

Back to school

Ways for scrutiny to influence local education and support school leaders to improve results



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We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

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Foreword

I am delighted to introduce this publication arising from the latest collaboration between the Local Government Association (LGA) and Centre for Public Scrutiny (CfPS). As all involved in education grapple with new school structures and models, it is timely to focus on how councillors can best contribute, using their scrutiny responsibilities.

I firmly believe that the scrutiny role of councillors becomes more – not less – important as schools become more autonomous. To achieve the council's ambitions for its local area and community, councillors increasingly need to use the power of influence, coalition building and credible, informed persuasion to get all partners to cooperate together.

These are exactly the skills and attributes demonstrated by the best overview and scrutiny reviews, as CfPS knows from our Good Scrutiny Awards each year. I believe that this power of influence can potentially be more persuasive and effective than when the Local Education Authority sought to rely on their statutory powers to direct schools – because it brings schools into the wider debate about outcomes for children and young people. Regardless of changes in the management of local schools and any moves to Academy status or the setting up of Free Schools, councils continue to have a role to play in the local schools system and retain a range of statutory responsibilities for children in their area and for school improvement.

As you will read, the lessons from our seven case studies are clear and compelling. They have identified the need for closer links with school leaders, for better communication between councillors and local schools and for greater support and training for both councillors and school governors. They have also shown that council scrutiny can challenge all providers on their contribution to wider issues as well as school results.

Our conclusion is that scrutiny of the changing world of education needs to develop a clear focus, work out where its reviews can add value and be clear about the changing lines of accountability, whilst building relationships to gain support for its work in this area.

I hope that our case studies and the shared learning captured in this guide demonstrate to other councils that scrutiny is an important tool for helping councils to meet their continuing statutory responsibilities towards children and young people, regardless of the status of their local schools.

I would like to thank the LGA for funding and collaborating on this project and the councils involved for sharing their experience and ideas.

Jessica Crowe
Executive Director, CfPS

Introduction

“Overview and scrutiny goes back to school”

This quote, from one of the participants of the programme, captures what this publication is trying to achieve – helping councils to understand the different ways to keep in touch with schools and to identify opportunities for scrutiny to influence local education, support school leaders and help improve school results.

About this publication

All schools have become more independent of councils in recent years, but the Academies Act of 2010, the rapid increase in Academies in many areas and the emergence of Free Schools, has fundamentally changed established relationships. The council is still accountable for promoting academic excellence, protecting vulnerable children, school place planning and a whole raft of other responsibilities¹. To discharge these through what is effectively becoming in some areas an independent sector, councils need to develop a strong strategic role based on completely new ‘rules of engagement’.

Many councillors thought the Academies Act gave absolute autonomy to schools and released councils from all responsibility, not

realising they still had fundamental duties to discharge, for some of which Ofsted at the very least would be holding them to account.

The dilution of council powers and the increasing numbers of schools becoming directly accountable to the Secretary of State makes the job of fulfilling these statutory duties more challenging. The case for a continued but changing role for councils and their scrutiny function is compelling in relation to all schools, whatever their governance.

In June 2013, the LGA and SOLACE published a report that illustrates how a number of councils have responded to the challenge of the changing accountability landscape - showcasing the work being done by councils up and down the country to support school improvement. Coinciding with the new Ofsted inspection regime for school improvement support by councils, it showed how councils are adapting to the changing educational context of increasing school autonomy by strengthening and deepening their relationships with local schools.

CfPS recognised that the new pressures on councils with respect to the results achieved by pupils in their schools, regardless of management structures, required councils to increase their knowledge of pupil attainment and school improvement and the role of the council in school improvement – and that there is a role for scrutiny. Working with councils that have identified a role for scrutiny within the evolving educational

¹ http://www.local.gov.uk/c/document_library/get_file?uuid=129dab82-7e7b-4466-9e17-8661848ffec4&groupId=10171 }

picture, this programme and publication focuses on the role of council scrutiny to influence and improve education.

At a workshop in September 2013, programme participants were asked to detail as many ways as possible that scrutiny could review education, including pupil attainment, governance, school improvement and the role of councillors. Over 30 ideas were captured.

These have been themed under the following headings and are explored in more detail within this publication:

- Developing relationships with schools
- Reviewing and monitoring performance
- Reviewing approaches to school improvement and support services
- Reviewing governance
- Reviewing and understanding resource allocation.

Whilst there is a separate section on developing relationships with schools and the importance of good strong supportive partnerships, these run as a thread through the other sections encouraging schools and scrutiny to work together to benefit children and young people.



Developing relationships with schools

Overview

This section puts the foundations in place to ensure that the role of scrutiny in improving school performance can develop to its full capacity. Effective relationships are the cornerstone of ensuring that education delivery and school support services and people engaged in schools and activity relating to children and young people work together to mutual benefit and around common goals.

Sometimes regarded as a cliché, developing effective relationships is vitally important and not hard to do if you understand respective roles, responsibilities, purpose and the added value of a good working partnership.

A lot can be learnt from the role and function of health scrutiny over recent years. Health scrutiny is based on specific powers that education scrutiny does not have – but health scrutiny has rarely relied just on these powers to get results – the powers are used only as a last resort. Instead it has developed an understanding of health services, developed effective working partnerships and ensured that the health service understands what scrutiny is. Hospitals, ambulance trusts, community health services and other health commissioners and providers have learnt that health scrutiny can assist when making changes in health provision, or when tackling underperformance or seeking to involve patients and the public. Also health scrutiny is not ‘inspection’ or ‘performance management’. Similar roles are possible in education and parallels may be drawn with schools, school improvement services, governing bodies, parents and pupils.

It requires an understanding of different roles and expectations in education and the added value that might result from external constructive challenge by the critical friend of scrutiny.

Many head teachers, chairs of governing bodies and other school leaders may not be familiar with the role of scrutiny. However, there is the statutory requirement for scrutiny committees that cover education to have co-optees from governing bodies, which may include parent governors and diocesan representatives in respect of voluntary aided faith schools. It therefore is important to champion scrutiny, to tell the story of why it is important and how it might add value, to explain that it is the voice of the public (parent and pupil, the local business community and others) and to demonstrate how it helps the council to deliver the best services to its wider community, including its schools.

Ways to improve links with schools

Raise the profile of scrutiny

Given the perceived limited knowledge about scrutiny and the changing education system and council support, it would be important to showcase what scrutiny does and how it can help a school and the council in respect of its responsibilities in connection with education. This would include drawing on examples from other councils or making comparisons with health scrutiny.

Tips!

- ✓ Create opportunities to explore and understand respective roles, perhaps by attending a schools forum.
- ✓ Consider ways of improving communication through publishing a scrutiny newsletter or setting up an email group or agreeing the information that should be shared with scrutiny by schools.
- ✓ Ask if the scrutiny chair might visit the school and meet with the head teacher and chair of governors to explain the role and explore how they might work together, highlighting the potential value.

Strengthening links between local councillors and schools in their ward or division

Local councillors have a unique role in their community and are best placed to ensure that the school is aware of the community that it is within. These individual relationships help to break down perceived barriers. Challenge is easier to exert if the council and councillors are alongside their schools and are supportive and interested in their activity.

Tips!

- ✓ Show support by attending school and community events.
- ✓ Show an interest all of the time – not just when performance is patchy!

Site visits to schools

Visiting schools gives councillors a ‘real life’ picture, helping them to get to know their schools and its leaders. This type of informal approach helps councillors “feel where the school is coming from”, and brings its activities to life. It also helps schools to gain a different view of the council and its councillors and how they might work together.

Tips!

- ✓ Contact the head teacher to request a visit or tour of the school – stating your reasons and indicating that you would like to support them.
- ✓ Plan where visits can be used most effectively and where information gleaned may be helpful evidence.
- ✓ Once you have developed good working partnerships, ask to hold a scrutiny committee at the school and engage the school leaders and pupils as co-optees, partners or witnesses in a review or inquiry.
- ✓ Consider the role of schools within their community, rather than focus only on performance and results.

Strengthening links with local school and education leaders

Councillors and governors, whether appointed to community schools from the council or elected by parents, selected from a council or staff, or co-opted in Academies² have very similar roles not dissimilar from scrutiny. Working together to share experiences and skills will allow for better governance overall. Understanding where scrutiny can help school governors and where school governors can help scrutiny will help build support for partnership working.

Tips!

- ✓ Be clear about the information you need, from whom it is available, how it will be sourced and why you need it.
- ✓ Be clear about the different types of governing body and governors how they are elected, selected or appointed, and their roles.
- ✓ Create opportunities for direct conversations with parents, pupils, head teachers, chairs of governors and leaders of federations or Academy chains – and for scrutiny to meet with schools on a regular basis.
- ✓ Involve the Youth Parliament, youth representatives on scrutiny and other students in field research with their peers e.g. young carers and schools.
- ✓ Try holding in-depth reviews to look at topics related to schools and invite school leaders to suggest possible topics that might help them.
- ✓ Consider joint training and sharing of scrutiny skills between councillors and governors. Sharing council best practice on governance and transparency might be helped by comparing schools' approaches and openness to scrutiny and information sharing.
- ✓ Explore opportunities to maximise the role of council governors in particular and share scrutiny skills between governors, councillors and others along the lines of the CfPS local accountability framework – Accountability Works for You³.

² <http://www.education.gov.uk/a00226253/academy>

³ <http://www.cfps.org.uk/accountability-works-for-you>

Reviewing and monitoring performance

Overview

Although not new, the Academies agenda has strengthened and gained momentum recently, with more and more schools opting to become independent of the council. This has caused anxiety in some areas with councils fearing that they are losing oversight of performance, admissions and curricular within Academies across their area – and that they are becoming more distant from schools.

Monitoring, challenge and support remain clear roles for a council as it seeks to raise pupil achievement across the whole area – getting the best possible schools for local children. The work by scrutiny that is outlined in this publication shows how council scrutiny committees can help councils to fill this emerging accountability gap and to continue to fulfil their ‘champions for children’ role. This could include taking an overarching look at the quality of education in a local area and asking questions about any poor attainment levels, regardless of school type.

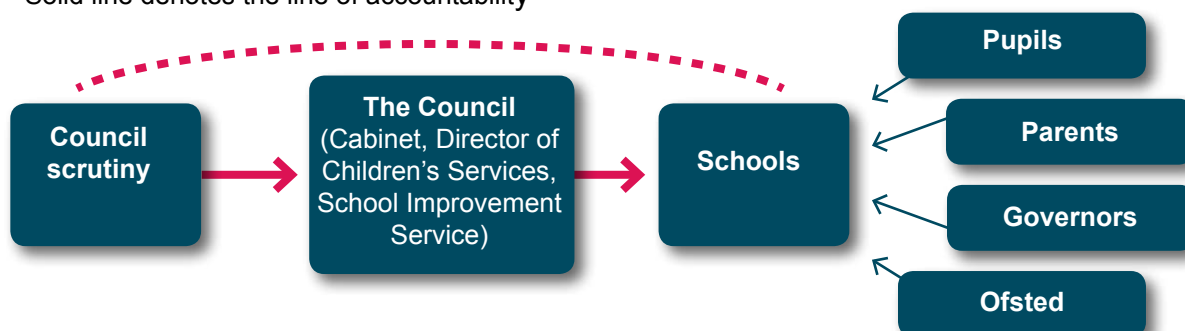
Case examples

Blackpool and East Riding of Yorkshire Councils have taken the direct route of reviewing a number of schools at each of their meetings. They felt that this gave opportunities for scrutiny councillors to review the effectiveness of all schools – challenging improvement services where things needed to improve and praising those that were raising the bar.

Richmond is moving to a commissioning council model and using scrutiny for strategic oversight of school performance at a council-wide level, not school by school. They systematically review topical issues such as place-planning and future education provision.

Hackney found it helpful to understand the lines of accountability and considered this for the role of scrutiny and holding schools to account. As the diagram below demonstrates, they concluded that the role of scrutiny was not to hold schools directly to account but to hold improvement services and senior officers within the education department to account for the support and challenge that they provide to schools.

- Semi-dotted line to connect Scrutiny with Schools denotes informal information sharing
- Solid line denotes the line of accountability



Identifying roles for overview and scrutiny in reviewing and monitoring performance

A number of topics and opportunities for scrutiny to add value to improving the performance of schools emerged from our case studies.

Much debate took place on the role of scrutiny in tackling under-performance of schools and it was clear from the conversations that the councils within this programme had tackled this in different ways.

Tips!

- ✓ Scrutiny could take an overview of school attainment in the council area and compare results with similar councils at all stages.
- ✓ Scrutiny could look at school Ofsted reports by exception, review improvement support and help prepare for Ofsted inspections of council support.
- ✓ Scrutiny is not performance management.
- ✓ Beware the time pressures of trying to scrutinise all your schools. Instead, set criteria to help you to select the best approach and focus on the places where you can make most impact; this could be of council procedures for monitoring performance and supporting school improvement.
- ✓ Make an annual challenge to the Executive councillor and officer on progress in closing the attainment gap within the council area and in comparison with similar authorities.
- ✓ Look at learning from the experience of federations of schools in terms of performance and improvement.

Suggested topics for scrutiny of performance

- Comparative results across the local authority area and with similar councils at key stages, GCSE and A level.
- The role of the council and local schools in bridging the gap in educational attainment.
- The effectiveness of education in making pupils ready for work.
- Thematic reviews e.g. Key Stage 2 literacy results, sixth forms, 14 – 19 provision, early years provision
- The local authority's support for looked after children and their educational attainment.
- School exclusions.
- Reviews with the head teacher and chair of governors of a school facing special measures or with underperformance to gain a clearer appreciation of the support and challenge that the school requires.
- Work with school leaders, the council's Executive member and the director of children's services and other appropriate officers to help carry out an informal 'dry-run Ofsted inspection' of the local authority's school improvement arrangements.

Reviewing approaches to school improvement and support services

Overview

In September 2013, Ofsted announced that annual inspection figures show that 39 per cent of schools had improved since their last inspection. In real terms this now means that 78 per cent of schools are graded “outstanding” or “good”, compared with fewer than 70 per cent last year. Sir Michael Wilshaw concluded that the inspection figures showed that “England’s school system is making some genuine and radical advances”.

Schools have been becoming autonomous for many years and are increasingly responsible for their own improvement – but the move to establishing Academies has given them additional freedoms away from central government such as the ability to adapt the national curriculum and national teacher’s pay and conditions thus moving them further away from councils. Despite this, from May 2013 Ofsted introduced a new inspection framework which will consider how well a council is fulfilling its general duty to promote high standards of education and to enable every child to fulfil their educational potential. Alongside this, councils still retain a role to act as champion for their children and to fulfil duties such as those to ensure there are sufficient school places.

So in this mixed world where there are continued expectations of councils in some aspects of educational provision, but increasing autonomy of schools, what can scrutiny do to help and support effective and appropriate school improvement services?

Identifying roles for scrutiny

School improvement services

Where provided by the council, there is more opportunity for scrutiny to monitor and challenge the support the council provides. Scrutiny can be the bridge between the school and the school improvement service to ensure that what is being provided makes an impact, is of high quality and addresses the need of schools.

The situation is more complex where Academies and Free Schools buy in support services from elsewhere. Here scrutiny could have a role in checking the effectiveness of the improvement support provided by Academy Chains.

Tips!

- ✓ Scrutiny committees need to understand the totality of school improvement locally – is it provided by the council and/or others?
- ✓ Listen to stories of success as well as of concern.
- ✓ Build effective working relationships (as detailed in the previous chapter) to allow for a better understanding of how improvement services are deployed within a school.
- ✓ Scrutiny may help to ensure that schools have access to advice, support and professional development that supports improvement from the council or elsewhere.
- ✓ Use scrutiny to help stakeholders to prepare for Ofsted inspections.

Recruitment and retention of leaders

Maintaining continuity and strength of leadership is vital for schools to improve. Whilst this seems less of an obvious task for scrutiny committees, they can assess whether there is a framework to recruit and retain leaders through monitoring turnover, identifying whether there is a training and development programme in place and listening to school leaders in terms of their success at retaining effective teachers, heads and deputies.

Tips!

- ✓ Use a council's influence to build the reputation of schools and the area including through ward councillors taking a more active and supportive role within a school.
- ✓ Monitor recruitment and retention of head teachers, senior leaders, governors and chairs of governors – reviewing the advice given to schools by council human resources staff.
- ✓ Seek to develop joint training and leadership development for champions of their patch (scrutiny councillors and all governors, not only council appointed governors).

School-to-school support

Outstanding schools make it their business to provide school-to-school support as part of their on-going journey to excellence and to help those in need of support. Academy chains have been established and some maintained schools have been federated in order to support each other's improvement journey and ensure the transfer of excellence across schools, this is a potentially significant area for scrutiny to explore. This could include assessing what a school excels in or needs to improve, gaining an understanding of the strengths and weaknesses of schools on an individual basis (using scrutiny's improved links, as detailed in the previous section) and asking questions of chains or federations in terms of the outcomes of their school-to-school support in order to share those insights more widely.

Scrutiny could also have a role in ensuring that all local schools are working collaboratively to drive school improvement or check that all schools are buying in improvement support from somewhere, even if it is not from the council.

Scrutiny's evidence gathering would provide a picture of the key inputs and structures to promote excellence and improvement that can be shared across an area.

Tips!

- ✓ Carry out a review of school-to-school support – involve school leaders, school improvement services, education partnerships, Academies and their chains, Free Schools and maintained schools and their federations.
- ✓ Encourage buddying and sharing across schools.
- ✓ Where it is difficult for scrutiny to review the performance of all schools, seek to hold ‘collaboratives’ or ‘clusters’ to account for the results and the effectiveness of their ‘school-to-school’ improvement systems across those schools.

Engagement with stakeholders and the public

It is possible to develop a role for scrutiny to assess how effective a school is at listening and responding to pupils, parents, the community and stakeholders. Scrutiny might also explore how it can involve pupils, parents, the community and stakeholders in reviews of schools and school improvement.

Parental insights are invaluable in any review of admissions procedures, eg the clarity of information provided, the ease with which applications may be made, the information that they receive about place allocations and their experience, if any, of appeals.

As ever, effective scrutiny will depend upon getting to know individual schools better, understanding how these stakeholders are engaged with their School Development

Plan, looking at how open schools are in terms of meetings with parents and considering whether schools offer community focused activities. The best schools build on the views of all stakeholders and, whilst they may not be able to deliver everything that people want, scrutiny can assess whether they have a systematic approach and culture of involvement.

As is the case with most scrutiny reviews, you will need to encourage all stakeholders to be involved and be open to new ways of reaching out to local people – parents, young people and children.

There are many good examples of councils that have involved young people within scrutiny reviews and some of these are highlighted within CfPS’s publication ‘Tomorrow’s People’⁴.

Tips!

- ✓ Use Public Question Time at council meetings.
- ✓ Use web-casting.
- ✓ Show the public the work of scrutiny in relation to schools.
- ✓ Draw on the experience of scrutiny across the country in engaging with children and young people, sourcing ideas from the CfPS website and library of reviews.

⁴ <http://www.cfps.org.uk/domains/cfps.org.uk/local/media/uploads/youngpeopleguide2final.pdf>

Suggested topics for scrutiny of school improvement and support

- The whole education approach of the council from early years to post-16
- School improvement services, whether within the local authority or outsourced
- Local authority provision of a schools liaison team, or similar
- Local authority provision of support for special educational needs
- Support of the local authority for co-optees on education scrutiny committees
- The local councillor as school governor and local authority support for them
- The effect of traded services
- The Home to School Transport Service



Reviewing governance

Overview

Given the refreshed school accountability system with the growth in number of Academies and the emergence of Free Schools, as well as the new ways that school improvement is delivered, scrutiny committees and their officers need to understand better the new lines of accountability and with whom they need to work. Then, having determined with whom the relationships need to be developed or sustained, contact needs to be made and shared understanding developed.

Scrutiny can play a role by exploring if there is effective governance. Although schools have more autonomy, many continue to have local authority governors. Even if they do not, council scrutiny might explore new accountabilities and the openness of schools, the nature and effectiveness of school leadership and the role and performance of governing bodies. Many councillors are also local authority governors and have an appreciation of education and the effectiveness of local schools. They could be involved in helping to develop relationships with schools and scrutiny and could be witnesses or co-optees on task and finish groups on matters relating to education. In general, as outlined earlier, local councillors should be more involved with their schools, including but not only as school governors.

Whilst there are fundamental differences between members of a governing body (whatever the school management structure) and scrutiny councillors, there are also some parallels. These include:

- providing constructive challenge and helping to develop proposals on strategy and policy
- monitoring school performance and providing challenge where appropriate
- being satisfied about the integrity of financial information and the robustness of controls and risk management
- refreshing their knowledge and skills and participating fully in an induction programme
- showing integrity and probity, instilling an appropriate culture, applying appropriate values and exhibiting appropriate behaviour
- insisting on high quality information in sufficient time for meetings
- taking account of parents', children's and other stakeholders' views
- disclosure of relevant interests.

Yet there are very few opportunities for scrutiny and governors to work together and learn from each other and support services for governors and scrutiny often sit within different departments of a council. With authorities increasingly recognising the vital and complex role played by governors in ensuring school effectiveness, it would be useful to understand the complementary roles of governors and scrutiny councillors and how they can work together locally to improve education for children and young people.

Identifying roles for scrutiny

Role and efficacy of school governors

It is usual for a council to provide varying degrees of support for governance of schools, eg training, information and clerking services, so there are opportunities for scrutiny to ensure that these services are fit for purpose and used to benefit all governing bodies. However an untapped resource and conduit of information is the council governor. Maximising use of this role and the support provided to council governors could improve the challenge provided by the whole governing body and can certainly be used to improve communication between schools and scrutiny councillors. More effective council governor roles and support will help councils to keep an eye on education from a distance.

Tips!

- ✓ Explore the support that the council provides to all governors.
- ✓ Understand the different types of governor and their roles – in particular the role of the council governor.
- ✓ Review whether good governors are being recruited.
- ✓ Review whether governors have the right skills and support.
- ✓ Remember that Academies are allowed up to one council governor, so might be interested in a scrutiny role regarding support for and the selection of councillors on governing bodies.

Involving statutory co-optees

There was some debate between the programme participants surrounding the role of statutory co-optees. There are regulations requiring the co-option of church (Church of England and Roman Catholic), and parent governor representatives onto council committees dealing with education. These include voting rights on education matters only. Some education or children's services scrutiny committees also co-opt youth representatives and it is at the discretion of the council whether they are given voting rights on matters relating to education and youth provision.

It was felt that there was value in having co-optees to provide a link to the wider community and give broader representation and that they could fill the gap in the skills of the committee sharing resources, insights and ideas. However, their understanding and contributions appear to vary widely within and across committees, which is possibly a reflection of the nature of their induction and support, time availability and competing personal commitments.

Tips!

- ✓ Ensure that education co-optees are inducted and kept fully briefed on matters relating to education.
- ✓ Consider co-opting youth representatives eg from a local youth council or Youth Parliament and ensure they are inducted, briefed and involved.
- ✓ Ensure that co-optees have an understanding of their role and the nature of scrutiny.
- ✓ Encourage and support co-optees to be involved in task and finish groups and other forms of scrutiny review.
- ✓ Review the views and engagement of co-optees and their relationship with the bodies they represent, their recruitment, training and engagement and identify action required to improve their understanding of scrutiny, their involvement and the support they need.

Political decision making

Participants recognised that the council continues to have powers and duties in relation to education, so scrutiny needs to retain an internal council focus on its own decisions around education support and resource allocation.

The council leader, executive member covering education and children's services, and the director of education and/or children's services all have a significant role in decision making about education. This may include:

- school place planning
- support for vulnerable pupils including those with Special Educational Needs
- admissions policies including the provision of information and the handling of appeals
- the resources made available for school improvement
- the level of in-council staffing for school improvement and support
- provision or not of clerking services and training for governing bodies
- provision or not of human resources advice
- funding of Home to School transport and Pupil Referral Units
- non-school support for learning such as the provision of libraries and their opening hours, leisure facilities, playing fields, public health and even housing, given their role in the wider determinants of educational attainment
- council policies and budget allocations for looked after children, children's social care, safeguarding, and the activity of the council as a corporate parent.

Potential outcomes from scrutiny of council decisions relating to education were identified as:

- better relationships for the council with all schools in its area
- an improved and extended offer of council support to schools
- clarification of the role of the council
- better understanding of how scrutiny might help all stakeholders in education
- acceptance of the council's responsibility for the whole area and all the children who live there.

Tips!

- ✓ Hold a briefing for scrutiny councillors on the Government's agenda for education and schools, including the Secretary of State's proposal for 'developing moral purpose'.
- ✓ Hold a briefing for scrutiny councillors on the new accountabilities in education and the emerging local school systems, including Federations, Academies, Academy chains and Free Schools.
- ✓ Hold regular (though not necessarily frequent) meetings with the director of children's services and other relevant officers, the executive member, teaching unions, a head teachers forum, schools forums, parent groups, teaching alliances and similar.
- ✓ Hold the leader, executive member and director of children's services or education to account for their monitoring of Ofsted inspections and school results and their preparation for Ofsted inspection of school improvement support by the council.
- ✓ Scrutinise school place planning and council school building projects and the use of planning gain that is earmarked for education.
- ✓ Look at the council's policy in relation to relationships with Academies and Free Schools and their attitude and relation to Academy improvement chains.

Suggested topics for scrutiny of governance

- Local authority as the 'champion of pupils and parents'.
- Local school leadership against the four Ofsted criteria: namely the achievement of pupils at the school, the quality of teaching in the school, the behaviour and safety of pupils at the school and the quality of leadership in, and management of, the school.
- Local authority intelligence gathering about the range of curricula across all schools – and what they do with the intelligence.
- Engagement with any governors networks, including consideration of the support provided by the local authority for all school governors.
- Admissions procedures and appeals.
- School to school improvement arrangements in-house or outsourced.
- Succession planning by schools.
- Performance monitoring of relevant KPIs by the school leadership.
- School leadership's pupil plans, differentiation and alignment.
- Collaboration with schools forum or similar.
- Inclusion across the local authority.
- Pupil behaviour and attendance across the local authority.

Reviewing and understanding resource allocation

Overview

As councils' children's services budgets come under pressure, the question of maximising the impact of resources becomes more important. It's also important to ensure that schools allocate funding according to need and that targeted funding provided to the council or to schools is utilised effectively. These are roles that scrutiny can play, both externally, through the influence of council governors where appointed and through building better relationships with schools and also internally, through the budget and policy scrutiny mechanism.

Scrutiny roles could include:

- understanding the authority's strategy for targeting expenditure and working with children and young people at a time when schools have increased autonomy and providers of schools are becoming increasingly diverse, thus making it harder to gain intelligence about them
- looking at the range of services being provided, whether 'traded' or otherwise and how the pattern of services are likely to change in the future
- reviewing and helping to choose the right performance indicators that will provide assurance as to the quality and effectiveness of any relevant strategy and delivery
- monitoring spend and outturn figures.

Identifying roles for scrutiny

Place planning

Councils have a statutory duty for school place planning and shaping future education provision. Scrutiny can play a valuable role in providing insight and challenge to plans made by a council. This can include a check on the quality and source of data and future projections, compared with census and other demographic information, for example.

Scrutiny can:

- bring together and listen to the views of a wide set of stakeholders
- work across councils
- represent the community and act on behalf of parents
- review and interpret data.

Tips!

- ✓ Continue to ensure scrutiny of council budgets that relate to education in the annual budget cycle.
- ✓ Monitor funding allocations by central government to the council and schools within the council area and decide whether it is possible to scrutinise their use and outcomes.
- ✓ Look at data that is used in place planning and projections alongside the location of all types of school in the area.

Use of the Pupil Premium

The majority of participants identified this as a possible scrutiny topic. It was recognised that schools use pupil premium funding differently. Some use it to benefit those pupils that receive it, despite some of these pupils not needing additional support to achieve well. Others who have an in-depth understanding of the performance of all of their children target spending on the pupil premium where it is needed more – and so pupils who are not eligible for free school meals benefit as well as those that are.

Scrutiny can challenge the use of pupil funding – gaining an understanding of local practices and what works best and comparing local schools' application of the funding with schools in other councils. Scrutiny can help assess whether the funding is achieving the required outcomes in different schools and hold the school leadership to account for making best use of an additional resource.

Scrutiny is able to access relevant information as schools must publish details of their pupil premium, how it is spent and what the outcomes are for children receiving it. This is relatively new data that schools now publish and will give a great deal of insight into school planning and improvement that scrutiny can use to build up a picture of the school.

Tips!

- ✓ Scrutiny can offer a holistic view in terms of the use of the pupil premium, the selection of children who might benefit and the sharing of good practice from other authorities.
- ✓ Scrutiny may identify aspects of deprivation that influence educational attainment and make suggestions to other relevant council services or partners that could help them also to address this inequality, drawing on evidence in assessing the use of the pupil premium.
- ✓ Scrutiny might look at what works and celebrate the success of schools in making an impact through the pupil premium.
- ✓ Scrutiny could be used to facilitate transparency of the use of the pupil premium, evaluate the teaching system and make recommendations and have a better understanding of the needs of pupils and their schools.
- ✓ Scrutiny could help to ensure compliance with a school's statutory duty for publishing information on the use of and outcomes from the pupil premium.

Suggested topics for scrutiny of resource allocation

- Local authority budgetary support for schools and school improvement and related services.
- Research data on the Capital Programme.
- Local authority input into the school improvement strategy and services.
- Recruitment and retention of school leaders and staff.
- Home to School Transport budget.
- Cost of value added in School Improvement Services.
- Services provided to schools by the local authority that are bought by Academies as well as used by maintained schools.



Summary and conclusions

Our interest is in how scrutiny can help to improve educational attainment and the prospects for all the children in our councils. The case studies and other material in this publication indicate the many ways in which scrutiny can develop in regard to the continuing responsibilities of councils for education, as well as by providing a means to ensure accountability of all schools. From our work and the case studies, it is clear that council scrutiny has a significant role to play in relation to education.

Furthermore, we are convinced that scrutiny has a role in education regardless of the form of governance of schools. This applies both in exercising its powers to scrutinise the services directly provided by the council and in engaging with all schools whilst recognising their autonomy. Scrutiny may use its influence and credibility to act on behalf of its community, engage stakeholders, work with decision-makers and providers to seek to improve education and where appropriate to hold decision-makers and providers to account.

Reflecting on the comparisons with health scrutiny as a 'lever to improve the health of local people', we feel that scrutiny can be a 'lever to improve the educational achievement of children'. This is an opportunity to build relationships not just between scrutiny and schools but across all stakeholders in education.

Scrutiny can bring:

- independent support and challenge to schools, regardless of their governance model
- relevant experience of and skills from

working with health and social care (where, as in education, partners and council commission and provide services, and where scrutiny can provide internal and external challenge and support in relation to policies, services, public experience and outcomes)

- a track record in building strong effective working relationships and practices
- skills in consensus-building through stakeholder engagement as a core way of working.

We hope that this resource will help other scrutineers to draw on this good practice and to consider some of the suggested ways to scrutinise education and school leaders in order to improve school support and educational attainment of children and young people in your council.

CfPS would like to hear from you and how you are scrutinising education; and also how you have drawn on this resource in developing new accountabilities in education. Please use the blank pages at the back of this publication to jot down your thoughts and next steps. The remainder of this publication includes:

- Appendix 1 outlines questions to help you start to think about scrutiny and education. The questions have been adapted from those produced by the West Midlands Scrutiny Network (CfPS wishes to thank the network for sharing these questions). They include additional questions highlighted by this programme and should provide a tool to help you consider your own arrangements and to plan for the future.
- Appendix 2 provides the case studies of councils who already have undertaken scrutiny of local education provision and support and of their schools.

Appendix 1

Questions

- **What reviews have you undertaken regarding education?**
- **What topics would you now wish to review after reading this publication?**
- **Which education services are the council continuing to provide to schools?**
 - How are these services being funded?
 - How do these services relate to the priorities for children and young people in the area?
 - How might you scrutinise performance across your council?
- **How is the council ensuring that it will still be able to deliver its statutory duties?**
 - What are its statutory duties?
 - How is the council ensuring that safeguarding remains the top priority?
- **The council will continue to have a statutory duty to ensure there are sufficient school places in the area. What information does the council have about:**
 - Proposals for Free Schools?
 - Plans of schools to increase their admissions numbers?
- **Is the council considering trading education services with schools?**
 - How will the council ensure the sustainability of those services when in competition with other service providers?
- **Which education services has the council stopped providing to schools?**
 - How will outcomes for young people be affected if external service providers cannot fill the gap?
- **Will the council be seeking an agreement with Academies regarding access to information – for example, to enable scrutiny of educational attainment and compliance with the admissions code?**

- **Will the council continue to operate a School Admissions Forum, following removal of the statutory duty?**
 - If so, what changes would be beneficial to its terms of reference?
- **How is the council continuing to foster collaborative relationships with schools in the area?**
 - Does the council have a role in school-based partnerships?
 - What about the relationship with local councillors?
 - What about the relationship with the scrutiny function?
 - How do you currently work with the full range of schools in your area?
 - What actions could you take to improve links with all types of school in your area?
 - What are the implications for a scrutiny committee's statutory education co-optees?
 - How could you raise the profile of scrutiny with school leaders?
- **How will the council work with all schools to take forward initiatives in the Special Educational Needs (SEN) Green Paper and support for children and young people with SEN?⁵**
 - How will you achieve an appropriate balance between scrutiny of the council's role in education and direct scrutiny of the range of local schools?
- **How will the council influence better educational outcomes for the most vulnerable children and young people in the council area?**
 - How will you achieve an appropriate balance between scrutiny of the council's role in education and direct scrutiny of the range of local schools?

⁵ (The Green Paper 'Support and aspiration: A new approach to special educational needs and disability' was published on 11 March 2011; see <http://www.education.gov.uk/schools/pupilsupport/sen/b0075291/green-paper>)

Appendix 2 Case studies

Over the following pages you will find out more about the work and reviews of seven of the councils that worked on this project.

Each one gives more details on:

- their context and the reasons for the review
- what they did
- learning and tips
- what they are planning to do next.

Strengthening the family of schools – the role of Birmingham City Council

Background

Like others, Birmingham wanted to respond positively to the changing educational landscape. The changes risked a growing misconception that the council no longer has a role to play in our children's education; in fact nothing could be further from the truth. The Secretary of State for Education has made clear that he sees councils taking a strategic role in the educational system, while retaining three core responsibilities:

1. Ensuring a sufficient supply of school places.
2. Tackling underperformance in schools and ensuring high standards.
3. Supporting vulnerable children.

What Birmingham did

The Scrutiny Inquiry was conducted via a short series of formal committee meetings during September and October 2012 along with a visit to a city Academy. We heard evidence in the meetings from a range of schools and stakeholders. The key questions for the Inquiry were:

- In the light of more schools in Birmingham becoming Academies what role should the City Council play to support all schools and children?
- What is the new strategic role for councils in local education provision?

The timeframe for the Inquiry meant that there were several areas we were unable to probe, and the findings from the review are very much seen as a baseline to build upon. The ten recommendations are focused on improving processes and relationships.

They covered: developing a vision for education; school improvement; school places; and the role of councillors in understanding and challenging performance at a local level and championing their local schools.

Learning and tips

- The review identified several challenges, but the one overwhelming message heard was the need for a new debate on education locally to develop a shared vision for education. This will be central to ensuring that the needs of all our children are met, whichever type of school they attend.
- Don't be afraid to question; you are a 'critical friend'.
- Be clear about your objectives; identify what you can influence.
- Make achievable recommendations that add value and track progress.
- Hold officers and the executive to account on the council's role in education.
- Visit schools to hear at first-hand about issues that are affecting them.

What's next?

Committee members see this report as an important step in establishing how the City Council can work with all schools within the increasingly diverse and autonomous school landscape and how councillors can develop a role as effective 'Education Champions' for children, parents and communities.

Members will continue to explore issues relating to the future role of the council in this new educational landscape and this will form the basis of the committee's on going work.

For more information, please use this link:

<http://tinyurl.com/nqvcq9p>

Scrutiny of schools in Blackpool

Background

In October 2012, the Scrutiny Committee appointed a Review Panel to undertake scrutiny of education matters, including the consideration of school performance information and Ofsted Inspection Reports.

The Panel's role is to consider and make recommendations on school performance information including attendance at schools, attainment of children and Ofsted Inspection Reports; and to review and make recommendations on key strategic documents and issues affecting schools such as exclusions.

What Blackpool did

The Review Panel meets approximately six times per year and considers up to four schools at each meeting (comprising a mix of schools e.g. primary, Academy, secondary and special). Schools are considered on a rolling programme and meetings are held at a school in Blackpool and at a time to allow attendance by head teachers and governors, if requested by Members. Time prior to the meeting is used for councillors to undertake a tour of the school.

The Panel has made a number of enquiries and observations in relation to the schools that have been reviewed to date, including the impact of pupil stability on absence levels, the high levels of special educational needs at schools and the steps made by schools to improve attainment. The Panel has also considered data demonstrating that Blackpool schools have significant levels of children in receipt of free school meals and higher than average pupil transience.

The Panel review Ofsted Inspection reports as and when they are published and receives regular updates regarding improvements at schools, monitoring the implementation of any action plans that may have been put in place.

Learning and tips

- Hold meetings in schools (with the permission of the school) and take a tour to enable councillors to get to know the school.
- Build relationships with schools to ensure they are approachable and to allow for better cooperation, if and when required.
- Don't take attainment in isolation – use the links between Ofsted reports and school performance data (including absence, transience, free school meals, special educational needs) to get a holistic view.
- Get an understanding of who is accountable to the Panel – is it the Executive Member, the Director of Children's Services, the School Improvement Team, the governing body or the head teacher?

What's next?

In November 2013 the Panel is going to review its work over the first year of operation to identify how to take work forward to next year – building on what has worked well in meetings and also what they have learnt from being a part of this national project for CfPS. Amongst other questions, the Panel will be considering the following:

- Is the Panel receiving the right level of information?
- Is the Panel challenging the right people in the right way? Where does accountability lie? Council officers, school governors, head teachers?
- Is the Panel being challenging enough?

For more information, please use this link:

www.blackpool.gov.uk

Scrutiny of schools in Buckinghamshire

Background

In 2012 there were already over 30 Academies in Buckinghamshire, almost all secondary schools. Some councillors thought this meant absolute autonomy for those schools and were unaware of the key strategic role played by the council. Others were concerned how the statutory responsibilities of the council for the education and wellbeing of its children were being discharged without the traditional top down relationship; and others expressed concern for the accountability of Academies in general.

An emerging independent learning trust had reported regularly to the Overview and Scrutiny Commissioning Committee (OSCC) – but had not been the subject of review. It was in this context that the OSCC commissioned a review to explore relationships between Buckinghamshire Academies and the county council.

What Buckinghamshire did

A review group was tasked with providing an overview of how working arrangements between Academies and the local authority have developed since the 2010 Academies Act, in particular around supporting vulnerable children, standards and provision of places; and potential roles around local involvement and accountability, including new roles for local councillors in working with and building relationships with schools. They did this through a variety of meetings with cabinet members and education professionals, head teachers, literature review and research.

Learning and tips

- It is key for the local authority to define its new strategic role in relation to education – built around collaboration and projects such as the creation of the Buckinghamshire Learning Trust.
- There is strong commitment in Buckinghamshire to exploring collaborative working between schools and the local authority.
- Councillors have a strong role as a link between schools, the council and other organisations, and as ‘critical friends’ of schools.
- There are opportunities for sharing good practice including school-to-school development.
- The Cabinet Member is held accountable overall.
- It is important to engage with as wide a group as possible and especially with head teachers, chairs of governing bodies and parents.

What's next?

- The council embarked along a path of continuous adjustment and culture change. It demonstrated commitment to a new style of collaborative working to fulfil their responsibilities. This will be reviewed again by scrutiny.
- As the future is in part dependent on the success of the proposed Buckinghamshire Learning Trust, scrutiny will be updated formally on the early operation of the Trust in Spring/Summer 2014, including information on commercial operation and the mitigation of identified risks and support for collaborative working.
- Member induction will include guidance on why it is important for councillors to get to know their local schools. Options for a ‘protocol’ around school and councillor working relationships are to be explored.
- The new Education Skills and Children’s Services Select Committee is continuing to tackle education issues with a review into the causes of the widening achievement gap.

For more information, please use this link:

<http://democracy.buckscc.gov.uk/documents/s27387/Chairmans%20update%20-%20Learning%20New%20Ways.pdf>

Scrutiny of schools by East Riding of Yorkshire Council

Background

Scrutiny of education falls to the Children and Young People Overview and Scrutiny Sub-Committee and Review Panels at East Riding. The work of the Sub-Committee is divided up between ordinary meetings and Ofsted meetings. The Sub-Committee has co-opted members including parent governors, young people, Teachers' Union and Church representatives.

What East Riding did

The Sub-Committee meets seven times per year to review subjects such as school funding, 14-19 education provision, term time holiday, special educational needs, school admissions and road safety training within schools; and four times a year to view all the Ofsted reports for East Riding schools. Head teachers and chairs of governors from a cross section of schools (including Academies) are invited to meet with the Sub-Committee, alongside the School Improvement Service. Councillors ask questions about the Ofsted report; what the school is doing to address areas for improvement; and how the School Improvement Service is supporting them; and since the introduction of the new Ofsted framework, also ask those schools requiring improvement, how long it will be before they are a good school.

Review Panels are set up to undertake in-depth reviews of specific issues. A Review Panel was set up following the release of the 'Achievement and Attainment Tables' in 2011, which showed that some East Riding secondary schools had not performed as well as had been expected. The Panel looked into the reasons why, visited and met with a number of secondary schools and sought the views of all secondary schools on the 2011 examination results.

The review recommended that an 'Excellence for All Fund' of £200,000 be established and invited all LA schools to bid for funding to undertake initiatives to raise attainment. This was well received and has led to increased attainment.

Currently the Panel is examining the performance of East Riding Schools following the 2011/12 annual report of Her Majesty's Chief Inspector, which highlighted that schools in the East Riding were falling below the national average in terms of the proportion

that have been judged to be good or outstanding. The review is examining and evaluating the effectiveness of schools in the East Riding and the measures implemented by schools to monitor, review and improve their outcomes. This is due to report later in 2013.

Learning and tips

- Ofsted meetings provide an excellent opportunity to build good relationships with schools, enabling the Sub-Committee to monitor performance, identify good practice and follow up issues raised by schools.
- A focused approach via a Review Panel has been effective in making recommendations which have made a positive impact on children and young people in the East Riding.
- Visits to schools, children's centres and businesses are invaluable and help to build relationships and involvement in the scrutiny process; councillors hear first-hand about their experiences and issues.
- The Portfolio Holder for Education is invited to participate in meetings and to be held to account as necessary.

What's next?

The Sub-Committee is keen to ensure it is taking a holistic approach to the performance of schools, comparing performance of schools across the East Riding and nationally. It is also considering ways in which it can involve young people more effectively in the topics it considers.

For more information, please use this link:
<http://www2.eastriding.gov.uk/council/committees/overview-and-scrutiny-committees/children-and-young-people-sub-committee/>

Hackney's Scrutiny Review: The Council's Role in the New Education Environment

Background

The Children and Young People Scrutiny Commission focuses on all services provided by Hackney Learning Trust, children's social services, and other issues relating to young people in the borough.

The Commission chose to review this topic to try to understand and shape the local authority's future role in education, and the relationship between schools and local councillors. This was influenced by changes to policy nationally as well as locally as education services were transferred back to Hackney Council having been run by the Learning Trust since 2002.

What Hackney did

They sought clarity about what the council expects from schools in the borough; and explored the role of ward councillors in relation to schools and how that relationship could be improved. They:

- gathered evidence over four months
- heard from the Learning Trust; Sir Michael Barber, a former Chief Adviser to the Secretary of State for Education on School Standards and an educationist; Rick Muir, Associate Director for Public Services at the Institute for Public Policy Research and London Councils
- surveyed councillors and head teachers
- councillors listened to governors and met head teachers in their wards and reported back.

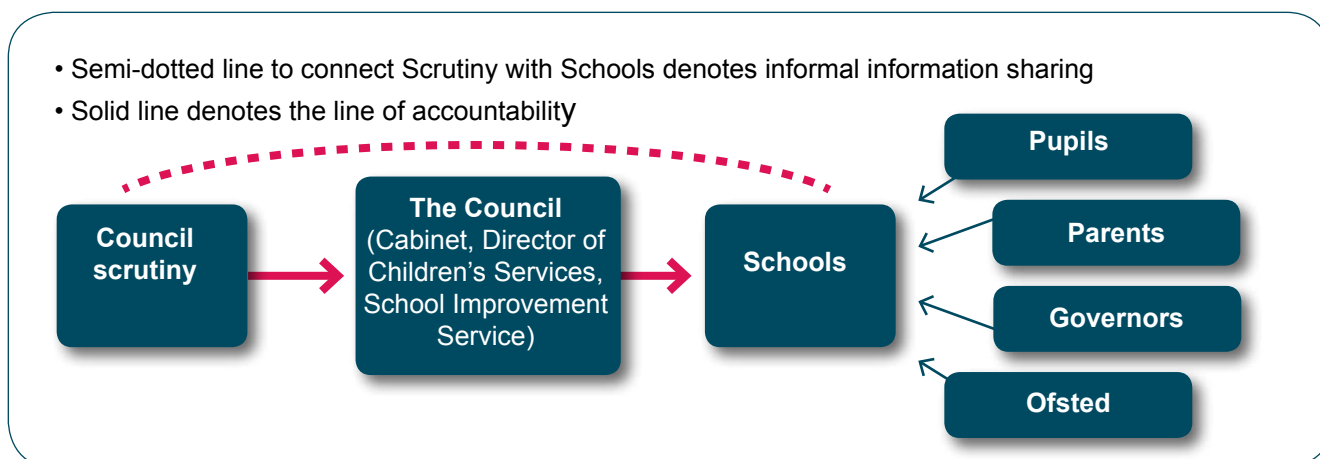
Learning and tips

- Councillors can be a key link between schools and a council by promoting wider engagement with the local community, and educating children and young people about local democracy.
- Being a school governor is one of the best ways to link with a school, but challenges are the time commitment and getting a balanced coverage across wards.
- There is a good track record of councillor involvement with schools when involved in a scrutiny review, as evidenced in the report.
- You need to understand the lines of accountability. There is a role for scrutiny in holding schools to account and asking school leaders questions about performance. But scrutiny should not hold head teachers directly to account for the performance of their school. Instead the Committee should hold the Head of Education Services and the Cabinet Member to account for how effectively they were challenging and supporting the school to improve.

What's next?

The Cabinet response to the Commission's findings and recommendations was positive and it has agreed with everything the Commission said. The recommendations were largely about the council providing information, advice and support for councillors to develop their relationships with schools effectively.

For more information, please use this link: www.hackney.gov.uk/Councils-Role-New-Education-Environment-Scrutiny-Review



Scrutiny of schools in the London Borough of Richmond upon Thames

Background

Richmond's vision is to become a fully 'Commissioning Council.' Work is underway across all areas to commission and procure the services the council needs to meet the existing and future needs of its residents.

This includes a programme within Education and Children's Services to create 'Achieving for Children'; a joint company, with the Royal Borough of Kingston. The challenge of growing numbers of Academies and Free Schools also raises wider issues of accountability and transparency for scrutiny councillors.

What Richmond did

Richmond is not doing a specific piece of time limited work. Instead they are focusing on ensuring that scrutiny is fit for purpose for the council model and wider changing education landscape. They have:

- A strong partnership of schools developed through Education Richmond. The challenge for scrutiny is to build good relationships with this body through its officer links to enable whole scrutiny of cross borough school and education issues. Officers attending as witnesses need to provide reassurance that schools are continuing to work together and are open to scrutiny and involvement.
- Looked at what the councillor role will be in the future through the council's Strategy Panel.
- Managed the agenda for committee meetings to ensure that the range of bodies and individuals are invited and the full breadth of issues are scrutinised.
- Scrutinised key issues such as school place planning and future education provision. A range of detailed meetings have taken place on these issues to involve scrutiny prior to decision making.
- Separated out council statutory duties from the delivery by Academy Trusts and Free Schools to ensure they are effectively scrutinised. They are asking: What happens where there is underperformance? How can scrutiny maintain relationships and helpfully challenge?
- Developed an agreed way to engage councillors as fully as possible in the commissioning and procurement process. Councillors are engaged

in looking at: what is needed to meet the needs of people accessing services; how can the specification be developed to meet these needs; what are the strengths of existing arrangements which need to be carried forward; and how can value for money and quality be ensured? In respect of post contract award monitoring, they are asking: how has the contract bedded in; are the outcomes being delivered; and are there any areas where expectations haven't been met?

Learning and tips

- Restrict agendas to only three items per meeting to ensure focus and more detailed scrutiny.
- Get out and about – scrutiny councillors engage best when they can see things happening on the ground.
- Involve young people through use of a volunteer youth scrutiny panel to gather the views of their peers.
- Make sure that scrutiny looks in two directions – with 'schools as customers' and the 'council as provider', and ask if expectations are being met.
- Focus on outcomes.

What's next?

- Continue to be flexible – ensuring scrutiny adapts to meet the requirements of the emerging 'Commissioning Council Model'; including working closely with partners and schools to ensure good relationships can be maintained and further developed.
- Refresh the councillor role to keep pace with the changing council and ensure that scrutiny continues to play a valuable role.
- Focus on ensuring continued engagement with schools across the borough which is meaningful and challenging so as to ensure the highest quality of education for the children and families in the borough.

For more information, please use this link:

http://www.richmond.gov.uk/council_committees_list?mgl=mgCommitteeDetails.aspx&ID=536

Scrutiny of schools in Solihull

Background

Solihull was keen to explore and understand the extent of the education changes locally and whether scrutiny could be used as a lever for holding schools to account for their performance.

What Solihull did

Tasked by the Chief Executive, Solihull scrutiny officers began to examine legislation to explore what powers scrutiny had to call in head teachers and governors and hold them to account for the performance of their school. Despite a wealth of legislation governing most other public bodies, they found that legislation and powers in respect of education were limited, even non-existent.

So Solihull concluded that in the absence of powers it needed to build on its current working practices and relationships with schools and develop these further to ensure that the council is able to fulfil its statutory role for children. Building relationships with schools and their governing bodies in support of voluntary cooperation was found to be undoubtedly the most appropriate means of getting either a chair of governors or head teacher to the table. From research they identified the following practices as ways to get schools to work with scrutiny:

- Scrutiny needs to show the added value that could result for schools if they are engaged in any particular activity.
- Schools are more likely to engage if the scrutiny is focused on a specific problem rather than a particular school.
- It is better to gather evidence from schools in a more informal way ie 1:1 meetings between a scrutiny councillor and a head teacher or chair of governors
- It is useful to engage with school governing bodies through council representatives on those bodies and/or by co-opting governors onto scrutiny committees or a task and finish group.

The Committee recommended that scrutiny should seek to work with school governing bodies in sharing scrutiny skills and possibly to undertake joint activity on areas of mutual interest.

The Committee also looked at the role of statutory co-optees and felt that the changing relationship between councils and local education providers may provide an opportunity to rethink this role, working with co-optees to ensure that their skills, expertise and time can be used in the most effective ways possible.

Learning and tips

- There is little in legislation to require a school to report to or attend scrutiny meetings. However using any such power should be a last resort anyway. The answer is to build better relationships and links with schools instead.
- It is useful to hold scrutiny in educational settings and to build links and relationships with schools and related stakeholders.
- It is important to undertake deep scrutiny through task and finish groups and to hold subject specific meetings and reviews on specific and focussed topics, such as 'narrowing the gap' and 'developing skills for the future'.
- It is important to make sure that scrutiny is effective in holding to account the lead councillor, the director of children's services and a school where there are performance issues.

Next steps

Solihull is looking at ways to strengthen its links with schools and in particular the role of the ward councillor.

For more information, please use this link:
<http://www.solihull.gov.uk/decisions/overviewandscrutiny.htm>

Notes



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