

**Better
Regulation
Task Force**

Red Tape Affecting Head Teachers

April 2000

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Foreword

The Better Regulation Task Force is an independent group, appointed in September 1997 to advise Government on improving the quality of its regulation. Details of our remit and information on membership are in Appendix A. The principles of good regulation, which we developed as part of our first work programme, underpin all our thinking and are set out in Appendix B.

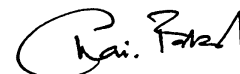
This is the second report in the Task Force's work programme for 2000. Until now our reviews have mainly looked at the impact of regulation on businesses, the voluntary sector and individuals. We decided in this review to look at the regulation of an area of the public sector because there is a growing perception that red tape can be a problem

there too. We chose education because it is central to this Government's agenda and focussed on head teachers because of their crucial role in raising standards and the widespread perception that bureaucracy is distracting them from this. In doing so we hoped to address burdens affecting the wider teaching profession.

Our recommendations call for a rethink of the statutory framework within which schools work, and of the responsibilities of Local Education Authorities and governors. Each new Education Act has added to these responsibilities without removing or clarifying what went before. There is a real risk that the achievement of the Government's objectives will be jeopardised if the regulatory problems are not addressed.



Christopher Haskins
Chairman, Better Regulation Task Force



Dr Chai Patel
Chair, Headteacher Sub-Group

1. Summary

In this review we set out to identify red tape which distracts head teachers from their core responsibilities. We met a wide range of practitioners, stakeholders and experts involved with the running of schools.

We found that the government's radical agenda for raising standards in schools is widely respected and already seen to be delivering results.

Additional regulation is inevitable in implementing such an agenda. But there is a widespread, and deeply held view that increased red tape is acting as a distraction from the drive to raise standards. Red tape has a disproportionate impact on small schools, as it does on small businesses, and the understandable effort to support struggling schools also creates further bureaucracy.

We believe the main reasons for these concerns are:

- blurred lines of accountability between head teachers, governors, Local Education Authorities (LEAs) and the Department for Education and Employment (DfEE);

- over-complex funding arrangements;
- a multiplicity of reporting requirements; and
- inadequate administrative support for head teachers, especially in small and struggling schools.

In addition, some concerns arise from the manner in which new policy initiatives are being implemented.

The DfEE and many local authorities have recognised that their processes need to be simplified.

We are proposing more fundamental changes. We believe that much of the concern is a consequence of the current statutory framework for education and the linking of funding to outcomes. The changes we propose would enable head teachers to concentrate more on their main objective - which is to improve educational standards and manage their staff. These changes would also make interventions more goal-based and less prescriptive, put a greater emphasis on meeting the needs of struggling schools, and apply a lighter regulatory touch in the rest.

Our key proposals involve:

- removing or simplifying prescriptive statutory duties and constraints on governors, recognising that their key priority is to appoint and monitor the performance of an effective head teacher (Section 5.4, Recommendations 2 and 3);
- increased efforts to attract high calibre people to become governors of struggling schools (Section 5.8, Recommendation 4);
- simplifying bidding and budgeting, including radical streamlining of funding arrangements (Section 6, Recommendations 6-9);
- reducing the reports demanded from schools by removing barriers to data sharing within government, notably between DfEE and the Office for Standards in Education (OFSTED), and using Information and Communications Technologies (ICTs) to simplify collection of data (Section 7, Recommendations 10 and 11);
- reviewing the regulatory roles of DfEE, OFSTED, LEAs and governing bodies to avoid duplication, and to clarify the role of each body in supporting the school and the head teacher (Section 12, Recommendation 18);
- simplifying education legislation and the Code of Practice on LEA-School Relations to reflect the above (Sections 5.3 and 12, Recommendations 1 and 19);
- extending the concept of targeting in OFSTED inspections (Section 8,

Recommendation 13);

- providing greater administrative support for head teachers, particularly in smaller schools (Section 10, Recommendation 17);
- increasing the application of ICTs to accelerate these reforms (Section 12, Recommendation 20);

A full list of our recommendations is at Appendix C.

In this report we also raise a number of issues which relate to public services more widely. We are concerned about:

- the way in which Government implements major reform programmes;
- clarifying the respective roles of central and local government in delivering policy objectives, without unnecessary administrative duplication;
- the effect of multiple lines and layers of accountability, and the extensive use of the bidding process;
- the way new legislation is implemented without the removal or simplification of existing legislation;
- the need for a greater emphasis on outputs and outcomes rather than inputs and process; and
- the way ICTs are - or are not - used to help ease red tape.

These are issues that deserve wider scrutiny and we may come back to them in a future review.

2. Scope and Objectives

2.1 Objectives

The objective of this review was to identify areas of regulation which distract headteachers from their core responsibilities, and to suggest improvements. Most red tape arises from statutory obligations, DfEE guidance, and LEA requirements. Whilst we focussed on head teachers, we were also conscious of the impact of excessive bureaucracy on other teachers. Reducing the regulatory burden on head teachers will enable teachers to focus on their main task - which is to teach.

2.2 Scope

We looked at head teachers in state

primary and secondary schools. In the time available we have not looked closely at Special Schools. We also considered the roles of governing bodies, and LEAs, and the way these impact on head teachers.

We have concentrated on the educational system in England. But we believe that our recommendations will also be relevant to maintained schools in Wales, Scotland and Northern Ireland. To put this in context, we are here dealing with some 25,000 schools, employing some 450,000 teachers to teach over 8 million children, overseen by some 350,000 governors and 172 Local Education Authorities.

3. Approach

3.1 Conduct of the review

This review was carried out by a subgroup of the Better Regulation Task Force led by Dr Chai Patel (see Appendix A).

We have conducted a rapid three-month review, because of the urgency expressed by the various interested parties. We met a wide range of practitioners, stakeholders and experts and reviewed the guidance available to schools. We held discussions with many head teachers, and visited different types of schools, to help us understand the main sources of red tape. A full list of those who contributed to the review is at Appendix D, while Appendix E lists our main reference sources.

3.2 Principles of good regulation

Our work was guided by the Task Force principles of good regulation (set out in Appendix B). We are aware of the work that DfEE has already done to tackle red tape, following the 1998 report of the Working Group on Reducing the Bureaucratic Burdens on Teachers. We have tried to build on the work of DfEE, the Local Government Association and many local authorities in cutting red tape as well as taking account of lessons from the former grant maintained school funding agency. In particular, we endorse the DfEE's principles of "intervention in inverse proportion to success" - concentrating on schools that need most help - and the need for delegation to schools in order to stimulate greater innovation.

4. Our Findings - Overview

4.1 Drive to raise standards

We found widespread support for the Government's drive to raise standards. But we also found evidence that red tape has increased in recent years and that it is distracting head teachers from the standards agenda.

Some additional bureaucracy is the inescapable result of a major reform programme. But over-elaborate processes are being used to achieve straightforward objectives, leading to unnecessary duplication and confusing, excessive lines of accountability in the current regulatory framework.

4.2 Main areas of concern

We identified four main areas of concern,

whose impact is magnified in small schools and those serving deprived communities. They are:

- lines of accountability between head teachers and governors, LEAs and DfEE;
- over-complex funding arrangements;
- a multiplicity of reporting requirements for schools; and
- inadequate administrative support for head teachers.

We examine each of these in turn.

We also identified concerns about the way new policy initiatives are implemented.

5. Lines of Accountability

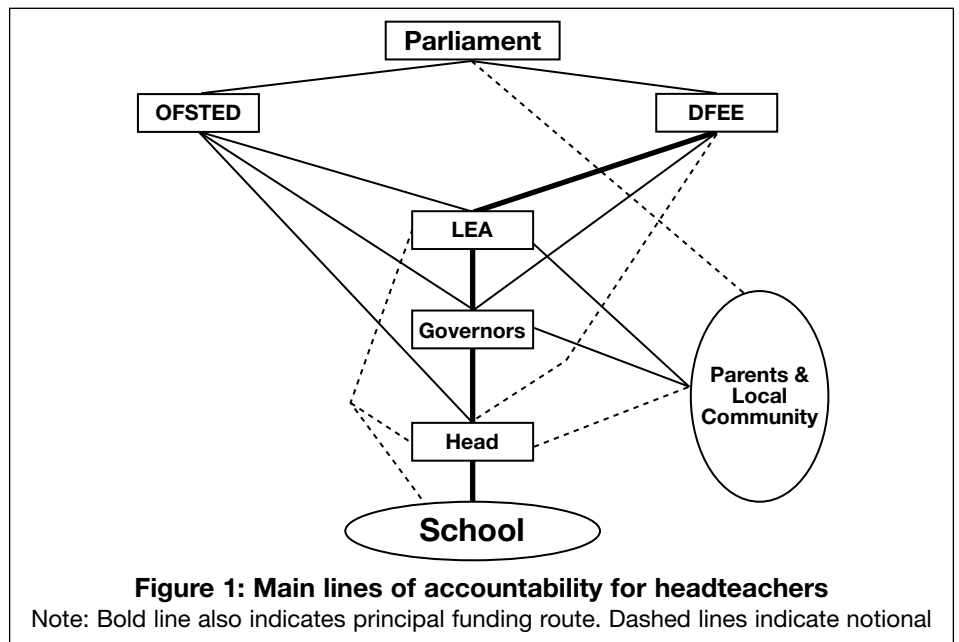
5.1 Existing arrangements

Effective head teachers are the key to successful schools. They must be clearly accountable to parents and LEAs for delivering educational objectives laid down by central government.

The existing main lines of accountability are shown in Figure 1. Heads and their schools are accountable to governing bodies made up of volunteers drawn from parents, school staff, and representatives of the local authority, any church or trustee interest in the school and of the local and business communities. Governing bodies, and heads themselves, are responsible to the LEA which remains the head teacher's employer

in the case of most maintained schools¹. LEAs, and ultimately governing bodies, are in turn accountable to DfEE. OFSTED inspects schools and LEAs. Most of these lines of accountability are currently set out in the School Standards and Framework Act 1998 which established a new framework for maintained schools (references 4-6, Appendix E). The roles of the key players have evolved through successive Education Acts. The Code of Practice on LEA-School Relations was introduced as an attempt to clarify these roles.

We believe that this number of layers and reporting lines undermines rather than strengthens real accountability.



¹ Community schools - schools wholly funded by the LEA. The LEA employ the staff.

Foundation school - mainly former GM schools. Totally funded by an LEA. The governing body employ the staff and control pupil admissions.

Voluntary aided school - a school set up and owned by a voluntary body, usually a church body, largely financed by an LEA. The governing body employ the staff, and control pupil admissions

Voluntary controlled school - a school set up by a voluntary body usually a church body (generally Church of England). Totally funded by an LEA. The LEA employ the staff

5.2 Role of Local Education Authorities

LEAs have a wide range of functions. The Code of Practice on LEA-School relations identifies some of the key ones as:

- **Improving school performance** - giving direct support to schools causing concern;
- **Pupil access** - including managing the supply of school places, administering a capital spending programme, administering admissions, and ensuring provision in respect of excluded pupils, transport, school meals and pupil welfare;
- **Special educational needs** - including assessment of children with special needs, securing and monitoring provision, and providing guidance to parents;
- **Strategic management** - including planning, administering grants, monitoring and auditing expenditure, carrying out personnel functions and providing computer networks.

The Code also refers to other roles such as leadership, facilitation of partnerships and networks, promoting co-operation, carrying out research and disseminating advice. Although under the "Fair Funding" regime introduced in 1999, schools now have freedom to choose where to buy services, such as cleaning, maintenance and stationary supplies, LEAs are still allowed to offer these. Most have continued to do so, with many schools continuing to rely on them. Small schools especially find one contract for services (with the LEA) more efficient than a series of single contracts with a range of providers.

Recommendation 1:

DfEE to take the opportunity of its current review to simplify the LEA Code of Practice with clear definition of roles and responsibilities.

LEAs' role in managing access and special educational needs provision relates to the needs of the wider community rather than just to schools, and so is largely beyond the scope of this report. Other roles such as grant administration, monitoring school performance, contracting for services and provision of regulatory advice are more regulatory. We recognise that many heads continue to value these LEA functions. Having tested these LEA roles against our principles of good regulation, we have suggested some improvements.

5.3 Lack of clarity

We were struck by the confusion surrounding the role of the LEAs. No-one we spoke to, including representatives of LEAs, was able to clearly articulate their different roles. This lack of clarity is confirmed by many of OFSTED's inspections of LEAs and early experience of negotiating contracts for the private provision of LEA services in areas like Islington. It seems to arise, partly, from the way the LEA role has evolved through successive education statutes from the days of the original school boards. The speed involved in drafting the School Standards and Framework Act 1998 meant that the opportunity was not taken in the 1998 Act to clarify roles. The Code of Practice on LEA-School Relations was introduced to address these ambiguities. It was intended to clarify LEA and school responsibilities and to prevent LEAs from placing excessive demands on schools. But in taking 57 pages to explain the respective roles of LEAs, governors and heads, and in its use of terms like 'strategic' in those definitions, it has still not provided sufficient clarity. We welcome DfEE's decision to

review the code following its first year of operation, and look for a radical simplification and clarification of roles.

5.4 Governing bodies

Governing bodies are boards of volunteers who oversee the running of schools. Their role has evolved with successive Education Acts over the last 20 years from being largely ceremonial, to a position where they are responsible for representing stakeholders (such as parents and local communities), ensuring the proper management of the school, and promoting educational standards.

Head teachers have widely praised the role that the best governing bodies play. They argue that a well-composed and active governing body can provide both

accountability to parents and local communities and support for heads. This view is endorsed by surveys into the calibre of governors² and by the annual report of the Chief Inspector of Schools³. School governance is also an important expression of the civic society.

It is equally clear that some governing bodies have yet to reach this standard, and can create a considerable burden for the head while providing little in the way of overall direction or real accountability. We found that the prescribed size and detailed responsibilities of governing bodies, coupled with a cautious approach to interpreting the law and difficulties in recruiting governors, are contributing to the failure of many governing bodies to be as effective as they might.

² Source: DfEE, based on University of London Institute of Education (ULIE) research into Improving the Effectiveness of School Governing Bodies, commissioned by DfEE

³ HMCI report, February 2000

5.5 Size of governing bodies

The size of governing bodies - set out in Table 1 - is currently prescribed in the School Standards and Framework Act 1998. For many secondary schools, the Act requires governing bodies of more than 20 people, and up to 17 for a typical primary school. Their size has grown as successive Education Acts have broadened representation while maintaining a balanced membership. Less thought seems to have been given to the manageability of such a governing body, in terms of the way it conducts its own business, the burden it can impose on the head teacher and the difficulty of filling some 350,000 school governor posts (compared to a teaching profession of some 450,000). We recognise that, in practice, many governing bodies conduct most of their business through sub-committees, in accordance with the principles of good corporate governance. But supporting sub-committees can also add to the burdens on head teachers. We

believe that the size of many governing bodies is itself hindering their smooth running.

5.6 Options for change

In changing the size or composition of boards of governors, it would be important to retain balanced membership, and to maintain accountability to parents and the local community. Options that retained a large governing body or created extra bodies would not address the issue of excessive bureaucracy. The option to which we are attracted, is simply to reduce the overall size. This may dispense with the need for sub-committees.

Table 1 indicates the present composition of governing bodies. We believe that there is scope for making the larger governing bodies significantly smaller while leaving room both for experienced strategic decision-makers and those representing parents and other key stakeholder groups.

Table 1: Statutory Composition of Governing Bodies⁴

Examples of current arrangements, as set out in the School Standards & Framework Act 1998

A) Community School:

Category of governor	secondary school - normal basis	sec. school option if under 600 pupils	primary school - normal basis	primary school - option if under 100 pupils
parent	6	5	4 or 5	3
LEA	5	4	3 or 4	2
teacher	2	2	1 or 2	1
staff	1	1	1	0 or 1
head	1	1	1	1
co-opted	5	4	3 or 4	2
TOTALS:	20	17	13 or 17	9 or 10

B) Voluntary Controlled School (similar for voluntary aided schools):

Category of governor	secondary school - normal basis	sec. school option if under 600 pupils	primary school - normal basis	primary school - option if under 100 pupils
parent	6	5	4 or 5	3
LEA	4	3	3	2
teacher	2	2	1	1
staff	1	1	1	0 or 1
head	1	1	1	1
co-opted	2	2	1	1
foundation	5	4	3 or 4	2
TOTALS:	21	18	14 or 16	10 or 11

C) Foundation School:

Category of governor	secondary school - normal basis	sec. school option if under 600 pupils	primary school - normal basis	primary school - option if under 100 pupils
parent	7	6	5 or 6	4
LEA	2	2	2	2
teacher	2	2	1	1
staff	1	1	1	0 or 1
head	1	1	1	1
co-opted	3	2	1	1
foundation or partnership (if no foundation exists)	5	4	3 or 4	2
TOTALS:	21	18	14 or 16	11 or 12

NB: 1) The head of any of these schools has a choice whether or not to be a governor.

2) Schools may also appoint an additional co-opted governor in certain circumstances

Pre-September 1999 arrangements as set out in Education Act 1986

County school governing bodies varied in size from 8 (excluding the head) in schools with less than 100 pupils to 18 (excluding the head) in schools with more than 600 pupils.

Voluntary controlled schools had similar arrangements. No size limit applied to voluntary aided schools. GM governing bodies varied in size from 11 in smaller primary schools to 16 to 20 for secondaries.

⁴ source: DfEE

5.7 Responsibilities of governing bodies

The main statutory responsibilities of governing bodies are set out at length in the School Standards and Framework Act 1998, previous Education Acts and subsidiary legislation and codes. Other generic legislation, such as employment law, health and safety, and equal opportunities, is also relevant. The responsibilities of the governing body of a community school are summarised in Appendix G. They are even greater in other types of maintained school, where the governing body itself (rather than the LEA) is the employer. In our view, it is unrealistic to expect a body of part-time, volunteers to fulfil all of these, often detailed, operational responsibilities effectively. It is little wonder that in many cases much of the work of the governing body falls to the head teacher. Figure 2 sets out in more detail the responsibilities of governors, many of which we think could usefully be simplified in order to allow governors to concentrate on the overall performance of the school rather than its day-to-day running.

The legislation focuses governors' attention on **how** the school is managed rather than emphasising **what** they and the school need to achieve. This is compounded by the comprehensive range of DfEE guidance. The guidance which explains governors'

duties⁵ provides an exhaustive interpretation of the law. It runs to over 100 pages and is only updated on a three-yearly basis, meaning that it has taken nearly three years for a new edition to be published following the changes brought in by the new Government. Its length and language seem to us to encourage governors to take an over-cautious view of their responsibilities. The volume and degree of detail of other DfEE guidance material and circulars seem to us likely to further reinforce the tendency of governors to become involved in detailed operational decision-making. Others have tried to meet the demand for clear, user-friendly guidance - such as that provided by "Information for School and College Governors" - but again the attempt to be exhaustive makes for a long and legalistic approach.

In the short term, we look to the Government to use its forthcoming "Terms of Reference" Regulations and associated guidance to reduce burdens on head teachers by reducing governor involvement in detailed operational matters as far as possible, and by explaining remaining responsibilities in a concise, user-friendly manner. Some changes will, however, require the primary legislation to be amended.

⁵ see Appendix E, references 20-22

5.8 Recruiting governors

Recruiting committed and expert governors is not a big problem for schools in affluent suburban or rural areas. Over-enthusiasm by governors can be more of an issue here. Schools in deprived inner city areas face much bigger problems in attracting governors with the necessary skills and experience. Additional funds, targets and accountabilities alone will not address poor school performance. The need is for high quality governors to give the head teacher the support needed to introduce change.

DfEE has recognised the difficulty of recruiting governors from the business community who can complement the role of parents. Through its Excellence in Cities initiative it has created pilot 'one-stop-shops' for the recruitment of such governors. We would like to see this initiative extended. But we believe that, although useful, it will not solve the problem on its own. One option to attract more governors would be financial incentives, paid either to governors or to employers for their time. But financial incentives would raise issues of equity and a danger of

unintended consequences. Other options include some form of 'honours' scheme and greater flexibility in the timing of meetings. The experience of TECs and Further Education Colleges suggests that redefining the governor role - particularly in relation to the challenges posed by deprived communities - and raising its profile may itself create a powerful incentive. We believe incentives which help to promote the importance of school governors should be explored.

5.9 Changing the role of governing bodies

All this points to the need for a clear, realistic definition of the role of governors. We are attracted to the model of a private company's board of non-executive directors, which approves the appointment of the Chief Executive, monitors their progress, endorses the broad strategies and policies of the business but does not involve itself in day-to-day operations. Ensuring that the school is being competently led by the head teacher is by far the most important responsibility. It is vital that nothing distracts them from this.

- **Recommendation 2:**

DfEE to clarify and simplify the role of governing bodies, recognising that their key priority is to appoint, monitor and support the performance of an effective head teacher;

- **Recommendation 3:**

DfEE to carry out a fundamental simplification of governing bodies' secondary duties as set out in statute and guidance;

- **Recommendation 4:**

DfEE to extend the current pilot scheme for improving governor recruitment and develop new initiatives to attract high calibre governors to struggling schools;

- **Recommendation 5:**

DfEE to reduce the size of larger governing bodies, whilst maintaining accountability to parents and local communities.

Figure 2: Examples of statutory duties on governing bodies

Staff recruitment. Governing bodies are responsible for the appointment of all teaching and non-teaching staff. Except in the case of senior staff they can delegate the selection process to the head, although guidance does not always encourage this. **The governing body responsibility should be restricted to the appointment of the senior management team and the agreement of policies covering recruitment of other staff.**

Setting staff numbers, pay, discipline and appraisal. The governing body is responsible for deciding how many staff should work at the school. They also set rules and procedures covering disciplinary matters, competence and grievance resolution. They may delegate discipline and grievance procedures to one or more governors, to the head or to certain governors and the head together, but they must not allow any outside body or persons to take decisions for them. Only the governing body may end a suspension. Governing bodies are also responsible for making sure that the school keeps to appraisal arrangements. **The governing body responsibility should be focused on agreeing a framework, with delegation of implementation to the head except for the head's own appraisal.**

Production of a governors' annual report (and prospectus) for parents. Reports to, and meetings with, parents on school performance are an important part of delivering local accountability. But the length and complexity of the current prescribed report format and the statutory meeting requirement have not proved popular with parents, whilst in many cases detailed preparatory work has fallen to the head. We wish to retain a statutory requirement for reporting to parents, but the process should be simplified, allowing schools to communicate this information in the most appropriate form. **Governors should ensure that this duty is discharged rather than having to write detailed reports themselves.**

Curriculum. Duties on governors include:

- ensuring that lesson time is provided for the National Curriculum and other statutory requirements in line with recommended lesson times;
- ensuring that only approved qualifications and syllabuses are offered;
- adopting an assessment scheme and informing the LEA of the scheme that has been adopted within 10 days of its adoption;
- ensuring that the head sends test and assessment results to the LEA;
- with the head and LEA, preventing teachers from promoting one-sided political views and under 12s from taking part in political activities;
- producing a statement of their policy on sex education, and in primary schools, deciding whether it is needed;
- sharing responsibility with the LEA and the headteacher for ensuring that religious education requirements are met;
- hearing appeals against the non-application of aspects of the national curriculum to pupils with special needs.

Governors should only be expected to agree and monitor policies.

Special Educational Needs, where governing bodies have legal duties to:

- make every effort to see that special arrangements are made for any pupil who has special educational needs;
- ensure that a 'responsible person' makes all staff who are likely to teach the pupil aware of those needs. The 'responsible person' is generally the head, but may be the Chair of the governing body or a governor;
- ensure that teachers are aware of the importance of identifying pupils with special needs and of providing appropriate teaching;
- consult the LEA and the governing bodies of other schools when necessary to co-ordinate special educational teaching in the area;
- make arrangements to allow pupils with special needs to join in the everyday activities of the school as far as is practical;
- take account of the DfEE Code of Practice on Special Educational Needs towards all pupils with special educational needs;
- admit pupils whose statement of special needs names their school.

The legislation should be simplified to focus governors on agreeing a policy, with detailed arrangements left to the head.

Pupil discipline, attendance and exclusions. The governing body must:

- set up a discipline committee to consider pupil exclusions, take representations, and decide whether and when to reinstate the pupil. It must hear certain appeals within a strict timetable and have regard to detailed guidance;
- prepare a written statement of general principles on discipline;
- keep an admissions and attendance register, distinguishing between types of absences, and tell the LEA about regular non-attenders or long absences;
- decide when sessions begin and end on each school day.

The practicability of governors hearing appeals at short notice must be reviewed.

Responsibility for keeping registers and timetabling should clearly rest with heads, with governors restricted to agreeing and monitoring policies.

Pupil admissions. Governing bodies of schools such as foundation and voluntary-aided are their own admission authorities and hear individual appeals. This can be a significant bureaucratic burden. In many other schools the LEA performs this role. A more specific concern that we have heard concerns the requirement to consult other admission authorities (i.e. including other such schools) within an area determined by the LEA. In some cases we understand that this has been defined as the entire county. Following such consultation they must notify all those consulted of the outcome. This generates a substantial paperchase, which is currently the responsibility of the governing body. **The legislation needs to be amended to simplify the role of governing bodies in admissions procedures.**

6. Funding

6.1 Existing funding streams

Schools' funding comes through two main streams:

- DfEE funding schemes earmarked for specific purposes but administered through LEAs - mainly as part of the 'Standards Fund'. This now makes up as much as 15% of some school's budgets;
- Local Authority spending from their general revenues. Broadly, these comprise council tax revenue (accounting for about 25% of spend), a share of the national total of business rates, and Revenue Support Grant (RSG) the Department of the Environment, Transport and the Regions. The allocation of RSG among local authorities depends on their 'Standard Spending Assessment' (SSA) and their council tax base.

The process of bidding for funding and monitoring its use is a key priority for secondary schools, especially those serving deprived communities, which are especially dependent on additional funding streams.

6.2 Bidding for funds

Within earmarked funding, and particularly the standards fund, schools have to compete for some funding. The preparation of competitive bids is so complex that schools often need to use contractors to help them prepare applications. The growing emphasis on schools bidding to become specialist schools is a good

example of this. Inner city schools, encouraged to bid for specialist status at the same time as being involved in other programmes, can be subject to a particularly heavy burden. DfEE have reduced the number of funds subject to competitive bidding from 14 to 7 out of 38 standards fund schemes. But we believe that even these need to be carefully examined to see whether competition is justified. Bidding schemes in important areas like the reduction of infant class sizes or literacy have success rates of 50% or less. Such low success rates are inefficient, can de-motivate some schools and put others off bidding in the first place. These concerns are compounded by poor communication by some LEAs about the funds available and the complicated criteria against which bids are judged. Good practice by the former grant maintained schools funding agency shows that clear criteria, early filtering of bids, and careful phasing of grants would largely avoid the frustration caused by unsuccessful bidding⁶.

Even with a reduction in competitive bidding there are still 38 funding streams within the Standards Fund for schools to find their way through. This number is rising. We believe such a plethora of funding streams is unmanageable and can only serve to distract schools from their key priorities. The problem is compounded by LEAs having their own granting rules which differ from those of DfEE.

⁶ We appreciate that the Funding Agency for Schools covered only a small proportion of the total number of schools

6.3 Other funding concerns

Many people have highlighted apparent anomalies and inconsistencies in the SSAs, and excessive prescription in how LEAs allocate this amongst schools in their area. Certain local authorities have in the past used such ridiculous funding criteria as the area of school grounds covered by different types of grass and the number of shrubs.

Head teachers are also concerned that the funding regime makes it difficult for schools to plan ahead. Funding from both main sources is allocated on an annual basis, even though in many areas schools are required to plan several years ahead. There is no scope for end of year carry-over under the Standards Fund. It is for LEAs to decide what carry-over of funding they will allow for other funding. We have been told of inconsistency between the approaches of LEAs.

We have also been told of numerous examples of Standards Fund schemes being introduced late in the financial year. One example is the £20million programme for administrative support for small schools. We understand this money was due to be spent by 31 March 2000. Spending rules were announced on 18 November 1999. Changes to the rules were announced on 14 February 2000, and the time limit for spending extended. This has led to schools making rushed and unplanned spending decisions. With other examples like this across the Standards Fund, budgets, which are often not set until into the new financial year, have to be constantly adapted.

The monitoring of detailed spend by LEAs means that schools have to provide monthly reports. It is not clear to us that much of this information is used or helps to improve accountability.

6.4 Alternative funding arrangements

DfEE is working to rationalise the Standards Fund and to computerise the funding process. These changes will go some way to address the problems set out above and need to be driven through as a matter of urgency. But we have heard many calls for a more radical solution. One idea that received support from many of those we spoke to was for a national 'fair funding formula'. It has been suggested that the current plethora of criteria used by LEAs to allocate funds to schools could be rationalised to, perhaps, half a dozen, covering size and educational and social background. OFSTED and the School Teachers Review Body have publicly articulated such views. Some go further and question whether LEAs have a role to play at all in the administration of either the Standards Fund or funding from general revenues.

A move to centralised funding might provide an opportunity to address concerns over unfairness, inconsistency, create longer funding periods and to give greater financial flexibility to successful schools. But such a move raises fundamental questions about local accountability. The role of the LEAs and the funding of education must be addressed. The central question here is whether LEAs should be entirely excluded from the funding process; or whether LEAs need to be involved in the funding process in order to tailor national funds to meet local needs.

A theme running through this report is the particular challenge faced by inner city schools and it is important that changes in funding are not at the expense of such schools. Equally, we recognise that the bulk of small schools continue to rely heavily on the support they receive from their LEAs in this and other areas.

It is impossible to look at LEA funding in isolation from the wider local authority funding picture. We welcome the Government's commitment to produce a Green Paper later this year reviewing the funding of local authorities, and the DfEE have themselves promised to look at how the "Fair Funding" regime can be improved.

6.5 Financial auditing

With greater delegation of financial decision-making to school governing bodies, the role of financial auditing would also become more important. It would be

important to ensure that governing bodies were provided with sufficient information, and auditing could play an even greater part in ensuring financial probity in schools. Greater delegation would call into question whether the current two- or four-yearly audits by LEA internal audit departments were frequent enough. But proportionality is also an important issue in auditing small schools. We welcome the review of school auditing currently being carried out by the Audit Commission which is examining whether self-audit and targeting might be used more widely.

- **Recommendation 6:**

The Government to review all streams of school funding, considering radical options for reform in its green paper on local authority funding and in its current 3-year public spending review. In particular we call for greater flexibility and delegation to successful schools and a move to 3 year school budgets, while taking care not to discriminate against schools serving the most deprived communities;

- **Recommendation 7:**

DfEE to take early action to simplify and clarify the bidding process so that all schools feel able to participate where such bids might be relevant to their needs;

- **Recommendation 8:**

The Government to rationalise the school auditing function.

- **Recommendation 9:**

The Government should review the role of LEAs in the funding of schools to simplify and avoid duplication but should think carefully about the implications of excluding them from the process.

7. Data Reporting Requirements

7.1 Need for change

A good deal of red tape arises from the large number of detailed reports which schools, with their limited administrative resources, are required to produce. In addition to financial reports, schools have to produce information covering the planning and monitoring of all other aspects of school performance.

Schools have to make a large number of returns to LEAs, to different parts of DfEE, and to other public bodies. DfEE themselves are struggling to catalogue all of these returns, but in Figure 3 we provide a flavour of the complexity.

in order to validate school performance. The key issue is how performance is measured and how the necessary data is collected. What concerns us is the limited use being made of ICTs to provide or analyse data, and duplication and incompatibility in the requirements of different regulators.

7.2 Data pooling

DfEE is working on an ambitious programme to identify and reduce the data needed from schools (currently about 10,000 separate pieces of information in total) and to develop a common data set and ICTs standard for the remainder. But progress has been slow. OFSTED are

Figure 3: Examples of reporting requirements by schools

- Annual school “census” - Form 7
- OFSTED pre-inspection report
- National Curriculum Key Stage assessment data
- Exam results
- Returns to LEAs on the range of plans which they are required to submit to DfEE - potentially some 22 different requests (see Appendix F)
- Other requests by LEAs for planning purposes - perhaps another 8 returns

Some of these requirements - such as the information provided to both DfEE and the LEA about security grants - duplicate each other. Whilst we recognise that LEAs have a legitimate role in addressing the needs of pupils who have been permanently excluded, the guidance some have provided to schools on pupil exclusions is an example of where they elaborate rather than simplify DfEE requirements. Short deadlines can also compound the burdens caused by such requirements. And delays in central analysis of returns by DfEE encourage LEAs to step in - some LEAs now collect and analyse their own Key Stage 2 assessment data for schools, duplicating what DfEE do, in order to provide a faster response.

We do not question the need to collect data

carrying out similar work to produce a single form to cover the bulk of information they ask for from schools. Pooling data between all agencies could substantially reduce school's reporting requirements, while improving OFSTED and DfEE's ability to target. Residual form-filling, such as special needs information, should be minimised and standardised across local authorities, in ways which are compatible with common management systems and acceptable to all regulators.

7.3 Other changes

The DfEE has set-up “gate-keeping” arrangements aimed at minimising both the data it asks for from schools and the information it sends to schools. This has clearly had a positive impact, but schools and LEAs still told us of different parts of

DfEE by-passing the system. We have seen little evidence that LEAs have established equivalent gate-keeping arrangements. The 'Red Tape Toolkit' issued by DfEE in November 1999 empowers schools to challenge requests from local authorities, and has been welcomed. But we believe that change will be slow if we have to rely on pressure from schools alone.

The Special Educational Needs regime established in the early 1990s, whilst laudable in its aims, has also been a major

source of form-filling and associated red tape. The Government's revised Code of Practice has been widely welcomed as going a long way towards addressing these concerns. In particular it should simplify preparation of pupil's Individual Education Plans. It is also important that LEAs are discouraged from asking schools for unnecessary additional data, and are flexible about the form in which data is provided. This should avoid duplicate form filling simply arising, for example, when a pupil moves between LEA areas.

- **Recommendation 10:**

DfEE to work with OFSTED and LEAs to simplify data requested from schools by the pooling of data between agencies, and by accelerating the use of ICTs for data collection and creation of a central database of school information;

- **Recommendation 11:**

DfEE to work with the Local Government Association to limit the amount of information LEAs send to schools pending the establishment of a central database and to minimise and standardise remaining LEA information requests following this;

8. OFSTED Inspections

8.1 Changes to inspection cycles

The purpose of OFSTED's work is widely supported. A strong educational inspection function is consistent with greater delegation to schools and a relaxation of routine monitoring by LEAs.

We welcome OFSTED's introduction of targeted 'light touch' inspections for successful schools. We agree that for successful schools inspection need not be frequent or heavy, and much can be learnt by monitoring performance data.

Most schools remain on a fixed inspection cycle with limited follow-up in all but the 'worst' schools, those in the extreme position of being put on 'special measures'. We would encourage OFSTED to build on its new approach for successful schools by developing a more sophisticated approach to the majority of schools: targeting the frequency, length, focus and follow-up to inspections according to different schools' current level of performance. More frequent and targeted contacts with struggling schools would also help to build their confidence in the inspection process and counter the defensiveness which can sometimes still be engendered by current inspection arrangements. Changes along these lines would allow a review of the LEA role in monitoring performance data to avoid duplication with OFSTED.

8.2 Preparation for inspections

In preparing for inspections, schools still have to supply information which has already been provided to DfEE and LEAs. We have called for better sharing of data between public service organisations to minimise this. We welcome OFSTED's new shorter notice of inspections, but believe proper data sharing could largely eliminate the need for burdensome pre-inspection data requests. We are pleased that LEAs have been discouraged from carrying out their own pre-OFSTED inspections. We believe these to be completely unnecessary. A further reduction in the notice period for OFSTED inspections would help to eliminate the practice. OFSTED has sought to ensure that lead inspectors establish a good dialogue with schools before inspections. We would encourage this to be taken even further by involving the full inspection team. We also support inspectors being able to offer constructive advice, without compromising the integrity of their inspections.

Whilst we support the open communication to parents of OFSTED's findings, there are concerns that parents still sometimes experience difficulty in understanding the content of inspection reports. This can limit the effectiveness of inspection reports in alerting parents to inadequacies in school leadership.

- **Recommendation 12:**
DfEE and OFSTED to work with LEAs to pool data to remove the need for a lengthy pre-inspection form and to improve the information available to OFSTED whilst allowing a further reduction in the notice given for inspections;
- **Recommendation 13:**
OFSTED to be more targeted about the length, focus and follow-up to inspections in less successful schools;
- **Recommendation 14:**
DfEE to work with OFSTED and the Local Government Association to eliminate any duplication between the roles of OFSTED and LEAs in monitoring school performance and intervening in struggling schools arising from the above recommendation; and
- **Recommendation 15:**
OFSTED to simplify inspection reports so that they can be more easily understood by parents.

9. Contracting for Services

9.1 LEAs and service provision

We welcome the freedom given to schools under the School Standards and Framework Act 1998, to choose who supplies them with a wide range of services. Many former grant maintained schools had already taken the opportunity to find other providers for a range of services, finding benefits in price or service quality or both. Small schools, on the other hand, find one contract for services (with the LEA) more convenient than a series of individual contracts with different providers, and this is an area where the LEA should

be well placed to deliver. It is also an area where LEA performance varies. The best LEAs provide services that are highly valued by their schools. But in other areas we heard of bureaucratic arrangements for the negotiation of contracts and monitoring of their delivery that added significantly to the red tape faced by small schools.

Competition for services by larger schools should help to drive up service standards, and smaller schools should work together more to buy in services.

Recommendation 16:

DfEE to work with the Local Government Association to ensure that LEAs provide support services to small schools in the least bureaucratic manner.

10. Administrative Support for Head Teachers

10.1 Need for change

In our visits to schools we were struck by the limited use still being made of ICTs for management purposes, in comparison with the growth in their use for educational purposes. This was even the case in some large secondary schools which equate to medium-sized businesses. There are also many instances of deputy heads acting as full-time administrators or bursars. Heads and their deputies need to be freed from purely administrative tasks in order to concentrate on raising educational standards. They and their governing bodies and LEAs should be encouraged to see the

value of investment in ICTs and well-trained administrative support. Proper administrative support would relieve heads of much of the paperwork currently needed to manage the governing body. The other recommendations of this report should anyway help to reduce the administrative burden on schools.

DfEE has recently set aside additional funding for administrative support in small schools, including the use of shared bursars. This is a welcome step but we believe it does not go far enough in raising the status of administrative staff.

● Recommendation 17:

DfEE to work with the Local Government Association to promote a wider role for administrative staff and management systems in schools. This should include the use of ICTs for management purposes and expand the role of shared bursars for small schools.

11. The Way New Government Policies are Implemented

11.1 Concerns about implementation of change

We found wide-ranging concerns about the way new policy initiatives have been introduced. Such concerns are not unique to education and arise during the early stages of most major government change programmes. As we have said, initiatives such as Excellence in Cities are widely welcomed. Head teachers understand the pressure for early delivery of results. We appreciate that DfEE already puts a lot of effort into ensuring effective delivery of its policies. But we have nevertheless noted examples where the approach being taken risks undermining the Government's own objectives, particularly in relation to schools serving the most deprived communities. We ask DfEE to take note of the following factors when they come to implement future changes. They should:

- **target change** to where it is needed. Proposals for mandatory mentors under the Excellence in Cities initiative frustrate those who may already achieve the same effect in a slightly different way, as well as wasting scant resource;
- **co-ordinate different policies** to avoid conflicting messages reaching schools. For example, there is a tension between reducing pupil exclusions and maintaining discipline. The co-operative approach required for Excellence in Cities is in contrast to the emphasis placed on competition in some areas by the media regarding the Government's published school performance tables;
- **assess the full implications** of policies to avoid damaging unintended consequences that can be damaging. In

some cases new guidance on pupil exclusions seems to have driven some exclusions "underground". The time taken by head and deputy head teachers in attending LEA meetings to discuss implementation of new initiatives can also be a major distraction. We are pleased to hear that DfEE has just set in hand work to reduce the need for such meetings; and

- **communicate more effectively** about new initiatives in a timely and targeted way. In the past the relevance of new initiatives to key objectives, and the way they fit into the DfEE's overall strategy has not always been clear. Whilst we welcome the reduction in bureaucracy, the changes to guidance on pupil exclusions in January of this year were an example of poorly planned communication, with hasty changes to guidance that had only just been introduced with schools learning of such changes through the media rather than guidance from DfEE. The volume of communication also needs to be kept to manageable levels by careful summarising of information. The DfEE operate a seemingly impressive website but this is no answer if many of the documents on it themselves run to 50 or 100 pages.

11.2 Changes underway

Whilst DfEE has made some progress on these issues, for example, by setting up gate-keeping procedures, this is not the case with some LEAs. Schools are too often hampered by over-cautious interpretations by LEAs or others. As a general rule, we see no need for LEA guidance or model policies where national guidance has already been issued.

11.3 Burdens from other regulatory requirements

DfEE also needs to be mindful of the burdens on schools from regulatory requirements emanating from elsewhere in government, such as fire standards, food safety etc. DfEE is working to produce an A-Z of guidance on regulation for schools. We believe there is scope for a more

proactive approach to help schools comply with non-educational regulatory obligations.

11.4 Removing redundant requirements

In implementing new policies, redundant requirements must be removed. And DfEE needs to communicate clearly when data is no longer needed.

12. Conclusions and Next Steps

12.1 Key themes

Our analysis of the key sources of excessive red tape on head teachers has produced a number of specific recommendations for government. They are listed at Appendix C. They are primarily addressed to the Secretary of State for Education, but they also embrace other Government departments, notably OFSTED, the Department of Environment, Transport and the Regions, the Treasury, through its new Public Sector Team⁷, the Cabinet Office, and, crucially, local authorities. We therefore look to the Secretary of State to co-ordinate a Government response. The Prime Minister, who has taken a close interest in this review, has asked that the Government provide a point by point response to Task Force reports within 60 days. We ask that in responding to this report the Government set out an action plan for addressing our wide-ranging recommendations.

Key themes and overarching recommendations from our analysis are:

- the impact on small schools and those serving deprived communities - a vicious cycle of deprivation and low standards hinders the recruitment of high calibre governors whilst imposing considerable monitoring requirements;
- for successful schools, the need for a greater emphasis on outputs and outcomes rather than inputs and process;
- the need for smaller, more strategic governing bodies, enhancing their effectiveness and appeal to capable candidates while reducing the burden they impose on the head;
- the need for a clearer definition of the roles of LEAs. The planned review of the LEA Code of Practice, the preparation of a Green Paper on funding and the

triennial funding review, all provide an opportunity to redefine the role of LEAs. We hope these exercises will look with particular care at the part LEAs play in funding, monitoring performance, intervening in failing schools and providing regulatory advice. A simple change of name would send some powerful signals to head teachers about a changed approach. If the government elected for the radical solution of a national 'fair funding formula', we believe there would still be a need for a local or regional presence to retain a working relationship on local issues, provide services to the 25,000 schools, administer funds and to give a measure of local accountability. In the short term, there is a real need for greater standardisation of LEA functions

Recommendation 18: the Government should clarify the role of LEAs, avoiding duplication with other bodies;

- the need to simplify or remove existing legislation which is acting as a distraction or constraint to the above. The forthcoming Regulatory Reform Bill may provide a vehicle for fast-track reforms of primary legislation. **Recommendation 19: The Government should take early action to simplify education legislation in line with our recommendations;**
- the need to streamline information gathering based on data sharing and wide use of ICT. **Recommendation 20: DfEE to establish and implement an ICT strategy for schools.**

12.2 Wider considerations

We have also identified approaches to regulation which have wider lessons across the public service. This is particularly important given that centralist systems which have been pioneered in the education field are now being applied to the NHS, and

⁷ The new Public Sector team is part of the Cabinet Office Regulatory Impact Unit

may in future be applied to other areas of public service. These include:

- the way in which Government implements major reform programmes;
- clarifying the respective roles of central and local government in delivering policy objectives, without unnecessary administrative duplication;
- the effect of multiple lines and layers of accountability, and the extensive use of the bidding process;

- the way new legislation is implemented without the removal or simplification of existing legislation;
- the need for a greater emphasis on outputs and outcomes rather than inputs and process; and
- the way ICTs are - or are not - used to help ease red tape.

These are issues that deserve wider scrutiny and we may come back to them in a future review.

Appendix A

Better Regulation Task Force

The Task Force is an independent advisory group. Members are unpaid. They come from a variety of backgrounds but all have experience of regulatory issues. Members are drawn from large and small businesses, citizen and consumer groups, unions, the voluntary sector and those responsible for enforcing regulations. The Chair, who is appointed for three years, is Christopher Haskins.

Terms of reference

To advise the Government on action which improves the effectiveness and credibility of government regulation. This is done by ensuring that regulation is necessary, fair, affordable and simple to understand and administer, taking particular account of the needs of small businesses and ordinary people.

Members

Christopher Haskins, Chair	Northern Foods
Teresa Graham, Deputy Chair	Baker Tilly
Stephen Alambritis	Federation of Small Business
Matti Alderson	Advertising Standards Authority
Sarah Anderson	Mayday Group
Jyoti Banerjee	TBC Research
Stephen Falder	HMG Paints
Ram Gidoomal	Winning Communications
Peter Hughes	Scottish Engineering
Deirdre Hutton	Scottish Consumer Council; National Consumer Council
Pamela Meadows	Economist
Chai Patel	Westminster Health Care plc
Janet Russell	Kirklees Council
Ann Shaw	Institute of Directors, Northern Ireland
Sue Slipman	Camelot Group plc
Ed Sweeney	UNIFI
Tony Tinsley	Unilever
Simon Ward	Whitbread plc

A Register of Members' Interests has been drawn up and is on The Task Force web site (<http://www.cabinet-office.gov.uk/regulation/index/task.htm>) or available on request.

The Regulatory Impact Unit in the Cabinet Office supports the Task Force.

Details of the Working Group on Red Tape Affecting Head Teachers

Chai Patel is the Chief Executive of Westminster Health Care plc, one of the UK's largest healthcare services group. He was formerly the Chief Executive of Care First plc. He is the Chairman of the Continuing Care Conference, a member of the Central Council for Education and Training in Social Work, a Governor of the National Institute of Social Work and a trustee of Help the Aged.

Ram Gidoomal is the chairman of Winning Communications, business consultants with expertise in equal opportunities, leadership training and ethnic business advice. He is on the Leadership team of the Business in the Community "Race for Opportunity" Campaign and chairs the London Executive. He is on the Ethnic Minority Advisory group of the New Deal Task Force, is a director of the African Caribbean Westminster Initiative and Chairman of South Asian Development Partnership. He is founder chairman of Christmas Cracker, a charity funding development projects in the two-thirds world.

Ann Shaw chaired the Northern Ireland Health and Safety Agency from 1993 - 1999, becoming honorary Vice President of the Institution of Occupational Health and Safety in 1994. She was elected Chair of the Northern Ireland branch of the Institute of Directors in 1998. She is a Director of the Northern Ireland Memorial Trust, a Trustee and Vice Chairman of the Lloyds/TSB Foundation and is currently Chairing the NSPCC Full Stop Campaign in Northern Ireland. She is also a member of the Senate of Queen's University, Belfast.

Appendix B

Principles of Good Regulation

The Task Force published their Principles of Good Regulation in January 1998. Good regulations and their enforcement should be measured against these principles. Tests of effectiveness identified in the leaflet are as follows:

Transparency

- ✓ Policy objectives, including the need for regulation, are clearly defined and effectively communicated to all those concerned;
- ✓ Regulations should be simple and clear;
- ✓ Those being regulated must be made aware of their obligations and be helped to comply by enforcing authorities;
- ✓ Proposals must be published and ample time for consultation must be given before decisions are taken;
- ✓ Regulatory failures must be handled openly by government.

Accountability

- ✓ Regulators must be accountable to government, citizens and Parliament;
- ✓ There must be a well publicised, accessible, fair and efficient appeals procedure.

Targeting

- ✓ The approach taken is aimed at the problem and not 'scatter-gun' or universal;
- ✓ Where possible, flexible targets should be preferred to rigidity; both regulators and those being regulated must be given scope to decide how best to achieve those targets. Flexibility also enables regulations to be adjusted as circumstances dictate;
- ✓ Regulations should be reviewed from time to time to test whether they are still necessary and effective. If not, they should be modified or eliminated.

Consistency

- ✓ New regulations must be consistent with existing regulations.
- ✓ Regulations must be compatible with EU and international trade and competition policy;
- ✓ There must be consistent enforcement by the relevant authorities across the country.

Proportionality

- ✓ Alternatives to regulation must be fully considered before deciding on state intervention;
- ✓ The impact on all those affected by the regulation should be clearly identified, establishing the right balance between risk and cost; without unnecessary demands on those being regulated;
- ✓ Enforcement action (i.e. inspection, sanction etc) must be in proportion to the seriousness of the offence.

Copies of this leaflet are available from the Better Regulation Task Force Support Team at Room 65/3, Horse Guards Road, London SW1P 3AL or by telephoning 0207 270 6601.

Appendix C

Full List of Recommendations

1. DfEE to take the opportunity of its current review to simplify the LEA Code of Practice, with clear definition of roles and responsibilities;
2. DfEE to clarify and simplify the role of governing bodies, recognising that their key priority is to appoint, monitor and support the performance of an effective head teacher;
3. DfEE to carry out a fundamental simplification of governing bodies' secondary duties as set out in statute and guidance;
4. DfEE to extend the current pilot scheme for improving governor recruitment and develop new initiatives to attract high calibre governors to struggling schools;
5. DfEE to reduce the size of larger governing bodies, whilst maintaining accountability to parents and local communities.
6. the Government to review all streams of school funding, considering radical options for reform in its green paper on local authority funding and in its current 3-year public spending review. In particular we call for greater flexibility and delegation to successful schools and a move to 3 year school budgets, while taking care not to discriminate against schools serving the most deprived communities;
7. DfEE to take early action to simplify and clarify the bidding process so that all schools feel able to participate where such bids might be relevant to their needs;
8. the Government to rationalise the school auditing function;
9. the Government should review the role of the LEAs in the funding of schools to simplify and avoid duplication but it should think carefully about the implications of excluding them from the process;
10. DfEE to work with OFSTED and LEAs to simplify data requested from schools by the pooling of data between agencies, and by accelerating the use of ICTs for data collection and creation of a central database of school information;
11. DfEE to work with the Local Government Association to limit the amount of information LEAs send to schools pending the establishment of a central database and to minimise and standardise remaining LEA information requests following this;

12. DfEE and OFSTED to work with LEAs to pool data to remove the need for a lengthy pre-inspection form and to improve the information available to OFSTED whilst allowing a further reduction in the notice given for inspections;
13. OFSTED to be more targeted about the length, focus and follow-up to inspections in less successful schools;
14. DfEE to work with OFSTED and the Local Government Association to eliminate any duplication between the roles of OFSTED and LEAs in monitoring school performance and intervening in struggling schools arising from the above recommendation;
15. OFSTED to simplify inspection reports so that they can be more easily understood by parents;
16. DfEE to work with the Local Government Association to ensure that LEAs provide support services to small schools in the least bureaucratic manner;
17. DfEE to work with the Local Government Association to promote a wider role for administrative staff and management systems in schools. This should increase the use of ICTs for management purposes and expand the role of shared bursars in small schools;
18. the Government should clarify the role of LEAs, avoiding duplication with other bodies;
19. the Government should take early action to simplify education legislation in line with our recommendations; and
20. DfEE to establish and implement an effective ICT strategy for the management of schools.

The Task Force ask that in responding to the report the government set out an action plan for addressing its wide-ranging recommendations

Appendix D

List of those who contributed to this review⁶

Whilst we were greatly assisted by the correspondence and informal advice we received from many people working in schools around the country, we are particularly grateful to the heads of the following schools who we met or were able to visit:

Archbishop Tennyson's School, Kennington, London
Castle Hill Junior School, Basingstoke
Castle Hill Infant School, Basingstoke
Clapton Girls Technical College, Hackney, London
Westward High School, Leek, Staffordshire
Holyhead Primary School, Wednesbury, West Midlands
Plasbet School, East Ham, London
Sedgefield Community College, County Durham
Waldegrave School for Girls, Twickenham

We are also grateful to members or staff of the following organisations for their assistance:

Association of Heads of Foundation Schools
Association of Teachers and Lecturers
Audit Commission
Cabinet Office, Regulatory Impact Unit, Public Sector Team
Cambridge Education Associates
Department for Education and Employment
Department of the Environment, Transport and the Regions
former Funding Agency for Schools
HM Treasury, including Public Services Productivity Panel
Local Government Association
National Association of Head Teachers
National Association of School Masters/Union of Women Teachers (NASUWT)
National Governor's Council
National Union of Teachers
OFSTED
Professional Association of Teachers
Secondary Heads Association
Unison
Zurich Municipal

Appendix E

List of sources⁹

1. Pilot study of the Impact of Regulations and Statistical Returns on Schools, Coopers & Lybrand, Sept 1993
2. Efficiency scrutiny into the administrative burdens on schools (executive summary), DfEE, 1996
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4. School Standards and Framework Act, 1998, HMSO
5. Education (School Government) (England) Regulations, 1999, DfEE (Website: <http://www.dfee.gov.uk>)
6. DfEE, Education Acts - A complete listing of Education Acts post 1944 relating to education in England, DfEE, Library and Information Services, Information Sheet 4, 1999
7. Code of Practice on LEA-school relations, DfEE (website), 1998
8. Bureaucracy Cutting Toolkit, DfEE, 1999
9. Teachers - Meeting the challenge of change, DfEE Green Paper, 1998
10. Good Practice in Cutting Bureaucracy, DfEE, 1999
11. Reducing the Bureaucratic Burden on Head Teachers, Research Paper by Coopers and Lybrand for DfEE, 1997
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14. Role of School Governors, Fifth Report from Education and Employment Committee, 1998-1999 Session, House of Commons (Website)
15. Role of Head Teachers, Ninth Report from Education and Employment Committee, Session 1997-1998, House of Commons (Website)
16. Government Response to Fifth Report from Education and Employment Select Committee, 1998-1999 Session, House of Commons (Website)
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18. Inspection reports of various local education authorities, OFSTED (website: <http://www.ofsted.gov.uk>)
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20. School Governors: A Guide to the Law - County and controlled schools, DfEE, June 1997 edition
21. School Governors: A Guide to the Law - Community Schools, DfEE (website) January 2000 edition
22. Guidance on Good Governance, DfEE (website), April 1998
23. A Manual for Governing Bodies and their Clerks, Information for School and College Governors, 1999
24. Held in Trust, the LEA of the Future, Audit Commission, 1999
25. School Teachers' Review Body, 9th Report, 2000
26. Associate Staff Support for Teachers, NUT, November 1998
27. Bureaucracy and Workload Teaching and Learning, A Survey conducted for the NUT by The University of Warwick Institute of Education
28. Fusion: How to Unleash Irreversible Change: Lessons for the Future of System-Wide School Reform, paper by Michael Barber and Vicki Phillips, 1999

⁹ Many of these publications are available from The Stationary Office, Tel 0870 600 5522

29. A World Class School System for the 21st century: The Blair Government's Education Reform Strategy, Paper for the Skol Tema Conference, Stockholm, 27.9.99
30. Economist article 23.10.99
31. Times Educational Supplement, various articles, 9.99-3.2000

Appendix F

List of plans for which schools required to submit data¹¹

1. Plans required by DfEE of LEAs

Local Lifelong Learning
Community
Education Strategic
Education Development
Literacy Strategic
Numeracy Strategic
Early Years and Childcare Development
Behaviour Support
School Organisation
Information / Communication Technology
Asset Management
Key Stage One Class Sizes
Local Management of Schools Formula
OFSTED Action (some authorities)
National Grid for Learning
Management of Newly Qualified Teachers
Ethnic Minority Achievement
Quality Protects
Health Improvement
Drugs Action
Local Transport
Disability Discrimination (new Bill)

2. Examples of other plans that are peculiar and specific to individual LEAs

Talented and Gifted Children
Special Education Needs Development
Sport and Education
Rural Issues
Education Action Zones
Health Action Zones
Sure Start
Youth Work

¹¹ Source: Local Government Association

Appendix G

Summary of legal responsibilities for community school governing body¹⁰

	Meetings	Curriculum	Religious education (RE) and collective worship	Special educational needs (SEN)	Finance	Staff (teaching and non-teaching)	Admissions
Headteacher	may attend meetings even if not a governor	is responsible for day-to-day decisions about the management and the curriculum may lift or change NC for annual review makes sure curriculum delivered in line with LEA's policy as adapted by GB make sure NC and its carried out assessment	must make arrangements to provide daily collective worship for pupils after consulting GB	implements GB policy may lift or change NC for individual pupils must convene meeting and prepare a review report for all children with SEN under the age of 14	may control some expenditure if asked by GB annual review	is responsible for day-to-day staff management	
Governing Body	meet at least once a term decide when and where to meet determine agenda elect chair and vice-chair annually take decisions if a quorum is present may form committees	procedures are carried out must hear appeals against head's decision to lift or change NC for a particular pupil must hear complaints about curriculum according to approved procedures must ensure only approved external qualifications and syllabuses are offered to pupils decide in primary schools where the school should provide sex education and keep a written record must in all secondary schools have a policy on the content and organisation of sex education	arrange for religious education to be provided in accordance with agreed syllabus	report annually to parents on school's SEN policy make sure teachers know importance of identifying and helping pupils with special needs make every effort to meet needs of SEN pupils make sure SEN pupils' teachers know of their needs inform LEA about pupils who may need a statement ensure that pupils with SEN join in the activities of the school with pupils who do not have SEN so far as is practical	decide how to spend delegated budget depending on any conditions in LEA scheme is bound by Compulsory Competitive Tendering must be consulted by LEA on significant changes to LEA's Fair Funding scheme make sure accurate accounts are kept	select the head decide staff numbers and appointments can exercise a range of pay discretion set disciplinary rules and procedures hear staff grievances must keep to LEA appraisal procedures selects clerk	must admit pupils whose parents have chosen the school, where places are available may comment on LEA admissions arrangements when consulted each year can ask LEA to raise admissions limit for their school can ask Secretary of State (S/S) for a ruling if not satisfied with LEA response

Summary of legal responsibilities for community school governing body (continued)

	Equal Opportunities	Discipline and attendance	Providing information	Inspection	Health, safety and welfare	Charging for school activities	School building
HEADTEACHER	<p>implements GB's policy</p> <p>implements policies of LEA and GB</p>	<p>takes measures of secure good behaviour</p> <p>may exclude pupil and must inform those involved</p> <p>must follow directions from GB</p> <p>must follow directions from LEA or GB</p> <p>must inform parents about starting and finishing times of school sessions</p>	<p>gives GB information asked for</p> <p>gives parents annual written report on their child's educational achievements</p> <p>provides school leavers with report on achievements</p> <p>arranges access to documents about school</p>	<p>co-operates with inspection team</p>	<p>carries out GB's policy</p> <p>ensures that a teacher is designated with responsibility for child protection</p>	<p>implements GB's policy</p>	<p>implements policy of LEA and GB on community use of schools</p>
GOVERNING BODY	<p>must not discriminate against pupils, job applicants or staff on grounds of sex, race, disability or marital status</p>	<p>must agree statement on discipline</p> <p>may direct headteacher to take back excluded pupils</p> <p>consider representations about exclusions</p> <p>ensure attendance register is kept</p> <p>must report on unauthorised absences in the prospectus</p> <p>decide when school sessions begin and end</p>	<p>Supply S/S with:</p> <ul style="list-style-type: none"> - any information asked for - written statement of curriculum aims - annual return on SEN arrangements <p>supply parents with:</p> <ul style="list-style-type: none"> - prospectus - annual report - comparative information on local schools' performance <p>hold annual meeting for parents</p> <p>supply S/S with examination and NC assessment information</p> <p>keep pupils educational records and allow access</p> <p>must (if secondary school) distribute to all 2nd year Key Stage 4 pupils information produced by local FE colleges</p>	<p>comment on inspection job to be done</p> <p>notify parents and others of inspection</p> <p>arrange meeting between religious inspector (RI) and parents</p> <p>provide information to RI</p> <p>distribute inspection report and summary</p> <p>draw up action plan (if school has delegated budget)</p> <p>inform parents in annual report about follow-up of action plan</p> <p>arrange inspection</p> <p>choose inspector</p>	<p>make sure buildings, equipment and materials are safe and no risk to health</p> <p>set up procedures for implementing the H & S policy and make sure they are followed</p> <p>keep land free from litter and refuse</p> <p>must discuss with the local authority the LEA's health and safety policy and may subsequently want to develop a similar version specifically designed for the school</p>	<p>determine charging policy. (the policy may differ from LEAs)</p> <p>ensure free provision of activities in school time (except some music tuition)</p> <p>may invite voluntary contributions</p> <p>may charge for certain activities provided outside school hours</p> <p>may charge for board and lodging on residential courses</p>	<p>control use of premises outside school day</p> <p>follow LEA directions on community use outside school hours</p> <p>consider needs of local community</p> <p>may enter into agreement allowing shared management of the premises</p>

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