



Education Committee

Oral evidence: [The role of Regional Schools Commissioners](#), HC 401

Wednesday 21 October 2015

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Written evidence from witnesses:

- National Association of Headteachers ([RSC0023](#))
- Association of School and College Leaders ([RSC0029](#))
- National Governors' Association ([RSC0032](#))
- United Learning ([RSC0035](#))
- Church of England Education Office ([RSC0015](#))
- Association of Directors of Children's Services ([RSC0026](#))
- Local Government Association ([RSC0030](#))

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Members present: Neil Carmichael (Chair), Lucy Allan, Michelle Donelan, Marion Fellows, Suella Fernandes, Lucy Frazer, Ian Mearns, Caroline Nokes, Kate Osamor.

Questions 1 – 76

Witnesses: **Russell Hobby**, General Secretary, National Association of Headteachers, **Malcolm Trobe**, Deputy General Secretary, Association of School and College Leaders, **Pamela Birch**, Member of the Headteacher Board, Lancashire and West Yorkshire Region and Headteacher, Hambleton Primary Academy, and **Emma Knights**, Chief Executive, National Governors Association, gave evidence.

Q1 Chair: Good morning and welcome to our first session of our inquiry into the Regional Schools Commissioners. Our aim is to find out more about them and then decide how it is their roles should evolve and their capacities might be changed and so on. In short, what we want to achieve here is to map out the future for the RSCs. We have two or three sessions to collect evidence and to think about these issues, so do feel free to make suggestions as to how the system can be improved, changed, adapted or adjusted to reflect the

world of education that they are dealing with as time goes on, because we want to know what we can do to make things better.

It is great to see you, Pamela, Russell, Malcolm and Emma. Thank you very much indeed for coming. I am going to open up with a question about the longevity of individual Regional Schools Commissioners, because we know that Paul Smith is already being replaced, so the question arises: how long should an RSC stay in post and does it matter that somebody has left so early?

Malcolm Trobe: The most important thing here is the quality of the person that is doing the job. We need a reasonable continuity obviously for schools and academies that are working with the RSC and, in fact, to build the Headteacher Boards into a working unit. As far as I know all of them are on five year contracts, apart from Dominic, who is a civil servant. A five year tenure seems to be an appropriate length of time for them to work through. I think it would be difficult if you were exchanging all eight RSCs at the same time because obviously they need to work together so that we are getting a consistency of application of their work. A year in post, or just over a year in post, is a little short but certainly one would anticipate, as I said, that a three, four to five year tenure would seem to be wholly appropriate.

Q2 Chair: It does appear that five year terms are going to be the norm, so you would all agree that would be about right?

Pamela Birch: Yes.

Chair: Emma?

Emma Knights: I suppose I am more worried about their performance once they have the job. If people are doing a fantastic job then, yes, let's hang on to them for five years. If they are not doing terribly well, I would not want to feel that that was the way it went. I am more concerned about the capacity of their teams, because we do not want a system that just relies on one person being there and when they leave that is a huge amount of knowledge and experience walking out of the room. Generally, the capacity—and I am hoping it is something we might come back to in this session—knowledge and ability of their teams is absolutely critical so that the system does not crumple should we have a turnover of one or two RSCs.

Q3 Chair: We are going to be looking at that later, so don't worry, Emma. The question then arises, of course, should the appointment of Regional Schools Commissioners be a matter of some scrutiny? A bit like any other regional structure, or certainly the Police and Crime Commissioners, for example, which are elected.

Russell Hobby: The way the role is defined at the moment, the RSCs have substantial discretion over how they will use their powers, particularly on the coasting schools measure where it is their judgment as to what form of intervention is required. But some RSCs are also playing a wider role, in terms of putting forward a vision of education for their region as to whether schools should be in clusters or federations, or that sort of thing, which means that they are powerful individuals within the education system. You would want a level of scrutiny over their appointment, their decision-making and the operation of the boards that advise them. In technical terms they are agents of the Secretary of State, so the formal accountability would be that which is applied to the Secretary of State as well.

But in terms of the health of the education system, I think we would all want a level of transparency greater than we have at the moment.

Q4 Chair: Where do you think that transparency would be best placed?

Russell Hobby: We need to know the criteria by which they are making some of their decisions. We still do not have full guidance on how, for example, the coasting schools measures will be implemented. So what we need is a consistent set of decision-making guidelines for how that will be applied. We do need scrutiny upon the appointment of new Regional Schools Commissioners. I am not sure which group should do that, and I think the minutes of the Headteacher Boards should be more constructive and extensive than they have been at the present time.

Q5 Chair: Does anyone have any advice for Vicky Beer, the next Regional Commissioner for the spot that is now vacant?

Pamela Birch: Obviously I am on the board for the North West and West Yorkshire. I would say that the transition from Paul to Vicky has been managed very well. Vicky has been on the board since June, she has been a fully participating individual on our board. Can you just say the question again, please?

Chair: She is obviously on your board so perhaps one of the others. Emma, do you have any advice for her?

Emma Knights: She needs to build relationships around her region with other key agencies. In fact I feel slightly invidious talking about a particular individual because I know Vicky does have a large number of contacts in that region. Our members give us anecdotal feedback about the RSCs that they think are functioning well and those that perhaps do not have as wide an understanding of the system. It is really important if you are going to do this role—which, as Russell just said, is an incredibly powerful one—that you really do understand whose responsibility different things are within the region and you use all those relationships to best effect. We are all strapped for time and money at the moment and we need to be really clear that we are not duplicating roles in the system and causing confusion.

There are many school leaders out there and boards of schools that are confused about who exactly is doing what and when.

Chair: Thank you. We are now going to move on to the impact of RSCs.

Q6 Lucy Frazer: If you were identifying how to measure your work, having done it for a little while, what do you think would be the best way to measure whether you were doing a good job or your colleagues were doing a good job or not?

Russell Hobby: The rationale behind an RSC is to improve the quality of schooling. The measure of their performance should be the quality of schools within their region, both the proportion of good and outstanding schools, the number of schools above the floor standard and the number of schools above the coasting standard. You would find that as the central measure. I would like to have some performance measures on whether they are visible and well known to local headteachers, school leaders and governors.

The one performance metric that I think is absolutely the wrong one is to target them on the number of academies they create within their area. That is a presumption of what the right solution is and I think it damages the credibility of RSCs if the assumption is that you have to increase the number of academies. Academisation will be the right solution for some, if not many, of those schools but what we want to know is that you have an evidence base for the solutions you are recommending. You are judging each school and each situation on its merits. So I think academisation is a means to an end, not an end in itself.

Malcolm Trobe: I support what Russell has said there related to the academisation targets, because at the moment a number of things related to the RSC role are so clouded in elements of secrecy. One of the words I think you will hear a lot of us use around today is transparency, which is having those frameworks—in fact now it is frameworks because RSCs are making decisions on a range of issues—published so that everyone is then able to see clearly what the RSC role is. As Emma said, there are lots of school leaders out there, a lot of governing bodies, who are still unclear about exactly what the role is. So if I could go back to your previous question about advice to Vicky, it would be giving absolute clarity to the headteachers and the governing boards of all the schools, academies and maintained schools in the region on exactly what her role is and the way that she is going to go about delivering that role.

Pamela Birch: I don't think it is an issue of transparency, I think it is an issue of communication. As with the whole academy movement, we have had blank sheets of paper and we are responding to situations that are evolving, growing and changing. It is really an issue of communicating to people the work that we are doing and people understanding what those roles are. I would agree that there are probably frameworks that need to be established more. It is a new system and it is bedding in. If you look at the impact—we are talking about impact—yes, it depends how many good and outstanding schools there are within a region. But you are looking at the impact of the interventions that RSCs are making, because we have a lot of intervention strategies and you need to be looking at what the impact of those interventions has been in terms of improving outcomes for children.

You also have to look at the impact of the initiatives that the RSCs are putting forward. If I think about Blackpool in my area, which is a coastal town, terrible problems, Paul very quickly set up the Blackpool Challenge Board, got an independent chair in. That is working but my job then, in terms of impact, is to monitor the effectiveness of that and report back to the board. I think it is a communication issue.

Q7 Lucy Frazer: Picking up on what Russell said. Are you suggesting, Russell, that it would be a good idea at the outset to say, “This is the number of outstanding schools in the Regional Schools Commissioner’s area, on year 1 that went up by three, on year 2 it went up—” and then you are measured on a comparative basis? Is that what you are looking at?

Russell Hobby: I would look for them to be increasing the number of good and outstanding schools during their tenure. Just a raw comparison between different regions would not be a fair way of measuring that because the regions have different problems and challenges. If things are going in the right direction, and it is being done in such a way that there is good quality communication so that school leaders and governors feel part of it

rather than alienated from it, that seems to be a fair and simple way of checking that they are working.

Q8 Lucy Frazer: What if, midway through the term, it was found that in fact all the schools in your area had gone down rather than up, should there be any mechanism for you to be replaced?

Russell Hobby: There should be a new Schools Commissioner in that case, unless there is a good reason as to why that has happened.

Malcolm Trobe: Could I just pull out, if I may, Lucy, the issues there? I think we have to be a little cautious. We all want schools to be good and outstanding but we have to take note of the accountability system and the performance measures that are used, particularly related to secondary schools. Effectively results at GCSEs are capped by the comparable outcomes system, which in essence means one school improving in all probability means other schools going down. So there are complexities in there that need to be understood, because we want all schools to be good and outstanding but measuring them on their GCSE outcomes, even on Progress 8, you will not be able to achieve that.

One also needs to take into account the specific circumstances of individual schools that Schools Commissioners are working with because teacher recruitment is a major concern to us. There are parts of the country at the moment where it is extremely difficult to recruit teachers, not just in the traditional core subjects of English, Maths and Science.

Q9 Ian Mearns: I am interested in Pamela's description of the "academy movement". I am not sure I have heard of the academy movement before. It sounds like a self-propelling projectile or an expansionist sort of empire building organisation. What is it?

Pamela Birch: It is very creative. It is one of the reasons why I went into headship. I was teaching it years ago, it is putting the responsibility into the hands of heads to absolutely improve the system. It is very creative.

Ian Mearns: I have no doubt that many heads would agree with you, but also many heads do not necessarily agree with the way it goes for them and their school.

Pamela Birch: But that is their choice.

Ian Mearns: Okay, thank you very much.

Q10 Lucy Frazer: If I could have an answer from each of you, if you could change one thing about the Regional Schools Commissioners, what would it be?

Russell Hobby: I have a very simple one: I think you need more of them. The territory is too large. The point of transferring these powers from the Secretary of State to a commissioner is to put local knowledge and insight into the framework so that we are not just relying on raw data. These are large territories and they are getting larger because more schools are coming under their purview with both maintained schools and coasting schools being part of that. If we want people to be making informed judgments on this then they are going to have to spend time with the schools to get to know them. I don't

think eight is enough. I do not want to see 50. I am not sure what the right number is but it is somewhat larger than eight.

Emma Knights: I would want to bring the officials from other parts of the DfE—maybe not absolutely every one of them—within the regional structure because we have a very complicated system with lots of different directorates and Sanctuary Buildings and otherwise that have some contact with academies and academies do find that incredibly difficult. They also have the EFA that they deal with for their funding and increasingly now governance and—question mark—safeguarding, so it is a very complicated situation out there and things fall between those two. Talking about transparency, we may come back to that because we have a different view about transparency from Pamela's. But certainly, in terms of the so-called brokers within the DfE, there is a huge lack of transparency about their role and, particularly now, how it fits with the RSC's role. We would like to see them moving over into the regional offices.

Chair: Thank you, Emma. I think we will move on to question 3 now. Lucy, you are going to talk about transparency and accountability.

Q11 Lucy Allan: Yes. Staying with that theme—I think we have touched on it a little bit so far this morning—when you are transferring powers over you obviously have to focus on holding to account the work of RSCs. So, Russell, first, could I touch on something that you raised about the publication of minutes of Headteacher Board meetings. Certainly the information published at the moment isn't detailed by any stretch of the imagination. Do you think there is more work to be done around that, and what would you like to see in terms of content there so that a rationale can be identified?

Russell Hobby: Yes. Clearly, you cannot go too far. You have to have informal conversations to share information without prejudice on that front. I would like to know the major issues that are being covered. I would like to know the rationale and criteria that are being applied to decisions and that could evolve over time. That extends slightly beyond minutes, so different boards and commissioners could have guidelines for how they will make their decisions, when they would consider, for example, a school has the capacity to improve itself versus when they think that they should give an order that it should work with other schools. I think the more we know how they will make the decisions the fairer they will seem and the less fear that will be generated as a result of that.

I would also like to know how conflicts of interest are handled on this, when people have recused themselves from particular decisions and what interests are being held. The people involved have high levels of integrity and ability, but if you are involved in running academy chains or creating new schools yourself you need to not be present during certain decisions.

Q12 Lucy Allan: Following on from that, do you think that the unions are being suitably recognised and consulted by RSCs on decisions that affect their members and have you had adequate dialogue?

Russell Hobby: Speaking for ourselves, yes, we have good relationships with the majority of RSCs, both in particular instances where a school needs an intervention and also more

generally when we think about, for example, the eastern region with lots of small schools. Should we be working to cluster those schools into larger groups to support each other? The RSC in that region has been very forward thinking on that.

Q13 Lucy Allan: Pamela, to come to you because earlier you were saying that it is more of a communication issue as opposed to transparency. Could you explain that in a little more detail? Are you saying there isn't a transparency issue, first of all?

Pamela Birch: No. I would actually go straight on from what Russell has just said. This is why I think it is communication. There is a tremendous amount of integrity and I feel very honoured to be an elected member. We are servants there. If we possibly just communicated better how those decisions were being made then people would feel more comfortable and more reassured. I don't think it is a question of, "Trust us, we are not going to give you any information". It is not like that at all. I am quite proud for people to know the extent of thought that goes into decisions that are made and to understand that process. I think everybody would be reassured, that is why I think it is communication.

Q14 Lucy Allan: You would be happy to see minutes published in full detail?

Pamela Birch: Not entirely, in that there is confidential information but you referred to that. It isn't appropriate. You cannot have those open and frank discussions if everything is going to be minuted. It is right that the decisions are minuted but part of the job of the board is to bring local knowledge.

Touching on another point that you made, though, about we are all academy heads and we have academy chains, I would also like to offer reassurance that absolutely, if my school is being discussed today at the Headteacher Board in Manchester, I would not have been in the room. People are not in the room. This is not a role that brings influence. There is a recent example of somebody who thought that maybe the role did bring influence and he is no longer there.

Q15 Lucy Allan: You mentioned your school. The minutes of the Lancashire and West Yorkshire region is just a list of topics that, to my mind, does not really constitute minutes from which one can see a rationale or a debate that has taken place. Do you accept that?

Pamela Birch: Yes, I do. They could be clearer and it would offer reassurance. Again, it is what I said before, we are in a process here and the recommendations that you will make will probably offer reassurance to people who are not in those board meetings as I am. I am comfortable with it because I know how much integrity there is. Equally, I would want to reassure people and I think—

Q16 Lucy Allan: That is the important point. We can all understand the question of confidentiality and all around this table we would agree with that, but I don't think that then translates into just a list of topics discussed.

Pamela Birch: No, I accept that.

Q17 Lucy Allan: We would certainly hope to see something in more detail. Emma, what are your thoughts around this issue? You have touched a little bit on transparency and accountability as well. How would you improve it?

Emma Knights: There absolutely needs to be more information, as Russell mentioned, about: what are the criteria that the boards and the commissioners use when deciding, for example, who is an appropriate sponsor for a particular school? How do they decide that this academy trust is not working very well so the school is going to be taken from trust A and given to trust B? Although the RSCs have only been in place for just over a year of course these decisions were previously being made by the Department, the Secretary of State, with the advice from the brokers. There is quite a lot of history there and members are now picking up the pieces from some of those poor decisions that were made three, four and five years ago. Until we see those criteria, until we understand that people are going through a process of due diligence we don't know whether that has been rectified. We are given assurances that the same mistakes will not be made again but there is absolutely no way that you know that.

For example, financial viability at the moment is a huge issue and the other is: I would expect anybody making these decisions to understand what the governance structure was of a Multi-Academy Trust. To be quite frank, they are not necessarily very good at setting out robust governance. For example, the academy's financial handbook says, as of September, that all academies, but it is particularly important for MATs, should publish their scheme of delegation. Very, very few have done yet. It would be really helpful to us if they did. We still think the system is very, very slow to change of itself and this is a very powerful way of improving that.

Q18 Lucy Allan: You are saying that part of the problem is that it is the early stage and things are not moving quick enough, so what timeframe would you expect some of this to be in place that we are not seeing now? So more of this transparency, disclosure and further accountability.

Emma Knights: Quite frankly, it should have been in place in year 1. I don't understand how these decisions have been made without a framework that lays out, "Right, these are the things we are going to look at when we are considering whether a MAT is robust enough to take on another school". The reasons why it is so important, as Pamela was saying, in terms of the communications to the outside world, is we have some members who are saying, "We want sponsor A" and the Department, DfE—whoever that might be, it might be the RSC's office, it might be somebody else—is saying, "No, you are going to have sponsor B" and they try and engage in a conversation. Sometimes that conversation is, "I am sorry, you are going to have sponsor B" and what they need is to be taken through that, "Why is sponsor B better? We think sponsor A is better because of this, this and this. It fits with what we are doing on this, this and this school", but there isn't the chance to have that dialogue. It may be in some regions. I would not want to sit here and say, "None of the regions is behaving like this", but we certainly have stories from some of our members who are deeply frustrated because they cannot get an explanation for why their preferred sponsor is not good enough.

Q19 Lucy Allan: Malcolm, what are your views around this?

Malcolm Trobe: As a union we have very, very good working relationships with the RSCs on a number of levels. In fact, I am very pleased to report we have virtually no casework that is emerging from the work that the RSCs are doing.

I wholly agree with Pamela. We do see a high degree of integrity operating with the Headteacher Boards in the way that people are working with conflicts of interest. However, that is one of the areas that we feel that processes could perhaps be more clear and explicit. We have no wish to constrain the process at all, and obviously a number of things are going to have to be held in confidentiality, but it is important that what we see is an outline of the processes by which the RSCs and the Headteacher Boards are making their decisions.

I am going back to the term about having frameworks there, because it deals with intervention, selection of free schools, and selection of sponsors—as Emma has mentioned—what the processes are that we are going through. We now have to come up with, from the Education and Adoption Bill, what will be happening with coasting schools. That is an area where we feel there needs to be some publication of those frameworks. That will ensure an element of consistency applied across the various regions. We do get some reports of slight variations in the way that different regions are working.

Q20 Lucy Allan: It is not working well in all regions?

Malcolm Trobe: Not all aspects might be working well in every single region but, as I did indicate, we have very little casework that is emerging from the operation of the Regional Schools Commissioners, which is a very positive note.

Lucy Allan: Thank you.

Q21 Chair: Emma, you said something very interesting before when you were talking about the powerful role that this is. You also went on to say that parts of the Department for Education might be transferred to the region, which reminds us that the Regional Commissioners are the Department. We hold the Department to account. So do you think the Education Select Committee should be checking the performance of Regional Schools Commissioners on a regular basis?

Emma Knights: That is very interesting. I think perhaps, yes, they should be coming to give evidence to you, whether that is exactly the same as being held to account through their other systems, through the Schools Commissioners—because obviously they do have their own performance indicators, which goes back to that previous conversation about how you keep them to account. We would like to see those continue to be in the public domain and we would like them to be really smart. I agree with what Russell was saying before about they are going to be judged by the outcomes for their pupils in their regions. But, as Malcolm was saying, let's not be too formulaic about it and just look at exam results. We ought to be looking at other things that people are concerned about in the system out there, which is particularly about vulnerable pupils. There are an awful lot of rumours about increased exclusions, about admissions criteria perhaps not being used in the way they should be. Obviously, one of the Government's strategies is absolutely about closing the gap between disadvantaged children and others.

Q22 Chair: My question is really about the accountability mechanism of the Regional Schools Commissioners, not what they are supposed to be doing but how we hold them to account. Does anybody have any comments on that?

Pamela Birch: I think it would be tremendous. I am going back to my point about communication. I think we are doing ourselves a disservice. There is tremendous work going on. Russell is right when he says that there is obviously variation within the system. If we had guidelines and more frameworks, then I think that would bolster up areas that were not as strong. It is always good to have that crossover, isn't it, of experience between different areas.

We are doing ourselves a disservice because I don't think we are adequately communicating the work that we are doing and happily we would be held to account for it; very happy.

Q23 Chair: Thank you. Any other comments?

Malcolm Trobe: In some ways I think the accountability of the RSCs is within the Department. My feeling is that the Committee's role is to hold the Department to account for the efficacy and effectiveness of the work of the Regional Schools Commissioners because that is the system the Department has set up. The work of the individual commissioners, I would believe that performance management is within the Department.

Chair: Thank you. The next line of questioning is through Suella and we want to talk about Headteacher Boards.

Q24 Suella Fernandes: The relationship between the Headteacher Boards and the Regional Schools Commissioners is at the heart of the success of this new system of accountability. There have been some issues with the take up, the composition and the role. Both Russell and Malcolm mentioned the need for a bit more clarity on their processes and how they are working. To explore all that a little bit more, in terms of the principal headteachers, it seems that they are not all headteachers who have been elected. Doesn't that slightly betray what it says on the tin? We have the people from business, we have lawyers, and I thought this was superheads getting involved to provide strategy and intervention for schools. So I open it up to all of you.

Russell Hobby: At the very least you would need to change the name of the board, wouldn't you, under those instances. I don't think there is any harm in having one or two people from a different perspective on there. It can make any group stronger on that. I think you would want the large majority of people to be serving or recently retired school leaders with a credible background. In many ways this has been one of the most radical steps that the Government have taken in recent years. I am not sure that having an elected body of professionals, with the powers that this group of people have, has been tried before in education—I could be wrong—or indeed in many other education systems around the world. So this is brand new territory.

If we do want a school system that takes responsibility for itself, getting school leaders involved in that is important. As we expand the remit of the Regional Schools Commissioners to include maintained schools and coasting schools in different formats, in fact they will be spending possibly more time with maintained schools than they were with academies. Both the membership of the boards and the electorate of the boards are confined

to academy leaders at the moment, and that starts to look increasingly unfair if they are going to be asked to make decisions more broadly, so we might look at expanding that electorate.

Q25 Suella Fernandes: Turnout in the elections was quite low as well, wasn't it? It was only about 35%. How do you justify the legitimacy?

Malcolm Trobe: The first time through there was uncertainty about exactly what the role was. As the role has developed and it is now more understood I think you would get significantly more engagement in the election. As Russell said, I think we have to expand the range because it is now going to embrace potentially all schools, academies and maintained schools within an area so one would assume that they should all be involved in the election process. It is important to ensure, which is why non-elected members are there, that you get an appropriate balance on that board and you are able to represent the full range of skillsets that are required. Initial concerns included that you would get too many people from—if I can use the term—the leafy suburbs, headteachers who do not have any awareness, knowledge of having worked in schools in disadvantaged areas or schools that have been brought out of special measures, or who have gone back into other schools to help bring them out of special measures. They are the type of key people. They might be working in the schools that are in special measures but they would have a great deal to offer to a Headteacher Board. It is important to think of the makeup of the board.

Emma Knights: Can I take it back one step? We have had fundamental issues with this whole set up—even before it entered the public domain—when we were talking to the Department about it. We said, “Please, if you do this, don’t call them Headteacher Boards. That is the really wrong signal”. We think the reason they used elections was to bring the professionals on side and that has clearly worked, so I understand the politics of it. Neil will be as hugely aware as much as I am, that I now exist in a parallel universe because all the work we are doing with the Department around governing boards is about skills, skills, skills. There are now very few elected members left on governing boards and the Department is looking again as to whether we should remove even that minority that are left.

It is very odd for me to spend my working day talking to the Department about improving the effectiveness of governing boards, ensuring that we have the skills and knowledge, and then with very little debate or discussion—very, very little public discussion, probably nil—about: what is the role of these boards and why are they being elected, at least in part, generally in the majority? I completely understand that it was about a knowledge base but wasn't it also about knowledge of the region? If we are going down that route shouldn't we have said, “Okay, then we want people from right across the region”? The geographical spread has not always worked out as beautifully as one might want.

The real fundamental reason why we get quite agitated about this is because we think it belies a misunderstanding in: who is holding who to account? What the Secretary of State should be doing is holding the board of trustees—or indeed, it is arguable, the members of the trust—to account. It is not the RSC's role to hold headteachers to account. We have heard some of them say that. We have seen it in writing although, when we have corrected it, it has been removed. But I do think there is a misconception at the heart of this, which has pulled boards of trustees to the side in some cases. For example, if you look at a lot of the evidence

that you got, it is not right up there, is it, the role of the boards of trustees? But that is the system that has been created. They are the accountable bodies for schools.

I will stop there because I know you will have other questions, but this is something that has really exercised us. Actually I am going to make one other point, which is about the knowledge.

Chair: Emma, you are straying on to another issue.

Emma Knights: Okay, which is about how much expertise on governance is there within Headteacher Boards. I think having people who are not headteachers could bring really important other—

Chair: Yes. Okay.

Emma Knights: I will stop now, Neil.

Chair: Quite well made but on a subject slightly tangential to the one we are talking about.

Q26 Suella Fernandes: I want to come back to the role of the board, but just on the personnel. Pamela, you are a primary head on a board and you are quite rare in that respect because it seems that the general composition has been of secondary heads. Looking more widely, do you think that the predominance of secondary heads is going to be effective for dealing with issues arising in primary schools?

Pamela Birch: If we can go back a minute. First of all, in order to get a school-led system on board with Regional Schools Commissioners, I think that you have to have an element of that Headteacher Board elected, if that is what we are doing. I don't think that heads up and down the country are going to accept a system where people are just put on boards rather than being elected. Somebody somewhere came up with a good idea, which was to elect four and then to co-opt four because, in terms of regional variation, for example, our region of North West and West Yorkshire is massive. I am the only person from the Lancashire side of the Pennines. The other three elected members are all from Yorkshire. So immediately what Paul did then was look, in terms of his co-opting members, to make sure that all the region was covered completely.

I do agree with Russell that the regions are too big, so I think that would be a way forward, as the system grows and expands and the role of the Headteacher Boards and Regional Schools Commissioners expands, and I also agree that 50 would be too many. But that is a way forward. That would then address the point that you are making because you would then have slightly more RSCs, so you would make sure that the composition of those boards was not just reflecting primary and secondary. You also have diocesan issues and they need to be addressed too. You need to make sure that your board is representing your region appropriately, but I would never take away the elected aspect of it because otherwise you will immediately alienate a lot of heads.

Q27 Suella Fernandes: To finish off this point about personnel and composition, FE colleges and sixth form, don't seem to be playing a part at the moment. Do you think there is scope for that and that they would add value?

Pamela Birch: They do come into discussions.

Suella Fernandes: But they are not members of any boards, are they?

Malcolm Trobe: It is quite interesting that, of course, the RSCs aren't sitting on the area reviews of the FE colleges.

Q28 Suella Fernandes: Yes. In terms of role then, we need more clarity, what do you think is the current role and what do you think it should be? Is it one of advice and suggestion and recommendation, or is it one of holding to account and a bit more of a flexed muscle for the Headteacher Boards?

Pamela Birch: I think it is a flexed muscle. Children get one chance to have a good education and our system is there to protect them. I know that interventionists are being put into schools that are not performing properly, and that is rightly so. They are recipients of taxpayers' money and they are accountable for the quality that they are producing for children.

Q29 Suella Fernandes: Any other views on what the role of the Headteacher Boards should be in relation to the RSC?

Russell Hobby: There are three functions in addition to that. One is to hold them to account and challenge them to be doing the best thing. A second one is to provide legitimacy, and that is their elected function to say, "This is the system itself taking responsibility". The more you engage school leaders with the processes of dealing with underperformance, the swifter it will be for us to tackle these things and the fairer. The third one is to provide intelligence and ideas. These are people who, if the territory is of the right size, should be able to know a lot about what is going on. The whole point is that we should not just rely on raw data to judge what is going on inside a school. We should be able to look beneath the data so that we can spot it before the problems become too big to deal with, or we can ask whether the data is being achieved at too high a price in terms of, for example, a narrowing of the curriculum or the entitlements of the children within the school. If they can provide those three main functions I think that would be helpful.

Malcolm Trobe: The identification or early invention is very important but they have a key role in harnessing improvement resources. They are not there as an improvement deliverer themselves, but they are there to harness the improvement resources that are there within the region. The Headteacher Board are important in giving that information.

Emma Knights: I think the role needs to be written down. There is a lot of information saying what the RSCs do, there is very, very little saying what the HTBs do, and there is no process for the appointment and co-option that is in the public demand, as far as I know, which again if that is what governing boards do we would be in big trouble. So let's have a little bit of similar process.

Chair: A good point, Emma. Right, thank you very much for that session. Thank you, Suella. We are now going to move on to conflict of interest and Ian is going to be probing you on that.

Q30 Ian Mearns: We have heard a number of the key words there, the key phrases about holding them to account and intelligence and ideas coming from the boards themselves, but even with a board it seems to me that it is possible for decisions or thinking at a strategic level—given the size of the regions that these boards and commissioners are covering—to be acting in ignorance of significant factors on the ground in a particular locality. That is an ongoing concern from my perspective. When it comes to potential conflicts of interest, we have already had evidence and we know that there is a register of interests for Regional Schools Commissioners and for Headteacher Board members. That is published and it covers a wide range of issues. For instance, Emma is here and the National Governors Association has suggested significant conflicts of interest, where members of the Headteacher Boards are employed by multi-academy trusts that are possibly seeking to expand or maybe potential sponsors of schools that are looking to take over in the area. We have also heard Russell talking earlier on about the key performance indicator where the number of academies and free schools in a region, and the percentage of them in a region, is a KPI for the Regional Schools Commissioner. Are we satisfied, therefore, that potential conflicts of interest in the membership of Headteacher Boards and the Regional Schools Commissioners themselves are appropriately managed? It may be too early in the day but, given the fact that there is this drive to expand the movement of academisation, is there scope for potential conflicts of interest where these people might not see the wood for the trees on the local level?

Chair: Who wants to answer that very detailed question? Russell, are you going to go for it?

Russell Hobby: I can chip in on that one. I think we have some of the most credible and trustworthy individuals in the system operating on this, so I am not going to make any comments about what has and has not been—

Ian Mearns: To be fair, Russell, though, they are your members.

Russell Hobby: Exactly, yes.

Ian Mearns: And Malcolm's members.

Russell Hobby: It is the perception of legitimacy as much as the reality that matters. There is both low-level and high-level conflicts of interest. Yes, if the school that you run is being considered in some form or other, either for expansion or for an intervention, you should not be present in that. It is easy to remove people from the room then.

But what if you are the CEO of an academy chain that is expanding across the region? The general policy of the Headteacher Board may be of great interest to you. If the Headteacher Board and the RSC adopts a position that we should actively encourage more and more academies to take over failing schools, that is acting within your interests more generally and there is no way you can remove yourself from any specific decision being made in that sense. There will be interactions between the policy and long-term operation of the boards and the interests of the individuals on it. That is inevitable, so we need to know what they are. That is where the transparency comes in, so that we can judge whether these decisions are being made and feel right because there is an evidence base behind them or whether it is personal interests.

Q31 Ian Mearns: In that case, would you suggest that an individual member of a board should remove themselves from all discussions relating to an academy trust or a multi-academy trust that they have an involvement in?

Russell Hobby: Certainly, yes, but I think there will still be decisions where interests come into play almost in the very fabric of the decision-making. Other than exempting yourself from the whole board, your interests as someone who wants more academies, for example, in an area is going to be hard to untangle. I think that is inevitable and the way to protect against that is by knowing what those interests are.

Q32 Ian Mearns: Therefore, do you think that we need to go further and completely publish all of the decision-making processes, the thinking of the Headteacher Boards?

Russell Hobby: We need to know the rationale behind every decision that is being made. I do not want to know the individual discussions. If you are talking about the performance of a named individual and personal elements of their life, that should not be in the public domain.

Ian Mearns: No.

Russell Hobby: But why you made that decision, why you chose a CAT 1 sponsor versus another, I think is good for us to know because these are people with skills in school improvement. If we can understand what they think makes a good school and a good sponsor, then we can act pre-emptively. Heads can look at that and say, “Oh that is what they are looking for. I am going to do that before I am asked”.

Q33 Ian Mearns: But we should not be getting into the situation that Emma outlined earlier on, where a discussion with an individual school says, “This is who you are going to get and this is who is going to be your sponsor”.

Russell Hobby: I think imposing sponsors on schools is one of the biggest causes for delay in improving schools because many schools know that they are in trouble, they want a sponsor, they are ready for it and they have a sponsor lined up. In some cases it may be the wrong person but in most cases it is not. If at that point they are told, “No, we are going to tell you who you get” then they say, “Well, I am not going to convert. I am going to fight this every step of the way” and it takes longer rather than a shorter time on that.

Q34 Chair: Pamela, what do you think about this because these are issues obviously that you confront?

Pamela Birch: Again, I think it is just about communication. I think you would be reassured if you came and sat in a board and watched how that decision-making process works.

Ian Mearns: I would be delighted to come and sit in on a board.

Pamela Birch: Ministers come.

Chair: All of them or just Pamela’s?

Pamela Birch: Actually, that is a point because the Minister does come and Frank Green comes. People do come. They are not completely closed shut. I think you would be

reassured. I think we are selling ourselves short because we are not communicating the integrity by which decisions are made. You are absolutely right. I can absent myself from the room if my trust is being discussed, but clearly I have an opinion and an interest. That is just inevitable. It is communication.

Q35 Ian Mearns: I think it is more than that because other members of the board will know, okay, you are absenting yourself when your trust is being discussed but they know that you will have influence on other decisions that may affect them at a later stage.

Pamela Birch: Equally, we have board members who have decisions go completely against them, so they cannot rely on my support. I think that is what you are saying. Say Russell's school wants to take over another school. I am not going to do that as a shoo-in for Russell, just because he is on the board and he is my friend. That is not how it happens and there is documentary evidence that decisions have gone against board members.

Malcolm Trobe: I think what you are looking at is, in essence, you have a code of practice. You have a code of practice for people in public office and I think those sorts of rules—I don't know why we call it a code—apply to Headteacher Boards as far as I am concerned. That should ensure the integrity, but it does go back to what has been said before. If the processes and the frameworks are published, then everyone understands what is going on. It is when those are clouded in any element of secrecy that people get concerned.

Chair: Okay. We are now going to move on to the skills and knowledge required to be an effective board member and that is Michelle's line of questioning.

Q36 Michelle Donelan: We touched a little bit on it before. I want to specifically ask Emma to begin with, because the NGA did say that there is no robust system for ensuring that there is a wide range of skills to do the role effectively. I want to see why you think the ability to co-opt members is not sufficient.

Emma Knights: It goes back to what we have just been talking about. There is a theme here about things being published. There was not a process for publishing the code of conduct. Normal process for good board recruitment would be that you would have a role specification, then you would recruit to that role specification and you would interview candidates against that spec. Now, if that happened it was not in the public domain and I have had quite a number of conversations and it was never explained to me that that is how it happened. I hope you get to the bottom of it. It absolutely was not clear to me, for example, what the difference is between appointed members of the board and co-opted members of the board. There may have been different processes and different criteria then. I have read something that says that once you are on the board everybody has the same role, but there is a complete lack of clarity. I would have wanted to see a list of knowledge and skills that were needed on those boards and to make sure that in every single region they were filled.

Q37 Michelle Donelan: Yes, that is a good point. The actual knowledge and skills of the RSCs, what do you think that they need to fulfil their role? Anybody can answer that.

Malcolm Trobe: I think, in essence, we want people who have a good understanding of the school system. They are clear in their decision-making. They understand data. They know

the limitations of data. They will be able to interpret information that comes through from a range of sources in order to draw appropriate conclusions. They will be able to take advice from people and they also have to have an awareness of school improvement strategies. A key thing is having good judgment about when intervention is required, when a school currently still has capacity within the school to work on its own, what type of assistance is needed. I think I am heading to the wisdom of Solomon here in terms of doing it, but they have to be able to take in a great deal of information, including detailed data, to analyse and understand it and draw appropriate conclusions and then determine appropriate actions. They have to have a good ear. They have to listen to what people are advising them on because they cannot do it all on their own. They all have at least 800 academies within their area.

Q38 Michelle Donelan: In that, though, do you think that all of those skillsets are required or they can rely on the Headteacher Boards for some of that? What do you think is the requirement? Do we need very, very strong and able RSCs to the point that they have all of those skills or is it more the importance of the Headteacher Boards rather than those individuals themselves?

Malcolm Trobe: The key thing is being able to analyse the data, understand the nature of the schools and determine when intervention is required. The school improvement side and intervention strategies can probably best come from those people, perhaps on the Headteacher Boards, who have gone through the process of improving schools themselves. They will have the networks out there, which the RSC will build up over time as to who has the most appropriate skillset to be able to work in individual circumstances.

Emma Knights: They do have to be people of experience and stature, and actually quite brave people, because there is going to be a huge push on academisation over the next couple of years. We know that in most regions we do not have sufficient sponsors. What has happened in the last few years in some cases is that schools have been given to trusts who, if you had spent any time at all looking at it, you would have realised did not have the capacity to improve yet another failing school. But because there is going to be such a push on to get these schools with sponsors, if you are not somebody who can do all of those things that Malcolm says and can take what will be very, very difficult judgments about how to pair schools up together, you are going to have to be quite brave to stand your ground possibly, given the pressure that will be coming at you from many, many angles.

Pamela Birch: I could not agree with that more. Everything that Malcolm said I agree with and we are looking for superhuman individuals of great stature. They have to be robust and resilient because it is a really difficult job and you are taking on a lot of vested interests. As you have just been saying, as we have a push in the next few years these have to be people who can sleep at night and not fret.

Q39 Michelle Donelan: Is that an achievable expectation or are we setting the goal too high?

Pamela Birch: No. There are really super people.

Q40 Michelle Donelan: There is a big enough pool to keep replenishing?

Pamela Birch: I think so.

Q41 Michelle Donelan: I was going to ask about faith schools. There have been some complaints from CES and also the Church of England, in terms of the concern that Headteacher Boards do not necessarily understand the legal structures of faith schools. I just want to know your experience of that or your understanding of that issue. What is going to be done to change that to make sure that Headteacher Boards are trained better in that?

Pamela Birch: I think we do understand. I can only speak for my board but I think we do understand. In our region in Lancashire alone, 51% of schools are church schools. That brings huge pressures on the system because, if we are looking at academisation, they very much want to control their own multi-academy trusts but actually do not have capacity. We are talking about capacity issues here. We are talking about the capacity and I think that is a big issue to address in the years ahead.

Q42 Michelle Donelan: Okay, but you are confident the other boards have enough knowledge as well?

Pamela Birch: Yes. I can only speak for my board but I feel that we do.

Chair: Right. Well, thank you very much for that session. I want to thank Pamela, Russell, Malcolm and Emma for what has been a very informative session. We have certainly been told we need to probe this issue of communication, job specification and effectively capacity issues around the role of Regional Schools Commissioners, so that has been very useful and constructive. Thank you all very much indeed. We are now going to go to panel number 2.

Examination of Witnesses

Witnesses: **Jon Coles**, Chief Executive, United Learning, **Reverend Nigel Genders**, Chief Education Officer, Church of England, **Councillor Richard Watts**, Vice-Chair, Local Government Association Children and Young People Board, and **Debbie Barnes**, Director, Children's Services, Lincolnshire County Council, and Chair, Association of Directors of Children's Services Educational Achievement Policy Committee, gave evidence.

Q43 Chair: Welcome to the second panel of today's investigation into the Regional School Commissioners, their role, their capacity and basically their position within the education system. It is great to see you, Nigel, Jon, Richard and Debbie. Thank you very much for coming along. We are going to spend an hour effectively exploring this with you. We have some questions and my first one I am going to focus on Jon. As I understand it, you have a school in every single of the eight regions or near enough, so you will be an ideal person to ask the question effectively around what are the differences between the regions, and how the regional structure works from your perspective.

Jon Coles: Yes, thank you. Can I pick up one thing from the first session? Do you mind?

Chair: If it is quick, yes.

Jon Coles: It is very quick. I think it is a great idea to get all of the RSCs in and hold them to account. I think that is a fabulous idea and it absolutely fits with the role of the Committee. If you got all eight in once a term, four mornings, two hours, one hour for each, you would do a great job and that would be a fantastic service to the system.

Chair: We will take note of that suggestion; that is why I asked it. I am always keen to improve accountability systems. I am not sure my colleagues will agree with the idea we do it as regularly as you have just suggested.

Ian Mearns: I am getting the distinct feelings of guilt. I keep asking—

Jon Coles: Well, you used to ask me in all the time and ask me difficult questions. I thought that was absolutely fine.

Chair: Anyway, thank you, Jon, for that endorsement of that idea.

Jon Coles: So, they are quite different from one another. They are quite different people. I think we have to understand it is quite early and it is in a set-up phase in lots of ways. In the first year of anything you have a period of building relationships, getting structures up and running. I think it is unrealistic to think that all your decision-making criteria and approaches are completely consistent on day one. It was quite evident, almost from week one at the beginning of last year, that people were going to approach this in very different ways. Some of that just reflects the different backgrounds of the RSCs and the different ways they want to work. Some of them want to be personally out in schools all of the time. Others are using their teams a lot. The thresholds are different in different regions. We found in one region—I will not name names—an RSC wanting to visit a school that they were worried about but we were not. In another region we found RSCs not really interested in visiting a school that we were quite worried about. It was evident to us that the bar was being drawn at a different level in different regions reflecting the level of different challenge in the regions.

There are differences. There are quite a lot of differences. For me, a big question that comes out of this is: then what is the role of the National School Commissioner? Because you are not going to get consistency and learning across regions simply by just relying on a network of ace individuals to compare practice. You have to have that properly organised. You have to have performance management. You have to have somebody saying, “This is the set of things that we want to see done in every region” and having at least a bit of 80:20; 80% consistency, 20% regional/local variation. I do not think we have got there yet and perhaps it is too early to think that we would have done, but I would quite like to see a bit more evidence of emerging consistency and shared practice and agreed approaches across the country.

Q44 Chair: The point that you have just made is central to the purpose of this inquiry in a sense because obviously, if we are defining the role of the Regional Schools Commissioner in more detail, we want to see that definition exercised across all of the regions. To make sure that happens is a question, to some extent, of performance review.

Jon Coles: Yes.

Chair: Going on from that, performance review involves measurement, so how would we measure the effectiveness of Regional School Commissioners?

Jon Coles: I thought Russell had it right that you have to do it by looking at the performance of the schools and, in a sense, if I cast my mind back to when I was setting up London Challenge, the beauty of running London Challenge was you have just compared yourself against national. All the arguments about do we agree with the standard of exams, do we agree with Ofsted are completely out the window. You are just benchmarking yourself against national performance and that is what you would naturally do as an RSC. I think that is the way to start.

Two difficulties, obviously: one is it is a norm referencing system. They cannot all of them be above average, so you just need to be a bit careful that you are not going to generate unhealthy competition. Particularly, if you are thinking about sponsors working across multiple regions, you do not want the RSCs to be too much in competition with one another. You want them to display competitor/collaborator kind of behaviour. That is point 1.

Point 2 is: do they have enough levers at the moment—which is one of the points we make in our evidence—to drive school improvement? If you think about what the drivers of school improvement are, the underpinning thing, number 1, is can you get enough good teachers? But they do not have much control over teacher supply in their regions or teacher professional development or leadership development in their regions, so there is a question: yes, you need to use that as your starting point, but do you then need to think about giving them more levers to affect the quality of schooling in their region?

Q45 Chair: I was going to ask you that same question because obviously the Church of England has pretty good coverage across England.

Reverend Genders: Absolutely, we have fantastic coverage all over the country, so we get to talk to dioceses that are working within each of the regions, but we also have dioceses that sit in two or three different regions themselves as well. They understand the complexity that comes with the kind of lack of consistency in the system. I echo what Jon was saying that, inevitably, some of that is about how it has evolved. We have started from a fairly blank piece of paper and everyone is trying to develop a system as we go along. It becomes a problem where dioceses are trying to put together a strategy for the 100 or so schools that they have in their diocese and a multi-academy trust system, where one region is taking a very different approach to another as to whether or not that should be one big multi-academy trust with hubs or whether it is a slightly different model. I understand that it needs to be an evolving system, but without those kinds of guidelines and criteria—as has been described in the previous panel—it is very difficult for dioceses to be able to play into that.

That links into the performance criteria as well that you have just gone on to talk about. If the system seems to be evolving in a way that is about how many academies a particular region can develop and how many you can get in a particular trust, then that is always going to lead to particular outcomes and pressures to do things in a certain way. If it is about the performance of schools and the number of children and young people who are in schools that are good and outstanding, then that is an opportunity for the Regional Schools Commissioner, the diocese and the local authority to sit down together and say, “How are

we going to improve the system on that basis?" rather than just play into particular models.

Q46 Chair: Richard, you are from the LGA so your interest is partly, presumably, the role of the local authorities. Do you see the Regional Schools Commissioner as a competitive model to you or do you want to work with them and do you think that is happening?

Councillor Watts: They should not be a competitive model, but one of the challenges is it can sneak into that kind of relationship, and I will address that in a second if that is all right. Part of this does beg the question about: what do you have a middle tier in education for? I do not mean to open this up too much. I think the question of what are the powers to intervene is an important one, because that does then start to open up questions about what are the capacity and the scope of these people. Islington Council still employs nine or 10 staff to work with the 57 schools in our borough to drive school improvement. If you were to replicate that across the enormous geographies and thousands of schools in each of the regions for the Regional Schools Commissioners, you would have an incredibly big and unwieldy bureaucracy. I think a lot of the questions raised about early intervention and spotting problems before they develop in the last session are absolutely acute.

We welcome the fact that there is a backstop for academies where standards are low. As a local authority we, and many other local authorities who are members of the LGA, have struggled to get responsiveness from the DfE when it was just the DfE managing this where academies were not of a level of performance that we were happy with. If there is something there, what we have found—and member authorities report this to us—is a very, very different, inconsistent level of engagement with local authorities across the piece. Some RSCs want to act as partners to local authorities, and we welcome that. Some see local authorities as competition, and that leads to quite a difficult set of relationships across localities and regions.

Q47 Chair: Okay, thank you. We will probe that point later; it was a very good one. Debbie, do you have any comments to make on this line of questioning we have just been pursuing?

Debbie Barnes: Thank you, a couple of comments from an Association of Directors of Children's Services perspective. We would echo that we also see a level of inconsistency across the various different regions. Some regions are developing protocols with their Regional Schools Commissioners. We think that would be incredibly helpful and we would very much echo the suggestion of Jon of the 80:20 per cent rule, where there is 80% agreed rules of engagement and agreed standards about how we should respond so that there are clear parameters around working together, and then 20% to allow for local variation.

In relation to the issues around performance, I would not want to replace one system necessarily with another simplistic system because measuring performance is incredibly complex. I would like a focus on performance measures in relation to a time when an academy takes on to then what the outcome is, in relation to progress that children have made as well as outcomes, because I think that they are both important.

The other thing that I would say, which has only had minimal discussion so far, is that there is a lot of intelligence that local authorities have around our most vulnerable children: those children who are excluded, are looked-after children, children who are offending, and that information does not get on to the RSC's radar. It is important that they know that about their academies and schools because they are the most vulnerable children that we have in society.

Q48 Chair: That strays into agency co-operation, doesn't it?
Debbie Barnes: Completely.

Chair: And certainly gives a strong role to the RSC in that context?

Debbie Barnes: Absolutely, and the more that we can share data, work collectively to share data, and monitor and intervene the same things as a consistent data set across maintained schools and academies the better.

Chair: Thanks very much. Kate, you are going to be probing the issues of relationships with schools, parents and communities.

Q49 Kate Osamor: Hello, everybody. The Education and Adoption Bill removes a requirement for consultation on academy conversions when a school is subject to an academy order. Do you think this would entirely absolve RSCs from responsibility to engage with local communities or will this become even more important if the Bill becomes law? I will pass this to Richard as I know you are Leader of Islington.

Councillor Watts: Thank you. I think it is problematic. I agree with the speaker in the last evidence session who said that the process of conversion can often be the biggest delay in getting action in a failing school. The Government's instinct, therefore, is to remove the delays in the process of conversion, but I think you will end up having a lot of local conflict where there is not a consensus that academy conversion is the right way forward. That is not going to be helpful to anyone, least of all the kids in that school who are the most important people in this. I think where there is partnership and where a consensus way forward can be established to improve a school that is by far the best way of doing it because it means you can get on more quickly.

Kate Osamor: Debbie, do you have anything to add to that?

Debbie Barnes: Yes. I think we have some good experiences where we have worked locally with the Regional Schools Commissioner, with the community, governing bodies, to broker the most appropriate sponsored solution for that school. Highly, highly successful, they have gone on to thrive. We have other examples, as well, where we have not had that level of co-operation and the schools have not always gone on to thrive as quickly as possible. To me, it is about relationships and joint working.

What I would also say is: I don't know whether this is a capacity issue but what we are finding in practice is that, where there is an effective relationship, high levels of trust and integrity between the Regional Schools Commissioner and the local authority, the Regional Schools Commissioners are then happy to almost do the introductions around sponsored academies and then let the local authorities work closely with the school and

the governing bodies to deliver the implementation of the sponsored programme rather than it being led regionally. I think that co-operation is essential. All players have a role, but I think the role needs to be clearer defined.

Reverend Genders: To echo some of those points, we fully understand that the intention behind the Bill is to make the process quicker and faster and more agile. In that admirable zeal to get rid of bureaucracy sometimes things do get lost, and I think that that engagement with parents and with communities and with the wider school community is important. Not having the consultation about whether or not it should become an academy should not be an excuse for real engagement with parents. I think that in a maintained school and local authority maintained school, where the school has gone through difficult times, the local authority has to pitch up to full school meetings to explain what they have been doing and what they are proposing to do. There needs to be that kind of hands-on accountability between the Regional Schools Commissioners and their teams and the local schools community to explain the process that is involved, even if we are trying to find a quick way through.

Jon Coles: A couple of points very quickly. First, the fact that it is not a requirement in law does not mean it cannot happen.

Kate Osamor: Well, no, but unfortunately—

Jon Coles: Overwhelmingly, most academy sponsors would say, “We want to consult the community. We want to talk to the community before taking on a school”. That would certainly be our view.

The reason for the Bill—I am not sure how clearly this has been articulated by Government—is that Government have been trying to use a piece of legislation that was designed for one purpose for a completely different purpose. The Academies Act immediately following the last election set up a converter process for academies, which was designed—I know for sure—to deal with the process of outstanding schools wishing to convert. Government have subsequently been trying to use that for cases of forced conversion in which the Government are simply saying, “The standards in this school are not high enough and we need to require there to be change”. I think the Government are fundamentally trying to fix the problem with this piece of legislation—which is absolutely fine 99% of the time. On issues of forced conversion, when there is a serious local dispute, that does not work very well. You might say this is a small proportion of schools and a small proportion of conversions, but they take up a disproportionate amount of Government time in thinking about them. I think that is really what the Government are trying to fix with this. It would be highly regrettable if that led to a lack of consultation in the overwhelming majority of cases where that is not the situation, it is not that there is a big local dispute. There is a serious question to solve in policy terms about: if Government and others think this school is not performing but there is not a consensus about what should happen, how do we now proceed? If it is not this solution there needs to be a solution to that.

Q50 Kate Osamor: Yes, there needs to be a solution, but I think what I need to say at this point is that on the ground most communities feel that they have not been consulted. If it is not law for them to be consulted, unfortunately they will not feel included. A lot of the

hostility around the way that a school has to improve, especially if it has to turn into an academy, is because the parents on the ground feel that they have not been consulted, even though we are all together when we say we want the school to do better. Nobody says that they do not want that but they just want to be part of that change.

Debbie Barnes: Can I introduce a slightly different dimension, which I am not sure we have experienced in big measures but I think there is a potential with the issue around the coasting schools needing to become academies potentially? We have two minor examples at the moment with really small schools that are not performing, a requirement for them to become a sponsored academy, but the Regional Schools Commissioner and their Headteacher Board are saying they are not viable; therefore, looking at closure. Again community engagement with that I think is absolutely essential, and that is going to need some teasing out as we go through the process.

Councillor Watts: The Local Government Association's view is that academisation should not be the kind of "one club golfer" act to improve schools, and I think there is lots of evidence of where you can improve schools dramatically and quickly not pursuing that route. However, there are then a lot of issues. This is where the geography of the Regional Schools Commissioners goes from being a bureaucratic problem to a real problem, where then there are not the networks in place in order to have the relationship that lends itself to going well on the ground because Regional Schools Commissioners do not fit any other bit of government in the shape in which they operate.

Chair: Thanks very much, Kate. Now, Ian, you are going to talk about local authorities and you do so from the vantage point of your experience in Gateshead.

Ian Mearns: Indeed, as well as declaring a non-financial interest as the Vice-President of the LGA.

Chair: That is a good warning as well.

Councillor Watts: I think they throw some particularly tough questions at us.

Chair: So behave yourself.

Councillor Watts: I am under scrutiny.

Q51 Ian Mearns: A couple of weeks ago we had the Chief Inspector sitting just about where you are, Richard, and in answer to a question from me he said, "With increasing academisation and increasing autonomy for schools, local authorities have less responsibility than ever" for schools and education. I am adding in "schools and education" but that is what he was talking about, "Their main focus of attention should be on the quality of provisioning in Children's Services". Do you agree with that perspective that has been put out by the Chief Inspector?

Councillor Watts: In a word, no. I think we have a moral responsibility for the quality of education in our areas. There are still lots of areas—including my own—where the overwhelming majority of schools are still maintained by the local authority. As local authorities, I think that we have clear responsibilities that tie into a whole range of our statutory duties to ensure that the quality of education in the area is good.

The phrase that drives me most potty in this whole debate is, “Council-run school”. There is no such thing as a council-run school. Councils run no schools at all. What we do have, though, is a supervisory responsibility for ensuring the quality of education across our patch as well as things, like, ensuring the quality of the admission system is working effectively, that there are no holes through which vulnerable children slip through the system, that place planning is done effectively. You cannot do those statutory responsibilities in local authorities unless you have some kind of stake in the broader education system.

Debbie Barnes: Can I come in on that? The law has not changed in regard to our legal duties, in terms of a supply of good education or places, and neither has the legislation changed in relation to the wealth of other statutory education-related responsibilities that we have. We have a legal responsibility, we have a moral responsibility, we have a democratic responsibility, and we are also inspected on how we fulfil those responsibilities through Ofsted. I am not sure we have the funding but we certainly do have moral, legal and an inspection requirement where we are called to account.

Q52 Ian Mearns: You are quite right, Debbie, that those responsibilities have not changed, but the landscape has changed because we have the DfE with its significant change of policy over the last five or six years. You have Ofsted. You have Regional Schools Commissioners. You have the Education Funding Agency. The landscape is quite different from what it was five or 10 years ago. The problem then is how do local authorities in that new landscape exercise their responsibilities?

Debbie Barnes: I can give you some experience. I think one of the most significant frustrations is the lack of clarity but, notwithstanding that, local authorities have been working with the other stakeholders to look at how we can bring all that together so we can have a single, coherent discussion around education. For example, in Lincolnshire we have established an education board. We have headteachers elected by their colleagues on to that board. We have diocesan representation. We have regional schools representation. We want to bring that mechanism together so that we can have one single conversation about education, driving education improvement as well as addressing schools causing concern, as well as trying to increase the capacity of sponsored academy education leaders, maintain schools that are good or outstanding that may want to federate and merge with other schools, and it will be that vehicle that will drive that improvement forward. Local authorities have a raft of those examples and the Lincolnshire example is just one of them.

Q53 Ian Mearns: I must admit I do to a certain extent share Richard’s frustration because it seems to me that successively legislation, particularly in relation to local authorities, has been put there to deal with the bad ones but has affected every local authority under the great big umbrella. Now, many of your written submissions to the Committee called for a formal working protocol to be established to manage the relationships between Regional Schools Commissioners and local authorities. How has United Learning succeeded in developing a protocol where some local authorities have not?

Jon Coles: In relation to the first part of what you said, I think we are reaching a point where we need a new settlement. We have not had a settlement that has been national, clear and comprehensive since the 1944 Act. Since that started breaking down in the late

1970s I think there has been a progressive erosion of some people's roles, development of new roles, changes to the key functions of key actors in the system, and it may be that what the Prime Minister is talking about, in terms of all schools becoming academies, creates the framework in which a new settlement becomes possible. I do think we have reached the point where local authorities have the same duties as they used to have but, exactly as you say, the landscape has changed hugely. Therefore, local authorities' ability to carry out some of their duties is significantly reduced and I think we just need to have a fresh look at some of those and, as I say, a new settlement.

In answer to your narrow question, we have one because I thought we should have one and I went and argued with people until we got one. It became clear in the first month of operation that, in an entirely admirable burst of opening enthusiasm, lots of the RSCs wanted to be out and about in schools as quickly as possible. They were picking up the phone and ringing heads and saying, "I want to come and visit and I would like to come on this day and can you sort it out, please?" We have not had a negative experience at all coming out of that. All of the visits they have had are very positive. However, it means that particularly for the schools that we have recently taken over, which were in difficulty, they do risk having what Michael Fullan calls, "The helping hand strikes again" as we and Ofsted and the RSCs and sometimes—and we welcome this as well—local authorities are coming and having a look at what is happening and whether it is working properly.

We have just said there are some simple things that we can do. One is: let us have a data sharing agreement. You as the RSCs collectively come to us as the sponsor and ask us for our data. We give it to you once. You disseminate it to all the RSCs. You can have as much data as you want. We will share very openly. But don't ask the schools for it, ask us for it. Let's agree a format. If you want to visit a school that is absolutely fine, but instead of coming as a discrete one-off visit and getting the royal visit treatment, here is our schedule of monitoring visits that we will be doing. Tell us which schools you would like to visit this term. Tell us which monitoring visit you would like to join and we will arrange for you to come with us. For us, that has benefit as in they join our team to some degree and they are giving us extra capacity. They are seeing things that we might not see. They are looking afresh. They will also give us feedback on our monitoring processes and tell us if there are things that they have seen elsewhere that we could usefully learn from. Hopefully, they will pick up things from us but also they will get access to all the information that we would gather anyway through our monitoring visits. Therefore, everybody benefits from this arrangement. It was not too hard to agree and we are happy to share the agreement we have with anybody who wants it. It works quite well. It does not mean that you never get an issue, but it does mean that you have something to go back to and say, "Hang on a minute; we are supposed to be working this way".

Councillor Watts: I think it speaks volumes about the rapidly changing nature of the Regional Schools Commissioners only a year into their operation that, until very recently, local authorities would not have needed that kind of sharing agreement because RSCs only dealt with academies. Now there are these enormously increased responsibilities around so-called coasting schools and that kind of stuff, and I think local authorities will rapidly start needing agreements like that.

I think there are also questions about the capacity of schools commissioners. On average, each Regional Schools Commissioner is dealing with 100 failing or requiring

improvement academies in each of their patches across thousands of schools in their patch with staffs of, what, a handful? There are enormous capacity issues that they have already without then this enormous expansion of their role within their first year of operation. I think we are going to need those memoranda and that is where it starts then, as I say, becoming a real problem that the geographies of Regional Schools Commissioners do not fit the geography of any other bit of government. As the Chancellor pursues his cities agenda and counties agenda, and as we still have areas like London, pretty functional regional government, the fact that Islington and Hackney as next door boroughs sit in different regions makes life a lot more complicated for us.

Reverend Genders: Certainly, within the Church of England we have had a working agreement in terms of how both the department and Regional Schools Commissioners engage with schools and how they keep the diocese involved in that process. One of the difficulties is, again, with the zeal for speed and for trying to make quick decisions and trying to get things moving quickly, it is easy for some of those things to get forgotten. We end up with schools who are getting—as Jon says—a visit from a Regional Schools Commissioner one day, a broker another and Ofsted another and they all say slightly different things. That just adds too much burden to the system when schools should be spending time getting on with delivering outcomes for children. I think that greater clarity about those kinds of working agreements is important. Since 1944, most of our dioceses deal with many more than half a dozen local authorities all at the same time and they are used to operating different agreements and different working relationships with people. The advantage in that system is that most of that is structured around statutory guidance and statutes and, because we are entering into a system where there is not so much statute but there is much more contract; it is quite hard to manage all of that. Clear protocols and guidance about how these different organisations engage, and I think particularly the difference between the RSCs and the brokers and how they engage with schools, is something that is really needed.

Q54 Ian Mearns: Am I getting across the board a general perception that the lack of clarity about roles and responsibilities in the new landscape is less than helpful at the moment?

Jon Coles: I don't know. I think in some ways there is less to this than meets the eye. The role is fairly clear. I think what is happening is that it is having to be operationalised. There is a problem with changing structures and, although, as we say in our evidence, the regional structure is pretty idiosyncratic, to be honest, I would leave it as it is. In my experience, in the first 12 months of any new structure that Government has ever set up there is a whole lot of relationship building that needs to go on, there is a whole lot of, "What are our operational ways of working that need to be established?" There is a great deal of what we are talking about today, working through that has to be done, and it does take a bit of time.

Q55 Ian Mearns: The problem is, Jon, that we are in a period of transition and I think there are an awful lot of people out there who don't know what we are in transition towards.

Jon Coles: No, and that is my point about a new settlement, in a way, and also about wanting in time to push the RSC role wider, give it a greater responsibility. I would just say I think that the role, as it is, is clear enough; it is defined. It is the operation that is—

Reverend Genders: I want to agree with Jon, but I think the problem is that because the role is changing through this current Education and Adoption Bill and expanding so vastly in terms of the responsibilities that the RSC will have, I am not sure we do have the luxury of having, “Just leave it as it is and let it bed in”. We have already moved the goalposts after a year. I would absolutely agree with what Jon is saying if it was not for that fact, but because of the fact that the whole area of responsibility for the RSCs—particularly around coasting schools and the engagement with all of that—is changing so dramatically under this Bill, there do need to be some changes to adjust to that.

Debbie Barnes: I think there does need to be greater clarity about roles and responsibilities. It links to the previous discussion around a need for greater transparency and accountability as well. Within that, there are quite a lot of players in the middle tier. There is an importance for the Regional Schools Commissioners, local authorities, Ofsted and EFA to have protocols that dovetail each other and I think, because of the speed of putting some of those systems in place, they don’t always dovetail currently. There is a clear example about safeguarding children. So, because of the importance of some of those issues, I think it is essential that we look at roles and responsibilities.

Councillor Watts: Jon is right. If we are heading towards a new settlement in education at some point, and, if I may say so, while I think this Committee’s inquiry is timely, we need to ask ourselves: are the structures we are putting in place fit for purpose in that new settlement? If Regional Schools Commissioners are to play a role then I think we have to ask the question, and the Committee is right to do so: do the structures put in place to deal with a problem as identified a year ago, which is the lack of a middle tier between the Department and struggling academies, essentially become the middle tier across the entirety of 23,000 schools in this country? The Committee will take a view but that is the key question.

Q56 Chair: That is the key question. Of course, as more schools become academies then the role of the Regional Schools Commissioners is going to expand still further, in terms of the responsibility of schools, and I am sure it must be a driver as we go along in the next year or so. Would you agree?

Jon Coles: This is quite an unusual frame of reference, but I think of it from my experience in London Challenge. We didn’t say, “We are going to become the new middle tier”. We didn’t want a huge team; we didn’t become a huge team. We didn’t think we could do everything ourselves; we set out to work through lots of other people. We built good quality relationships with all the local authorities across London. In some respects we worked through them; in some respects we set up additional things that we could see were missing; in some respects we drove a bit of collaboration that did not previously exist between authorities. We created networks across the whole region, and it is sometimes much easier for an extremely good school to work with a school not too far away, but not an immediate neighbour, than it is to work with an immediate neighbour.

For all of these reasons, I like the regional structure; I think there is a lot to it. Giving it a wider set of responsibilities and accountabilities is a good thing, but I think working

mostly through influence and working through other people, rather than accreting all of the powers and all the operational functions, is the way to go. So I would give them more responsibilities, widening their sphere of influence, not giving them all the staff and all the people, and expecting them to build good quality relationships with people.

Q57 Chair: So a leadership role as opposed to an administrative one?

Jon Coles: Exactly. I do not think it should become a hugely heavy duty operational role, because that misses the point. I absolutely agree with a number of points to my left. It relies on there being some clarity that this is how we are going to work with local authorities. This is the sort of relationship we have. We are not, at the regional level, going to do places planning. You can get people to collaborate on places planning, but you can only do it if you know ward-by-ward information about live births, you know which roads can be crossed in a particular area, and so on. The people who know that stuff are local authorities and the people who own the land that you might build schools on tend to be local authorities as well. Let's just be a bit realistic about it.

Councillor Watts: I completely agree. One of the reasons why London Challenge was such a success—and it was an enormous success—was it did not seek to replicate a lot of what happened in successful local authorities. It built on that and added value to that. If we are saying that Regional Schools Commissioners essentially will now replace local authorities as the middle tier, then who is it who knows there are no crossings on City Road in Islington, which means children cannot cross that street? Are they going to be sat, as they currently are, in a regional office somewhere in Hertfordshire? You are doing that across an area of about 6 million people, and I have no idea where in Edmonton you cannot cross roads, let alone in the far end of Hertfordshire. If you are going to say what we are doing is transferring the core middle tier responsibilities to these groups of people, they become a very big quango.

Q58 Lucy Frazer: Is there currently a conflict between the Regional Schools Commissioners and the local authorities?

Councillor Watts: There can be where there is no consensus about right ways forward. Sorry, let me rephrase that. There is not at the moment because their role of driving standards in academies that are not up to snuff is fine and welcome, and it is good that there is someone there to do that to act as a backstop. Where there can be is where Regional Schools Commissioners are now being given responsibilities to intervene in local authority-maintained schools, where there could well be a difference of opinion about what the scale of the problems are. Also, it is where local authorities with expert knowledge about the local area will be saying, “Hold on, we think there is a problem there. We think it will take two years to be reflected in school results because school results are a lagging indicator of where there are problems in a school. But where we, on the basis of local knowledge, think there is a problem we may want to intervene in this school”. The Regional Schools Commissioner is saying, “Hold on, the GCSE results haven't dropped yet and, therefore, they are not on our list”.

Debbie Barnes: I think the other area of challenge is where local authorities do not feel that Regional Schools Commissioners are acting promptly enough. If a school goes into special measures, drift and delay in identifying a new sponsor, Ofsted come back in and

monitor. Therefore, it is a reflection of the local authority's inaction, if the school has not progressed far enough, but it is because of drift and delay around getting a sponsored academy.

Chair: Thank you very much for those answers. We are now going to discuss what we think a region actually is. Marion.

Marion Fellows: Well, I know something it definitely isn't, if you will excuse my voice.

Chair: Marion comes from the vantage point of not being in any region because she is in Scotland.

Q59 Marion Fellows: Yes, an issue in itself. If you will excuse my voice, it has just gone. I think it is lack of action for a wee while, not a common occurrence in my life, it has to be said. You will excuse my pronunciation as well. Dioceses, parishes we think of them as, and academy chains sometimes find themselves working with several different RSCs. This has already been touched on here. What do you think is the most effective way of managing this?

Reverend Genders: Certainly one of the comments that we have already made, that some guidelines and protocols are a really good way. I warm to Jon's 80:20 rule, because I think that we need to leave some scope for local difference and for nuance locally. If there is clarity about the big picture and the overall vision, then people can work within that very straightforwardly. That is emerging and we are getting there, but writing some of that stuff down would be very helpful for the system and then understanding how these quite huge regions, at the moment, can relate to the nuance of the different areas within their region is really important as well. On Jon's point about London Challenge, London feels like that is quite a manageable size, although obviously the population is vast, but when you are covering everywhere from east Kent through to the Isle of Wight and expecting to understand the nuance of all of that, that is quite a challenge.

Jon Coles: My hunch is, though, that regions are about the right size. I don't know whether they are the right shape. I do not know what evidence you have drawn here, but I suppose my nearest analogy would be if you look at the highest performing jurisdictions in the world, they tend to be 8 million to 10 million people. You see in many of the highest performing areas of the world that this is roughly the sort of size. Why would that be? Well, I don't know. It could just be coincidence, of course, but I think it is a size that combines a good level of responsiveness to the local and an ability to make strategic decisions that fit the variety of circumstances in those localities but it is big enough to allow the right sort of sharing of practice, collaboration. There is enough resource and talent in an area of that size that you can grow the top as well as intervening at the bottom end.

I am not sure that I would change the size of regions. Whether the shape makes any sense is a different question. I think in the end, wherever you have regions, you are going to have boundaries. Show me a design of regions without any borders to it. Given that, it then comes back to protocols, processes, procedures, but also relationships.

Councillor Watts: I think form should follow function. If we are talking about RSCs taking on a whole lot more middle tier functions they will have to be a whole lot smaller. If you are doing a lot of that place planning and stuff like that, as Jon said the level of knowledge you need about a particular area and birth rates and so on, it is going to be a lot smaller than 8 million to 10 million people. If you were doing that brokerage role, London Challenge worked because it was at scale, but I think it also worked because London is a pretty cohesive place with a single identity in a way that I suspect, if you were looking at the notion of Scotland, you would look at doing it on a kind of greater Glasgow or Strathclyde basis rather than a whole of Scotland basis. I suspect the challenges in Kelvinside are very different from the challenges in Aberdeen. You have to figure out what these things are trying to do and then figure out the geography that works.

My strong argument, though, is to disagree with Jon when he says, “Leave it fixed”. If the stress of government policy in England is to move towards sub-regional identities for cities, so Greater Manchester being the thing, I think this has to fit in with that. There are all sorts of networks already established on the ground and having geographies for Regional Schools Commissioners that do not fit any other bit of geography within government makes it unhelpful. So, whether it is coalitions of local authorities, coalitions of directors of Children’s Services, a network like London councils or East Midlands councils, or whatever it is that still exist on the ground already, and if we are going to have that kind of knowledge and intelligence sharing it would be far more effective for Regional Schools Commissioners to fit in to those existing networks than the person who looks after South London and most of the south coast will have to fit in with three or four different geographies, stretching from Lambeth to Brighton and everything in between.

Q60 Ian Mearns: The domain for the Regional Schools Commissioners, for what is euphemistically called the north of England, goes from south of York to the Scottish border to Carlisle and Barrow-in-Furness. It is a hell of an area to cover and there is probably more sheep than people in most of it. That is a bit prohibitive in terms of coherent working.

Jon Coles: I guess so. My challenge to that is: what are we doing for the children in those places? I get totally the kind of coherence and the kind of administrative sense of saying Greater Manchester is a region and we set a Greater Manchester challenge on the same basis and that sense of identity is there.

But what happens if you do live in Accrington, are you denied access to the wealth and resources and cultural strength of a city like Manchester just because you happen to live in Accrington? Well, I would say not, and what happens if you are in East Kent? If you are in East Kent should you not have some access to all that makes London great and vibrant and some of the kind of educational and knowledge capital of that city?

Q61 Ian Mearns: They should not be kept apart but in practice in many respects, of course, many parts of the different way in which we run things people are actually excluded because of that geography.

Jon Coles: Absolutely. I am not overlooking geography as a really important question, it is a really important question but, if we organise around the city regions, there are a lot of people who do not live in the city regions. You have to think, “Is it right then that we

organise our schooling for people who don't live in cities in a way which denies them access to what makes our cities great?" and I think that is problematic.

Debbie Barnes: Again, echoing what has been said in terms of form follows function, and again we have the whole devolution issue of what that means for regions and working together. Whatever geographical boundaries we have, one of the benefits, certainly that we felt from the alternative regions through the Regional Schools Commissioner is the sharing of best practice, the introduction of other sponsors into the county. Whatever regional structure we have, which must follow whichever functions they are going to be responsible for, there needs to be a way of ensuring that we harness that working across the country in a much more cohesive way somehow.

Q62 Marion Fellows: On that question of regions, are there any clear advantages to the RSC regions not aligning with Ofsted regions as happens just now? Who wants to go for that?

Jon Coles: It is a struggle to identify them, really.

Q63 Marion Fellows: Okay. Let's move on to Headteacher Boards then. Are the major academy chains and dioceses well represented on Headteacher Boards, would better representation be a good or a bad thing?

Reverend Genders: Picking up from the first panel this morning, I understand the desire and the need for these boards to feel like school-led systems with headteachers primarily being the driving force because support has been offered through them, but I think that there is a danger that even the very best heads tend to think about their locality more than the bigger, broader picture. One of the things that dioceses have been doing, ever since they have been involved in education, is taking responsibility for a whole range of schools. Your typical Church of England diocese will have 120 schools that it is seeing the responsibility for. Having that kind of strategic oversight, as part of the Headteacher Board and the RSC development, I think is really helpful.

There is a case in one of the RSCs where they have co-opted a Director of Education to be on the board. I think that is a positive move because it brings a slightly different dimension, a more strategic overview dimension, and I think you can expand that to other areas as well without losing the kind of practitioner active current headteacher ability as well. So I think you do need a mixed economy, but we will get a more strategic system if we can bring people into play that have an interest over a much broader number of schools.

Jon Coles: The one area where I did not agree with the direction of conversation in the first part of this session was about Headteacher Boards. People started talking about Headteacher Boards as having accountabilities. I think, in practice and in theory, Headteacher Boards are advisory. If they were called, "The Heads Advisory Group to the RSC" I think most of your questions this morning and most of your worries about transparency and the accountability of the Headteacher Boards would go away, but in practice I think that is what

they are. In fact I think they are effectively a non-executive advisory board. These are all people who have day jobs and that is what they spend 95% of their time thinking about, and they come together occasionally to provide advice, challenge and support to the RSC and that seems fine to me. I think that is good. I think that is a useful function but I do not think they need to become quite strategists, to be honest. I think it is great to have dioceses involved but—

Q64 Chair: On that point, Jon, you are effectively going back to the issue I raised—and you agreed with—about: what is the accountability mechanism of a Regional Schools Commissioner? If you are going to rename those boards, as you have suggested, and instead go down that kind of performance review route, and perhaps even ask the National Schools Commissioner to take a leading role and get this Committee to test everybody—as you think it should, I believe—then you are essentially acknowledging that the Regional Schools Commissioner is, therefore, the key person to be held to account.

Jon Coles: Yes I think so. I mean I think that is what follows from this system. The Regional Schools Commissioner is a civil servant like any other civil servant and, therefore, accountable to the Government of the day. That is understood by the Civil Service to mean reporting to their Secretary of State, and that is the doctrine of political neutrality as it has survived since the Northcote-Trevelyan Report to the Civil Service. That is the way it works. That just is how it is. In setting up somebody as a civil servant but with a semi-public role, you are making that person the key person to be accountable and to be accountable for the powers vested in them through delegation from the Secretary of State.

Councillor Watts: I was quite surprised to hear these kind of advisory boards described as some kind of democratic accountability mechanism for Regional Schools Commissioners. I was under the impression they were civil servants and therefore accountable to Parliament through Ministers, like every other civil servant was as well. If you are going to have a democratic accountability mechanism through these people directly, well, the question is: are they elected? Who elects them? Should that in fact then be parents not teachers, if that is the ultimate set of accountabilities to parents who are the key stakeholders here? So I suspect the system would be a lot simpler if we just accept that they are civil servants accountable to Parliament in the normal way.

Chair: Through this Committee?

Councillor Watts: Yes.

Reverend Genders: Can I pick up on that strategy point again? I absolutely agree if you see them as advisory boards that is really helpful, but to be helpful advisory boards they need to have a larger, broader perspective. Most Directors of Education in dioceses I could go to could tell you down to who the caretaker is in each of their schools, because they understand what the system is. They know their schools intimately. I think having that kind of input in to the kind of advisory work that goes on at those boards is really helpful.

I agree that it needs to be seen as an advisory board, I just think you need to broaden the pool of who is offering that advice.

Chair: Thank you. Marion, do you have any more questions?

Debbie Barnes: Sorry, quickly, is that okay? If you don't use this opportunity to bring skills, businesses, apprenticeships, work-based training opportunities for young people together with the education system, I think it could potentially be a missed opportunity. Adding in to that layer the role of Children's Services around, looked-after children, vulnerable children, the local authority has a lot to add. So I would like to see a wider membership, but I did see them as advisory and headteachers that I have spoken to see themselves as part of an advisory board.

Chair: One quick question, Marion.

Q65 Marion Fellows: One quick one. What do you think the role should be of the School Commissioner in co-ordinating across the regions?

Jon Coles: I refer you to the written submission that we have made on that very subject. We have set out a number of things that I think the Schools Commissioner could usefully be doing. Some of what I have said earlier about trying to ensure some consistency across the regions, performance managing the RSCs and making sure relationships with national organisations work effectively. These seem like key things for a National Schools Commissioner to be doing and I would like to see that brought to the fore a little more.

Chair: Well, come and watch us as the National Schools Commissioner in two weeks' time.

Ian Mearns: Mr Chairman, on the last question, no members of the panel would want to say anything detrimental towards the interests of the National Schools Commissioner.

Chair: Right. We are going to move on to the very important issue of safeguarding, because Debbie has some interesting things to say and Suella is going to be leading the line of questioning.

Q66 Suella Fernandes: You have mentioned safeguarding quite a lot and I want to explore it a bit more. It seems that there is no explicit responsibility attributed to the RSCs for safeguarding, whether that is monitoring, investigation or reporting. What is the panel's view of this?

Debbie Barnes: I am delighted that this question has been raised because it is an issue that is concerning the Director of Children's Services. Where there is an allegation about an individual who works with children, where the allegation questions their suitability to work with children, there is a clear policy and procedure, local authority designated officer; that is well known, well understood and well embedded. Where there is a child protection referral, there is a referral to local authority Children's Services who have the powers, with the police

if relevant, to undertake a section 47 investigation. It is crystal clear. It is well embedded, well understood.

Where there are complaints of a safeguarding in its widest nature, so health and safety of children, perhaps no incident has happened but concerns about robustness of risk assessments, that wider safeguarding—not child protection—then it is in that space that I think there is a lack of clarity. The complaints protocol, through the EFA, around complaints about academies clearly state that they will not investigate safeguarding in academy concerns; that that should be referred to the Local Safeguarding Children Board. But the Local Safeguarding Children Board does not have investigative powers to actually go in to an academy and undertake any form of safeguarding investigation. So I think that this is an area of lack of clarity.

Q67 Suella Fernandes: So there is a real gap there, in those instances where there is no mechanism for reporting or investigating those cases?

Debbie Barnes: For maintained schools, clearly, local authorities have their own processes and systems, which normally end up in a strategy discussion with the chair of governors and the relevant key professionals. Currently, local authorities are writing to the Regional Schools Commissioner, sending him whistle blowing letters, whatever, to the Regional Schools Commissioners. If it is in the space of an allegation, it is clear. If it is in the space of child protection, it is clear. It is if it is in that wider safeguarding there is an ad hoc individual agreement about individual issues, perhaps a joint meeting with the Regional Schools Commissioner and the local authority, for example. But we are finding a way through that rather than there being any clear, crisp national guidance, and I think there does need to be clear, crisp national guidance in relation to safeguarding.

Q68 Suella Fernandes: When you say there is wider concern over safeguarding can you tell us a bit more about that, what kind of things?

Debbie Barnes: The supervision of children, perhaps a complaint—it is difficult to give an example—about a school trip where parents did not consider that the risk assessment was robust enough. Nothing happened but the parent was concerned that something could have happened. So it is that wider welfare safeguarding issue. Perhaps a parent feels that a teacher is picking on and bullying a child but not a child protection concern.

Q69 Suella Fernandes: I think there are lots of examples and I invite the views from the other members of the panel. I mean in terms of vulnerable groups, SEN children, looked-after children, children with free school meals, English as an additional language, children with social, emotional mental health concerns, that whole group of children. What is the role of the Regional Commissioners in relation to those?

Councillor Watts: One example, which I think is germane because there are lots of them in the country, the question is: who is responsible for looking for academies if there are allegations or rumours that they are off-rolling kids, dumping difficult kids before they get to

exam time, which you hear rumours about across all sorts of schools relatively regularly? At the moment local authorities have no power to know who is on the school roll of an academy. We cannot then discharge what we have a legal duty to do, which is to make sure all kids have an adequate education, have an adequate place at school. There are all sorts of questions like that. That is a broader safeguarding issue, where we have a duty to make sure that people are at school but we don't have the power to know the schools where people are at where this can become an issue.

I think there is a wider problem in all of this, which is: things like bad management of school trips rarely happen in isolation. They tend to be examples of wider bad management at the school. So, if you are going to start looking for the canaries in the mine about where results may start to drop down the line then, actually, local intel about bad management of school trips is a pretty good sign that things may not be right more widely and you may need to start looking at what is happening in that institution. It is better to start intervening at that stage rather than three years later when two years of kids have really bad exam results as a result.

Q70 Suella Fernandes: Do you think it is realistic for the RSCs, which are already stretched, to include that within its remit?

Reverend Genders: Personally I don't think it is. I think it goes back to the earlier conversation that, if you are going to make that the RSCs role, then you need many more of them with the huge proxy that Jon was talking about. I don't think that is the game we are in. Therefore, we have to work much harder at bringing the clarity and the processes that are there, which show whose responsibility it is, and make sure that local authorities are given the tools and resources that they need to have that kind of clarity and impact in academies as well as in maintained schools.

Jon Coles: I must say I think it would be a huge mistake to give the RSCs a remit for this. I am grateful to Debbie for explaining the concern because I think we as a Trust would always work with the local authority on these less serious issues, in the same way that we would on the more serious issues. In other words, if a safeguarding issue of any description is raised, in relation to any of our academies, we would take that with the utmost seriousness. The answer to who is accountable for making it right in our schools is: I am. Our trustees ultimately are and we would always work with the local authority on those issues.

Q71 Suella Fernandes: It is not expressly stated in your terms of reference, is it?

Jon Coles: It is interesting that Debbie says that there is an area of lack of clarity there because I did not think that there was. I would always work with the local authority on those issues. If there was any serious safeguarding concern in relation to a school we believe that we have a duty to work with the local authority on those.

Suella Fernandes: It is your belief but it is not stated.

Jon Coles: If that is not the case, it is not the case but I think that, whenever there is a child protection concern, the referral arrangements that Debbie has described apply. That is how we would handle it, whether it is a theoretical or an actual incident. My understanding of the law was that was how it worked, but I could be wrong.

Q72 Ian Mearns: I think that is entirely right, Jon, and I am sure that you and your academy chain, under your guidance, would notice or do something and refer it correctly. But when it comes to safeguarding and schools, where is it that the vast majority of children turn up every day, 38 or more weeks per year? It is in schools. Where are the vast majority of differences in children noticed, which gives rise to a question about safeguarding and about making sure of the welfare of an individual, it is usually through schools. Therefore, there does need to be—no matter what the nature or the state of the school or the category of the school—that close tie up with the local authority where safeguarding of children is concerned.

Jon Coles: Yes. I think we are agreed that, in relation to the bigger incidents and bigger issues of the sort we have just been discussing, that is clear. I think there is no doubt about it.

Councillor Watts: I am sure in Jon's Trust there are good functional working relationships. My issue is where there aren't good functional working relationships, when push comes to shove what then happens?

Q73 Chair: That has as much to do with the DCSs, hasn't it? Would you agree with that?

Debbie Barnes: Yes but there are two comments. One, it works because Jon and other academy sponsors work really well with the local authority. Question: with the next Government settlement, are local authorities going to continue to have capacity to intervene and support schools on non-child protection issues? That is a big anxiety in terms of being able to have the capacity and the resources at local authority level to be able to respond to that. I have 350 schools. That is not a lot of capacity but it is capacity that is needed.

The second issue is we have no right of access. So the vast majority of academies and pre-schools we have a superb relationship. Where we don't—and I am talking on safeguarding—I think it needs to be in statute.

Q74 Chair: The question, though, is this: if we see an emerging role for the Regional Schools Commissioners, which is more comprehensive, what kind of relationship should there be between the RSCs and your DCs?

Debbie Barnes: The relationship that we are building—and it does depend at different local levels—is positive. We work well. Because of capacity issues pretty much the local authority deliver a lot of the brokered sponsored solutions, a lot of intelligence gathering for Regional Schools Commissioners. Maybe there is an opportunity to have some discussions of

where they are effective working relationships and they are effective local authorities, that local authorities could be commissioned to deliver some of those functions.

Q75 Chair: What about where there are not effective working relationships?

Debbie Barnes: Then I think that middle tier has a whole raft of other people who could undertake that function. Teach in schools, for example, multi academy trusts. I think we are moving to a much more of a mixed market of individuals undertaking that and I think it should be right for the individual community.

Q76 Chair: That is going to be difficult for parents and carers and children to actually navigate, isn't it?

Debbie Barnes: Parents and carers already come to the local authority and ask for guidance on the navigation around the system, because they already find it confused.

Chair: I want to thank you all very much. We have had a good discussion there. We have certainly probed the issue of accountability and tested out what we think accountability really means in Regional Schools Commissioners. I like the way in which we have set the agenda for this whole discussion, so it has gone well. Thank you very much indeed.