

# Are we in danger of shedding the middle tier?

A think piece by Martin Rogers

---

## Introduction

McKinsey's second major report on school systems, [How the World's Most Improved School Systems Keep Getting Better](#), observed that "As the school systems we studied have progressed on their improvement journey, they seem to have increasingly come to rely on a 'mediating layer' that acts between the centre and the schools. This mediating layer sustains improvement by providing three things of importance to the system: targeted hands-on support to schools, a buffer between the school and the centre, and a channel to share and integrate improvements across schools."

In England, this function used to be provided more or less universally by local (education) authorities; that is no longer the case, though the picture varies greatly across the country. The introduction of state-funded schools outside the maintained sector have eroded that LA role in an accelerating process from the end of the 1980s and the first grant-maintained schools, to the present, when approaching 1,500 secondary schools and more than 750 primaries are Academies. But, until recently, there appears to have been little serious consideration given (at least in government circles, from where the process has been largely driven), either to the importance of this 'mediating layer' or to how to ensure that key functions are most effectively replicated in a system of increasingly autonomous schools.

However, in the last year, a number of reports have appeared from a variety of bodies (including the DfE) on what has become widely referred to as the 'middle tier':

- the DfE established a [Ministerial Advisory Group](#) on the role of local authorities in education, which commissioned the Local Authority Action Research (LAAR) project in autumn 2011 to explore how LAs are adapting to the increasingly diverse and autonomous school system. LAAR appointed the ISOS Partnership to undertake this research which was published as an interim report in February 2012 and a [final report](#) in June
- the National College published [The growth of Academy Chains](#) in March 2012 (largely to inform its own work on leadership)
- ADCS [published](#) a research paper, Schools Causing Concern, and a think piece, The future role of the local authority, in April 2012
- SOLACE published a 'call to action', [Filling the gap](#): the championing role of English Councils in Education, also in April
- the RSA published [The Missing Middle](#): the Case for School Commissioners in July. (Its author, Robert Hill, was also the author of the National College report on academy chains; and the RSA, with Pearson, has established an academies commission, chaired by former HMCI Christine Gilbert, which is due to report before the end of the year.)

Supported by:

## Core concerns

Like the McKinsey report, most of these documents have tended to focus on school improvement. The ISOS report was unique in involving action research by a representative sample of LAs as they attempted to identify specific challenges, solve problems and trial actions. During the period in which the research took place, most LAs were undergoing restructuring and/or transformation to meet lower spending targets. Many were experiencing changing demand for provision and the number of academies was increasing fast, but unevenly, across the participating LAs. ISOS looked at three issues:

- ensuring a sufficient supply of school places
- school improvement and
- supporting vulnerable children.

These are also considered, to varying degrees, in the other reports, and form the core of concerns now facing LAs, government and others in the search for an effective and durable 'middle tier solution' to suit the emerging new education landscape.

Key strategic points from the ISOS report include:

- many LAs believe they have a clear vision of how to support the quality of education for all pupils in their area, but many lack confidence that they have the capacity to take the vision forward
- relationships between LAs and academy sponsors are often stronger than with converter academies. A factor in how well LAs are adapting to the new context is the strength of existing relationships with schools and academy sponsors, with the risk that future effectiveness could be prone to disruption when particularly committed individuals move on
- LAs are beginning to develop three broad roles:
  - convenor of partnerships
  - maker and shaper of effective commissioning
  - champion of pupils, parents and communities.

On the specific issues of place planning, school improvement and support for vulnerable children, ISOS found that:

- place planning is becoming more problematic as the sum of decisions made by individual schools does not meet the overall needs of the community and the added complication of new Free Schools is raised elsewhere. LAs also reported issues with determining the pattern of post-16 provision with a diverse range of providers, changes in demand created by raising the participation age, rising youth unemployment and changes to qualifications; and

ensuring the right balance between vocational and more academic routes was a critical issue, with many newly formed academies wishing to open sixth forms. The growing number of UTCs will increasingly add a further complication of planning provision at age 14

- Teaching Schools, National and Local Leaders of Education and academy chains are creating significant capacity to deliver school-to-school support. However, LAs need to ensure that there are no schools which are left out of local arrangements, that all schools have access to a range of high quality support and they have greater confidence that secondary schools have the ability to commission external support more effectively than primaries. LAs and headteachers shared an anxiety about how the system as a whole could ensure a coherent and sufficient response to school failure and persistent underperformance, and there is also shared concern about whether there is sufficient shared intelligence in an increasingly autonomous system to identify the signs of declining performance early enough for effective action
- LAs are less confident that, with schools, they will be able to continue to offer good quality support for the most vulnerable children. Some have seen a rise in the number of children with special educational needs, others are experiencing high levels of mobility. It is often difficult to secure a good school place for every vulnerable child, and there is concern for the sustainability of effective Fair Access Protocols. Funding issues are affecting LAs' ability to ensure services and support for vulnerable children. For example, devolving funding for a range of services from centrally retained budgets to schools, and LACSEG arrangements redistributing funding between academies without regard to their level of need. There is concern about the potential mismatch between the needs of individuals, provision, and LAs' ability to ensure coherent services as a result of the conversion of special schools to academies and the location of specialist support units in schools converting to academy status.

Looking forward, the report identified three factors that would further test LAs:

- establishing systems and processes with sufficient flexibility to allow for the transition to a fully devolved system in which, potentially, all schools are academies
- the impact of the new Ofsted school inspection framework and the likelihood of more schools requiring support (the framework has since been revised further, potentially making this more likely)

- significant changes in the funding mechanism ahead of the introduction of a national formula.

The ISOS report concludes with a number of key messages for local partners on emerging areas of good practice, and some for national partners about challenges which do not appear to be amenable to locally developed solutions, where further national action will be required. Many of these are echoed in other reports.

Key messages for local partners include:

- work with schools to establish where the LA can add most value; treat schools as partners and leaders in the education system and provide space for them to develop solutions to community-wide issues. Where relationships are strong, develop governance arrangements and (if appropriate) more formal partnerships with and between schools so that relationships do not depend on particular individuals. Where relationships are not strong, take action to turn them round as a priority. Focus on co-creating, with schools, a local education culture based on a clear moral purpose
- develop the capacity to carry out high quality data analysis that will enable schools, parents and other partners to understand system-level needs and establish systems for monitoring 'soft' performance indicators from a range of sources
- invest in support for governors, so that they can add real value to their schools and target LA governors who can provide a bridge between the authority and academies. Further develop the outward facing scrutiny role of elected members so that it becomes a powerful route for championing and advocating on behalf of children and young people.

Those for national partners include:

- historically, the performance of LAs has varied and the extent to which they have the skills to adapt to the new agenda is also likely to be variable, and the collective capacity of schools in different localities to assume a system leadership role will also vary; the Children's Improvement Board (CIB) and sector-led improvement initiatives provide a means for sharing good practice on the evolving role of the LA in education
- there is no obvious point of accountability within the system to take the difficult decisions about a converter academy whose future viability may become uncertain, and to manage the repercussions for neighbouring schools
- in the interests of high quality commissioning and sharing intelligence, it would be helpful if the DfE offered greater clarity on the criteria it uses to

assess the suitability of a potential academy sponsor and how it monitors sponsors' performance; greater clarity about the role it would like LAs to play, and how they might contribute to the Department's quality assurance of sponsored arrangements; and it would be helpful if the DfE could review the existing process for escalating disputes around Fair Access Protocols to ensure they are fit for purpose.

## Leadership implications for DCSs

ADCS President Debbie Jones wrote in a recent [Guardian article](#), 'As schools become more autonomous, directors are forging new relationships with head teachers and governors, of maintained schools and academies, based on trust and respect for each others' expertise'. But this reassuring statement masks an uncomfortable truth, which lies not only at the heart of finding an enduring middle tier solution but also, of course, lies behind the initial creation of an alternative to LA-maintained status for state-funded schools and its accelerating adoption. That truth is that, whilst the expertise of DCSs may be trusted and respected, the same is not necessarily true for the services they are responsible for.

Government Ministers of all parties, senior civil servants and school leaders have long harboured serious doubts about the capacity of some local authorities to perform their role effectively. Local government leaders themselves acknowledge the problem of poorly-performing authorities, and are only too aware of the threat they pose to the sector as a whole. This is entirely different from the threat posed by free-marketisers and other ideologues (though often the two are deliberately entwined), and if it is not addressed explicitly and effectively it may soon become too late to do so.

The Children's Improvement Board has been established to take forward a programme of sector-led improvement and will undoubtedly make a major contribution to resolving particular performance issues, though its current focus appears to be largely on social care. But where is the strategic, and political, response to the broader issue of the scale and nature of LAs' continuing role in education?

The terms of reference of the Ministerial Advisory Group are 'to advise the Secretary of State for Education on how the role played by local authorities in improving the lives of children, young people and families – in particular the way in which they engage with schools – might need to change over the next few years. Particularly in the light of the Government's programme of reform and the current economic climate; and what action needs to be taken – by whom and when – to put such changes in place.'

Mr Gove will not be relying on his MAG alone for an answer, and he will not need to. For example, in [Competition Meets Collaboration](#), published by the Policy Exchange (which Michael Gove once chaired), author James O'Shaughnessy (previously David Cameron's Head of Policy), suggests that the new Ofsted inspection framework 'could lead to a fivefold increase in the number of schools being told they need to improve'. He proposes that a first 'requirement to improve' (the judgement which has replaced 'satisfactory') would mean the school has to become an academy; a second 'requirement to improve' would mean it must join a successful academy chain. He also suggests that an enhanced Office of the Schools Commissioner would regulate academy chains of three or more schools; new local school commissioners would 'enforce the failure regime' on all weak schools not in chains of three or more; private sector Education Management Organisations (EMOs) would run 'the worst schools' through a procurement system; and the DfE should divert £150 million (0.3% of its resource budget) in each of the next three years to help turn around weak schools. Given its provenance, it would be unwise to ignore this publication.

This is not an issue that DCSs can deal with alone, or even collectively. Not just because they are immersed in planning how to achieve an effective 'early help' offer, and a local SEN offer and the myriad established issues vying for their attention, but because it is an issue for local government more generally and one that requires urgent attention. Although middle tier arrangements will undoubtedly differ greatly in practical detail to suit local circumstances, it is simply not feasible that LAs could have an educational role in some places but none in others. So, local government leaders need to be emphatic about wishing to retain a significant, but different, role in education, to dispel the doubts, which exist in some quarters. They need to be explicit – and realistic – in describing what it might look like; and they need to get on with it quickly.

Michael Gove will be moving towards a decision and might well have made it already were it not for the recent changes to his Ministerial team. The reservoir of knowledge, skills and experience in local authorities is unequalled elsewhere, but it is unevenly distributed. It is leeching away due to key personnel leaving as a result of budget reductions and consequent service restructures. Consequently, many local authority school improvement services are a shadow of their former selves. Mr O'Shaughnessy himself recognises that 'the market, local authorities and other parts of the regulatory regime are better placed to perform almost every function for which a (new) middle tier is proposed', but he goes on, 'The one exception is the application of the failure regime to the growing number of academies...'. So, the issue comes down to re-casting LAs' education role in a manner which meets the needs

of all schools, champions the interests of all children and young people, and preserves strategic coherence and democratic legitimacy across services – which local authorities are uniquely well placed to provide.

Many authorities with a significant proportion of academies are already demonstrating that they can still provide a valued support role, whilst engaging constructively on a range of local community issues. It is essentially the monitoring and intervention role that is problematic and it appears likely that the number of schools (including academies) requiring intervention is set to grow. Surely it is not beyond the wit (or wisdom) of political leaders – national and local – to refine and build upon the middle tier that exists already rather than shedding it for an untried and unnecessary alternative. Perhaps DCSs should have an early conversation with their Chief Executives, Lead Members and Leaders, with a view to prompting an explicit discussion of these issues in SOLACE and the LGA before it is too late?

