



System Overview

Understanding Education – Briefings

What do I need to know?

Overview

The DfE has overall responsibility for Children's Services and Education and works with a number of agencies, including Ofsted, which has the responsibility for inspecting schools. Full time education is compulsory for all children from 5-18. Whilst local authorities are responsible for state funded schools at a local level, many schools have converted to academy status which means they are free from local authority control and receive their funding directly from central government through the Education Funding Agency. Reforms and changes in policy over the last ten years have seen the creation of free schools and the growth of academies. New structures of accountability have accompanied these changes with the introduction of Regional School Commissioners and Multi Academy Trusts.

Given the creation of these additional intermediary roles, it is sometimes difficult for parents to understand where accountability lies if a school is underperforming or they do not believe their child is being supported adequately in school. The local authority also has statutory responsibilities, for example, in relation to children with Special Educational Needs and Disabilities, whether children are in maintained schools or Academy provision. And whilst the 'school improvement' role no longer sits with local authorities, they still have a responsibility to champion high standards of education across all schools in their area. The local authority therefore retains a number of responsibilities for all children regardless of the type of school they attend. Categories of all schools, including church schools and foundation schools are explained in further detail in Appendix A.

Stages of Education:

- Early Years Foundation Stage (ages 3-5)
- Primary education - Key Stages 1 and 2 (ages 5-11)
- Secondary education - Key Stages 3 and 4 (11-16)
- Further education - Key Stage 5 (ages 16-18)

Local authorities receive government funding to support the provision of free early years provision for 38 weeks of the year including:

- 15 hours per week for disadvantaged 2 year olds
- 15 hours per week for all 3 and 4 year olds (the universal entitlement)
- 15 hours of additional provision for eligible working parents of 3 and 4 year olds

Students can leave school at 16 but they are required to do one of the following:

- Stay in full time education
- Start an apprenticeship or traineeship
- Spend 20 hours or more a week working or volunteering, while in part time education or training

Although education is compulsory, school is not, and parents can choose to educate their children at home. The local authority has a duty to monitor the suitability of the education being provided on an annual basis and they must produce an Elective Home Education (EHE) policy.

Local authorities must also ensure that children missing education are reintegrated back into full time education as soon as possible and they are required to identify those 16 and 17 year olds who are not in education, employment or training (NEET).

The National Curriculum

All maintained schools are required to follow the National Curriculum but academies and independent schools are not required to do so. They must nevertheless teach “a broad and balanced curriculum” including maths, English and science and they must also teach religious education. (It should be noted that the Government has suspended some of these tests during COVID).

Key Stage	Age of child	Assessment
Early Years (Nursery)	3-4 years	
Early Years (Reception)	4-5 years	Teacher assessments
Key Stage 1 (Year 1)	5-6 years	Phonics screening check (schools undertake the checks but the local authority must ensure training is available in all aspects of the check. They must also collect the results from schools, quality assure these and submit data to the DfE)
Key Stage 1 (Year 2)	6-7 years	National tests (multiplication tables) and teacher assessments in English, maths and science. The local authority must arrange a robust programme of moderation to ensure all schools they are responsible for are moderated at least every four years.
Key Stage 2 (Year 6)	10-11 years	National tests and teacher assessments in English and maths, and teacher assessments in science. These are externally set (SATs) and it is the responsibility of the Headteacher to ensure these are administered according to guidance.
Key Stage 3 (Years 7- 9)	11-14 years	None
Key Stage 4 (Years 10 and 11)	14-16 years	GCSEs (Now graded from 9-1, 9 being the highest. Grades 9,8 and 7 correspond to the old A* and A grades. 5 is a strong pass and 4 is a standard pass.
Key Stage 5 (Years 12 and 13)	16-18 years	A Levels or other national qualifications (T Levels were introduced in 2020)

The Role of the Secretary of State at the DfE

He has overall responsibility for the department: early years, children's social care, teacher recruitment and retention, school curriculum, school improvement, academies and free schools, further education, apprenticeships and skills, higher education and equalities.

The Role of the Education and Skills Funding Agency

The Education and Skills Funding Agency (ESFA) is a single agency accountable for funding education and, on behalf of the Government:

- provides local authorities with funds to support early years education and maintained schools
- directly funds academies
- directly funds education and training provision for 16-18/19 year olds in sixth form colleges and FE institutions

The Role of Local Authorities

Local authorities are the strategic lead for all services for children and young people from birth to 19, for young people with an Education and Health Care Plan (EHCP) and for young offenders in youth custody. The local authority's role is defined by the Secretary of State in terms of the following core functions:

- acting as champions for parents and families
- ensuring every child has a school place
- ensuring the needs of vulnerable pupils are met

Within these core functions are some key responsibilities:

School Places – ensuring there are sufficient suitable places for children in their area and identifying where there is a need for a new school. This must be a free school for which the local authority must provide the site and associated capital costs. There is also a duty on the local authority to ensure that free early years provision in their area is sufficient.

School Admissions – local authorities coordinate admissions to schools in their area and must publish a single prospectus offering parents details of admission policies of all schools in their area whether maintained, academies or free schools. Whilst the local authority determines the admissions arrangements for community and voluntary controlled schools, for other schools, it is the school governing body (voluntary aided schools, for example) or the academy trust, that determines these. The local authority must consult on any proposed changes to admissions and follow the guidance in the School Admissions Code.

Financial Management – local authorities finance all maintained schools using funding received from central government – the Dedicated Schools Grant (DSG). This funding is then allocated to schools according to what is now the National Funding Formula which sets out a formula for how Primary and Secondary schools should be funded. The local authority is required to establish a School Forum on which maintained schools and academies are represented. The Forum has a consultative role in respect of certain elements of the formula

but it does determine how much the LA can retain to fulfil its statutory duties. Academies receive their funding directly from central government but they are able to vote on certain issues at School Forum.

Staffing – the local authority is the employer of staff in community schools, voluntary controlled schools and special schools (if they are community schools). However, the responsibility for deciding the number of staff required and the selection and recruitment of staff falls to the governing body of each school. In other categories of school (foundation schools and voluntary aided schools), the school governing body is the employer. In academies, the employer is the academy trust.

Promoting high standards of education and intervening where there are concerns – local authorities are expected to act as “champions of high standards of education across their schools.” They are required to:

- Understand the performance of maintained schools in their area, using data as a starting point to identify any that are underperforming, while working with them to explore ways to support progress
- Work closely with the relevant RSC, diocese and other partners to ensure schools receive the support they need to improve
- Where underperformance is identified in a maintained school, the local authority should work proactively with the relevant RSC, including sending warning notices and using intervention powers where this will improve leadership and standards
- Encourage good and outstanding maintained schools to take responsibility for their own improvement, support other schools and enable other schools to access the support they need to improve

Local authorities receive a 'School Improvement Monitoring and Brokering Grant' to assist them in providing support to schools and schools themselves are entitled to certain funding from the DfE through a tiered system if they have not yet been judged 'good'.

Academies are accountable to the Secretary of State for their performance. However, if a local authority has a concern about an academy's standards, they can raise these with the relevant RSC. The local authority has a responsibility to ensure that schools are challenged if they are underperforming and it is generally the case that they will be working closely with their regional RSC to make sure that all schools are being held to account and that the RSC is satisfied that there are robust plans in place to ensure improvement. RSCs are expected to apply the same rigour to academies and free schools as local authorities are expected to apply to maintained schools.

Attendance – attendance at school is a parental responsibility. Parents and carers have a legal duty to ensure children of school age receive a suitable full time education. Where parents fail to secure good attendance at school and attendance drops below 85% or there is a concern about attendance generally, the headteacher must refer this to the local authority so that the Education Welfare Officer can work with parents to improve matters. The Headteacher can also decide whether a Fixed Penalty Notice (£60) should be issued to the parent(s) as an alternative to prosecution. If this is not paid, the local authority can proceed to prosecution.

Safeguarding and promoting the welfare of children in their area – local authorities have a range of statutory duties in relation to vulnerable children, including those with disabilities and special educational needs (SEN from 0–25 years), excluded children, children in need of mental health support, and looked after children. The Virtual School Head has particular responsibility for promoting the educational achievement of looked after children (LAC).

Prevent Duty

Local authorities, colleges and childcare providers also have a responsibility to prevent children and young people from being drawn into terrorism. This is known as the ‘Prevent Duty’ and requires the relevant agencies to work together to produce a risk assessment for their area and an action plan to address this.

Special Educational Needs and Disabilities (SEND) – in brief, under the Children and Families Act 2014, the local authority must:

- Ensure a sufficiency of provision for pupils with SEND and review it annually
- Make arrangements for Education, Health and Care Needs assessments of pupils/students and maintain EHC Plans
- Publish information on SEN funding and provision (Local Offer)
- Monitor the progress of children with SEND
- Provide a statutory information, advice and support service (IASS) to parents of pupils with SEND
- Provide mediation services to parents of pupils with SEND

Other LA duties include:

- Provision of alternative education (AP)
- Provision of education for children with health needs who cannot attend school
- Promoting the education of looked after children and previously looked after children (Virtual Headteacher role)
- Identification of children missing education
- Provision of free school meals
- School transport for those who do not live within walking distance
- Setting term and holiday dates for community and voluntary controlled schools
- Establishing and servicing a SACRE (Standing Advisory Council on Religious Education) to agree a local syllabus for RE
- Policies and procedures for Health and Safety in schools
- Securing training for school governors

This list is not exhaustive but provides many of the key duties of the local authority.

The Role of Regional School Commissioners

Regional Schools Commissioners act on behalf of the Secretary of State and are accountable to the National Schools Commissioner. There are 8 RSCs that operate across the regions and their main responsibilities are:

- intervening in academies that Ofsted has judged inadequate
- intervening in academies where governance is inadequate
- deciding on applications from local authority maintained schools to convert to academy status
- intervening in maintained schools judged to be inadequate by Ofsted by providing them with a strong sponsor
- encouraging and deciding on applications from sponsors to operate in a region
- taking action to improve poorly performing sponsors
- advising on proposals for new free schools
- taking decisions on the creation and growth of multi academy trusts
- advising on whether to cancel, defer or enter into funding agreements with free school projects

Each RSC is supported by a Headteacher Board which is made up of experienced academy headteachers who advise and challenge RSCs on the decisions they make. RSCs also work closely with the ESFA to provide oversight and scrutiny of academy trusts' performance in relation to educational performance, financial management and governance.

RSCs work in partnership with local authorities, Teaching Schools, local dioceses and Ofsted.

Teaching Schools

Most local authorities have Teaching Schools in their areas. Teaching Schools are good or outstanding schools who work with other schools to provide high quality training and support for school improvement in their local area. Their role includes:

- co-ordinating and delivering high quality school based initial teacher training (ITT)
- spreading excellent practice by supporting other schools, particularly those that need it most
- providing professional and leadership development for teachers and leaders across their network

Increasingly, school to school support is coordinated by a Teaching School as they can draw upon a range of system leaders including national leaders of education (NLEs) and national leaders of governance (NLGs) - outstanding Headteachers and Chairs of Governors who can support other schools.

School Governing Bodies

All maintained schools are governed by a school governing body. Responsibility lies with the whole governing body rather than individual members. Each governing body has an Instrument of Government which specifies the constitution of the governing body. Whilst governors are volunteers, a paid clerk provides administrative support. The school governing body is expected to operate at a strategic level leaving the headteacher accountable for the day to day operation of the school. It has three core functions:

- ensuring clarity of vision, ethos and strategic direction
- holding leaders to account for the educational performance of the school and its pupils, and for the performance management of staff
- overseeing the financial performance of the school and making sure money is well spent

Governors should have a mix of skills which enable them to contribute to the effective governance of the school. 'Foundation' governors are appointed in voluntary aided and voluntary controlled schools to ensure the religious character of the school is preserved.

Academies and Multi Academy Trusts

Single Academies are governed by an Academy Trust or a Multi Academy Trust (MAT) if it has responsibility for more than one school. Each Academy Trust has two layers of accountability:

- members who operate at a strategic level and have ultimate control of the direction of the academy trust
- trustees or directors who have responsibility for the day to day management and operation of the academy trust – usually known as the board of trustees. The board of trustees have exactly the same core functions as a school governing body in a maintained school and must ensure that it operates in accordance with the trust's funding agreement with the Secretary of State.

MATs may have a Chief Executive Officer performing an overarching strategic role without being the substantive head of any schools in the trust.

Ofsted and Inspections of Schools

Ofsted inspects schools under the Education Inspection Framework (EIF). How often Ofsted inspects a school depends on the findings of its previous inspection.

Schools judged 'outstanding' at their most recent inspection have been exempt from routine inspections in the past but from January, Ofsted will introduce routine inspections on a five yearly basis for this category of schools. Nursery schools, Special schools and Pupil Referral Units are still inspected in the same way that schools judged as 'good' are.

Schools judged 'good' at their most recent inspection will usually receive an inspection every four years to confirm that the school remains good. This is known as a Section 8 inspection. However, if early indications suggest that a school is better than it was or that standards have declined, Ofsted will carry out a full inspection which is known as a Section 5 inspection.

Schools judged 'requires improvement' at its last inspection is a school that provides an acceptable standard of education but will be inspected again within a period of 30 months.

Schools judged 'inadequate' are in a category of concern and that means the school has serious weaknesses or requires special measures.

In these circumstances, the Secretary of State will issue an Academy Order to a maintained school which will then become a sponsored academy.

If an academy is judged inadequate, Ofsted will monitor its progress. If an academy is judged as having serious weaknesses or requiring special measures, it will either be re-brokered to a new multi-academy trust or it will be monitored by Ofsted on its progress.

Current Government Policies

- increasing per pupil funding for primary and secondary schools
- moving towards delivering funding through a single national funding formula
- expanding the Free Schools programme
- increasing teachers' starting pay to £30,000 nationally by September 2022
- greater focus on further and technical education to ensure that post 16 education is well funded and young people can gain the right skills to support the economy
- supporting continued preparation of T levels and their delivery from 2020
- investing in the creation of a 'National Skills Fund' and in a rebuilding programme to upgrade the FE estate
- delivering better value for students in post-18 education and providing the best access for disadvantaged young people.

Where can I access further information?

School Organisation – Gov.UK

N.B. This paper provides a summary overview of the Education system. Details about more specific areas of responsibility of the local authority can be found in separate Briefings as follows:

- DSG and Schools Funding
- School Performance
- School Organisation and Capital Funding
- SEND Inspections
- Exclusions, EHE, Off-rolling, Children Missing Education, Fair Access
- Vulnerable Learners

Types of school - Appendix A

School type	Responsibilities
Local Authority Maintained	<p>Community schools: These are state funded schools that are controlled by the local authority. They must follow the national curriculum and national teachers pay and conditions. The local authority employs the staff, owns the land and buildings and determines admission arrangements.</p> <p>Foundation schools: Like community schools, they are funded through the local authority but they are run by a governing body and can decide on their own admissions policy and appoint staff. The land and buildings are usually owned by the governing body or, in trust schools, a charity.</p>
Voluntary Aided	These schools are usually faith schools and they are required to follow the national curriculum but they can choose what they teach in religious studies. Faith schools can set their own admissions criteria and can appoint staff. A foundation or trust (usually a religious organisation) contributes a small proportion of the capital costs for the school and forms a majority on the governing body. The land and buildings are usually owned by the religious organisation.
Voluntary Controlled	VC schools are similar to VA schools but they are run by the local authority. The local authority employs the staff and sets the admission policy. The foundation or trust (usually a religious organisation) owns the land and buildings and usually forms 25% of the governing body.
Academy	These are state funded, independent of local authorities and funded directly by the DfE. They may also receive additional funding from the academy sponsor. They are required to sign a 'Funding Agreement' with the Secretary of State. They can set their own pay and conditions. They do not have to follow the national curriculum but must teach English, maths and science. They are free to change the day and term lengths.
Free School	These are academies in law and are normally new schools. They have academy status and can be set up by businesses, parents, charities, universities etc. They do not have to follow the National Curriculum, they can set their own pay and conditions for staff and they can change the length of school terms and the school day.
Grammar School	They select pupils based on their academic ability usually at age 11. No new grammar schools are currently allowed but existing ones can expand.
Private or independent schools	They are not funded by government and exist from private fees and bequests. They do not have to follow the national curriculum and they are not required to follow national assessments although most do. They can change the length of the school day and terms. Selection by ability is permitted.