



THE MISSING MIDDLE: THE CASE FOR SCHOOL COMMISSIONERS

DEVELOPING A SYSTEM OF GREAT
SCHOOLS IN ENGLAND

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Foreword

This paper, written by education expert and RSA Fellow Robert Hill, explores the role of the ‘middle tier’ in education. Building on our work on [satisfactory schools](#), and feeding into our [Academies Commission](#), this responds to the growing interest in government and educational circles about what regional or local structures and processes should be put in place to ensure increasingly autonomous schools are able to deliver the best education for all their pupils.

We asked Robert to take on a number of issues: First, describe the current situation and provide a historical context; second, disentangle the actual and potential roles of a ‘middle tier’; third, to provide examples, from the UK and abroad, of how some jurisdictions have successfully tackled these issues; and finally, to propose options for the way forward.

Robert’s robust, careful proposals accept and welcome current policy realities, but provide a stimulating vision for the future. This is not about creating a new layer of bureaucracy, but about reconfiguring existing functions (in particular those functions that have drifted towards the Department for Education) so that all schools can benefit as much as possible from a new era of autonomy and collaboration.

These proposals do not necessarily require primary legislation. With the collaboration of the DfE, local authorities and all academies and academy sponsors in an area, it would be possible for a single region or sub region to configure its ‘middle tier’ in the way that Robert proposes. The RSA’s current Inquiry into education in Suffolk will take this idea forward, exploring possibilities for piloting a new approach from 2013.

The RSA is well placed to make a significant, independent contribution to all these debates. In combining thought leadership and social innovation, we aim to create a virtuous circle between research and practise. For instance, the current RSA-Pearson Think Tank [Academies Commission](#) will inform how we develop our [family of academies](#) model, Working directly with these Academies gives us insight to which areas of policy need exploring, and provides us with both inspiration for and reality checks on ideas for practical innovations. And the practical innovations we lead with larger numbers of teachers and schools, for instance through our [Opening Minds](#) framework and our [area based curriculum](#), also help determine our priorities for future RSA programmes of work.

We are currently developing a three-year programme that aims to turn the RSA into a world leading education think and act tank, connecting even better with the RSA’s Fellows and other areas of expertise. Although we already have a strong suite of emerging projects, we are always looking out for new possibilities and partnerships to take these and other ideas forward. Whether you are inspired, perplexed or irritated by this pamphlet, please get in touch if you feel that you might be able to work with us to support our mission – to realise the potential of all learners.

Joe Hallgarten

Director of Education, RSA

About the author

Robert Hill is a former Ministerial adviser on education. Robert has researched and written extensively on school leadership and education policy issues and works regularly with school leaders. He led the team that produced the report recently published by the National College for School Leadership on ‘The growth of academy chains: implications for leaders and leadership’. Robert is a Visiting Senior Research Fellow in the Department of Education and Professional Studies at King’s College London, and is an RSA Fellow.

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Executive summary

International evidence suggests that the impact of individual policies aimed at improving school and student performance will be more effective if they are coordinated and steered at a sub-regional level. The current arrangements for an intermediary or middle tier to provide a link between central government and the work of groups of schools are dysfunctional and bedevilled by a lack of trust between ministers, local authorities and many school leaders. In addition there is confusion about other middle tier roles and functions. A reformed system for supporting the development of networks of great schools and ensuring no school is left behind would have the following features:

Central government, through the Secretary of State for Education, would set the broad framework for education policy. Ministers would, for example, determine the shape of the core curriculum and school accountability framework and the degree of choice they wanted in the school system. Ministers would also set entitlements for vulnerable children and determine the total funding available for schools along with the basis for allocating it. A radically slimmed down DfE would for the most part vacate the territory of policy implementation and monitoring of individual schools – focusing more on the performance of the school system as a whole. The DfE would no longer hold funding agreements for Academies.

An independent regulator would set rules for operating in an era of school diversity – for example, on the proportion of school places in an area that are run by any one school chain. The regulator would also ensure that competitions for new schools and what might be termed the refranchising of failing schools (whether to sponsored academies or others) were conducted transparently and in accordance with rules on public procurement.

Building on the experience of other successful jurisdictions, education would become a function of **city regions or other sub-regional structures** that may emerge to support economic growth. Such regions would ideally be led by a directly-elected mayor – though as in the case of the Greater Manchester Authority the political leadership might take other forms. The mayor or political leadership would appoint a commissioner – though in order to build confidence as substantial powers were devolved from the centre, the first commissioners could be jointly appointed by the Secretary of State for Education and the elected sub-regional leaders.

Commissioners would be high-calibre individuals who would command the confidence and respect of school leaders and have strong influencing and interpersonal skills. The role would be as much about the exercise of influence and soft power as executive responsibilities and would encompass:

- Developing a shared strategy for the sub-region covering school improvement priorities, progression routes (supported by a curriculum offer and advice services), leadership/staff development and extra-curricular experiences;

Ministers would also set entitlements for vulnerable children and determine the total funding available for schools along with the basis for allocating it

- Coordinating place planning and school competitions across local authorities in the sub-region and commissioning specialist services for vulnerable children;
- Challenging local authorities that are either too lax in understanding the performance of local schools, or too overbearing in their dealings with school leaders. *In extremis*, a commissioner might take on an authority's powers and functions;
- Working with and supporting teaching schools and chains to align and to help weave the school improvement initiatives across the sub-region into a coherent whole and determine when a school's performance is such that alternative providers should be sought to take it over; and
- Mobilising and channelling third sector and employer support to broaden experiences and resources for young people.

A commissioner's ability to steer the system would come from holding funding agreements for all academies, allocating capital funding for all major building projects and disbursing a school improvement budget allocated by the DfE to each sub-region.

Many existing **local authority** roles would continue – but be applied within a new context. So authorities would plan the supply of school places and hold competitions for new places and the refranchising of failing schools – but within a framework set by the regulator. They would coordinate admissions and support development of fair access protocols agreed and operated by schools.

Authorities would be charged with empowering parents, promoting the well-being of children, ensuring that the needs of pupils with special needs were assessed and being responsible for the educational progress of children in care and looked after children.

Local authorities would work with school leaders and leaders of chains and teaching school alliances to agree how to track progress of all schools using a combination of hard performance data, Ofsted inspection results and soft intelligence, based on the expertise of the best local school leaders. These arrangements might be agreed across a sub-region and the monitoring information would be shared with the commissioner and reported publicly on an annual basis. School improvement support and interventions would be the responsibility of teaching school alliances, chains and other groupings – though local authorities could have a role in helping to steer all schools to be part of an appropriate school improvement group.

Schools supporting each other though being part of a school improvement group would be the norm. These groups may well be approved or 'licensed'. Schools working through school improvement groups would bid to expand existing provision, open new schools and take over failing ones as opportunities were advertised. Schools would, as now, set admissions criteria and would be required to consult/share their criteria with other local schools. They would also be obliged to agree and participate in fair access protocols for hard-to-place pupils and set up fast track appeals mechanisms for dealing with disputed cases. They would identify

pupils that needed special assessment and work with special schools and other agencies to provide a range of bespoke support.

Teaching school alliances and academy chains, in tandem with universities and other experts, would take the lead in recruiting and training teachers, provide professional and leadership development, foster joint practice development and research between teachers and schools in their alliance or chain, share and deploy specialist leaders across schools, challenge each other to improve and jointly procure and organise back office and other support services. They would also broker support packages for schools – including both early intervention and more intensive support for schools that were underperforming.

1 Doing the knitting

Our education
ambition should
aspire to all

20,000

schools in England

If there is one word that characterises the school system in England it is variability. We have thousands of outstanding schools producing excellent results. But they sit alongside schools that continually struggle, are complacent or do not realise that they are failing their students – in either comparative or absolute terms. Our education ambition should not be limited to increasing or doubling the number of outstanding schools but should aspire to all 20,000 schools in England providing a great education.

Many argue that the variability is no more than a reflection of the diverse social and economic contexts within which schools operate. They highlight the correlation between prior attainment and outcomes – not just for the poorest children in society – but for all social classes. Others dispute this and point to the variations in outcomes for pupils within the same socio-economic group. They also cite the schools that defy the odds and produce results from a relatively deprived pupil intake that surpass (sometimes by substantial margins) the average of all schools nationally.

Variation in performance is not just a ‘between schools’ phenomenon: it is exceeded by the variability of the quality of teaching and learning within schools, a challenge that has been recognised for a number of years.

This variability acts as a drag anchor on England’s performance in the international educational league tables. We have schools and cohorts of students that rank with the best in the world but as a country we are held back educationally and economically by also having a long tail of underachievers.

The holy grail for policymakers, politicians and education leaders is, therefore, how to get all schools to match the performance of the best: simultaneously raising standards for all while narrowing gaps in attainment between the affluent and deprived. It’s a massive challenge. The coalition government’s answer is sixfold. It believes that:

- Maximising school autonomy through enabling schools to become academies will liberate school leaders to do whatever is necessary to raise standards;
- The introduction of greater diversity through free schools, studio schools, university technical colleges and other academies will provide greater choice for parents – which will in turn increase the responsiveness of schools and incentivise them to become more competitive;
- Publishing full and complete data on all aspects of a school’s performance will minimise the perverse incentive for schools to ‘game’ the system. It will also ensure that progress as well

as performance, and the attainment of all and not just some pupils, is scrutinised;

- The Pupil Premium for children on free school meals will enable schools to target resources and support on the most deprived pupils who are at risk of being left behind;
- Reforming the curriculum and exam system will encourage schools to focus on mastering the basics, developing deeper knowledge in core subjects and gaining qualifications that match the best in the world; and
- Building the capacity of schools to lead their own improvement by encouraging the growth of academy chains, expanding school-to-school support through National, Local and Specialist Leaders of Education (NLEs, LLEs and SLEs) and the creation of a national network of teaching schools.

The purpose of this paper is not to take issue with any of these policies. Indeed there is much to commend them. The argument of this paper is that on their own these policies are unlikely to deliver the government's ambitions. Chapter 4 draws on evidence from both this country and other jurisdictions to show that substantial and sustained school improvement is more likely to be achieved if policy programmes are put into effect within the context of school leaders, teachers, universities, parents, employers and other agencies working together towards shared and clearly defined goals. Individual policies will be more effective if they are aligned, backed up by the deployment of resources and development support and put school leaders in the driving seat of implementation.

The academy chains and teaching schools that are being promoted by the government provide an essential foundation stone on which to construct such an approach. There is growing evidence of the effectiveness of the former (Hill et al., 2012) and from visits to and work with teaching schools, the latter are starting to show encouraging signs of becoming powerful facilitators of school-to-school improvement and professional development. But on their own chains and teaching schools are not a complete answer to school improvement – vital though it is to build up networks of self-improving schools.

First, there is danger that school-to-school improvement is defined by a deficit model of school improvement: too many school leaders and policymakers are talking as though school improvement equates to a strong academy taking over a weak school. Academy sponsorship has shown that it can often be an effective way of addressing the problems of a failing school and it is providing a platform for exploiting the expertise of outstanding schools (Hill et al., 2012). However, the broader and bigger objective of any school improvement strategy should be to increase the capacity of all schools and teachers to improve and to close gaps in attainment.

Second, there is a risk that teaching school alliances and chains forge ahead and leave other schools (and their pupils) struggling in their wake since it is up to individual schools whether or not to engage with a teaching school and (unless they are seriously underperforming) whether to be part of an academy chain. For example, even if all the 500 planned

teaching school alliances were effective in working with a local cluster of 25 schools, only half of the schools in England would be involved. So there is a risk of even more variable improvement across schools as a whole. A system of great schools should ensure that all schools in an area are moving forward. Requiring every school to be part of a licensed or accredited school improvement group with clear executive leadership and accountability, as chapter 5 suggests, would help to address this risk. But that process in itself needs oversight both to help stimulate a supply of sufficient high quality school clusters and to steer struggling schools to appropriate partners.

Third, the impact of chains, federation and teaching schools is likely to be that much greater if their resources, interventions and programmes are coordinated or aligned around a strategy that is developed, shared and owned across an area. As the McKinsey report on how the world's most improving school systems keep getting better highlighted, an effective middle tier or mediating layer can add significant value to the collaborative actions of school networks (Mourshed et al., 2010).

Fourth, it is naive to believe that there are not tensions and issues between schools and groups of schools that will need brokering and resolving. For example, the supply (and in some areas the oversupply) of school places will in many areas be a major issue in the years ahead, as the population continues to expand in some areas and contract in others and as market diversity comes to play more of a role. In addition vulnerable pupils have always needed protection as schools seek to maximise their competitive advantage over their neighbours.

Constructing, knitting together and steering this agenda require new forms of local leadership. It won't just happen serendipitously. Historically this role has been the preserve of local authorities, as chapter 2 describes. But in the last half of the 20th century shifting attitudes about the role of the state, questions over the standards of educational outcomes, trends within school leadership and management and concerns about local authority effectiveness (see chapter 3) combined to reduce local education authorities to a shadow of their former state.

During the first decade of this century the position has changed again. Governments have recognised that local authorities do have an important strategic role to play. This paper affirms that role and describes how it should further evolve within a context where school autonomy is the recognised norm. But by themselves local authorities are not the solution: while they have important functions to fulfil there are other roles that are best undertaken on a larger scale.

The London and the other City Challenges and successful school improvement programmes overseas demonstrate that coordination, leadership and shared vision at a city or sub-regional level can have a powerful impact – as chapter 4 describes.

Chapter 5 argues the case for following the example of other sub-national education jurisdictions and creating a commissioner to take on this role. Ideally the commissioner would gain their legitimacy and their ability to steer and coordinate education improvement from being accountable democratically – either to an elected mayor (and more of those may yet be created at a sub-regional level) or to other elected leaders. For example, in Greater Manchester a commissioner could be

It is naive to believe that there are not tensions and issues between schools and groups of schools that will need brokering and resolving

accountable to the recently constituted Greater Manchester Regional Authority that comprises the 10 leaders of the councils in the Greater Manchester area. In order to build confidence in the development of such a system there could be a case for the first commissioners being jointly appointed by sub-regional elected leaders and the Secretary of State, with the power devolved completely as sub-regions became established.

A commissioner would control the capital budget, hold the funding agreements with academies and have the duty and power to decide when to close or rebrand failing schools. They would also have a school improvement budget to disburse at their discretion.

However, a commissioner's role would be as much about the exercise of soft rather than hard power. The commissioner would develop the vision and then knit together the roles of schools, chains, teaching school alliances, local authorities and other partners and align them around a common purpose. A commissioner would also navigate the local and regional relationships that can support learning and learners – with businesses, cultural institutions and all those bodies that can provide the social capital essential to underpin a drive to raise achievement.

Critics may argue that this is just another layer of bureaucracy. But a commissioner does not have to employ lots of staff. London Challenge was supported by a relatively small team of people – though it did have access to an additional school improvement budget. Moreover any move to a commissioner system must also be accompanied by a radical down-sizing of the role of the Department for Education (DfE). It is folly to believe that as the number of academies surges into the thousands, they can all be overseen by ministers and officials based in Whitehall.

The time to end the remorseless accretion of powers to the centre is long overdue. Of course government should set the policy priorities and determine the overall budget for the education system; but many other roles could and should be devolved.

Other critics may say that we should just let an education market have its way. But even in the most radical of scenarios, education is a long way away from being a true free market. And letting the market have its way presents its own complications. What happens to those schools that do not make the grade? Below a certain point they may be taken over or rebranded but what happens to their pupils while they spiral downwards? Chapters 3 and 5 argue that if an education market is to take root and deliver the benefits of greater choice for parents and pupils and efficiency for taxpayers, then it needs to be managed and aligned with other programmes. School diversity and choice can undoubtedly contribute to school improvement. But rather than being a loose cannon causing haphazard local disruption they should form part of an overall strategy linked to the supply of new schools, where they are needed, or the replacement of failing ones.

This paper is therefore the argument for redefining and redrawing the middle tier in English education: not as an end in itself but as a more effective means of building a system of great schools and of providing better educational opportunities and outcomes for young people.

2 The rise, fall and reincarnation of local education authorities

Historically the role of the middle tier in education has been undertaken by local authorities. The story of this role falls into three parts.

The birth and growth of local education authorities

During the first half of the 20th century local education authorities (LEAs) were the indispensable partners of central government in establishing universal access to education: first to elementary and subsequently to secondary schooling. LEAs were the essential pillars for building schools, recruiting teachers, developing the curriculum and enforcing school attendance (see Figure 1). They helped develop and deliver the modern welfare state, providing, for example, medical examinations, free schools meals and services for children with special needs. The 1944 Education Act represented the high watermark of an all-encompassing local authority role.

Figure 1: Significant developments in the history of local authorities' involvement with schools

- 1870 Elected school boards introduced with responsibility for elementary education.
- 1902 School boards abolished and LEAs created to organise school funding, establish the curriculum, employ teachers, allocate school places, provide special education and support teacher training colleges.
- 1907 LEAs' role expanded to cover school meals and medical inspection.
- 1918–21 The school leaving age raised from 12 to 14 and LEAs empowered to provide nursery classes for 2 to 5 year olds, swimming pools, playing fields, school camps and vacation activities during the school holidays.
- 1944 Every local authority to have an education committee consisting of elected councillors, and required to appoint a chief education officer.
- 1975–77 Two education 'Black Papers' published by right of centre advocates arguing for the introduction of choice, competition and parental control of schools. Prime Minister James Callaghan launches the 'Great Debate' on the quality, value and purpose of education.

- 1979–81 Local authorities required to publish their curriculum policies. Government takes more control of LEA spending. All schools to have governing bodies with two elected parent governors and parental preference for school places introduced.
- 1986 Governing bodies given much greater responsibility for curriculum, discipline and staffing. Head teachers made responsible for determining and organising the secular curriculum.
- 1988 Education Reform Act makes decisive move to school autonomy with introduction of City Technology Colleges, Grant Maintained (GM) schools and local management of schools (LMS). Government takes powers to set a national curriculum.
- 1992 Polytechnics and colleges of higher education become independent of local authority control. Ofsted and performance tables established.
- 1993 Funding Agency for Schools established to fund GM schools.
- 1998 Secretary of State granted powers to direct an officer where an LEA's performance is deemed unsatisfactory. Code of Practice on LEA-school relations introduced.
- 1999–2001 Financial delegation to schools increased and stricter controls on central LEA spending.
- 2001 LEA-school Code of Practice revised to emphasise the role of schools and focus LEAs on providing support: intervening only in inverse proportion to the success of each school.
- 2002 First academies opened. Powers for Secretary of State and LEAs to intervene in schools causing concern extended. Secretary of State gains new powers to nominate other bodies to undertake LEA functions that are not being properly discharged.
- 2004 Children Act brings all education and children's services under a director of children's services.
- 2005 Local authorities required to hold competitions for new secondary schools.
- 2006 Dedicated Schools Budget introduced, ring-fencing amount local authorities have to spend on education. Local authorities given strategic duties to promote choice, diversity, high standards and the fulfilment of every child's potential; along with new duties and powers in relation to weak schools and schools causing concern.
- 2009 LEAs to be known as local authorities and to take on responsibility for commissioning education and training for 16–19 year olds.
- 2010 Introduction of converter academies and free schools.
- 2011 Local authorities required to establish all new schools as academies and to seek the Secretary of State's consent before holding a competition for a new school. Secretary of State's powers extended to deal with underperforming schools.
- 2012 Over half of secondary schools have academy status. Government publishes list of 202 statutory duties relating to education, children and young people's services.

The Thatcher government was ideologically committed to market disciplines playing more of a role in the delivery of education

The demise of the LEA

However, the 1944 Act set the tone for a new educational order that progressively took hold during the second half of the century. Education became a fully-fledged government department and Secretaries of State started out on the long road of gathering to themselves more and more powers. Municipalism in education held sway until the 1970s, as it also did in areas such as housing and social services. But from 1980 onwards, education act after education act chipped – and in some cases hacked – away at local authority roles and functions.

The motivation was in part political. The Thatcher government was ideologically committed to market disciplines playing more of a role in the delivery of education. That argument was played out in the 1980s against the backdrop of a fiercely contested battle on public spending and the relative powers of central and local government. But that was only part of the story. Other forces were also at work.

By the mid-1970s the current education system was seen to be failing to deliver the educated and skilled workforce that the country needed. Prime Minister Jim Callaghan's Ruskin House speech opened up the 'Great Debate' about the quality and role of education. Local authorities were seen as complicit in allowing progressive educational approaches that lacked rigour to take root in schools.

Developments in England reflected trends in other parts of the world. There was a general move towards schools having greater autonomy. Colleges and schools were increasingly recognised as the prime unit of accountability. The nature of headship evolved to emphasise leadership rather than managerialism. At the same time national governments increasingly saw it as their role to set school standards and control the direction of education policy. So by the late 1990s local authorities had become the squeezed piggy-in-the-middle: the Secretary of State called the shots nationally and schools had substantial financial and managerial freedom locally.

The local authority role in education is recast and reborn

However, the last decade has seen the third stage of the evolution of the local authority role in education. At one level councils' duties and power have been further eroded. Financial autonomy for schools has been increased: spending discretion for authorities reduced. Academies fully independent of local authority control have, at least in the secondary sector, taken hold. The traditional local authority role in special education and providing units for pupils educated outside of school is diminishing. Even the term 'LEA' has been abolished.

But at another level the position of local authorities has been enhanced. New powers in relation to children's well-being have been added to their portfolio. Duties to secure school improvement and deal with failing maintained schools have not only been introduced but made more rather than less demanding. Authorities have been given the task of commissioning places and provision for post-16 education and training. 'Commissioning' provides the key to how both the previous Labour administration and the current Coalition government see the role of local authorities.

Government sees local authorities not as providers of education services but as strategic commissioners. What does that mean? The government's White Paper, *The Importance of Teaching* (DfE, 2010), says that this involves:

- Supporting parents and families through promoting a good supply of strong schools – encouraging the development of academies and free schools which reflect the local community;
- Ensuring fair access to all schools for every child;
- Using their democratic mandate to stand up for the interests of parents and children;
- Supporting vulnerable pupils – including looked after children, those with special educational needs and those outside mainstream education; and
- Supporting maintained schools performing below the floor standards to improve quickly or convert to academy status with a strong sponsor, and support all other schools which wish to collaborate with them to improve educational performance.

If authorities want to provide education support services they are free to do so but, argues the government, they should do so on a traded basis like any other provider.

This then explains how we have got to where we are today. The next chapter examines how well equipped local authorities are for this new strategic role, the impact of the government's policies and actions and the entry of other players on to the middle tier stage.

3 Fit for purpose?

‘Not fit for purpose’ has become a convenient shorthand for describing an organisation or system that policymakers and politicians consider needs fundamental reform. So are local authorities fit for the new strategic commissioning role that the government envisages?

Variability of local authority performance

The previous chapter described how local authorities have gained roles over the last decade, but there remains a lingering mutual suspicion between central and local government that transcends the party divide. Bedevilling the debate is the patchy performance of local authorities – particularly in the area of school improvement support, as this analysis by the current Secretary of State exemplifies:

“I would argue that the whole history of school improvement has often been one where there have been isolated local authorities and individuals on the ground who have done a good job, but more often than not central government has had to intervene ... The grim reality on the ground is there are many local authorities that have been failing to draw attention to underperformance, and local authorities have been more likely in many – though not all – cases to find excuses for underperformance, rather than to challenge.”

Rt. Hon. Michael Gove MP, evidence to the House of Commons Education Select Committee, 24 April 2012

Her Majesty’s Chief Inspector of Education, Children’s Services and Skills described this variability more diplomatically in her annual report for 2010:

“In the majority of local authorities, services and settings support learning successfully but in over a third there is a need to improve the quality of provision, particularly for secondary schools and school sixth forms.”
(Ofsted, 2010a, p.127)

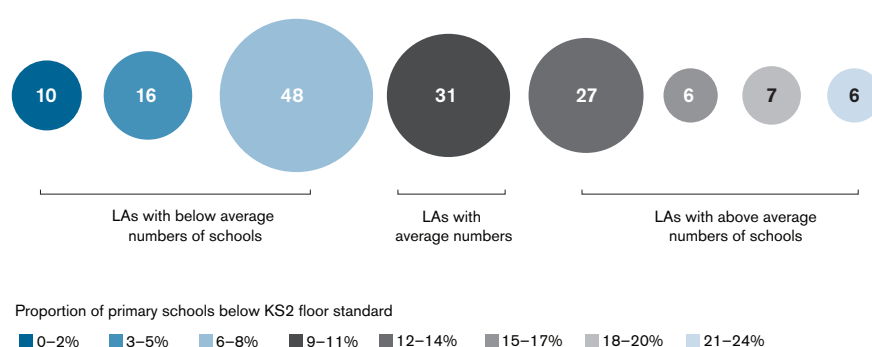
Analyses of the outcomes of Ofsted schools inspections tell the same story. Nationally around 70 percent of schools are assessed as good or outstanding and two percent are placed in a category (ie they are given a ‘Notice to Improve’ or placed in ‘Special Measures’). Work undertaken for the Association of Directors of Children’s Services (Pritchard, 2012a) shows that at the end of August 2011 a fifth of local authorities were significantly above average in terms of having a disproportionately high number of good or outstanding schools and a disproportionately low level of schools in a category. At the other end of the spectrum 16 percent of

Nationally around
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as good or outstanding

local authorities were significantly below average – having far fewer good or outstanding schools and far more that were in an Ofsted category.

The same pattern is apparent when school test and exam results are analysed. Figure 3.1 shows that a quarter of local authorities do very well in terms of having relatively low numbers of primary schools in their area that are failing to reach the floor standards set by the government at Key Stage 2.¹ In contrast there is a tail of 19 of the 151 authorities that have 15 percent or more of their primary schools below the floor targets. The distribution and performance of local authorities is not explained by the relative affluence or deprivation of the authority.

Figure 3.1: Number of local authorities (LAs) by percentage of primary schools below Key Stage 2 floor targets in 2011



Source: DfE National Curriculum Assessments at Key Stage 2 in England 2010/2011 (revised)

Some local authorities might argue that it is unfair to judge their effectiveness by reference to school performance at a time when resources to support schools have been progressively reduced as a result of cuts in local authority grants and the loss of central school funding as more schools become academies. However, the distribution of performance can also be viewed as providing a snapshot of the position before the cuts really took effect.

The reduction in resources is, though, also having an impact. While some authorities have made a point of retaining a strong pool of school improvement expertise (Pritchard, 2012a) and others have sought to empower their best local school leaders to take on school improvement responsibilities, a number are:

“... being forced, through substantial budget reduction, into limiting their functions to the minimum statutory requirements. This is not sufficient to properly identify risks and support. In particular, we are concerned about the pressures on local authority data performance teams and the array of data they currently collect that provides for useful and deep analysis. These are beyond statutory requirements but, in our view, essential for best practice and effectiveness”. (Pritchard, 2012b, p.5)

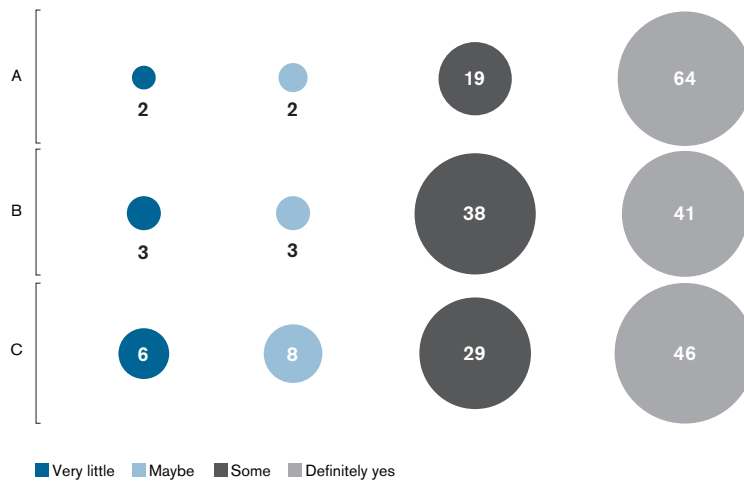
1. The pace of change will be dictated by the speed at which academisation takes root, by the rate of growth and success of chains and teaching school alliances and by how the sub-regional agenda develops.

More generally the research by ADCS, as shown in Figure 3.2, suggests that a lack of resources is having an impact on the capacity of local authorities to fulfil their strategic school improvement role. Only two-thirds say they definitely have the capacity to identify schools causing concern and less than half express unqualified confidence in having the wherewithal to commission and broker support for struggling schools. However, as Figure 3.3 describes, there are enough good examples of authorities that are managing their school improvement role effectively for lack of resources not to be a sufficient excuse for poor practice.

Figure 3.2: Local authority views on their capacity to support schools causing concern

Does your local authority have the capacity (resources, staff etc) to:

- A) identify schools causing concern?
- B) commission the resources to address concerns?
- C) take any further steps to improve the school?



Note: Survey based on 89 returns – a 59 percent response rate
 Source: Pritchard, 2012b

The variability in local authority performance and practice is reinforced by the experience of many school leaders. While some have found local authorities to be good strategic partners as they sought to sponsor academies or convert to academy status, other academy leaders have been frustrated by either an ideological opposition to the academies' agenda or an authority's inability to come to terms with autonomy and choice in the school system (Hill et al., 2012).

Figure 3.3 Examples of effective local authority school improvement practice

Stockton's education improvement service has developed a focused programme of support for underperforming schools. It involves collaborative reviews of the schools to identify the strategies needed to raise standards and a short, intense intervention plan, to provide urgent support for school improvement. A further collaborative review benchmarks progress. Most schools then go into short exit plans or become self-sustaining in their school improvement. This approach is complemented by three other initiatives:

- The offer of school advisers to help schools analyse and shape their own school improvement strategy;
- The use of NLEs and LLEs and the development of school-to-school support; and
- Partnership with the Campus Stockton Board, a representative group of head teachers who work with the local authority officers to define services to schools and provide robust monitoring and challenge to local authority services.

Source: Crossley-Holland, 2012

Gloucestershire has established a targeted intervention team of seven people, each dedicated to one of the county's seven localities. The team has developed a very clear approach to supporting school improvement which is based on brokering support between a local support school (often led by an NLE or LLE) and the school requiring intervention. The local authority acts as a broker and facilitator of the partnership and importantly continues to hold all partners to account through the course of the school improvement journey. A large number of academies act as support schools to other schools in the county and engage fully with the local authority in developing and delivering the Gloucestershire model. Since the new approach to supporting schools causing concern has been adopted the number of Gloucestershire schools in categories of concern has reduced from 11 to 5.

Source: Isos, 2012

Central government has muddied the waters by itself taking on a substantial middle tier role

The DfE as the local authority for academies and free schools

The weakness of a significant minority of local authorities and the mediocre performance of others is a serious issue. But it would be entirely wrong to place all the responsibility for the dysfunctionality of the middle tier on to local authorities. Central government has muddied the waters by itself taking on a substantial middle tier role. Such has been central government's distrust of and frustration with the performance of local government that it has in effect become a local authority in its own right.

Officials and ministers study spreadsheets to establish which schools are underperforming and which should be 'forced' to become academies. Teams of brokers liaise with governors, local authorities and sponsors about taking on failing or seriously underperforming schools. DfE officials sit in on the 'beauty parades' that decide which sponsor is to be awarded a struggling school. Ministers determine which schools are allowed to convert to academy status and through funding agreements act as the body that is accountable for the performance of all academy trusts.

The Office of Schools Commissioner, sitting within the DfE, has the responsibility for overseeing the performance of all academies and dealing with those that are underperforming. The Education Funding Agency dispenses capital to academies for major building projects.

Nor is the DfE role limited to overseeing academies. Local authorities have to gain ministers' permission before holding a competition for a new school. Ministers decide how many and which free school and studio school bids to allow. Departmental officials and consultants oversee the creation and operation of these new schools.

It is not a rational or sustainable system – particularly in an era where we are meant to be moving to smaller government and large reductions in the number of civil servants. And relying on test and exam data that comes in once a year to track and oversee the performance of around 2,000 academies (a number that is likely to continue rising rapidly) risks being behind the curve in spotting and acting on decline in an academy or school. As Her Majesty's Chief Inspector for schools has commented:

“We could have a situation where Whitehall is controlling an increasing number of independent and autonomous schools, and finding it very difficult to do so ... There needs to be some sort of intermediary layer that finds out what is happening on the ground and intervenes before it is too late. But when failure does take place, who is going to broker support? Who is going to intervene at the right time? Who is going to approach the successful school and a successful head or an academy chain to come in, in support?”

Sir Michael Wilshaw, evidence to the House of Commons Education Select Committee, 29 February 2012

The case for considering change in the medium term has also been powerfully made by Jon Coles – the former Director General for School Standards in the DfE and now the chief executive of the United Church Schools Trust and United Learning Trust:

“There is no way that the current model of accountability can be the long term equilibrium. With half of secondary schools and some primaries having academy status ... we can easily foresee a time when that 1,800 could be 18,000 as academy status becomes the norm nationally. Now, if there's one thing I know about my former colleagues in the Department, it's that they love a challenge. So, I don't deny that they would give the task of holding to account and intervening in 18,000 schools a pretty good go.

But in the end, that isn't a sensible job to give anyone. There is no sensible way for a national organisation – however well-intentioned or resourced – to take responsibility for intervening in every school facing problems – let alone for getting ahead of those problems and catching them before they become crises.”

Jon Coles, speech to The Academies Show, 16 May 2012

Fragmentation of school improvement support

The DfE and the Office for Schools Commissioner are not the only new arrivals on the scene; there are other players on the middle tier pitch. Two hundred 'outstanding' schools have been designated as teaching

Aim to build a self-improving school system based around

500

teaching school alliances

schools. Working with an alliance of local schools and other partners, such as universities, they are playing an increasing role in:

- Recruiting and training new entrants to the profession;
- Providing professional and leadership development including leading peer-to-peer learning and spotting and nurturing leadership potential;
- Coordinating school-to-school support through deploying NLEs, LLEs and SLEs; and
- Undertaking research to help improve effective teaching and learning in the classroom.

The aim is to build a self-improving school system based around 500 teaching school alliances. The system will inevitably take time to prove itself but it has the potential to be a powerful driver of school-led improvement. However, even under this plan up to a half of all schools may not be part of such a formal school improvement partnership.

Other middle tier players include the Teaching Agency that is supporting the development of teacher training. The National College is providing more general support for teaching school alliances, overseeing the designation of system leaders (such as NLEs, LLEs and SLEs) and deploying funding to enable them to support struggling schools.

Then there are the growing number of federations and academy chains – at the beginning of 2012 nearly 350 academies were part of a sponsored chain of three or more academies (Hill et al., 2012). Mostly based around or growing out of a highly effective school or academy these chains are embracing both other outstanding schools and some of the toughest school improvement challenges by taking over schools that have often been failing for many years – and the early signs are that most are proving effective (Hill et al., 2012).

In addition to formal groupings, schools are working together through a wide range of other collaborative and partnership initiatives.

The role of school improvement organisations and individuals, from public, private and voluntary sectors, is also growing as more academies and free schools employ them to provide support and challenge.

So we have local authorities, the DfE, teaching school alliances, federations, chains and partnerships, the National College, private companies and other school improvement initiatives all exercising what, in the broad sense of the term, might be called middle tier functions.

Does this fragmentation matter? Yes, because although the creation of a diverse range of school improvement providers is a positive development, their impact is likely to be greater by knitting together their efforts so as to reduce duplication, share intelligence and learning and ensure schools don't fall between the cracks and get left behind.

Incoherent policy framework

The challenges of operating within a fragmented school improvement system have been increased by policy incoherence in four key areas:

- **Planning of school places** – the rise in the birth rate and the consequent surge in the number of young children needing a school place is a considerable challenge in itself for many authorities. But the opening of a free school or studio school can throw a

fairly hefty spanner into the works – as can the setting up of a sixth form or the addition of an extra class to a year group (which academies can do without reference to a local authority). Moreover the ability or threat to set up a free school makes it harder for local authorities to take out surplus places, close failing schools or undertake any sort of structural reorganisation of schools (Isos, 2012). The government would argue that the new schools agenda is bringing choice and innovation to the system and these benefits outweigh any disruption caused. The best local authorities, as Figure 3.3 shows, are managing this challenge imaginatively to help address their local agenda. However, there does not appear to be any rhyme or reason as to where free schools are being encouraged or permitted. Free schools seem to be an unguided missile rather than a targeted weapon in the school improvement armoury. The impact of free schools would be enhanced if they were developed strategically in localities where new places are needed or where there is school failure, rather than investing in extra capacity in areas where the school system is performing well. The development of free schools should be aligned to meet the twin challenges of population growth and school improvement.

Figure 3.3: Examples of local authorities taking account of diversity of provision in planning school places

The London borough of **Wandsworth** has set up an academies and free schools commission with elected member, school and parent representation, chaired by Baroness Perry, to take a strategic view of school provision, including proposed academy and free school sponsors.

Source: Crossley-Holland, 2012

Oxfordshire is planning the development of new housing estates and the local authority is working with planners and developers to ensure new school provision is built into the plans. Previously the local authority would have directly provided new maintained schools but they are now inviting potential providers (sponsors, free school groups, academy chains, local businesses etc) to engage in a process to run the new schools via proactive briefings and consultation.

Source: Isos, 2012

- **Admissions and vulnerable children** – in general, fair access protocols that govern how schools share responsibility for educating ‘hard-to-place’ pupils, are continuing to work well despite the move to academisation (Isos, 2012). But authorities are concerned that some maverick head teachers are refusing to play ball and that over time the number could grow and erode support among other heads, to the detriment of some of the most vulnerable children in society. More generally admissions forums may not have worked well but their abolition has left a leadership vacuum around a key aspect of the government’s

social mobility agenda. Leadership is needed to create a culture where schools are transparent and collaborate on their admission procedures, with school success and expansion not being achieved by just attracting those pupils with the highest prior attainment and lowest need.

- **Competition and collaboration** – the government is encouraging school autonomy and parental choice but within a context where schools are expected to work with and support each other. Balancing these two objectives is possible but far from straightforward. In a world where schools are competing for pupils (and thus funding) it may not be easy to build the trust necessary to achieve collaboration. Schools are asked to contribute to the support of others but are judged in performance tables and Ofsted inspections only on the quality of what goes on within their school. Policy levers need to be better aligned to value autonomy while incentivising collaboration.
- **A lack of a strategy for primary schools** – local authorities have typically played a more hands-on role in supporting primary schools with support services and education improvement. However, the status quo is no longer a realistic option. Finding enough heads is proving a challenge: in 2010 more than a third of all newly advertised primary school leadership jobs went unfilled (Howson and Sprigade, 2012). Many primary schools are too small to support their own improvement. And despite the desire of local authorities to continue to support their primary schools (Isos, 2012) services in many areas are reducing or even disappearing. The fact that there are over 16,000 primary schools makes it hard to introduce systemic change and improvement. The government has opened up academy status to primary schools but as at June 2012 only around five percent of primary schools had applied to convert to be an academy – and the current funding assumptions mean that it is unlikely that academisation in the primary sector will reach a breakthrough point in the near future. Some outstanding primary schools are sponsoring other primaries as academies and some academy chains are taking over clusters of primary schools. In some areas primary schools are coming together in federations. But none of this amounts to a coherent strategy for the sector.

Middle tier arrangements are therefore in a state of flux. Local authority performance is patchy. Central government has taken on roles that are unsustainable. The school improvement system has many positive features but is fragmented. And policy incoherence threatens the effectiveness of key reforms. It is at this point that it is worth looking at the evidence of how other education systems with the same high aspirations for school improvement approach the issue of coordinating and steering school improvement.

4 What can we learn from other effective education improvement initiatives?

It has become increasingly fashionable to look at other countries in seeking to benchmark and improve performance and develop policy

It has become increasingly fashionable to look at other countries in seeking to benchmark and improve performance and develop policy. In part this is driven by countries' concern about their relative ranking in international tests conducted by the Organisation for Economic Co-operation and Development (OECD) and other bodies. This in turn has led education policymakers to look at the approaches being adopted by those jurisdictions that perform strongly in these tests.

This report has selected well-established comprehensive school improvement programmes in three different countries. In each case they commenced just after the turn of the century and have been sustained for eight years or more. The case studies in Figures 4.1, 4.2 and 4.3 describe the role of the middle tier in developing and implementing reform strategies in Ontario, London and New York and summarise the outcomes achieved.

Ten lessons

The risk in drawing on international examples and evidence is that differences in values, culture and context are overlooked and that inappropriate conclusions are drawn and unwisely transplanted into domestic policy. Therefore rather than drawing on strategies and findings from any single case study the aim has been to identify 10 key points of learning that are common to all three of these major reform initiatives. This provides a stronger basis for considering their provenance as potential pointers for the future role and shape of a middle tier in England.

1. Strong and effective political leaders at a city/regional level led and championed the education reform process – in Ontario it was Prime Minister McGuinty, with London Challenge it was Stephen Twigg then Lord Adonis (who both had direct ministerial responsibility), and in New York the leadership came from Mayor Bloomberg.

2. Political leaders used high-calibre administrators, leaders and reformers of the likes of Ben Levin, Tim Brighouse, Sir Mike Tomlinson and Joe Klein.

“The combination of skilled, sustained political leadership from the Premier and a succession of capable ministers, and very strong professional leadership from the Deputy Education Minister account for a big part of Ontario’s success” (OECD, 2011, p.76)

3. A single city/regional centre with authority to act provided an essential engine to drive reform. Ontario established a literacy and numeracy secretariat outside the existing bureaucracy. London Challenge had a small dedicated team of civil servants backed by school improvement experts to diagnose problems and broker support in schools. New York set up an Office for Accountability within its Department of Education.
4. Strategies were aligned around a shared vision for city/region-wide education improvement. The balance of the reform programme varied from jurisdiction to jurisdiction, but all of them aligned objectives, leadership, agencies, teacher development, structural reforms, accountability frameworks and resources to work together in a reinforcing way to improve the quality of teaching and learning.
5. Raising expectations was integral to the strategy. New York, for example, gave students greater choice over which school they could attend. London Challenge provided access to a broader range of extra-curricular activities and used Aim Higher to support pathways into higher education. Ontario expanded tutoring opportunities and involved parents and communities in its programmes. In all three instances these raised expectations were reflected in ambitious targets for student achievement that were set by the city region.
6. Explaining and engaging all parts of the system in the reform process proved vital. Joel Klein spent much of his first year visiting schools and communities. London Challenge had to gain the confidence of local authorities and schools, many of whom were initially suspicious or hostile to what was seen as another top-down government programme. The McGuinty government in Ontario had to work tirelessly to build a sense of shared understanding and common purpose among teachers, administrators, school boards and the broader community.
7. An outcomes-based accountability framework supported by data tracking was applied across the city/region. For example, the McGuinty government made no attempt to dismantle or weaken the assessment regime put in place by the previous government. However, in all three jurisdictions the performance management of schools was focused on supporting and developing schools and enabling them to learn from each other – as the data benchmarking of London Challenge and the Inquiry Teams in New York illustrated. Data was also used to identify and support groups of students that needed extra support.

8. Reform strategies moved through different phases but were sustained over more than one electoral cycle. As reforms matured they became more empowering of school leaders and put more emphasis on leadership development, professional development, teacher-to-teacher learning and school-to-school improvement networks. The culture of reform moved from low trust to high trust.
9. Schools identified as needing most improvement were targeted at a city or regional level and offered additional support. In London and New York this included closing schools that were persistently failing and bringing in new providers through academies, charter schools and small schools.
10. The implementation of reform strategies was backed by the provision of additional financial resources at a city/regional level.

The common thread that is woven through these 10 learning points is that cities and regions, in partnership with schools and other authorities, can play a vital role in knitting together the different strands of reforms to support a powerful, coherent and sustained school improvement programme. Leadership and alignment of reform initiatives resound like drumbeats through the literature on these reform initiatives.

The final chapter looks at what it might mean to apply these lessons in an English context.

Figure 4.1: What can we learn from other systems – Ontario

What was the background?

Ontario is the largest province in Canada, covering an area of 400,000 square miles, and a population of approximately 13 million, 40 percent of all Canadians. Four out of five students are located in metropolitan areas and the province has significant urban and rural poverty levels, high levels of population diversity, areas with sharply dropping student numbers and others with rapid growth.

Four sets of locally-elected school boards ensure that Ontario meets Canada's constitutional requirements for public support of minority languages and religious minorities:

- 31 English school boards serve about 1.4 million students;
- 29 English catholic school boards serve about 590,000 students;
- 8 French catholic boards have 70,000 students; and
- 4 French public boards have 23,000 students.

There are about 5,000 schools which receive all of their funding from the provincial government. The average elementary school has about 350 students and the average secondary school fewer than 1,000. Ontario's 120,000 or so teachers and most of its support staff are unionised.

The education system spent much of the 1990s in turmoil. The Conservative government created a mandatory province-wide curriculum accompanied by an assessment and accountability framework. However, it alienated the education community by cutting funding, reducing professional development time, running television ads attacking teachers and increasing support for private schools. Teachers held several strikes,

public dissatisfaction increased with 55,000 students opting out of the public education system and morale plummeted leading to high turnover among teachers.

In 2003 the Liberal Party was elected with the renewal of public education as one of their highest priorities. Prime Minister McGuinty had a deep commitment to education and appointed talented ministers, advisers and officials including Michael Fullan and Ben Levin – both widely respected for their thinking and work on system-wide school improvement. The government was re-elected in 2007, with support for public education once again a major issue in the election.

What did they do?

Ontario's theory of change centred on a belief that school systems were easily distracted and drawn into many issues that have little or no relationship to improving student learning and educational attainment. So the strategy adopted in 2003 revolved around two main commitments designed to regain public confidence:

- A commitment to improving elementary school literacy and numeracy outcomes; and
- A commitment to increasing high school graduation rates.
- A province-wide strategy was put in place to help deliver the commitments based round the following key elements:
 - Creating a dedicated infrastructure in the Ministry and school boards, staffed by outstanding educators, to lead and guide the overall initiative;
 - Engaging school and district leaders to set ambitious but achievable targets and plans for gains in student achievement;
 - Developing leadership teams for each strategy in every school district and every school;
 - Providing extensive, carefully targeted professional development for educators to support the strategies through improved instructional practices;
 - Targeting attention to key underperforming groups, including some minority students, students for whom English was a second language, students in special education, Aboriginal students and boys;
 - Supporting effective use of data to track students and intervene early where problems are occurring;
 - Supporting research to find, understand and share effective practices; and
 - Supporting ancillary practices such as an expansion of tutoring and a fuller engagement of parents and communities.

These features were complemented by initiatives that were specific to the particular commitment being targeted. For example, the literacy and numeracy strategies added specialist teachers to enrich teaching in areas such as art, music and physical education while also providing more preparation and professional learning time for classroom teachers. The high school graduation leg of the strategy included stronger transition between elementary and secondary schools. It also established a Student Success Commission representing teacher federations, principals and superintendents, with a mandate to support effective implementation and resolve local disputes.

What have been the results?

The pass rate in provincial exams in reading, mathematics and writing in grade 3 (Year 4) increased from roughly 55 percent in 2003 to roughly 70 percent in 2010. Similar gains of about 10–12 percentage points had also

been achieved in grade six (Year 7). Over the same period the graduation rate at grade 9 increased from 68 percent to 79 percent. Although the improvements in both areas have been substantial they are around five to six percentage points below the level policymakers had hoped to reach by the end of the decade.

Sources: Levin, 2007 and OECD, 2011

37%

of inner London
children lived in a home
where no one worked

Figure 4.2: What can we learn from other systems – London Challenge

What was the background?

At the beginning of the millennium London was the powerhouse of the UK economy. But although the city boasted more people with very high incomes than the national average it also contained more than its proportionate share of those on very low incomes. 37 percent of inner and 22 percent of outer London children lived in a home where no one worked. London's pupils spoke 300 languages. Pupil mobility was also high with up to half of a student cohort changing schools during their secondary school career.

The 400 or so secondary schools in London had, since 1988 and the abolition of the Inner London Education Authority, been directly or indirectly the responsibility of 33 separate education authorities.

Education achievement had been improving but the pass rate for five good GCSEs in inner London schools in 2002 was eight percentage points lower than the national average. In around 40 schools fewer than 25 percent of students were achieving 5 A*–C grades at GCSE. Outer London secondary schools were performing more strongly at GCSE but were lagging behind the average national performance at A level. These overall headlines masked big variations in performance between schools, local authorities and pupil groups.

There were also problems recruiting good teachers to come and work in the capital: both the teacher vacancy rate and the percentage of unqualified teachers was over double that of England as a whole. Parental confidence in the school system was low with fewer London parents applying to their nearest state school, or confining their choices to schools within their local authority area, than elsewhere in Britain.

In May 2003 the government launched the London Challenge. The programme had the personal backing of the Prime Minister, was led by a dedicated minister in the education department and supported by a Commissioner for London Schools. The aim was to ensure that all London's schools met the expectations of pupils, teachers, leaders, parents and the wider community – and help London to become the world's leading learning and creative city.

What did they do?

The programme started by focusing on secondary schools. The strategy had two main elements – a targeted element and a pan-London element.

The targeted element focused on providing improvement support for up to seventy schools across London, known as 'Key to Success' schools. Many of the first Key to Success schools were located in five local authorities (Hackney, Islington, Haringey, Southwark and Lambeth) – boroughs that faced particularly challenging circumstances.

The advisers worked with the school and its local authority and were able to draw down funding and marshal resources from other schools to implement an agreed school improvement strategy

Each of the Keys to Success schools was allocated a London Challenge adviser, a member of a small team of experienced school improvement experts. The advisers worked with the school and its local authority and were able to draw down funding and marshal resources from other schools to implement an agreed school improvement strategy. Progress was monitored through school improvement partnership boards involving school leaders, governors and local authority representatives. The Keys to Success schools were not a static group – schools moved into and out of the group depending on their progress.

The pan-London element of the strategy had a number of strands, including:

- A Chartered London Teacher programme as part of a broader strategy to boost teacher recruitment and retention and teacher quality. This was coupled with the introduction of an inner London allowance to attract more teachers to teach in the most challenging schools;
- A London Centre for Leadership and Learning, based in the Institute for Education, that linked education research, initial teacher training and leadership development. Working in partnership with the National College for School Leadership the centre provided a pool of school leaders able to provide targeted support to Key to Success schools;
- A data system that enabled schools to benchmark themselves with other similar schools;
- A London Gifted and Talented centre to support education for the most able students;
- A more diverse school system through the introduction of more specialist schools, new schools and sponsored academies; and
- A pledge to provide every London student with access to London's heritage of cultural and sporting experiences.

The government provided dedicated resources to support the implementation of London Challenge. At its launch the programme had a total budget of around £20 million per annum, with around £3 million available to support raising standards in the Keys to Success schools.

London Challenge evolved as it became more mature. For example, primary schools were included in the programme from 2008 onwards. Networks of experienced school leaders, coordinated by Leadership Centre and the National College, increasingly played a leading role in developing and delivering teaching and leadership programmes that improved the capacity of schools and school leaders across the capital.

What have been the results?

Around three-quarters of London's secondary schools have been involved in the London Challenge programme, either supporting schools or receiving support themselves.

By 2010 London had moved from being the region with the lowest proportion of pupils achieving the government's benchmark of five A*–C GCSEs to being the highest. The number of secondary schools below the government's floor target had reduced from 40 to four – even though the target had been raised from 25 to 30 percent and the benchmark of five good GCSEs now included English and maths.

In December 2010 Ofsted reported that 30 percent of London's local authority controlled secondary schools were judged to be outstanding, compared with 17.5 percent for the rest of England. Only 2.4 percent were judged inadequate, compared with 4.1 percent in the rest of the country.

In May 2012 the Education Endowment Foundation released a list of 203 secondary schools where in 2011 the proportion of children eligible

for free school meals obtaining five or more good GCSEs exceeded the national average for all children. Forty percent of the schools were in London.

Sources: DfES, 2003, Myers and Page, 2006 and Ofsted, 2010b

Figure 4.3: What can we learn from other systems – New York

What was the background?

The New York school system with 1.1 million pupils is very diverse. In 2006 around 40 percent were classified as Hispanic, a third as Black, and the balance was evenly split between Asian and white students. About 13 percent of students were classified as 'English language learners'.

New York has 1,456 schools and a budget of 15 billion dollars.

For 32 years until 2002 the city-wide board of education was supported by 32 locally elected school boards. In 2000 the education system was included in the Mayor's office and powers and a department of education was established led by a chancellor. Two years later Michael Bloomberg was elected as mayor. He in turn appointed Joel Klein as chancellor. Controversially he had no direct experience in education but had a background in business, law and politics.

Bloomberg and Klein inherited what was widely perceived to be a failing schools system. The high school graduation rate had been stuck at around 50 percent for decades. Relations with teachers were overshadowed by restrictive agreements with the school unions. Klein spent much of his first year as chancellor engaging with the school system and local communities and at the end of which he launched his Children First reform initiative.

What did they do?

The Bloomberg and Klein reforms fall in two distinct phases. In 2003 they began by dismantling the 32 school boards and replacing them with 10 regions. Each region contained around 120 schools that were mixed in terms of their income and performance. A superintendent was tasked with fostering the sharing of best practice within each region.

The City's Department of Education (DOE) also mandated a core curriculum and instructional approaches for English/language arts (ELA) and mathematics for all schools at the elementary level. The DOE supported the implementation of this strategy by:

- Investing heavily in professional development;
- Placing coaches and parent coordinators in every school;
- Increasing teachers' salaries significantly; and
- Establishing a Leadership Academy to train principals to work in the schools struggling the most.

This first phase also included structural reforms. In 2004/05 the DOE established an Autonomy Zone giving the principals of 29 schools (with the numbers growing each year) greater discretion over funding, hiring teachers, instructional programmes and professional development. In return school leaders were held accountable for meeting specific performance targets – that were overseen by a newly-created Office of Accountability.

At the same time the DOE began to close down poorly performing high schools, creating new small high schools and encouraging the expansion of charter schools. Student access to new schools was facilitated by

introducing a central admissions system that matched students' preferences with schools' eligibility, admissions priorities and methods.

The second phase of the Children First reforms began in 2006 based round three principles: leadership, empowerment and accountability. The regional structures were dissolved and schools were required to belong to one of 11 (later 12) School Support Organisations (SSOs), whose role was to assist principals with setting goals, developing improvement strategies and running professional development. Schools could choose which SSO to join according to the one that best fitted their instructional goals and approach.

All principals were now granted greater curriculum autonomy and were held accountable for student outcomes. Hiring on the basis of seniority was ended completely and schools empowered to choose teachers on merit. The Leadership Academy shifted its training to support principals in being more accountable. At city level the DOE introduced five programmes to support the devolved accountability framework:

- Progress Reports summarised data on each school's performance in improving outcomes;
- Quality Reviews provided an annual assessment based on a series of indicators of school organisation and culture;
- no-stakes benchmark assessments provided information for teachers to help them review instructional effectiveness;
- Inquiry Teams enabled teachers and leaders to foster teacher leadership and decision-making within collaborative teams by jointly examining school data, troubleshooting challenges and focusing attention on students most in need of support; and
- A comprehensive data system – the Achievement Reporting and Innovation System (ARIS) provided teachers with student assessment data in an easily accessible format.

The Children First reforms have been underpinned by providing principals with increased resources to implement the strategies and a new fair student funding process that allocates funding based on student characteristics. Charter schools continued to expand fast but by 2009 were only educating around four percent of pupils – though it is planned to increase this to 10 percent by 2014.

What have been the results?

An independent assessment of the New York City reforms evaluated the educational progress in the city – having stripped out the impact of trends and reforms that were already under way before the Children First reforms were launched. The assessment found that although there was still a long way to go on the improvement journey the reforms enacted between 2003 and 2010 “had a positive effect on ELA and maths proficiency rates in the fourth and eighth grades and on graduation rates” (Kemple, J. in O'Day et al, 2011).

For example, the ELA proficiency rate for fourth grade students rose by an average of 17 percentage points more than what might have been expected had the reforms not been enacted – that was nine points higher than schools in other districts of New York State. High school graduation rates were estimated to be up to seven percentage points higher for the 2005 cohort than they would otherwise have been.

The assessment ascribed the improvements to the “constellation of reforms” rather than to any one single reform feature.

Sources: O'Day et al., 2011 and Childress and Clayton, 2008

5 The way forward

Many within the local government community argue that the solution to the problem of the middle tier in education is straightforward. They say that most local authorities have now ‘got it’ in terms of understanding their new strategic role. As long as authorities have adequate resources they can be effective commissioners, supporters and challengers of schools and champions of pupils and parents in the new world of school-led improvement. As for those authorities that are not up to the mark then the same principle of sector-led support – as is being used with schools – should be developed and applied to them.

At the other end of the spectrum are many school leaders and some policymakers who fear that any move to formalise the role of the middle tier will stifle creativity and innovation just as they are taking hold. A system that has been over-managed for too long will reassert control and disempower school leaders and restrict choice for parents and pupils.

Others suggest that the way to avoid over-control on the one hand and over-fragmentation on the other is to require all schools, particularly primary schools, to be part of a licensed school improvement group or chain. Schools could choose which group to belong – in a way not dissimilar to the New York model described in chapter 4.

Some representing school governors say that the time has come to invest much more heavily in the capacity and role of the school governance system and use that as the means to hold schools to account and drive improvement.

There is truth and merit in all these positions and in the scenario I sketch out in this chapter I draw on all four approaches. But the learning from other jurisdictions suggests that on their own none of these approaches will be sufficient to deliver a near-universal system of good and outstanding schools. These solutions also fail to do justice to the complexity and range of middle tier functions; nor do they take sufficient account of the way in which the economy is developing and public policy is evolving. The three sets of assumptions below explain and justify these claims.

Some assumptions

By the time of the next general election the middle tier will be operating within an education context where academisation in the secondary sector will be near universal and irreversible. There will be no going back on school autonomy. Secondary school-to-school improvement will be delivered through chains and teaching school alliances – though they will vary in quality and capacity. Academisation will have taken less of a hold in the primary sector but primary schools will increasingly be working in federations, chains or school improvement clusters. Many schools will,

The rising birth rate coupled with the freedom to open new schools and extra forms of entry will make the challenge of securing sufficient school places a challenging one

therefore, effectively be working as part of a school improvement group – and such a system could even be formalised with every school required to be part of an accredited or licensed school improvement partnership with clear executive leadership and accountability. Strategic governance and oversight of schools will be exercised at the group level. Funding for schools will increasingly be allocated via a standardised formula, though local authorities will have an important residual role in addressing anomalies within the system. Personal budgets for SEN pupils will become a growing trend. The rising birth rate coupled with the freedom to open new schools and extra forms of entry will make the challenge of securing sufficient school places a challenging one.

The education sector will be operating within a context where the economic focus will be on generating and sustaining growth and ensuring that the UK has the skills to be competitive in the global marketplace. This is likely to mean investment and support for particular sectors and, significantly, greater coordination of economic policy at a sub-regional level. Thirty-nine Local Enterprise Partnerships (LEPs) have already been created to coordinate support for sustainable growth. A number of these LEPs build on partnerships forged as part of the previous government's Total Place initiative and form natural economic and geographical clusters. They incorporate rural as well as urban contexts: the Humber LEP, for example, takes in the city of Hull but also embraces towns such as Grimsby, Cleethorpes and Scunthorpe as well as smaller settlements such as Goole and Driffield that are situated in a more rural hinterland.

In London the mayor has taken on responsibility for skills across the capital. In other parts of the country local authorities are required to coordinate the commissioning of skills across their sub-region. In the 2012 Budget the Treasury announced an innovative investment deal with the Greater Manchester Authority – an area that has already been accorded formal city region status. The Heseltine review that will benchmark how the UK makes and implements industrial strategy and coordinates public sector investment in the private sector, is likely to strengthen the economic role at a sub-regional level. Mayors for individual cities have largely been rejected but we may well still see the introduction of mayors at a city region level – building on and even incorporating the role of elected police commissioners.

My third set of assumptions is based on what might be termed seven principles of good governance.

- 1. The role of government to set policy priorities and exercise overall accountability should be acknowledged.** Governments are elected with a mandate and it is entirely appropriate therefore that they should set the overarching policy framework for education and other services.
- 2. Power should be diffused and responsibility shared.** As chapter 3 argued it is neither possible nor desirable to manage the whole education system from the centre.
- 3. Markets need managing and regulating.** In a system where greater diversity and choice is being promoted then checks and balances are needed to ensure that competition and collaboration can both play their part in improving education outcomes.

4. **Diversity is healthy.** The system does not need to look exactly the same in all parts of the country and it can aid learning if different parts of a system pursue different strategies.
5. **The education system will be more effective if it maximises social capital** (Hargreaves, 2012). Building trust between schools and maximising the contribution of social entrepreneurs, employers, universities, cultural and voluntary organisations, parents, grandparents and local people will deepen and spread educational progress.
6. **Form should follow function.** The tier or body exercising responsibility should be determined by the nature of the function. Too much talk about the middle tier bundles all the potential roles into one – school improvement is talked about as a single entity; though it actually embraces a collection of functions. Delivery and oversight roles are conflated and confused.
7. **Alignment is key.** The role of the middle tier cannot be viewed in isolation from the role of schools and school clusters on the one hand and that of government on the other. Ideally the roles complement each other to form a coherent approach where each is clear about their responsibilities and accountabilities and how they relate to each other.

Towards a new order for the middle tier

Taking these assumptions and good governance principles together, what might a new middle tier look like? Figure 5.1 below provides a framework for thinking about this.

The vertical axis on the left separates out the various roles intrinsic to having a coherent education system focused on raising achievement for all children. The horizontal axis at the top lists the various players or tiers that have a formal part to play in delivering these roles. Within each of the four main roles, key functions are identified – different players will have separate but complementary roles in securing delivery of those functions. The sections below summarise the overall roles played at national, sub-regional, local authority and at school/school cluster level.

National roles

Consistent with the principles described above the Secretary of State for Education would have the responsibility for setting the broad framework for education policy (though increasingly it makes sense for this to be done in dialogue with school leaders, academic experts, universities and employers to develop a shared commitment to the direction of policy). So ministers would, for example, determine the shape of a core national curriculum and school accountability framework. They would influence the degree of choice they wanted in the school system by indicating the level of surplus places they were willing to accept for funding purposes, and specifying the range of schools diversity they wanted to see and were willing to fund. Ministers would set entitlements for vulnerable children and determine the total funding available for schools along with the basis for allocating it. They would allocate capital and school improvement funding to commissioners – whose role is described below.

Ofsted would continue to inspect schools but a radically slimmed down DfE would for the most part vacate the territory of policy implementation and monitoring of individual schools – focusing more on the performance of the school system as a whole.

Complementing the role of the DfE would be an independent regulator that would set rules for operating in an era of school diversity – for example, should there be a limit on the proportion of school places in an area that are run by any one school chain? The regulator – who might well incorporate the functions of the schools adjudicator on admissions – would also hear appeals (including from government) on any alleged lack of diversity, or insufficiency of places as well as on the proposed removal and/or reorganisation of places within localities. Working within a framework set by an independent regulator would make it more possible for local authorities to address necessary but controversial issues – and would also provide local people with the reassurance of an independent appeal process. The regulator would also ensure that competitions for new schools and what might be termed the refranchising of failing schools (whether to sponsored academies or others) were conducted transparently and in accordance with rules on public procurement.

City/sub-regional level roles

Building on the experience of other successful jurisdictions, education would become a function of city regions or other sub-regional structures that may emerge. Such regions would ideally be led by a mayor with a directly-elected mandate – though as in the case of the Greater Manchester Authority the political leadership might take other forms. The mayor or political leadership would appoint a commissioner who would be directly accountable to them – though in order to build confidence throughout the system as substantial powers were devolved from the centre, the first commissioners might be jointly appointed by the Secretary of State for Education and the elected sub-regional leaders.

Commissioners would be high-calibre individuals who would command the confidence and respect of school leaders and have strong influencing and interpersonal skills. Some commissioners might be drawn from the growing ranks of leaders of academy chains and teaching schools. The role of the commissioner would be as much about the exercise of influence and soft power as executive responsibilities. The role would encompass:

- Developing a shared strategy for the sub-region covering school improvement priorities, progression routes (supported by a curriculum offer and advice services), leadership/staff development and extra-curricular experiences;
- Coordinating place planning and school competitions across local authorities in the sub-region;
- Commissioning specialist services for vulnerable children;
- Challenging local authorities that were either too lax in understanding the performance of local schools, or too overbearing in their dealings with school leaders. In other words a commissioner could be part of the solution to the inadequacy of some local authorities. There could even be reserve powers for a commissioner, *in extremis*, to take on an authority's powers and functions;

- Working with and supporting teaching schools and chains to align and coordinate city/county-wide improvement effort and ensure no school is left behind;
- Determining when a school's performance is such that alternative providers should be sought to take it over; and
- Mobilising and channelling third sector and employer support to broaden experiences and resources for young people.

A commissioner's ability to steer the system would come from holding funding agreements for all academies – in itself a major act of decentralisation and reshaping of the system. The commissioner would allocate capital funding for all major building projects. He or she would also have a school improvement fund, allocated by the DfE to each sub-region, to help weave the school improvement initiatives across the sub-region into a coherent whole.

Local authority roles

Many existing local authority roles would continue – but be applied within a new context. So authorities would continue to plan the supply of school places – and hold competitions for all new places and the refranchising of failing schools – but within the context of the framework set by the regulator. Where authorities were too small to have sufficient commissioning expertise they might arrange for the commissioner to undertake the role. They would maintain their role in coordinating admissions and would support development of fair access protocols agreed and operated by schools.

There would be more emphasis on authorities empowering parents – both by helping them to assess the ethos and performance of schools and exercising parental choice and by engaging them in the education and learning vision for their area. They would promote the well-being of children through student voice and coordinating the work of schools, agencies and third sector agencies. In line with the arrangements being proposed by the government, they would ensure that the needs of pupils with special needs were assessed and that there was a range of provision for parents and schools to draw on to meet the needs of these children. Similarly they would take responsibility for the educational progress of children in care and looked after children.

On the crucial issue of school improvement local authorities would work with school leaders and leaders of chains and teaching school alliances to agree how to track progress of all schools (including academies) using a combination of hard performance data, Ofsted inspection results and soft intelligence, based on the expertise of the best school leaders. Arrangements for monitoring school performance might be agreed across a sub-region and the monitoring information would be shared with the commissioner and reported publicly on an annual basis – so supporting local authorities in their scrutiny function. However, school improvement support and interventions would be the clear responsibility of teaching school alliances, chains and other groupings – though local authorities could have a role in helping to steer all schools to be part of an appropriate school improvement cluster. And they could support the work of alliances and chains by sharing performance data with them.

School and school cluster level roles

Schools working in school improvement groups would bid to expand existing provision, open new schools and take over failing ones – as opportunities were advertised. Schools would, as now, set admissions criteria in accordance with the statutory code of practice and would be required to consult on and share their criteria with other local schools. They would also be obliged to agree and participate in fair access protocols for hard-to-place pupils and set up fast track appeals mechanisms for dealing with disputed cases. They would identify pupils that needed special assessment and work with special schools and other agencies and providers to provide a range of support for pupils assessed as needing additional support.

Teaching school alliances and chains in tandem with universities and other experts would take the lead in recruiting and training teachers, provide professional and leadership development, foster joint practice development and research between teachers and schools in their alliance or chain, share and deploy specialist leaders across schools, challenge each other to improve and jointly procure and organise back office and other support services. They would also broker support packages for schools – including both early intervention and more intensive support for schools that were underperforming.

Conclusion

It is sometimes said that one of the besetting sins of policymakers and the politicians is their preoccupation with fiddling with structures. There is some validity in the argument. However, what I am proposing is not intended to be a ‘big bang solution’. It is more likely to emerge across the whole country over a 10 year period. The pace of change will be dictated by the speed at which academisation takes root, by the rate of growth and success of chains and teaching school alliances and by how the sub-regional agenda develops. The new middle tier may take different forms in different places. Its success will depend on the willingness of political, civic and school leaders to engage in dialogue and build a shared vision of what is possible to achieve together.

In a thoughtful article reviewing lessons from education reform over the past 50 years Ben Levin acknowledges the dangers of tinkering (Levin, 2010). But he also identifies a key weakness as being the lack of attention to implementation. Education ministries, he argues, are not equipped to support sustained improvement in the daily practice of thousands of schools employing thousands of people. And policy measures by themselves are not enough.

Successful implementation, Levin argues, requires two elements: first, creating a culture of constant learning and adaption that engages teachers and students. Second, to do this across a whole education system requires:

“Enough skilled people to provide ongoing support to all schools, districts and supporting elements such as professional development, data and accountability, aligned with system goals and strategies... The organisation of high performing systems such as Singapore or Finland or Japan gives much support to this kind of support and alignment.” (Levin, 2010, p.742)

The pace of change will be dictated by the speed at which academisation takes root, by the rate of growth and success of chains and teaching school alliances and by how the sub-regional agenda develops

This paper is an attempt to give expression to how such support and alignment might be conceived and organised within an English context.

Figure 5.1: Conceptual model for considering the respective roles and functions of key players within the education system

Strategy roles

Function	National role	Commissioner role	Local authority role	School/ school cluster role
Developing vision for education in each area	Government identifies clear national priorities for education improvement on rolling five year basis and sets core national curriculum	Commissioner to draw up strategy for education development and improvement in consultation with all key stakeholders. Strategy to include areas such as progression routes, regional dimensions of curriculum including skills, priorities and targets for improving attainment for students in general as well as particular sub-groups, information and careers advice, broader offer of cultural, sporting and adventure experiences and opportunities, recruitment and development of high quality teachers and leaders and creation of effective professional learning communities		
Empowering parents	Government sets framework for publishing data on school performance	Commissioner to publicise headline priorities and progress report in popular form to inform parents and support political accountability	Local authority to provide accessible, authoritative and useful information on schools via online data, advice sessions etc; reflect parent voice in planning places and assessing the results of competitions for new schools; and lead/support community engagement in learning	Schools and clusters issue prospectuses, involve parents in bids to open new schools or expand existing schools and develop opportunities for parental and community learning
Promoting the well-being of young people	Government sets national priorities for improving health and well-being of young people	Commissioner to resolve inter-agency issues and coordinate contributions from third sector providers	Local authority to work with schools to understand views of young people and coordinate support from third sector providers and statutory agencies to help schools meet young people's broader health and well-being needs	Schools to use student voice and surveys etc to understand and respond to concerns and needs of young people and to work with local authorities and other agencies in addressing the broader health and well-being needs of young people

Regulatory roles

Function	National role	Commissioner role	Local authority role	School/ school cluster role
Commissioning a diverse supply of school places	<p>Government sets policy for degree of diversity choice (including level of surplus places) and provides capital funding for school buildings and places via sub-regional commissioner</p> <p>A new independent Office of Schools' Commissioner to set rules for operation of a managed market and hear appeals on lack of diversity, proposed removal or reorganisation of places and operation of competitions</p>	<p>Commissioner provides data on demographic trends and diversity of school supply and works with local authorities to coordinate plans for competitions for new places and replacement providers for inadequate schools</p> <p>Commissioner allocates funding for supply of new places and holds funding agreements with academies</p> <p>Commissioner to commission specialist services on a sub-regional basis following discussion with local authorities</p>	<p>Local authorities estimate demand for places at different phases</p> <p>Local authority sets out plans for future supply of school places having regard to national framework and any need to increase diversity, increase/ reduce surplus places or reorganise places</p> <p>Local authority required to commission all new places and the replacement of inadequate providers (see below) through open competition from existing and new providers</p>	<p>School clusters apply to take on new/extra places and/or to take over schools as advertised</p>
Ensuring fair access	<p>Government to set framework and rules for schools admissions and to bring office of schools adjudicator within new Independent Office of Schools; Commissioner to hear appeals on alleged breaches of Admissions Code and fair access protocols</p>	<p>Commissioner reviews operation of admission arrangements over the city/county region and brokers discussions where cross-boundary flows and other difficulties are identified</p>	<p>Local authority to discuss with schools how best to coordinate admissions criteria, develop agreed fair access protocols and operate coordinated admissions schemes</p> <p>Local authority able to refer allegations of non-compliance with Admissions Code and fair access protocols to the Independent Office of Schools' Commissioner</p>	<p>Schools set admissions criteria, consult with local schools and agree fair access protocols for hard-to-place pupils – including fast track appeals for disputed cases. Schools able to refer allegations of non-compliance with Admissions Code and fair access protocols to the Independent Office of Schools' Commissioner</p>
Protecting vulnerable children	<p>Government sets framework of entitlements for children and duties for local authorities and schools</p>	<p>Commissioner to commission specialist services on a sub-regional basis following discussion with local authorities</p>	<p>Local authority to offer support and training in following Local Children's Safeguarding Board polices and training</p> <p>Local authority to arrange for assessment of pupils with special educational needs and ensure that range of services is available for schools to draw on and for parents to access using personal budgets</p> <p>Local authority to monitor and support educational progress of children in care and looked after children</p>	<p>Clusters implement and monitor safeguarding policies and procedures and train staff</p> <p>Schools identify pupils that need special assessment and work with special schools to provide range of services and support for pupils with special educational needs</p>
Providing school transport	<p>Government sets statutory framework and guidance for school transport</p>	<p>Commissioner supports development of sustainable travel plans (by drawing on the resources of the Mayor's office which will have broader transport responsibilities)</p>	<p>Local authority to continue to oversee provision of school transport and work with schools to develop sustainable travel plans</p>	<p>Schools and school clusters support implementation of sustainable travel plans</p>

Scrutiny role

Function	National role	Commissioner role	Local authority role	School/ school cluster role
Knowing the performance of schools	Government sets overall framework for publishing data on school performance	<p>Commissioner to identify those schools and underlying gaps in attainment that are most in need of attention</p> <p>Commissioner to prepare comparative data to enable schools cluster to benchmark and learn from each other and agree with local authorities and school clusters, a regional scorecard for tracking progress of schools</p> <p>Commissioner to challenge authorities that are either too lax or too zealous in their scrutiny role</p>	<p>Local authority to agree with schools and school clusters how best to track progress of schools using hard and soft data and drawing on expertise of the best head teachers locally</p> <p>Local authority overview and scrutiny panels to hold inquires/hearings into areas of local educational concern</p> <p>Local authority to publish annual statement comparing progress and outcomes of children in their area – including those being educated outside the boundaries</p>	School leaders and clusters work with local authorities to agree arrangements for tracking performance and progress and peer reviewing each other's progress

Support and intervention roles

Function	National role	Commissioner role	Local authority role	School/ school cluster role
Supporting local school improvement	<p>Government to allocate resources to city/county commissioners to support school improvement</p> <p>Government to report on school improvement nationally</p>	<p>Commissioner to work with steering group of school chains, teaching school and local authority leaders to coordinate city/county-wide activity and ensure that no school is left behind</p> <p>Commissioner to support/steer strands of the agreed sub-regional strategy – for example, particular curriculum or extra-curricular initiatives, leadership strategies, regional priorities on skills development or access to higher education</p>	<p>Local authority to help broker every school to be part of a chain, federation, or hard cluster of schools</p> <p>Local authority to share data on performance and on leadership succession planning with teaching school alliances</p> <p>Local authority supports commissioner to ensure no school is left behind and supports recruitment and training of high-calibre governors</p>	<p>Teaching school alliances, chains and other partnerships work with schools and universities to provide training, professional development, action research and leadership development programmes</p> <p>Teaching school alliances broker support packages for schools – including early intervention support – deploying academy sponsorship and National Leaders of Education, Local Leaders of Education and Specialist Leaders of Education</p>
Dealing with failing schools	Government to monitor numbers of failing schools	Commissioner in consultation with local authority, chains and teaching school alliances to identify when schools/academies should be declared 'failing' and an alternative provider sought to take on the provision	Local authority to advertise for and appoint alternative providers of failing schools	School clusters apply to take over failing schools

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