BRIEFING PAPER

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Regional Schools Commissioners

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Inside:
1. **Role**
2. **Issues**
3. **Education Committee inquiry**
4. **White Paper proposals**

Contents

Summary

In September 2014, eight Regional Schools Commissioners (RSCs) were appointed as civil servants in the Department for Education (DfE) with responsibility for approving new academies and intervening in underperforming academies in their area. Their role was expanded from 1 July 2015 to additionally include responsibility for approving the conversion of underperforming maintained schools into academies and making the decision on sponsors.

RSCs take decisions on behalf of the Secretary of State and are supported in their work by a Headteacher Board comprising six to eight members. They report through the Schools Commissioner and a DfE Director to Lord Nash, the Parliamentary Under-Secretary of State for Schools. Their performance is assessed against a set of eight key performance indicators spanning four areas of responsibility.

The *Education and Adoption Act 2016* provides for the Education Secretary to be given new powers in relation to maintained schools. This includes the power to issue warning notices to maintained schools and the power to require the governing body of a maintained school that is 'eligible for intervention' to enter into arrangements. The Act's provisions also require that every school judged 'inadequate' by Ofsted be turned into a sponsored academy. The Education Secretary has stated that these powers will be exercised on her behalf by the RSCs.

This briefing provides information on the role of RSCs and outlines some of the issues that have been raised since their creation, including by the Education Committee in its January 2016 report, The role of Regional Schools Commissioners. The Government responded to the report in April 2016.

The Education White Paper, Educational Excellence Everywhere, published in March 2016, proposes an expanded role for RSCs within an all academy school system, with the power to commission support and intervention for schools identified as under-performing.

1. Role

1.1 Creation

In September 2014, eight Regional Schools Commissioners (RSCs) were appointed with responsibility for approving new academies and intervening in underperforming academies in their area.[1]

The reasons behind the creation of RSCs were set out in a letter from the Schools Commissioner, Frank Green:

> The Department for Education has for some time been considering how the education system should evolve to respond to the growth in the popularity and number of academies and free schools. Within government and the education sector there is a growing consensus that decision making should lie closer to academies and that those who have a track record of leading good schools should have a stronger role in shaping the system.

> To begin this shift in emphasis from decision-making in Whitehall to more involvement by schools at a regional level, we are appointing eight RSCs. The RSCs will be taking key decisions about academies on behalf of the Secretary of State, bringing their expertise and local knowledge into the decision making process. This change will not cut across existing accountability lines; accountability will remain with the Secretary of State.[2]

1.2 Responsibilities

Each RSC is responsible for one of the following eight regions:

• East Midlands and the Humber;
• South-West England;
• East of England and North-East London;
• South-East England and South London;
• West Midlands;
• South-Central England and North-West London;
• North of England; and
• Lancashire and West Yorkshire.

As originally created, RSCs were not involved with local authority maintained schools. However, since 1 July 2015 there role has been expanded to additionally include responsibility for "tackling underperformance in maintained schools through sponsored academy arrangements".[3] This includes approving the conversion of maintained schools into academies and making the decision on the sponsor. Announcing this change, a letter from Lord Nash, the Parliamentary Under-Secretary of State for Schools, stated:

> Now that RSCs are embedded, this is a logical extension of their role, given the responsibilities they already have for academy conversions and open academies.

[1] DfE, How major decisions affecting academies will be dealt with from autumn 2014, 23 December 2013.
[2] DfE, Letter from Schools Commissioner, Frank Green: Regional Schools Commissioners and Headteacher Boards, 2 April 2014
[3] Letter from Lord Nash to Directors of Children's Services, 15 June 2015.

> This change represents the next step to creating a more regionalised system. Decisions will be taken locally by RSCs, with the advice and challenge from the experienced professional leaders represented on their Headteacher Board.[4]

Following the expansion to their role, the main responsibilities of RSCs since 1 July 2015 have been to:

- monitor the performance of the academies, free schools, UTCs and studio schools in their area;

- take action when an academy, free school, UTC or studio school is underperforming;

- approve the conversion of maintained schools to academies and make the decision on the sponsor for new academies in areas where the local authority has identified a need for additional school places;

- make recommendations to ministers about free school applications and advise whether approved free school projects are ready to open;

- encourage organisations to become academy sponsors or to establish free schools, approve applications to become sponsors and help to build the capacity and capability of existing sponsors within their area;

- approve changes to open academies, for example: changes to age ranges, mergers between academies, and changes to MAT arrangements.[5]

RSCs have no role in relation to academies that are performing well, except in encouraging them to become a sponsor, support a school though a multi-academy trust arrangement, or set up a free school. They are also not responsible for carrying out school improvement activities but instead commission action to be taken by the academy trust.[6]

Role expansion – the Education and Adoption Act 2016

The *Education and Adoption Act 2016* provides for the Secretary of State to be granted additional powers. The Education Secretary has announced that these powers will be exercised by RSCs.

For schools in England, the Act's provisions:

- Require every local authority maintained school judged 'inadequate' by Ofsted to be turned into a sponsored academy. (The Government has estimated an extra 1,000 schools could be converted to sponsored academy status over the current Parliament.)
- Give new powers to the Secretary of State for Education to intervene in maintained schools considered to be underperforming, including:

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[4]   As above.
[5]   [Written Evidence submitted by the Department for Education](#), Education Committee website, 16 September 2015.
[6]   Education Committee, *Regional Schools Commissioners*, 20 January 2016, HC401, p8-9

- — to issue performance, standards and safety warning notices to maintained schools;

- — to require the governing body of a maintained school that is 'eligible for intervention' to enter into arrangements;[7] and

- — to give directions to a local authority that is to appoint an Interim Executive Board (IEB) regarding the size and composition of the IEB.

- Expand the legal definition of the 'eligible for intervention' category to include 'coasting' schools, and enable (but not require) the Secretary of State to turn such schools into sponsored academies or intervene in them in other ways.
- Allow the Secretary of State to issue directions, with time limits, to school governing bodies and local authorities, to speed up academy conversions.
- During the Bill's passage through Parliament, its scope was expanded to allow RSCs to intervene in coasting or inadequate academies in a similar manner to maintained schools.[8]

More information on the Bill is available in Library Briefing Paper 7232, Education and Adoption Bill 2015-16.

During the Second Reading debate on the Bill, Nicky Morgan stated that the "education measures in the Bill will be enacted by [RSCs]" on her behalf.[9] A parliamentary question response from 31 July confirmed that this included the power to make an academy order in respect of a maintained school judged to be inadequate by Ofsted.[10]

1.3 Support, staffing and budget

Each RSC is supported by a Headteacher Board (HTB) comprising six to eight members of equal status. Four members of the HTB are current or ex-headteachers of academies judged as outstanding by Ofsted, who are elected by the region's academy heads. Up to four additional members can be appointed or co-opted to fill particular skills or expertise gaps. In evidence submitted to the Education Committee's inquiry on RSCs (see section three below), the Department for Education (DfE) stated that "if a RSC intends to take a decision that contradicts the advice given by the majority of their HTB this must be reported to the minister."[11] The membership of each HTB, and records of their meetings, are available on the Gov.uk website.

Each RSC's office employs between six and eight members of staff and had a budget in 2014-15 of approximately £460,000.[12] Further

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[7]   The Secretary of State's power would not apply where a school was eligible for intervention because it had failed to comply with a teachers' pay and conditions warning notice.
[8]   Education and Adoption Bill written statement HCWS362, 7 December 2015
[9]   HC Deb 22 June 2015 c641
[10] PQ HL1834, 31 July 2015
[11] Written Evidence submitted by the Department for Education, Education Committee website, 16 September 2015.
[12] PQ 219893 [on Regional Schools Commissioners] 6 January 2015.

information on the staffing complement of each RSC was set out in response to a [parliamentary question](#) on 22 June 2015.[13]

1.4 Accountability

RSCs are civils servants appointed to take decisions on behalf of the Secretary of State for Education. The Secretary of State remains responsible for the academy system and holds the commissioners to account for the performance of academies in their area. They also have the power to overrule RSCs. In addition, certain decisions, including those that are sensitive or raise issues of interpretation of Government policy, are escalated to the Minister to make.[14]

RSCs are line managed by the national Schools Commissioner, currently Frank Green. Their progress is measured against a set of eight key performance indicators (KPIs) spanning four areas of responsibility.[15] Following a freedom of information request, a December 2014 *Schools Week* [article](#) reported that the eight KPIs were as follows:

RSC remit: Tackling educational underperformance and inadequate governance in open academies

KPI 1: The percentage of academies, free schools, UTCs and studio schools below the floor standard, broken down by number of years below the floor. [These schools must have been open at least a year, and alternative provision and special schools are not included.]

KPI 2: The percentage of academies, free schools, UTCs and studio schools in Ofsted inadequate category, broken down by length of time. [Alternative provision and special schools are included.]

RSC remit: Approving new academy provision

KPI 3i: The percentage of schools that are academies or free schools. [UTCs and studio schools are not included as RSCs do not have a role in opening these types of provision.]

KPI 3ii: The percentage of eligible schools issued with an academy order, where in this case an 'eligible' school is defined as one: that is not already an academy, free school, UTC or studio school; that is not below the floor; and that is not in Ofsted inadequate category.

KPI 4: The number and percentage of academies below the floor or in Ofsted inadequate category within the first two years of opening.

RSC remit: Managing the regional sponsor market for academies

KPI 5: The percentage of local authority areas in the region where more schools require a sponsor than there are sponsors available.

KPI 6: The percentage change in sponsor attainment rating. [This rating is calculated using a combination of metrics relating to the performance of the schools managed by the sponsor.]

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[13]   [PQ 2659](#), 22 June 2015.
[14]   [Written Evidence submitted by the Department for Education](#), Education Committee website, 16 September 2015.
[15]   As above.

KPI 7: The percentage of approved sponsors that are active (i.e. that are sponsoring one or more academies).

RSC remit: Providing advice and taking decisions in relation to free schools UTCs and studio schools

KPI 8: The number of free schools and percentage of high quality free schools, UTCs and studio schools in the region. [This includes the approval rate, the attrition rate, the percentage of good and outstanding reports after 1st term visits and 3rd term visits, and the percentage of good and outstanding Ofsted inspections (1st inspection only included in this KPI).][16]

2. Issues

This section briefly outlines some issues that have been raised regarding RSCs since their creation in September 2014. Issues raised by the Education Committee's January 2016 report are covered in section 3.

2.1 Size and design of regions

In its January 2015 report on academies and free schools, the Education Committee noted concerns from witnesses that the regions covered by the RSCs were "too big to be manageable", did not recognise natural geographic boundaries, and did not align with Ofsted's eight regions.[17] The report also cited a witness who defended the current design of the RSC regions on the basis that "there are not that many underperforming academies in each region".[18]

The Committee's report concluded that the RSC regions were too large and recommended that the Government "review and increase the number of schools commissioners".[19]

The Government response to the report, published in March 2015, stated that early indications were that RSCs were "performing extremely well" and that their role would "develop in response to the evolution of the academies and free schools programme".[20] The response did not explicitly refer to the regions covered by the RSCs. However, in evidence to the Committee's inquiry, the Schools Commissioner said that as the number of academies increases the number of RSCs may have to increase and the regions they cover may have to be divided up.[21] Nicky Morgan told the inquiry that she did not think the number of RSCs would be increased, but the number of support staff would be.[22]

2.2 Capacity to deal with increased role

The Government has stated that "the RSCs have increased the capacity of the DfE to pick up local intelligence, inject sector expertise into

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[16] Commissioners must convert schools, *Schools Week*, 19 December 2014
[17] Education Committee, *Academies and Free Schools*, 27 January 2015, pp26-7.
[18] As above, p27.
[19] As above, p33.
[20] Education Committee, *Academies and free schools: Government Response to the Committee's Fourth Report of Session 2014–15,* 23 March 2015, p5.
[21] Education Committee, *Academies and Free Schools*, 27 January 2015, pp26-7
[22] As above, p27.

decision making and intervene at trust and school level."[23] However, it has been suggested that RSCs will need increased resources to deal with their expanding role.

In a guide to RSCs, published in September 2015, the National Foundation for Educational Research stated that the recent and proposed expansion to the remit of RSCs meant that they were "likely to need a corresponding increase in resources".[24] The report further noted that:

- the numbers of schools likely to require the attention of a RSC varied substantially between regions, meaning that workload would likely vary substantially between RSCs;
- those regions with the largest number of schools likely to require intervention from the RSC also had the lowest number of existing sponsors, meaning that "the regions with greatest need have the least capacity to address this need";[25] and
- in all regions there appeared to be a need for RSCs to "look beyond their current pool of sponsors for support".[26]

On 30 June 2015, Lord Nash told the Public Bill Committee on the Education and Adoption Bill that the number of RSCs, and their resources, may have to be increased in time:

> I expect in time we may need more regional schools commissioners—they will certainly need more people. They are heavily supported from the centre—the Department for Education—which runs very tight teams of six, seven or eight people. They will certainly need an increase in capacity, but we do not want them to become another arm of the DFE; we want them to be fairly tight-run organisations. I have to say that, having visited all of them and sat in all eight of the headteacher boards, they are performing extremely well.[27]

Similarly, the DfE's evidence to the Education Committee's inquiry on RSCs stated that:

> As the role of the RSCs is further embedded and developed, resourcing and workloads will be constantly reviewed to ensure that they are able to provide sufficient oversight and take swift and decisive action.

> We are considering what extra resources and capacity RSCs will need to enable them to effectively use these new powers, if they are agreed by Parliament.[28]

2.3 Key Performance Indicators

Concerns have been raised that assessing RSCs, via their KPIs, on the number of schools they convert to academies could represent a conflict of interest now that RSCs also have responsibilities relating to

23   Written Evidence submitted by the Department for Education, Education Committee website, 16 September 2015.
24   National Foundation for Educational Research, *A Guide to Regional Schools Commissioners*, September 2015, p7
25   As above, p10
26   As above.
27   PBC 30 June 2015, Q68
28   Written Evidence submitted by the Department for Education, Education Committee website, 16 September 2015.

maintained schools.[29] Spokespeople for the DfE have been reported as stating that the eight KPIs are viewed collectively and that RSCs have no financial incentive attached to their performance. For example, a *Schools Week* article of 21 August 2015 quoted a DfE spokesperson as saying:

> The role of the RSCs is to make decisions on whether schools can convert to academy status, increasing the number and effectiveness of academy sponsors, and tackle underperformance in all schools using academy measures where appropriate.

> All of these aims are reflected in their key performance indicators and none are viewed in isolation.[30]

The same article, and an article in TES, reported DfE sources as stating that the KPIs would be reviewed if the Education and Adoption Bill passed into law and the powers of RSCs were increased as a result.[31] In addition, in written evidence to the Education Committee's inquiry on RSCs, the DfE stated that the KPIs are "currently undergoing a year one review with the aim of ensuring they appropriately reflect the developing role of RSCs."[32]

2.4 Relationship with local authorities and other bodies

In a report on school oversight and intervention, published in January 2015, the Public Accounts Committee (PAC) described the creation of RSCs as "a welcome recognition of the need to provide more local intelligence and oversight for the growing number of academies."[33] However, the Committee raised the concern that introducing RSCs could "increase confusion about roles, especially where local authorities are already working constructively with academies".[34] The Committee recommended that the DfE should:

• clarify the roles of the DfE, RSCs, local authorities, and the Education Funding Agency;
• "set clear and explicit expectations for RSCs to make sure that they make effective use of local authorities' relationships with and local knowledge about schools and academies in their areas"; and
• evaluate the effectiveness of RSCs in the next 18 months.[35]

Similarly, in its January 2015 report on academies and free schools the Education Committee recommended that the Government should clarify

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[29] For example, see HC Deb 22 June 2015 c712 and 'Coasting' schools: Unions warn over academisation 'conflict of interest', TES, 17 July 2015.

[30] Role review for regional schools commissioners if Education Bill passes, *Schools Week,* 21 August 2015.

[31] As above and Exclusive: Rethink of regional commissioner role prompted by conflict of interest, TES, 21 August 2015.

[32] Written Evidence submitted by the Department for Education, Education Committee website, 16 September 2015.

[33] Public Accounts Committee, *School oversight and intervention,* 28 January 2015, p4.

[34] As above.

[35] As above.

"the respective roles of local authorities and RSCs in relation to academies".[36]

The Government response to the PAC report agreed with the Committee's recommendations and stated:

> The department has set out its role and the respective responsibilities of Regional Schools Commissioners (RSCs), local authorities and the EFA in the revised Accountability System Statement published on 20 January 2015. The department has also provided the Committee with the set up and running costs for year one of the RSCs and will be looking further at these costs against performance in the coming months.
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> RSCs exercise the Secretary of State's responsibilities for the educational performance of academies, including free schools, university technical colleges and studio schools. Local authorities are encouraged to report any concerns about the educational performance of an academy in their area to the relevant RSC. The department will continue to review the role of RSCs as the academy programme develops.[37]

The relationship between RSCs and local authorities was further outlined by the DfE in its written evidence to the Education Committee's inquiry on RSCs:

> Local authorities continue to have responsibility for monitoring the performance of maintained schools and intervening where necessary, and for special educational needs and safeguarding of pupils in all schools – maintained schools and academies. Where an RSC judges that an underperforming maintained school would benefit from becoming an academy they will work closely with the relevant local authority to match them with an appropriate academy sponsor.
>
> Wherever possible, RSCs work proactively with local authorities and ensure that information is shared and the necessary action is taken particularly where there are concerns that cut across their responsibilities. Where the local authority has a concern about academy performance, including governance, they are able to raise this information with the relevant RSC. Many local authorities are also sharing information about need for new school places with the relevant RSC.[38]

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[36]   Education Committee, *Academies and Free Schools*, 27 January 2015, p34

[37]   HM Treasury, *Treasury Minutes: Government responses on the Twenty Fifth to the Twenty Ninth, the Thirty First to the Thirty Second, the Thirty Fourth, the Thirty Sixth, and the Thirty Eighth to the Fortieth reports from the Committee of Public Accounts: Session 2014-15*, March 2015, p28.

[38]   Written Evidence submitted by the Department for Education, Education Committee website, 16 September 2015.

3. Education Committee inquiry

On 20 July 2015, the Education Committee launched an inquiry on RSCs. The Committee asked for evidence on the following points:

- What the role of Regional Schools Commissioners currently is, how this might change as the academies landscape evolves, and what the role of RSCs should be

- Whether there are sufficient RSCs and Headteacher Boards to fulfil their expanding role, and whether they have adequate resources

- What evidence exists on the early operation of RSCs in terms of their impact, and how this impact should be measured

- What relationship RSCs should have with Ofsted, local authorities, the DfE, individual schools and local communities

- How RSCs should be held to account in their role[39]

3.1 Report

On 20 January 2016, the Committee published its report, *The role of Regional Schools Commissioners*. The Committee argued that there is a "clear need for an intermediate structure between Whitehall and individual schools" and that RSCs "are beginning to provide this." However, the report also stated that RSCs now formed part of "an increasingly complicated system of oversight, accountability and inspection" and that more work is needed to improve the transparency, accountability and working relationships of RSCs.[40]

The report's findings and recommendations included:

Role of RSCs and relationships with other bodies

The report stated that the responsibilities of RSCs in relation to other components of the education system remain unclear, including to parents. It recommended that the Government should clarify the division of responsibilities between RSCs, local authorities and Ofsted in a comprehensible way.[41] It additionally recommended that the DfE should publish a protocol for interaction between RSCs and local authorities "to ensure that there is a shared understanding of roles", and that this should also set out expectations for information-sharing between RSCs, local authorities and multi-academy trusts.[42]

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[39] Committee begins inquiry into role of Regional Schools Commissioners, Parliament website, 20 July 2015.

[40] Education Committee, *Regional Schools Commissioners,* 20 January 2016, HC401, p3 and RSCs: role should be clarified and accountability improved say MPs, Education Committee website, 20 January 2016.

[41] Education Committee, *Regional Schools Commissioners,* 20 January 2016, HC401, p13

[42] As above, p45

The Committee also raised concerns about the variation in approach between RSCs. It stated that the Government should ensure a greater level of consistency in their work and recommended that:

- Responsibility for co-ordination and consistency of standards should be explicitly included in the job description of the Schools Commissioner.[43]
- The DfE should publish decision-making frameworks for RSCs to "aid consistency of approach and transparency."[44]

RSC regions

The report highlighted concerns raised by witnesses regarding the regions covered by the RSCs, including that they did not match other existing regional divisions and that London was divided between three regions. It concluded that the division of London is "unnecessarily disruptive" and recommended that the RSC regions should be redesigned so that they are conterminous with Ofsted regions.[45]

Headteacher Boards

The report cited confusion amongst witnesses regarding the role of HTBs, including whether they are a decision making body or simply a provider of information to RSCs. It recommended that the DfE should clarify the role of HTBs and that they should be re-designated as RSC Advisory boards.[46]

The report additionally recommended that if the remit of RSCs expands in the way proposed in the Education and Adoption Bill, headteachers of high-performing local authority maintained schools should be eligible for election and appointment to Headteacher Boards.[47]

Impact

The report recommended that the Government's review of RSC's KPIs (see above) should ensure that the KPIs "do not prejudice decisions made on academisation and changes of sponsor." It additionally recommended that KPI 3(i) relating to the proportion of schools that are academies should be removed.[48]

The report also raised concerns regarding a lack of data on the performance of RSCs and recommended that the Government should produce an annual report on the work of RSCs showing performance against their (revised) KPIs.[49]

Accountability and transparency

The report noted that RSCs have powers that extend beyond those of many civil servant roles. The Committee argued that this level of autonomy made RSCs "a candidate for a more direct form of accountability than would be the case for other senior civil servants."[50]

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[43]   As above, p15
[44]   As above, p43
[45]   As above, p23
[46]   As above, p33
[47]   As above, p34
[48]   As above, p37
[49]   As above, p38
[50]   As above, pp40-1

The report additionally recommended that a formal complaint and whistleblowing procedure should be established so that the decisions of RSCs can be challenged or reviewed.[51]

The report concluded that the introduction of RSCs was a "pragmatic approach to the expanding workload of academies oversight" but that "further work is needed" to progress towards "appropriate intermediate structures between Whitehall and individual schools":

> The introduction of RSCs is a pragmatic approach to the expanding workload of academies oversight. It is clear that in many areas RSCs are working hard and are being ably supported by their Headteacher Boards. However, further work is needed to improve their transparency, accountability and working relationships in order to continue with progress towards appropriate intermediate structures between Whitehall and individual schools. Without attention to these issues, RSCs will be seen as undemocratic and opaque, and the Government must ensure that such concerns are acted on. It is important that the Government continues to monitor the work of RSCs as their responsibilities change, and as the mixture of different types of school alters over time. In the future a more fundamental reassessment will be required.[52]

3.2 Government response

The [Government response](#) to the Committee report was published on 20 April 2016. It included the following responses to the Committee's recommendations, and set out planned Government actions:

- The Government intended to publish a succinct summary of the role of RSCs; and to provide links for the public to find more detailed information[53]
- The Government had consulted on, and would shortly publish, guidance which describes the responsibilities and powers delegated to RSCs resulting from the provisions in the *Education and Adoption Act 2016* and how they will be carried out by RSCs in the name of the Secretary of State[54]
- The Government defended its approach to RSC regions, stating that the aim of the division of London was to spread London-based expertise more widely[55]
- The department would publish a terms of reference for Headteacher Boards clarifying what their role and powers are[56]
- The government was currently carrying out a review of all of the Key Performance Indicators (KPIs)[57]
- The new national Schools Commissioner would publish a yearly report on the work of the RSCs[58]

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[51] As above, p46
[52] As above, p49
[53] Education Committee, [The role of Regional Schools Commissioners: Government Response to the Committee's First Report of Session 2015–16](#), 20 April 2016, HC975, p2
[54] As above
[55] As above, p6
[56] As above, p8
[57] As above, p9
[58] As above, p10

4.   White Paper proposals

4.1 Publication

Following an announcement by the Chancellor in his Budget statement, the [Educational Excellence Everywhere](#) White Paper was published on 17 March 2016. The paper sets out the Government's proposals to convert all state-funded schools in England to academy status by 2022.

Information about the proposals to move to an all academy system can be found in the Library briefing [Every School an Academy](#), CBP 07549.

4.2 Proposals for expanding the role of RSCs

The White Paper proposes an expanded role for RSCs within an all academy system. It states that the Government "will ensure Regional Schools Commissioners are able to commission support and intervention for schools identified as under-performing,"[59] and also that in a fully academised system there would be a "clearer process for how the local community can get in touch and raise concerns about RSC decisions."[60]

The Paper also includes plans to establish a new Intervention Fund to enable RSCs to commission school improvement support, normally through a new academy sponsor, from within the system, for failing and coasting schools:

> As most intervention will take the form of bringing in a new sponsor for an underperforming school, this fund will include activity to identify and attract new sponsors and encourage existing sponsors to grow, particularly in the areas where they are most needed; match sponsors to projects; and provide start-up funding for new sponsored academies and re-brokerage. When RSCs want to commission support for underperforming schools, they will generally do so through the teaching school hubs, although RSCs will be able to commission different support where they see fit.[61]

4.3 Capacity of RSCs

The capacity of Regional Schools Commissioners to deal with an expanding workload has been raised regularly prior to the announcement of the proposed all academy system.

In a [guide](#) to RSCs, published in September 2015, the National Foundation for Educational Research stated that the recent and (then proposed) expansion to the remit of RSCs through the now *Education and Adoption Act 2016* meant that RSCs were "likely to need a corresponding increase in resources."[62]

In its [report](#) on RSCs in January 2016, the Education Committee had acknowledged the capacity concern, while stating that it was "not yet

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[59]   Department for Education, [Educational Excellence Everywhere](#), March 2016, p112
[60]   As above, p113
[61]   As above, p80
[62]   National Foundation for Educational Research, [A Guide to Regional Schools Commissioners](#), September 2015, p7

convinced of the case for a significant increase in expenditure on the RSC offices themselves":

> Instead, the Department should consider whether the partners that the RSCs must work with to secure school improvement, such as Teaching Schools, have sufficient capacity to respond to their requests.[63]

In its response to the report, the Government said that it would "continue to monitor the capacity and ways of working of RSCs as the role develops."[64]

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[63] Education Committee, Regional Schools Commissioners, p30
[64] Education Committee, The role of Regional Schools Commissioners: Government Response to the Committee's First Report of Session 2015–16, p8