commissioner, so I can understand the pressures that the team are under and the challenges that they face, but I am far more confident now about turnover because we have a fantastic team of Commissioners, a strong, united team, and so I am much more confident about that.

Q61 **Chair:** Do you have centralised data on the difference in how academy chains have responded to the pandemic compared with standalone schools and the lessons that can be learned? Do you have centralised data from the large academy trusts to get a picture of the national data?

Dominic Herrington: We have a lot of information, intelligence and data on school attendance through the pandemic, and we have lots of information about what all the bigger national trusts have been doing. Obviously we are still in the pandemic, so that is still going on. One of the things we have learned is that some of the larger trusts have been able to use their scale to help the system more widely. We have a central data team that looks at academy performance across the piece and looks at data—

Q62 **Chair:** Is there data to show the difference in how academy chains respond to the pandemic compared with standalone schools? Do you have that data?

Dominic Herrington: I do not have a hard dataset to hand, no, but we do have—

Q63 **Chair:** No, I mean has there been work that you could send us?

Dominic Herrington: Yes, we will definitely send you the information we have about what larger trusts have been able to do.

Q64 **Chair:** What shortfalls do you think might have occurred, given the suspension of Ofsted visits to schools?

Dominic Herrington: I don't know, and I don't want to speculate on that. Ofsted have said that they are starting up inspections again, which is a good thing, but that is an unknown, I think.

Q65 **Chair:** What are your priorities now, as we are coming out of lockdown?

Dominic Herrington: Priorities are, first, to reduce the number of children in failing schools. That will always be our priority. Second will be to ensure that sponsored academies get fantastic Ofsted results as part of that turnaround. Third, as I said, is that we continue with tight regulation of the MAT system and that we shift the conversation away from what went wrong three years ago into what are the benefits and bonuses of being in a multi-academy trust—all the fantastic things that schools can do. That is a real priority.



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My final one will be about helping schools and local authorities through the end of the pandemic, and leading into how we can help Sir Kevan in the future.

Q66 **Chair:** I am glad you said the final one, the catch-up programme. Given that you said the first priority is to make sure there are fewer children in failing schools, what is the evidence so far that you have been achieving that over the past two years since you have been in office?

Dominic Herrington: The number of inadequate schools when I started was 216. It is now down to 76. We will get it lower. We will never stop to ensure that children in those schools, in some of the most deprived parts of the country, get a better education.

Q67 **Chair:** How many academies are good or outstanding?

Dominic Herrington: I think 86% of academies are good or outstanding.

Vicky Beer: My region has a high proportion of sponsored academies, which are the schools that went into an inadequate category before being converted. We have over 300 of them in my region, 307. As of last August with the latest Ofsted inspection data, 72.5% of those were good or better. They cover collectively around 80,000 pupils, 29% of whom are disadvantaged. I think it is a practical example of the impact of moving a vulnerable school to a strong sponsor. That is a substantive indicator.

Q68 **Chair:** Given Dominic's priority to have fewer children in failing schools, which is absolutely right, what has happened over the past couple of years in your regions, Andrew and Sue? What have the improvements been?

Andrew Warren: At the start of lockdown there were 43 maintained schools that were inadequate. That represented about 15,000 children, give or take. During the last 12 months we have cut that list down to 19, which as Dominic says is still too many. That represents just over 6,000 children. We have a plan for all those 19, and I am expecting a further eight to be joining strong trusts by 1 September, which will leave us with 11. In the meantime, we are working very closely with local authorities to check there is a solution for each of those schools and working very closely with them. We have been totally focused on this, even as we have balanced other REACT priorities. This is our No. 1 goal to get children to good schools.

Q69 **Chair:** How many schools in your area are good or outstanding?

Andrew Warren: It is 87%.

Q70 **Chair:** What was it a couple of years ago?

Andrew Warren: It was below 70%. I was going to say 68%, but I do not have that figure to hand.

Q71 **Chair:** There has been a significant change. Sue, how many good and



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outstanding schools were there a couple of years ago in our area?

Sue Baldwin: In our area, it would be about 89% and it is about the same now. That hasn't shifted. I have one school that has a directive academy order that we are working with at the moment.

My challenge, which I am interested in as well, is the previously sponsored schools that would have been inadequate. I have just under three quarters of those moved to good or outstanding. What I want to be able to do is make sure the other 25% move to good or outstanding in their next Ofsted.

Q72 **Chair:** How much of your efforts, all of you, are looking at those most deprived areas where you have most disadvantaged pupils? Do you spend your time in the successful academy trusts in leafy areas, or do you spend it in places of deprivation?

Dominic Herrington: I will bring in regional colleagues, but our focus is always the most vulnerable children, the most deprived areas and the most difficult areas. One of the fantastic challenges and honours of this role is to try to make a difference there.

Vicky Beer: The proportion of disadvantaged children that we are impacting on is always first and foremost in our minds. It is why I quoted the amount of disadvantaged children in the trusts that had gone to good or better.

I know that, in the 27 sponsored academies that we have converted in the last year, just over 30% of children in those schools are disadvantaged. It is always at the forefront of our mind.

Secondly, we are also developing some of our stronger trusts to develop new clusters in areas where there are significant proportions of disadvantage, where we have not been able to generate the same sort of improvements as in, as you say, some of the leafy suburbs. We have just successfully developed two new clusters across the Liverpool city region in my part of the world. I am very confident that will start to see a huge improvement. The two trusts concerned are Dixons multi-academy trust and Outwood Grange, two leading trusts nationally. They have collectively taken four sponsored academies, or will be in the next few months. That will have a huge impact.

It is the reassurance that we are always focused on disadvantaged children in the impact of our work and can articulate that, but separately moving our strongest trusts into those areas where we don't have enough capacity or coverage.

Sue Baldwin: I have already referenced the three opportunity areas in my region, so there is already a focus there. On top of that, there are other areas that do not have a specific designation but where I know there are issues around capacity. I mentioned that I have 81 NLEs within the region, but I have some parts of the region where there are very few.



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It is making sure that in areas like Tendring and Jaywick or in north-west Norfolk, for example, we are able to bring in—as Vicky has demonstrated—that new capacity.

One of the things that I am looking forward to this coming year is the role of the teaching school hubs in that, making sure that those teaching school hubs that have a footprint that covers some of my more disadvantaged areas are working especially for those disadvantaged areas.

Andrew Warren: I would add to what both of my colleagues have said. Disadvantage comes in different ways. It is not just our inner-city urban areas. In my region, there are some beautiful but more cut-off rural areas. Making sure that we have strong trusts that are willing to move in and support schools as they come on to our radar in those more rural areas is a really important part of our work. The whole time those teams that work in the local authorities are identifying cold spots—if I can put it like that—where we need to bring in capacity and strengthen the scale and scope of strong trusts being able to offer support.

Q73 **Chair:** Dominic, could I ask a final question? Please do not take this the wrong way. It may sound rude, but it is not meant to be. Given what you have said, given that we know we have Ofsted, the ESFA, local authorities, opportunity areas, school regional improvement boards and local school forums, given all that, if all of you did not exist would we have to reinvent you? Would the world fall in if you all did not exist in terms of academies?

Dominic Herrington: If you look at what we do and what we have achieved, in terms of reducing the number of failing schools, the oversight of educational performance in maths, the response to the pandemic in terms of helping schools and being the glue locally that often brings people together, yes, I think we would have a problem.

You will remember why Regional Commissioners were created in the first place. It was just too much for the Department to oversee academies from one building. We are playing our part in overseeing that sector but also, crucially, helping be a co-ordinator, a convener at local level, to bring people together to make a difference for children and young people.

Chair: I saw you smiling at that, Andrew. Did you want to come in?

Andrew Warren: I have come from the school sector, and I love the job that I do. I am really proud of the work that we have done and, if nothing else, we have been able to witness and be part of this huge effort in supporting schools and local authorities. It has been a huge privilege.

Q74 **Chair:** Some people might say that Ofsted and the ESFA could do all of this, and that you are just another tier of bureaucracy.

Dominic Herrington: I would disagree strongly with that. I think Ofsted plays a really important role in the system as an inspector, as an



inspectorate, but obviously ourselves working with the ESFA are critical to academy regulation.

Q75 Dr Caroline Johnson: I have just been listening to your comments about how you manage failing schools and the issues with getting children and schools into multi-academy trusts and getting them sponsors and things. It feels like—and I may have misunderstood it—that the target once a school is failing is to get it in as part of a trust and that resolves the problem. Is that really the only way to improve schools? What other work is going on to improve schools that are failing in the meantime while you are resolving the legacy of PFI and so on? To what extent can a failing school be missed once it is part of a multi-academy trust that, as a whole, is performing adequately, although one part therein may not be?

Dominic Herrington: It is our policy that a failing maintained school will transfer to an academy trust. That is where academies started in 2003, that sponsored academy scheme, so that is the established framework that we follow. The first thing to say is that there is no way we would let a school just go through that process and continue to deteriorate. Our role, with the local authority, is to ensure that there is a support plan for that school during the process until it joins a trust.

When it joins a trust, as I said earlier, it does not stop there. We set really high expectations for trusts to ensure that that school becomes better rapidly and that, at its first Ofsted inspection and subsequent Ofsted inspection two or three years on, it gets a good or an outstanding rating. There is a policy framework, and we have seen that some of the greatest successes in the academies programme are in turning around schools that have been in very difficult situations and not just becoming an academy for its own sake but also, therefore, leading to better education and opportunities for children and young people.

Vicky Beer: I want to tag on to the last part of your question, Caroline, which was on whether we only concentrate on the failing school in a trust. When we talk to our trusts and have, in particular, the annual cycle of meetings at a minimum, we are interested in understanding the progress of all the schools across the trust. It is also important that we are mindful of the risk of a school declining over time if all the energy and focus is on the latest school to join the trust.

We will talk about the quantum of activity that a multi-academy trust has responsibility for, whether they be outstanding or good schools or whether they be inadequate schools that have just joined. We will also discuss and reflect with them on the progress of particular groups of pupils across all their schools and what their curriculum plan looks like across all of them, so it captures that broader brief as well. That enables us to understand the trajectory of improvement but also, if there are any schools that are at risk, the trajectory of decline.



I would also say that the sector has become much better at this. The work that multi-academy trusts are doing with BST, NGA, Ambition Institute, MAT Forum and others means that they have their own systems of peer review and monitoring, to ensure that they are cognisant of the performance of all the schools within their trust and the different indicators that help them to reflect those journeys.

Q76 Dr Caroline Johnson: My other question relates to parents. In the first part of the pandemic, particularly in the first lockdown, I was approached by some parents who were concerned about the quality, availability or existence, even, of remote provision. In the most recent lockdown, I was approached by parents who were concerned that, as key workers, their children were not able to access the education that they were entitled to receive. In both situations, it was required that parents came to me and I came to you. That is quite clunky.

If parents want to access you directly, how do they do that? When they do, to what extent do you say, "You must first exhaust the entire complaints procedure locally"? If parents are required to do that, and it is cumbersome and time consuming, children in these cases are potentially not receiving any education at all and parents are not able to work while they go through those procedures, which are too long. I am interested in your thoughts on that.

Dominic Herrington: Maybe I will start and then, again, if colleagues have regional exemplifications—

Chair: Because of broadcasting time, can you be concise, please?

Dominic Herrington: Sorry, Chair. Most parents do not need us; they resolve things through school trusts and local authority level. If parents approach us, we will always deal with the position. I had an email from a parent yesterday. We will always look into it. There is a process for complaints on academies through Academy Trusts up to the ESFA, but my experience is that most parents, if they have a question, will bombard everyone with it and not want to go through the process layer by layer by layer and wait until they get an answer. They will give a real push.

Parents did contact us during the pandemic, and we took up those questions with schools directly or with local authorities. Our door is always open to them. There are routes that parents can use through their school or through their trust, so they would not always have to go through those if they wanted to come to us. We will always make sure that is possible. Of course, if parents have representations on decisions that Regional Commissioners can make, they can put those forward formally as well. Our door will be open to look at what comes through at any time.

Q77 Dr Caroline Johnson: My final question relates to an answer you gave to my colleague David Johnston about where your staff come from. You said that they come from the civil service and from schools. Talking about the revolving door, I am wondering whether all your staff are recycled



within the public sector or whether you draw in staff with expertise in managing budgets, for example, from the private sector or, indeed, from any independent educational establishments, either at school age or older.

Dominic Herrington: The answer I gave earlier was that they come from the civil service and the sector. By that I meant not just schools. We recruit staff from schools, local authorities, educational charities and those who may have done Teach First as well. There is a whole range of people we recruit. We recruit people from companies dependent on the labour market that they are in and if they want to work in the civil service and make a contribution. In terms of recruitment, we will always look for the best. We want to get a mix of people, and some of them will come from local government, the school sector, education, and some will come from other sectors as well.

Q78 **Dr Caroline Johnson:** My question was whether any had managed budgets in the private sector, and I am still not quite sure I have the answer.

Chair: Can you answer that, please, Dominic?

Dominic Herrington: I would probably need to go back and check through our staffing to get you a precise answer.

Q79 **Chair:** You can send the data, but you must have a rough idea. Is it five, 10, 100? You must have a very rough idea whether any of your officials and Commissioners up and down the country, and in your own office, have this experience that my colleague has just described.

Dominic Herrington: We will have them. I don't know whether regional colleagues have them in their team. Most of our staff will come from the civil service and from the education sector. We will probably have a small group who don't.

Q80 **Ian Mearns:** Going back to Caroline's question about engaging with parents, Dominic, I take on board what you said about engaging with them if they come. I think part of the problem is with the landscape that parents are confronted with; it is a bit fractured. There are schools, there are trusts, there are local authorities, there are diocesan authorities, there is Ofsted, there are RSCs, ESFA, DfE, opportunity areas and other things as well. Isn't part of the problem that, rather than using the blunderbuss approach of approaching everyone, too many parents will just be put off by that fractured landscape when trying to tackle a problem?

Dominic Herrington: My reflection on the situation is that most parents sort things out through their school. What we get is a very small number where there is a particular problem where they have not been satisfied with the school response or the trust response. We will work closely with the ESFA.



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One of the things we have seen a lot during the pandemic is much more enhanced school-parent communication. Over the last 12 months there has been massive growth in that, and I think parental appreciation for schools has grown because people have realised what it is like to be a teacher and how hard they work. Our role is really as a backstop. If people cannot get through to sorting things out locally, we will always do that. The vast majority of parents sort out their problems with their school at local level in our experience.

Q81 Ian Mearns: Lastly, have you thought about or have you already done something to put safeguards in place to protect those who contact you, as Regional Schools Commissioners or the National Schools Commissioner, to whistle blow about any alleged concerns or failings with regard to academy schools or trusts themselves?

Dominic Herrington: If we get someone who declares themselves a whistleblower, we will work with the ESFA, which has the established whistleblowing procedures and processes, and go through that. As we said earlier, if we get anything in that space or anything in the area of safeguarding, we will work very closely with our ESFA colleagues.

As I said earlier, what we have found in the last two or three years is that the number of whistleblowers looking at financial mismanagement in the academy sector has gone down incredibly quickly and has been part of the efforts we have done to try to more tightly regulate the sector. What we are quite keen to do now is to try to celebrate the things that trusts do well, of which there are a lot, while never being complacent about the regulation.

Q82 Ian Mearns: Your message to people out there is that they should have no concerns if they feel the necessity to whistle blow to the Regional Schools Commissioners around the country?

Dominic Herrington: No, and I think people do. Regional Schools Commissioners are now seven years old, and year by year more and more people have understood what we have done. If people do have concerns, they can always get in touch with us.

Q83 Chair: Can I just come back very briefly? When I asked you about what shortfalls had occurred, given the suspension of Ofsted visits to schools, you said, Dominic, "I don't know and I don't want to speculate", if I am correct in remembering what you said. Surely you should know because surely you would have been working very closely with Ofsted to find out what the situation is and what needed to be done?

Dominic Herrington: We have seen through the pandemic that children will have lost education. They have lost hundreds of days of education, so that is bound to have had an impact in the system. That is where Sir Kevan's work is really important, looking at teaching, targeting, tutoring and the amount of time. Those are the issues that he has been looking at that we have been—



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Q84 **Chair:** Surely you, in your role as Academy Commissioner, would be identifying what shortfalls might have occurred, given the suspension of Ofsted visits, that you would have placed some importance on finding out what was going on?

Dominic Herrington: There have been shortfalls in learning, plainly, in English and in maths, and departmental studies have shown that. As I said right at the start, we have set up a programme to help vulnerable schools access support from other leaders in the system. Obviously, heads and teachers have done a fantastic job in the system, but some heads have needed support through that. Our role has been to focus really tightly on how we can help and support the school system through this pandemic. It has obviously been unprecedented. Ofsted's inspections will be starting next term, as it has said, and that will expose various things. Our focus has really been on how we help the system through the pandemic, and that has been a full-time job.

Chair: Thank you very much. You have all had a huge, sustained interrogation over the last two and a half hours and it is really appreciated. I recognise the work that you do. I hope you do not mind, Dominic, if I give special thanks to Sue, who does a lot in my area and who I know well. I thank the other Commissioners, but as a constituency MP I give special thanks to Sue for the work that she does. It is really appreciated.

Sue Baldwin: As yours has been, Chair.

Chair: Thank you. I wish you all well, and the other Commissioners, and we will no doubt see you at some point in the near future. Thank you.