



Education Committee

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

Tuesday 17 November 2015

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Written evidence from witnesses:

- Department of Education ([RSC0028](#))
- Ofsted ([RSC0025](#))
- Academies Enterprise Trust ([RSC0027](#))

Members present: Neil Carmichael (Chair), Michelle Donelan, Marion Fellows, Lucy Frazer.

Questions 190 – 258

Witnesses: **Pank Patel**, Regional Schools Commissioner, West Midlands, **Lorna Fitzjohn**, Regional Director (West Midlands), Ofsted, **Ian Comfort**, Chief Executive, Academies Enterprise Trust, and **Kirston Nelson**, Director of Education, Libraries, and Adult Learning, Coventry City Council, gave evidence.

Q190 Chair: Good afternoon and welcome to this session of the Education Committee here in Coventry. The first thing I want to do is thank our hosts. It is an absolutely fabulous location, and everything is very well-organised and beautifully done, so there is a great opportunity for us to have good discussions this morning. We will feed off those in the course of today and when we do our report. I am Neil Carmichael; Lucy Frazer, Marion Fellows and Michelle Donelan are also present. We will use first names. The other thing to remember is that while this is not being televised, it is being recorded, so you will be able to savour what you said for years to come. Do you want quickly to say who you are?

Kirston Nelson: Kirston Nelson, Director of Education, Libraries, and Adult Learning, Coventry City Council.

Lorna Fitzjohn: Lorna Fitzjohn. I am the Regional Director for Ofsted in the West Midlands.

Pank Patel: I am Pank Patel, Regional Schools Commissioner for the West Midlands.

Ian Comfort: Ian Comfort. I am the Group Chief Executive for Academies Enterprise Trust.

Q191 Chair: What is the biggest priority in school improvement in the West Midlands?

Pank Patel: The biggest priority for the West Midlands is for us to look at growing high-quality school leaders and high-quality multi-academy trust leaders so that we can drive the system forward in terms of multi-academy trusts in schools improving and perhaps those in special measures being sponsored by high-performing academy trusts.

Q192 Chair: Is the RSC in a better position to tackle this than local authorities?

Pank Patel: Is that for me?

Chair: Yes, that is for you, because you are the one and only RSC today.

Pank Patel: I would say yes, definitely, because we have grown a new system, a new evolving system, in which we are working very much with multi-academy trusts. Local authorities do not hold those trusts to account; that is my job. It is part and parcel of my remit, so yes, I would say the RSC is in a very good position to do that.

Q193 Chair: Do you have a vision for this region?

Pank Patel: Most definitely. It is a vision that perhaps is no different from that of many of the people in this room today: we want the educational experience that all young people get—particularly those in the academies, because that is what falls within my remit at present—to be a high quality of education, one that they deserve, and hopefully progress on to in their future lives.

Q194 Chair: What about policies? Do you think you should have a lead role in the policy direction of this region?

Pank Patel: Policy in terms of this region?

Chair: Yes, delivering the kind of outcomes through policy initiatives that you might have or you might think are part of your strategic plan.

Pank Patel: We already have an influence on policy-making in terms of what happens in our region. We are able to feed into the Department through different channels—through Frank Green, Schools Commissioner, through Lord Nash and other mechanisms—how what is unique about the West Midlands can influence some of the future policy directions.

Q195 Chair: Kirston, you have been listening to that. You are obviously coming from a different vantage point. Do you recognise Pank's description of the situation?

Kirston Nelson: I do recognise his description. I think we have the best chance of success through partnership working and it is about the strength in the relationships that we build between local areas, local systems and the Regional Schools Commissioner's role. I would say that both as a region, but certainly from the point of view of Coventry City, that we are

in a position where that relationship is developing, it is growing and it is beginning to have an impact.

Q196 Chair: Ian, you are from the world of MATs. What are your thoughts?

Ian Comfort: I think the biggest challenge for us in school improvement is probably exactly as Pank says. We have to get good school leaders into every school and we have to ensure that we can recruit, retain and develop strong teachers. Recruiting good teachers at the moment is not always that easy, particularly subject specialists. Our biggest challenge in this region is in primary education rather than in secondary. We have challenges in secondary, but much more in the key stage 2 outcomes, which we would like to be much better than they are.

One of our other processes towards school improvement is trying to ensure that all our schools not only work together in partnership, but work in partnerships with other schools in the region. We have schools in Tamworth in Staffordshire that are supporting schools outside our trust, for example, in that area. But I share Pank's views that the real sense of push for school improvement is to get the right school leaders and the right teachers in front of the classroom.

Q197 Chair: Pank has worked really well with teaching schools; that is certainly what we have picked up looking around this region. Do other regions do that as well, Ian, work well with teaching schools?

Ian Comfort: We have teaching schools only in the eastern region. We have two schools in the east that are currently teaching schools and one more that is applying to be a teaching school, but we operate off a national teaching school alliance, which means that we have hub schools in other regions. Our experience in the eastern region is that we work very closely with the Regional Schools Commissioner there in making sure that those teaching schools provide capacity to schools outside our group, whether they are maintained schools or other academies.

Q198 Chair: Pank, do you think that you have pioneered the idea of getting the right person into the right place both in terms of leadership of schools and subject teachers?

Pank Patel: I do not think we have pioneered that. I think that is generally the remit that RSCs have taken on board in getting those right people into those right positions. But we have also focused on developing the leaders that we currently have in the system and trying very clearly to improve them so that they can lead those multi-academy trusts into the future. For example, in one of the initiatives that we have been working on last year, the Department has worked very closely with Future Leaders on developing a CEO MAT course, which I gather has been very well-received and is now on to its second cohort.

Q199 Chair: Lorna, would you like to comment on Pank's vision, policy positions and so on vis-a-vis the relationship you have with him through being Regional Director of Ofsted?

Lorna Fitzjohn: Pank and I meet frequently and we talk about the schools that are causing us concern within the regions, but we also talk about those schools that are outstanding or good that can also support the system within the region, so I think there are two parts to

that. There are challenges in the region. I perhaps would not agree with Ian so much, in that in my view, we have a lot of issues with secondary schools in the region, which cause us to have quite a lot of conversations. It is a matter of working with and identifying those good and outstanding schools in the region that can support those that are not good and outstanding.

Q200 Chair: How would we measure impact of the Regional Schools Commissioners, say in a year's time from today? What would you like us to look at in terms of defining, identifying and measuring impact?

Pank Patel: I think it is quite clear that the whole agenda is about improving outcomes for young people and making sure that their experience they have is a quality one and surely that should be some part of the criteria by which Regional Schools Commissioners are judged. We have eight quite clear KPIs—key performance indicators; apologies, I am becoming a civil servant and using acronyms all the time—and some of those refer to those schools that are in categories, and for how long and how quickly it takes us to move those to another level or perhaps a better level.

Q201 Marion Fellows: Just a general question for everyone: how well do you think the RSC interacts with and consults local communities in the West Midlands?

Kirston Nelson: I am going to answer it from a local authority's perspective. Certainly I have been in post in Coventry City for the last five months, but I have come from a previous authority with a different Regional Schools Commissioner, so I am coming with perhaps a slightly different view of the consistency of approach. What I have found here is that there are mechanisms that are in place for that engagement and for consulting the local authority, and via the local authority through to local communities. I have also found that there are mechanisms whereby we can consult the Regional Schools Commissioner and his officers in relation to some of the issues that we might view as they affect some of the decisions that are made. I am keen to see and to seek as much support as possible for our opportunity to shape and influence those decisions based on the local intelligence that we hold.

Lorna Fitzjohn: I can certainly think of examples where the Regional Schools Commissioner has been involved with parents where there are concerns particularly around an inspection or inspection results, so I can see that working, but I am probably not party to or would not be party to conversations other than in those circumstances.

Ian Comfort: I have no knowledge that I can comment on regarding consultation in the Midlands region. I can consider consultation perhaps more broadly on academies. In some areas, there is considerable conversation on certain aspects and in other areas probably not enough consultation or no consultation at all.

Q202 Marion Fellows: Is there a particular area you are thinking of perhaps?

Ian Comfort: No, I am not relating it to specific academies. I would rather not go into specific examples, but there are times when I feel that consultation should be a bit broader; there are other times when consultation is more than adequate.

Q203 Marion Fellows: Pank, how do you feel about that?

Pank Patel: Across the country, we have eight commissioners and it is important for us to be very consistent in our approach towards any issue or any proposal that faces us. As a result, we have national frameworks that we work to and legislation and so on, so we are quite clear that we must follow that. With regards to any individual projects or proposals that come to us, we would insist that the correct consultation has been carried out with the correct groups of people involved. If we are not satisfied with that, we would ask for that consultation to be redone or we would ask to see evidence that it has been done in the correct way.

We have to follow a national framework and we have to take that consultation into account, but we also have to be clear: consultation is consultation and we do not live in a world where every consultation is a referendum. We will need to take on board some of the considerations in the consultation, but it is not a determining factor in our decision-making.

Q204 Marion Fellows: Talking about decision-making, do you think the decisions that are made by yourself as Regional RSC are made in a transparent way?

Pank Patel: Very much so. I know that in the conversation you had with the Schools Commissioner, Frank Green, he also highlighted that as the system evolves, that transparency will perhaps increase as well in time. There are plans, for example, for headteacher board meeting minutes to have a greater degree of transparency in them as well, and more detail, but that is something that is currently being looked at.

Ian Comfort: I think Pank has just said it as it is, really, and that is it needs to increase over time. The transparency at the start of the Regional Schools Commissioners' involvement has not been that transparent. I think it is quite correct that headteacher board minutes and agendas are not public and are hard to get hold of, and therefore there is a perception that people have that things are happening there even if they are not. I think the more transparency we can have in the system the better.

Pank Patel: If I could just come back on that, an awful lot of information is in the public domain. There is a full list of, for example, all the RSC decisions. There is a list of the processes that take place in reaching those decisions. We frequently review all those approaches to see how we can make that even better, but there are also times when we have to have a certain degree of understanding because if we are to discuss a project openly, for example, and we want open dialogue it is not always appropriate to publish all that.

Marion Fellows: Lorna, do you have any other comment?

Lorna Fitzjohn: No, I am fine, thank you.

Kirston Nelson: The only thing I would add is that I am particularly interested in looking at the potential impact of those decisions. From my perspective, I completely agree that there is an improving openness and transparency both in our dialogues and in how the decision has come to fruition, but I think we need to be clear about the potential impact of some of those decisions, both when those decisions are made and tracking that, and the impact that they have and how we then deal with that.

Q205 Marion Fellows: Do you think, Lorna, that there is a risk that the success of one academy can end up being pursued at the risk of detriment to nearby local authority schools?

Lorna Fitzjohn: There is lots of evidence, isn't there, that talks about the creation of new academies, the creation of free schools and previous decisions that have been taken that have not necessarily considered basic need and provision planning in an area? One of the things that I am keen to point out is that I think that the system has changed over the course of the last 12 to 18 months. I do think that previous decisions perhaps did not consider provision planning in an area in as great a detail as we would want them to, but we are in a different place now. It is very clear that that is part of the evidence base that is considered alongside quality, not just looking at geographical location and quality. We are still trying to deal with some of those historical decisions, so it is really important that we get it right and fit for purpose in the future so that we are not in this position.

Q206 Marion Fellows: Pank, would you agree with what Kirston has just said, that we are moving on now?

Pank Patel: Very much so, because I am doing a really good job. No, on a serious note, just to supplement what Kirston has said, we also have a headteacher board and those board members bring their own knowledge, their own experience, their intelligence about the area, about the system, and bring a very realistic, down to earth, everyday perspective to those sorts of decisions. The questions that they ask and the questions that we will answer will be very much based around, "Is there a need for this school and what will the future look like?" It is a very ground-level view on all this, and taking on board as many of the considerations as we possibly can in making that right decision.

Q207 Marion Fellows: Again, Pank, I am sorry, I seem to be talking more to you than the others, but that is the way it is at the moment. The National Middle Schools' Forum and others highlighted shortcomings in consultation processes. What have you learnt from that?

Pank Patel: As I said earlier, we have to follow a very clear process and we have to ensure that that is followed to the letter of the law. In the particular submissions that have been mentioned in the evidence given by that group, we had a very clear view on the consultation carried out in those projects that were mentioned. We were confident they were carried out in accordance with all the guidance and section 1.44 of the School Admissions Code with those appropriate groups of people. I would refute that information, because it was carried out in accordance with all that.

Q208 Marion Fellows: Would you like to see the consultation framework changed in any way perhaps to reflect more of what others might want from it?

Pank Patel: I have to be very careful here because I know that that is already part and parcel of future thinking. There are discussions taking place on the level of consultation in the significant changes document that may be coming through. Whereas I think there is a level of consultation now, a greater degree of consultation could be very fruitful, but I will have to hold on that until the new document comes through.

Q209 Marion Fellows: Do any of the other people on the panel have views on that?

Lorna Fitzjohn: I suppose from an Ofsted point of view, we operate completely independently of any of these consultations. We inspect, we publish reports in a very open and transparent way, which may be useful for a consultation or not, but we just do not get involved.

Q210 Chair: Can we just probe the issue of the maintained sector and the academy sector and pose the question: should they be more joined up? Should we see the Regional Schools Commissioners taking more responsibility and more interest in the maintained sector or is that just going to happen as the maintained sector becomes the academy sector, if you like?

Pank Patel: I think you have probably seen and are aware of the Education Bill that is currently going through the House of Commons and the House of Lords, which proposes that. Those documents are currently out to consultation. If they were adopted, there is a greater global view with regards to RSCs having a greater input into what happens in the maintained sector. That is something that is currently being proposed.

Q211 Chair: By extension, would you want to see, for example, heads from the maintained sector being appointed to or elected to the boards?

Pank Patel: The headteacher boards bring a great deal of knowledge, experience and expertise to what we do currently with regard to academies. If the system evolves and maintained schools come on board, it may be something that we want to consider.

Q212 Chair: Does that move into the sector of the post-16 world? We have area reviews underway now. We have the situation where you have sixth forms and sixth form colleges jostling for position. Currently, the RSCs have a role in terms of saying their piece, so to speak, on their interpretation, but it is not a fundamental part of that process. Do you think it should be?

Pank Patel: Currently, sixth form colleges sit outside our remit. We know that we have all been talking about collaboration and wider collaboration and sixth form colleges are part of that group. In answer to your question, as the system evolves, I think that they would come into the fold.

Q213 Chair: Lorna, how do you feel about this dual system, first, the maintained versus the academy structure?

Lorna Fitzjohn: Our view would be that you need as many or all schools to be good or outstanding ideally, whether they be a maintained school or an academy, and the picture is quite similar in both of them. I would spend part of my time talking to local authorities and I would spend part of my time talking to Pank as the Regional Schools Commissioner. I would expect both parties to know about and understand how the decisions they make in each of those different sectors, perhaps maintained and academy, inevitably will impact on each other. I suppose our challenge to local authorities would have been that they know the academy world and similarly that Pank would understand and know the maintained

world, so I think it is very important that they work in tandem. We are increasingly seeing that happen.

Q214 Chair: Kirston, inevitably we have to ask you, being local authority.

Kirston Nelson: Yes. My view is really clear: I do not differentiate between academies and the maintained sector. I led a previous school to school support partnership in a different authority and we are adopting that approach in the city. It is very, very clear. This is about impacting on the life chances of children and young people. If we work together in partnership, it does, I accept this, rely on the quality of the local authority area that you are working with. It also relies on the quality of the evidence and the intelligence that that local authority area is able to provide. Therefore, it relies on the quality of the individuals who are leading those systems to develop the right relationships with schools. Where effective school to school partnerships exist, whoever is filling that enabling infrastructure middle tier, be it a local authority, be it a multi-academy trust, be it a number of partners operating together, inevitably the evidence base is telling us at the moment that it is impacting significantly on improving outcomes. If that is our starting point, it is about how we achieve that by working together.

Chair: Lucy, you are going to ask about co-ordination and relationships of the key players. That is a good point to jump in.

Q215 Lucy Frazer: Yes, leading very nicely on. Kirston, you have mentioned it a number of times, not just then, but in answer to the first question, you used the words “partnership working”. We have seen a number of partners that the Regional Schools Commissioner has to work with or the headteacher boards. Obviously, you are key partners on the panel. Who do you think the other key players are that the Regional Schools Commissioner needs to work with?

Kirston Nelson: Whether maintained schools should sit on the headteacher boards is probably worth pursuing because it may bring a different approach to the way in which they are operating. I also think there is something about understanding who those key players in local systems are. There are political players in local systems that bring something different to the table in different areas. It is a really difficult job for a Regional Schools Commissioner because that will be different in different local areas. There is almost a set of mandated players that the Regional Schools Commissioner needs to be in relationships with, as well as some additional ones about local system infrastructure that they need to engage with. I completely acknowledge some of the previous feedback that you have had in relation to capacity in the system and how we ensure that there is the right capacity in the system, but I also think there is something about not throwing away the current capacity that is having an impact in terms of those relationships.

Q216 Lucy Frazer: Can you identify which particular roles those people are fulfilling that you think could be bled into the system?

Kirston Nelson: There is something about central leadership in local areas and certainly some—

Q217 Lucy Frazer: Are you talking about headteachers? Are you talking about a key person in the community? What are you talking about?

Kirston Nelson: I think I said that earlier, in terms of whoever is best-placed to provide that enabling infrastructure in an area. I am being very careful about what I say here because I think some local authorities are outstanding at providing that, and some of the feedback that we have had in terms of the Ofsted inspections of local authority school improvement arrangements demonstrate that. In other areas, I accept that the quality is not the same and therefore there are other key players fulfilling that role.

Q218 Lucy Frazer: Who might be?

Kirston Nelson: You have multi-academy trusts; you have some system leaders from within schools that are stepping up and taking on that role; you have education trusts in some areas that have chief executives who may or may not be in schools that are taking on that role. I think one of the challenges for Regional Schools Commissioners is that we have created, for the right reasons, this chaotic system that is having an impact on the lives and outcomes of children, but if we mandate a prescriptive framework in which that is going to operate, I am worried that we lose some of what is working well.

Q219 Lucy Frazer: Does anyone else have anyone to add, any other key players in particular areas that we have not mentioned so far?

Lorna Fitzjohn: Pank's role in all this is promoting or creating opportunities for academisation, but also to ensure that intervention happens where things are not going well. I suppose the partners that you need in that are those that can help that happen. We have already heard about those systems leaders, who would be from academies, but of course also from the maintained sector, because without those you are restricting quite radically the pool that you are fishing in. It is also important to think about the post-16 world, which you have already mentioned, because of the sixth form colleges, the sixth forms that are there. Unless all those people are partners and are part of this, the right interventions will not be made that will have the impact that we want, which are good or outstanding schools.

Q220 Lucy Frazer: Is there anyone, Pank, that you do work with that we have not mentioned or you would like to work with that has not been fostered yet?

Pank Patel: I will go to the latter first, in that it is early days for Regional Commissioners and we have been working with local authorities, teaching schools, Ofsted and various other groups, multi-academy trusts and so on, and also then going on to work with Future Leaders and organisations that are bringing on our leadership capacity. But aside from all that, we have also been trying to look at how we can consider the economic aspects, working with our employers in our local areas and so on. That is relatively young at the moment, but it is something that we are pursuing.

We are bringing on academy ambassadors as part of multi-academy trust governance. Let me just explain who they are if you are not familiar with academy ambassadors. They are people from the business world, from industry, who have made a commitment to coming in to influence education. They are people from the big banks, from big multinational companies and so on who have seats on multi-academy trust boards. Ian, I am not sure if

you have an academy ambassador on your board, but we know that in our region we have a number who now sit on multi-academy trust boards, helping influence the education that young people receive. We want to do a little bit more work with the Local Enterprise Partnerships and see how we can move that forward. It is early days on that one though.

Q221 Lucy Frazer: That is great. You have pre-empted my question about the LEPs, so that is super. What about parents? Is that a category of person that you work with at all?

Pank Patel: We have to distinguish between individual parents and parents who are already represented in our schools through the governance structures and through consultation processes that these schools take on board. Indirectly, we already work with parents through the governance set-ups and so on.

Q222 Lucy Frazer: What do you think the relationship should be or is with your local MPs?

Pank Patel: I would like to think they are good relationships.

Q223 Lucy Frazer: But do you work closely with them? When a school in their area has a difficulty, how does that play out?

Pank Patel: It varies. We have been quite open in having a quite clear dialogue with many of the MPs in our area. We have had greater dialogues with some than with others. Where there have been specific issues, we have discussed with MPs how we are taking that issue forward. For example, we have been looking at the funding issue in Worcestershire—I think we mentioned that earlier—and we have met MPs in Worcestershire. We have met MPs in Herefordshire about specific academies that need to progress further and to discuss what actions we are taking. We have met MPs in Birmingham with regard to some of the issues that have been highlighted there. It is pretty vast in that regard. We have also tried to get groups of MPs together who serve a certain area to see how we can work more proactively with them, but we have not been as successful as we have when we have looked at individual MPs.

Q224 Lucy Frazer: Thank you. I would also like to explore the issue that schools now have two systems, two bureaucrats, as it were, to deal with. They have to deal with Ofsted and they have Ofsted inspections; they have the Regional Schools Commissioner; they have league tables. How do you, Lorna and Pank, work together to minimise any extra burdens that there are on schools? For example, in relation to visits that you might make, are they co-ordinated visits? Do you know when each other is going into the school? How does that work?

Pank Patel: I feel very strongly that Ofsted is an independent organisation and needs to remain as such if they want to do their role and carry it out effectively. They liaise with us, but the actual notes of visits and so on, we will have notification not well in advance of that. We will, when we meet regularly—and we meet on a monthly basis and sometimes even on a fortnightly basis, depending upon what subjects we are looking at and what agendas we have—exchange information and talk to each other about what we are doing. Where education advisers are visiting a school and what their findings are may be shared.

I totally respect Lorna's role and Ofsted's role and the level of confidentiality that they need to have.

Lorna Fitzjohn: I think that sums it up very well. We share information, but in answer to the question does Pank know when we are going to inspect a school, no. We go in. It will be generally a time when, if we are monitoring a school, we would do termly monitoring visits. That kind of information is out there, but the specific dates of the visits we do not share generally, because we need to make sure it is fair for those that we inspect and there is that same notice period. Not that I distrust the Regional Schools Commissioner in any way, but it always has been our policy that that information is particularly for Ofsted.

Q225 Lucy Frazer: As they are not co-ordinated, there might be two levels of inspection or two types of visits. Do the panel think that that adds an additional burden to the school or do they view the Regional Schools Commissioner's visits as very different from Ofsted's?

Pank Patel: Can I just clarify certain things there? If I or my team are visiting a school, most of time it is because we have concerns about the quality of what is happening there. Similarly, Ofsted would also have that same level of concern, so the expectation that Ofsted would visit would be pretty clear to those schools anyway. It would not be any surprise. With the visits that we have, mine are not to inspect, but they are to hold to account and they are to advise.

Kirston Nelson: From a local authority perspective, our role will often be monitoring and evaluating provision, so that is no different in terms of the role that we have undertaken, so when you are talking about visits, there will be monitoring visits that have been part of the infrastructure. We have tried to create a new partnership approach to ensure that we always have a position of where a school is at, any school at any one point in time, but that we are not overburdening a school in terms of visits if we know that they are also getting increasing visits from DfE or the Regional Schools Commissioner himself. Ofsted has always been part of that process anyway, so that is not an addition.

Ian Comfort: I think it is improving, in that over the last year we have had a number of situations where we have had Ofsted visit one of our academies and within a matter of a week or so we have had an education adviser conducting a visit and sometimes the two of them saying different things in the outcomes. Now, it is quite clear that you might see something different on a different day in a school, but it creates an extra burden on the schools. We have a regional director who is allocated to each of our academies and now we are trying to make sure that we can co-ordinate those visits through our regional directors. All the visits now are announced through our central office so that we can at least say if an Ofsted inspection has only just been undertaken in a school and we can inform the Regional Schools Commissioner, who should know anyway. Over the last year, a number of inspections and visits came a bit too close together and put a lot of pressure on our schools.

Q226 Lucy Frazer: They came too close together because they were planned in any event or because they raised an issue?

Ian Comfort: We would know about the Ofsted inspection only very shortly before it happened, so when it was planned is not known to us. The visits from the Regional

Schools Commissioners are usually given with plenty of notice, but sometimes not so much notice. We usually get a report after that, but on some occasions we do not.

Q227 Lucy Frazer: Can you use the inconsistency in reports to challenge one or the other? If you had Ofsted and they had rated you poorly, you were failing or needed improvement, but the Regional Schools Commissioner had reported back that everything was okay, is that a mechanism of challenging one or the other?

Ian Comfort: It is not something we would use to challenge an Ofsted report at all, no. Ofsted come in for a period of time with inspectors and they see what they see at that time and they give the information; an education adviser comes along and sees what they see on the day. It is a discussion we would have with the Regional Schools Commissioner, but it is not something we would use to challenge an Ofsted report.

Q228 Lucy Frazer: Do you think other schools might? Do you think there is scope for that out there?

Ian Comfort: There possibly is scope. As I say, it is not something we would do. I think the issue that sometimes comes to light with us is that the conversation you hear here that takes place between Ofsted and Regional Schools Commissioners—in some places Regional Schools Commissioners are collocated in the same office as Ofsted—can lead to a perception that maybe that relationship is too close. Clearly, our view is that Ofsted is independent and needs to be strongly independent of any other part of the Department, but there can be a perception they are too close.

Q229 Lucy Frazer: Leading on from that, Pank, I think you said that you respected Ofsted's independent role and you would not expect to get any extra prior notice, but does it work the other way around? Would you tell Lorna when you were going into schools or would you raise concerns that then might prompt Ofsted to do something?

Pank Patel: The answer to that question is yes. I would not give Lorna exactly the dates that we would be visiting, but if we were discussing a school that was perhaps in special measures, an academy that was in special measures, we would say to Lorna, "We are visiting that and we are looking at the action plan" or, "We have visited it. This is what we found and this is the action that we will be taking as a result of that visit".

Q230 Chair: Lorna, what is your view about whether Ofsted regions should be coterminous with the Regional Schools Commissioner regions?

Lorna Fitzjohn: I can see some real advantages to that. For myself, perhaps I have an easier role as a regional director because I have just Pank who I work with. He also has Cheshire as part of his region, but that is not part of mine, so I have one person to meet. Some of my regional director colleagues might meet up to three Regional Schools Commissioners and there might be some difference in how they work. That is time-consuming and not always as productive as it might be. I think there has been some arrangement to meet them together wherever possible, but it would help, I think, to do that.

Q231 Chair: Pank, what is your thought about the same question?

Pank Patel: We have already spoken about our meeting regularly. I also met the incumbent in the role who had the two Cheshire organisations. Obviously, it would be wrong of me to say that it is exactly the same. It is not. I talk to two people, but it is not a major problem.

Q232 Chair: Thank you. Ian, the AET—that is you—wrote recently, “The RSCs should not have a direct relationship with schools that in any way undermines the role of an academy trust or local authority”. Can you explain that?

Ian Comfort: There need to be clear lines of governance within any organisation. If you have a maintained school where the local authority is working with that school, if a Regional Schools Commissioner were to bypass the local authority officers and go direct to the school, it can sometimes undermine the good work that is being done. Similarly, if a Regional Schools Commissioner directly approaches one of the academies in my organisation without letting us know and comes and speaks to the head and says various things to the head without us knowing, it can undermine the work that we are doing there. I think it is just good governance that you do not make the direct approaches, you deal with the governance structure that is in place.

Q233 Chair: Do you see a world eventually where we have basically a load of MATs, multi-academy trusts, relating to the Regional Commissioners?

Ian Comfort: No, I do not see that, but it goes back to your point about the difference between maintained and academies. I think that is probably an artificial divide. There is a school system and in the school system there are maintained schools, which are community or voluntary aided or voluntary controlled, and foundation schools. There are academies. You need to approach those schools through the governing structure that exists. If you are dealing with a voluntary-aided school you would want to liaise with the diocese as well as the local authority when you deal with that school. It is just a matter of recognising that we have a mixed economy of schools and you have to approach them differently.

Q234 Chair: But if we do not have a mixed economy and we end up with one structure, one type, one system, what would your ideal system be?

Ian Comfort: If we ended up with a system where all schools were now academies, so they are not maintained schools or anything, they are all academies, you would have a number of reports to Pank in that way, because unless you had fairly significant size academy trusts, you will have a lot of organisations that are reporting to an individual or an individual who is supported by the people. I think it comes down to the size of organisations. With a local authority, clearly you have one organisation to report to, who may have responsibility for a number of schools. I am not sure how many there are in Coventry, but it is certainly going to be larger than the academy trusts that I am responsible for. But if you have a number of small academy trusts reporting to a single Regional Schools Commissioner, that may be very difficult to manage.

Q235 Chair: Pank, first, do you think you should be going straight to schools or via a MAT or via a local authority?

Pank Patel: We always go to the multi-academy trust and always talk through the multi-academy trust about the schools that they are responsible for. Ironically—this is not planned—I am seeing AET tomorrow about the schools in the West Midlands region and how they are progressing and what actions they are taking. We would always go through the multi-academy trust board or the CEO before contacting any of the schools. As the system has evolved, we may initially not have done that, but I do not think that is a frequent occurrence; it was probably a very rare occasion. I know that in the West Midlands we have always done that and I also know from my other RSC colleagues that they are doing exactly the same thing.

Q236 Chair: Ian, your trust covers more than one region. How many does it cover?

Ian Comfort: It covers all the regions.

Chair: All the regions?

Ian Comfort: All eight, yes.

Q237 Chair: If you think that Regional Commissioners should go to a trust to discuss a school, you might have a queue of Regional Commissioners going to the same trust to discuss various schools?

Ian Comfort: The Regional Schools Commissioners have a direct relationship with our Regional Directors of Education. The meeting that Pank has tomorrow is with Julie Taylor, who is my regional director, and Julie and Pank meet quite regularly to discuss the schools that we have in Pank's area. I think that relationship works very well and there are some very robust discussions there about our schools and their performance and it is a professional relationship. We have similar relationships with the Regional Schools Commissioners in other areas.

Q238 Chair: Kirston, from your vantage point, what do you think of the discussion we are having so far?

Kirston Nelson: I am going to labour the point around school to school support systems and not differentiating our support, regardless of whether it is a maintained school or an academy or a multi-academy trust. If we accept that school to school support systems impact on outcomes for our children and young people, then it is about the process that is put in place, regardless of what kind of formal infrastructure is in place for those.

I was considering turning that question around when you asked the question about whether the Regional Schools Commissioner would contact the local authority or the multi-academy trust, because if you look at some of our other statutory duties from a local authority perspective, perhaps in relation to safeguarding, would I be having the conversation with the Regional Schools Commissioner around a safeguarding issue that we have been made aware of in an academy? Absolutely. There is something about the framework that needs to exist. I talked before about not mandating the way in which we operate, but there needs to be a clear framework in terms of the protocols that need to be in place to ensure that we are raising the right issues with the right people.

Pank Patel: Neil, I just wanted to come back to what Ian said about operating in various different regions and the conversations that the RSCs in each region have with Ian's regional leads. Each of the large academy groups and multi-academy trusts will have an RSC allocated to them as their responsible person who co-ordinates all that. In the case of AET, it is the Schools Commissioner, Frank Green, who monitors and manages that trust across all the regions.

Chair: Okay, that is interesting.

Pank Patel: I similarly have five or six trusts that I look after, which operate across regions.

Chair: So the lead Regional Commissioner for certain trusts, effectively?

Pank Patel: Yes.

Ian Comfort: We previously had one of the Regional Schools Commissioners who was a lead Regional Schools Commissioner. We find it more helpful that Frank Green is overseeing that one, because it is a person who can deal directly with all of the Regional Schools Commissioners, rather than one of them taking a lead.

Q239 Chair: Do you all expect the Regional Schools Commissioner system to be embedded and basically become the way in which schools are dealt with, monitored, improved?

Pank Patel: I would obviously have to say yes to that.

Ian Comfort: I would say you need to see how the system pans out, because if the end result is that all schools become academies, there is a capacity issue in my mind if you have only eight people across the country trying to manage a system of that size.

Q240 Chair: One of the considerations this Committee will certainly be thinking about is do we need more capacity, more regions or whatever. What would be your recommendation if that was the question?

Ian Comfort: My recommendation would be that you need to take account of how the system develops, because there is a limit to how many schools or bite-sized chunks of an organisation anybody can have an oversight over. At the moment, there are eight people. I am not sure how many academies there are in England; around 5,000. Are there about 20,000 schools?

Pank Patel: 5,300, yes.

Ian Comfort: 5,000 at the moment and there are 20,000 schools, therefore you would have a significant increase in the number of schools that would be reporting to a Regional Schools Commissioner and the system needs to take account of capacity and resource.

Q241 Lucy Frazer: Ian, as you have dealt with all the Regional Schools Commissioners, I am interested: is the structure that we have right or is it dependent on the quality of the Regional Schools Commissioner? Does it work equally well in all regions or is

it hugely dependent on the attributes and success of the person leading it, ie the Regional Schools Commissioner?

Ian Comfort: I think any organisation is hugely dependent upon the attributes and qualities of the people who are leading it. Quite clearly, the Regional Schools Commissioners—who they are, what they are, their experience—plays into the role. It has to be dependent upon that, as in any organisation.

Q242 Lucy Frazer: But do they run the same sort of systems? Are there eight very similar operations, in your experience, running through just with the different type of strategy and head or is it very varied?

Ian Comfort: Our experience is that, when the system started I think that different Regional Schools Commissioners were trying out different ideas. That is how we saw it. Therefore, there was not a huge degree of consistency of approach in some areas. I think that has improved over the previous months and is improving and continues to improve. There are still degrees of inconsistency about how the individuals operate, but they are individuals with their own characteristics and clearly will put their own style into their role. We have to accept that in anything we do. There has been a lack of consistency, but I think it is improving.

Chair: Michelle is going to discuss the role and accountability of Regional Schools Commissioners.

Q243 Michelle Donelan: I was going to start with Pank. We have heard a lot about the different approaches that are taken, but what about your own style? Is it very hands-on? Do you work more through your team? How important is your team to you? Is it more about you as an individual and them backing you up?

Pank Patel: I do both, actually. My team is very important. I think Ian mentioned eight people across the whole country and you would be superhuman if that was a possibility. We have huge teams and a huge resource at our disposal, so although my team in the West Midlands is a small office-based group in Coventry, they go out and meet sponsors, they meet local authorities et cetera on my behalf. But with that, we also have a much bigger resource that the Department for Education provides through different facets such as the academies group, the Education Funding Agency and so on. My own headteacher board also increases my capacity. A whole range of people works on my behalf and with me. I will visit as many as I can and I will determine the priority basis on which I carry out my visits, but other officers carry out visits on my behalf where and when the need arises.

Q244 Michelle Donelan: Do you not think, building on what Lucy was saying before, that there is a danger that if people are doing the job differently that you can create a different scenario in each region and some regions then will have a better level of service than others?

Pank Patel: We all operate within frameworks that have been set up already with various different things. We operate on an 80:20 model where there is an 80% level of consistency, but we have to adopt a 20% level of regional variation on which we base decisions, and our actions are based upon what is right for our region. I think that is right, because we need to have some flexibility. All our regions are different and even within my

region of the West Midlands I have sub-regions that are different. I have to make my decisions work according to those regions and that may not necessarily come across as 100% consistent with what has happened somewhere else, but we need to take into account that regional perspective.

Q245 Michelle Donelan: We have heard before in other sessions about the degree of sharing knowledge between the different commissioners and how much you are liaising with each other.

Pank Patel: Apparently, we have dinner together regularly.

Michelle Donelan: Yes, exactly, it sounds good. What is the best thing that you have learnt then from others that you have applied?

Pank Patel: If I can go back to our communication, first, we do not only have dinner. We are in constant contact about academies in our different regions and particularly things like multi-academy trusts that operate across our regions and with the lead RSCs. I am in regular dialogue on a daily basis through e-mail, through telephone calls with other commissioners. We also share practice and we share our experiences of the scenarios that we face and how we have dealt with them. You are right in saying that there is some excellent practice that we have seen and other areas have adopted. There are some also that have not been right for our region. In the south-west, we have sub-regional boards, and we have considered sub-regional boards in the West Midlands. At this moment in time, we do not intend to implement that, because when you look at the population of the West Midlands it is very concentrated in the central part, so sub-regional boards may work, but we have most of our concentration in one area.

We have learnt and implemented many things. There are many that I have told other people and many that other people have said to me. One example: we carried out a very successful event where we got multi-academy trust leaders to talk about what they had done very well to other multi-academy trust leaders. We had one of the largest events in the West Midlands at Shireland Academy in Sandwell where they shared that practice. That was slightly different from what was done in another region where one multi-academy trust opened its doors and said, “This is how we do it” and shared. We used a whole variety of different leaders. We have adopted that practice and brought it in to suit our region.

Q246 Michelle Donelan: Moving on to the performance measures that you are held to account on, do you think that they are sufficient to hold Regional Commissioners to account? Do you think that they should potentially lose their job if the key performance indicators are not met?

Pank Patel: Wow, okay, should I lose my job? First, the key performance indicators were set up as the system started, very early on, and I know that they are currently being reviewed as we speak, so there will be some revision to that. Should we lose our jobs if we do not achieve the key performance indicators? That would set a precedent in terms of individuality of the regions and what you are doing and the circumstances that we all face with the academies that we have or the maintained sector schools that are coming across to academies. We may not always be able to meet some of those key performance indicators for various reasons that are completely beyond our control. I do not think we should lose

our jobs as a result of it. However, I do think that we should be held to account through these key performance indicators and have that conversation as to where we are at with each of those indicators and what we are doing to achieve them.

Q247 Michelle Donelan: Do you think that conversation should be public and transparent? Do you think that they should be online so that the public can also see it and it is much more of a public accountability question?

Pank Patel: I am a civil servant and it comes back to a global consistency with civil servants. If that is what is proposed for Regional Commissioners, other civil servants similarly need to have that. If that is the way forward and that is a proposal, it would have to have wide-ranging implementation. I cannot comment on that, because I think it is something that is much wider than just Regional Schools Commissioners.

Q248 Chair: Before I go on to my theme, which is access to local knowledge and the role and so on of the headteacher boards, can I ask you, Pank, a little bit more about the Teaching Schools Council and invite you to give us some written evidence about how you work with that organisation and how you deploy and how you will build your relationship with it? We are very interested in that as a function of the Regional Schools Commissioner.

Pank Patel: We can certainly give you some written evidence on that. However, if I can draw out some examples of how we work with the Teaching Schools Council, and in particular the local teaching schools representative, Andrew Warren, and Richard, who is also now part of that, obviously teaching schools provide us with a great deal of resource in terms of school improvement. In an earlier part of the inquiry, you looked at whether we are school improvement providers. We are part of the school improvement agenda. I do not personally provide it, but I know people who can. We rely very much on the Teaching Schools Council to implement NLEs, SLEs, LLEs in schools that need it. My conversations with Andrew very much revolve around those schools that we feel need some intervention, and the focused intervention and what that intervention is, what we think we would like to see in that, what the data suggest and what capacity they have in terms of the schools in that area to deliver it. We will then go back and have a look at what impact that has made. So far that has been very successful.

We also have a school to school support fund that supports school improvement. Like any fund, its supply is limited, so we have to target our resource appropriately and look at which schools need intervention and who can do it effectively. We are very much in liaison with them with regards to that.

On other circumstances, for example, where we have schools who may need immediate input because of one thing or another, I can think of one at the moment that we are talking to the Teaching Schools Council on. I talked to Andrew and I said, “This is the intervention I need. I need it now. What can you do to try to help out with providing me with a national leader of education who can work on this? You have the framework. You have those people who are available in that area. This is the skillset I require. Come back to me on it”, and he has done. We have been able to implement that person in that school within days.

Q249 Chair: Thanks very much, that is very helpful. Can I go on to the board structure? Does it give you the detailed knowledge and advice that you think is necessary or would you want more?

Pank Patel: That varies, and it varies on the business aspect that we are looking at. In general, the headteacher board provides me with the experience and the expertise and the knowledge that I require. Where we do not have it because of a specific issue or whatever, we would do a number of things. First, a headteacher board member or several may visit that school; I may visit that school or that area—it depends what it is—to try to ascertain more information and speak to various individuals concerned to try to get that or we may see if there are other avenues by which we can get that information, speak to, for example, the Teaching Schools Council representative to see what outstanding national leaders there are in that area to again give us a regional perspective. It is having those networks. It is not saying that my headteacher board know everything and have all of that intelligence, but where they do not, it is knowing where to go to get it. Similarly, working with the local authority, working with Ofsted, seeing what information is available from those other agencies. It is bringing everything together.

Q250 Chair: If you do not have the network through your own structure you would go to Lorna or Kirston or—

Pank Patel: We would normally go to them anyway with regard to specific things that we are working on. Not Kirston if it is not in Coventry, obviously.

Chair: Obviously not, no.

Pank Patel: She would not know too much about Cheshire because she comes from—

Chair: Well, you never know.

Pank Patel: But it is gathering as much information as possible, including what the headteacher perspective is. I think you would be quite amazed at how wide headteacher networks go and what knowledge they have access to, even if they are geographically located in one part of the Midlands.

Q251 Chair: Would you describe the board as a source of reconnaissance and information or advice and expertise? Where would you go or is it all of those?

Pank Patel: I think it is both and probably much wider than that. They can provide the reconnaissance and they can provide the expertise. They can also provide the challenge. It is a very varied role and remit that they have.

Q252 Chair: Kirston, have you ever thought about setting up a mini-board?

Kirston Nelson: I am really interested in some of what has been said around capacity and infrastructure and the boards, because there is something from a local perspective. We already have local school improvement boards that are effectively run by headteachers. In good local school to school models, what Pank has just described in terms of a national approach to accessing support through NLEs, through Teaching Schools, operates very much on a local level. I would put forward that the Regional Schools Commissioner's role around under-performance is where that system is not having an impact on improvement

on an individual institution. In an authority that already has that approach—and I have experienced this, so when I talked about there being some inconsistencies in the way that the role has impacted on different regions, in my previous region where it was a good authority, a limited number of academies, there was very little interaction with the Regional Schools Commissioner because there was not a perceived need in that area. The role was very much in relation to specific schools rather than the whole system.

I would want to capture an acknowledgement that that local infrastructure and that local authority, where good support and good intelligence is provided, are building the capacity for the Regional Schools Commissioner's role and teams. When I talked previously about not throwing out what works well, that is exactly what I am talking about. There is more capacity in our systems than we give them credit for when we talk in isolation about the role of the Regional Schools Commissioner or the Regional Schools Commissioner's teams. If we work as a partnership and where those relationships are strong, the capacity is increased significantly.

Q253 Chair: Lorna, what is your thinking about this? We have been talking an awful lot about Regional Commissioners, but you are, of course, a Regional Director of Ofsted. Your concern, among many, is the quality of leadership of schools, so you know where the less good leaders are. Would you like to comment on how you feed back to various organisations, including Pank, and how you feel about this question of reconnaissance versus advice?

Lorna Fitzjohn: What we do is very public as Ofsted. We have a framework. We inspect. We publish all our reports of all our visits at schools, so that is there in the public domain. It is open to Pank, just as it is open to local authorities and such, and that is absolutely clear within that. We would also pass comment in those reports on the support a school or academy would have, whether it be via an NLE or via the local authority. Again, it is very clear what is there. Yes, Pank and I do talk through some of those details. If we have put a school into special measures or it requires improvement, there are particular things that need to happen in that school, specific gaps. It might be maths or it might be something that is in the report, but we will have a conversation about what support would need to be brokered or what intervention would best help that school in that time with the underlying and the more detailed knowledge we have from that.

We also of course have the knowledge of the other end, those good or outstanding schools, although of course we do not inspect outstanding schools routinely. We can also point out where there are real examples of good practice. For instance, Ware has a really good maths department and a really good head of department for maths who may well be very useful in that school. I think it does help and influence the matching in that way that is there and that is what we can very much bring to the party. The headteachers board and whether that is across the West Midlands or whether some use is made of the local area, I suppose the only danger in that would be if it is a very local board and decisions are made about where schools might go and what trusts they might be part of. You have the increased risk of conflict of interest in those areas, so that would need to be guarded against.

Q254 Chair: Pank, what is the selection criteria of board members?

Pank Patel: There was an election that took place—

Chair: No, selection, because you select some of them, do you not?

Pank Patel: Yes. There were a number that I have selected and co-opted on to the board. The criteria were based upon those people who were elected and what their profile, expertise and skillset were and what gaps arose as a result of that. For example, we had a person who is from a primary faith-based multi-academy trust. We did not have that on the board. Whereas we do not look at geographical proximity in terms of every local authority, the northern part of our region where we look at Cheshire, we needed some intelligence and some information about Cheshire, so we then also looked at trying to recruit a secondary multi-academy trust leader from that region to come into the headteacher board. Those are some of the thoughts that went into it. It was trying to get the widest possible expertise profile skillset into our headteacher board.

Q255 Chair: You told us earlier that you are responsible as lead Regional Commissioner for certain trusts. Do any of the senior members of those trusts happen to be on your board that you are lead member of?

Pank Patel: Not at this moment in time, no.

Q256 Chair: But is that something that could happen?

Pank Patel: At the moment, the elected members have been elected for a period of time. When that expires and they put themselves up for election, that could happen. Similarly, if the co-opted members stand down, that could happen as well.

Q257 Chair: Do you have a succession planning system for board members? They have all been elected at the same time, so how are you going to deal with any staggered strategy or whatever to get continuity and also consistency?

Pank Patel: This is very much still in our thoughts and we are developing systems as to how we can implement that. I understand that they were elected for a period of years and their period of tenure will expire at the same time. However, there will be, I am assuming, other elections at that time and we will have to have, as we did this time, a training programme if they are different people. This time round, we had a very comprehensive training programme and when new people have come on board, we have similarly put an appropriate induction in place so that that can happen. The Department is considering this and looking at proposals for it at this moment in time.

Q258 Chair: What I would like you all to do is describe to this Committee in about 15 words what you think the role of the Regional Schools Commissioner will look like in say five to 10 years' time. Who would like to go first?

Lorna Fitzjohn: It will be a role involving more academies, I would have thought. I think it will be a role that will involve a more strategic approach to their work as the numbers increase.

Kirston Nelson: I think there will be a role around being responsible for under-performance in all schools. I also still think there will be a requirement for engagement with local systems.

Ian Comfort: I have scribbled down, “Very different from what it is now” because you asked me within 15 words.

Chair: You have already used 15 and you still have not answered the question.

Ian Comfort: I see it moving far more towards developing that school to school support system and being resourced to draw down the resources to help schools within the region.

Chair: Pank, over to you.

Pank Patel: Fifteen words is short.

Chair: You can have more.

Pank Patel: Thank you. I think the system is going to be very, very different from now. Some of what we are embedding at the moment will already be embedded and will come through. The clear systems that we have developed over this year and the coming years about holding trusts to account and what our expectations are will have already been clarified. I think we will have a much more strategic role and when we look at holding trusts to account there will be a larger number of trusts that we deal with, with perhaps clusters that these trusts will have in different parts of our region. Therefore, my role—I am hoping I will still be in the role—will be one of tackling the under-performance and I hope that that under-performance at that time will be minimal as we have a greater degree of high-quality school leaders in place and high-quality multi-academy trusts, so I will be holding multi-academy trusts to account and not individual schools.

Lucy Frazer: That was more than 15, I think.

Pank Patel: He said I could have more.

Chair: I did not expect that to be multiplied by about 10, but it is very useful. Thank you all very much indeed for being here today. Ian, Pank, Lorna and Kirston, thank you