



## BRIEFING PAPER

Number 7308, 29 August 2017

# Regional Schools Commissioners

By David Foster and  
Robert Long

**Inside:**

1. Role of Regional Schools Commissioners
2. Issues
3. Education Committee inquiry
4. Educational Excellence Everywhere White Paper (March 2016)



# Contents

<b>Summary</b>	<b>3</b>
<b>1. Role of Regional Schools Commissioners</b>	<b>4</b>
1.1 Creation	4
1.2 Responsibilities	4
Intervening in underperforming academies	5
Intervening in underperforming maintained schools	5
Other responsibilities	6
1.3 Headteacher Boards	7
1.4 Staffing and budget	7
1.5 Accountability and performance	8
Key performance indicators	8
<b>2. Issues</b>	<b>11</b>
2.1 Size and design of regions	11
2.2 Capacity to deal with increased role	12
2.3 Relationship with local authorities and other bodies	12
<b>3. Education Committee inquiry</b>	<b>14</b>
3.1 Report	14
3.2 Government response	16
<b>4. Educational Excellence Everywhere White Paper (March 2016)</b>	<b>17</b>
4.1 Funding for school intervention	17

## 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 to tackle underperformance in academies in their area. From July 2015, their role was expanded to additionally include responsibility for approving the conversion of underperforming maintained schools into academies and making the decision on sponsors.

A further expansion to the remit of RSCs resulted from the passing of the *Education and Adoption Act 2016*. The Act provided the Secretary of State with new intervention powers in both maintained schools and academies, and extended the types of schools that are eligible for intervention to include coasting schools. These additional intervention powers are exercised by RSCs on behalf of the Secretary of State.

RSCs' responsibilities in addition to intervening in underperforming academies and maintained schools include:

- Assessing applications from maintained schools to convert to academy status.
- Encouraging organisations to become academy sponsors and taking decisions on the creation and growth of multi-academy trusts (MATs).
- Making recommendations to ministers on free school applications.
- Making decisions on applications to make significant changes to an existing academy.

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, four of whom are elected current or former headteachers of academies in the region. The Secretary of State holds the commissioners to account for the performance of academies in their area and has the power to overturn their decisions. They are line managed by the National Schools Commissioner, Sir David Carter, and their performance is assessed against a set of key performance indicators spanning four areas of responsibility:

- Taking decisions on the creation of new academies.
- Ensuring there are enough high-quality sponsors to meet local need.
- Monitoring academy performance and tackling underperforming academies and free schools.
- Providing advice and making recommendations in relation to free schools, university technical colleges and studio schools.

In addition to providing further information on the role of RSCs, this briefing outlines some of the issues that have been raised since their creation, including concerning the design of the RSC regions and the capacity of the RSCs to deal effectively with their increased role. The briefing also outlines the conclusions and recommendations of the Education Committee's January 2016 report, [The role of Regional Schools Commissioners](#), along with the [Government response](#) that was published in April 2016.

# 1. Role of Regional Schools Commissioners

## 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 areas. There is one RSC for each of the following 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.<sup>1</sup>

The reasons behind the creation of RSCs were set out in a letter from the then Schools Commissioner, Frank Green in April 2014:

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.<sup>2</sup>

## 1.2 Responsibilities

The responsibilities of RSCs have increased substantially since their creation in September 2014.

As originally created, RSCs were not involved with local authority maintained schools. However, from July 2015 they were given responsibility for “tackling underperformance in maintained schools through sponsored academy arrangements”.<sup>3</sup> This included approving the conversion of maintained schools into academies and making the decision on the [sponsor](#).<sup>4</sup>

<sup>1</sup> DfE, [How major decisions affecting academies will be dealt with from autumn 2014](#), 23 December 2013.

<sup>2</sup> DfE, [Letter from Schools Commissioner, Frank Green: Regional Schools Commissioners and Headteacher Boards](#), 2 April 2014

<sup>3</sup> [Letter from Lord Nash to Directors of Children’s Services](#), 15 June 2015.

<sup>4</sup> As above.

A further expansion to the remit of RSCs resulted from the passing of the *Education and Adoption Act 2016*. The Act provided the Secretary of State with new intervention powers in both maintained schools and academies and extended the types of schools that are eligible for intervention to include coasting schools. These additional intervention powers are exercised by RSCs on behalf of the Secretary of State.

The main responsibilities of RSCs following these expansions to their role are outlined in a [decision making framework](#) published by the Department for Education (DfE). A brief summary is provided below.

### Intervening in underperforming academies

RSCs are responsible for holding academy trusts to account where academies (including free schools) are underperforming. In cases where formal intervention is required, the actions that RSCs may take include commissioning support for the school, issuing warning notices, terminating funding agreements, and identifying a new sponsor to take on responsibility for the academy.

RSCs are also responsible for taking action where they consider the governance of an academy to be inadequate, although where the primary issue is concerning financial management the Education and Skills Funding Agency has overall decision making responsibility. They can also offer support and intervene where they have concerns about a sponsor or multi-academy trust (MAT) in terms of educational performance, financial management or governance.

#### Box 1: Schools eligible for formal intervention

Three categories of school are defined as causing concern and eligible for formal intervention:

- **Schools that have been judged as inadequate by Ofsted** (schools with inspection judgements of “requires significant improvement” or “requiring special measures”).
- **Schools that are defined as coasting.** This new formal category of school underperformance was introduced by the *Education and Adoption Act 2016*. The criteria for coasting schools are based on Key Stage 2 and Key Stage 4 performance data.
- **Schools that have failed to comply with a warning notice.** Local authorities and RSCs can issue warning notices to maintained schools where they have concerns about performance, a breakdown in leadership and governance, or the safety of pupils or staff. Where a school does not comply with a warning notice it becomes eligible for formal intervention.<sup>5</sup>

### Intervening in underperforming maintained schools

Following the passing of the *Education and Adoption Act 2016*, if a maintained school is judged by Ofsted to be inadequate then the Secretary of State is under a duty to make an Academy Order to enable it to become a sponsored academy. In such situations, the RSC will act on behalf of the Secretary of State to match the school with a sponsor, issue the Academy Order and agree when the funding agreement can be signed.

For maintained schools that meet the coasting definition, RSCs will decide whether action is needed to bring about improvement. Where action is seen as necessary, the RSC will consider a range of

<sup>5</sup> Department for Education, [Schools causing concern: intervening in failing, underperforming and coasting schools](#), March 2016, pp6-7.

interventions, which could include converting the schools into a sponsored academy.

RSCs are also able to issue warning notices to maintained schools that, while not eligible for formal intervention or defined as coasting, are otherwise causing concern.

Further information on the interventions that RSCs may make in underperforming schools, both academies and maintained schools, is in statutory guidance published by the Department for Education, [Schools causing concern: intervening in failing, underperforming and coasting schools](#). RSCs are not responsible for carrying out school improvement activities themselves but instead commission action to be taken by the school or academy trust.<sup>6</sup> The decision making framework states that “RSCs are well placed to identify and commission the most appropriate support and interventions for an underperforming school or academy.” However, the role of RSCs in commissioning specific support had been questioned by some.<sup>7</sup>

### Box 2: Strategic School Improvement Fund

In November 2016 the Government announced a £140 million Strategic School Improvement Fund to “target resources at the schools most in need to improve school performance and pupil attainment; to help them use their resources most effectively, and to deliver more good school places.” It is expected that the funding will be used to support activities including, but not limited to, improving leadership governance, teaching methods, and financial efficiency.

Applications for funding are submitted to the DfE by teaching schools, MATs and local authorities. Guidance on the fund states that, in shaping applications, it is expected that “regional schools commissioners, multi-academy trusts, local authorities the Teaching Schools Council and diocesan representatives will work collaboratively with schools to bring together their local intelligence to identify shared improvement priorities.”<sup>8</sup>

## Other responsibilities

In addition to intervening in underperforming maintained schools and academies, RSCs have a number of other responsibilities. These include, but are not limited to:

- Approving or rejecting applications from maintained schools to convert to academy status.
- Encouraging organisations in their area to become academy sponsors and deciding who can be a sponsor.
- Taking decisions on the creation and growth of MATs, including assessing the governance and leadership of MATs that converting schools wish to join. [DfE guidance](#) provides more information on what RSCs will look for when approving the creation and growth of academy trusts.
- Advising and making recommendations to ministers on free school applications.
- Making decisions on behalf of the Secretary of State concerning applications to make significant changes to an existing academy.

<sup>6</sup> Education Committee, [Regional Schools Commissioners](#), 20 January 2016, HC401, p8-9.

<sup>7</sup> For example, see: [RSCs under fire after ordering interventions in coasting schools](#), *Schools Week*, 5 May 2017.

<sup>8</sup> [Strategic School Improvement Fund](#), National College for Teaching and Leadership, last updated 23 June 2017.

The exception to this is when the proposed change sets a policy precedent or is not fully funded, in which case the decision will be escalated to the minister to make.<sup>9</sup>

### Box 3: Regional Academy Growth Fund

In November 2016, the DfE announced £13 million of funding for a Regional Academy Growth Fund. The fund is used to support academy trusts that need additional funding to expand or build capacity to take on underperforming schools. Funding is also provided to support trusts to establish a presence or 'hub' in a geographical area. RSCs assess applications for funding and prioritise requests that meet the needs of their region and of the opportunity areas.<sup>10</sup>

## 1.3 Headteacher Boards

Each RSC is supported and advised by a Headteacher Board (HTB) comprising four to eight members of equal status. While decisions are ultimately for RSCs to make, they are expected to take into account the views of their HTB. In evidence to the Education Committee's inquiry on RSCs (see section three below), the 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."<sup>11</sup>

Four members of each HTB are current or ex-headteachers of academies judged by Ofsted as either outstanding, or good with outstanding leadership and management, 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.

The term of office of HTB members who took up their positions in September 2017 comes to an end in September 2017. The elections for new members will take place during September, with the results expected to be announced before the autumn half-term. Details are provided on the [HTB elections website](#).

More information on HTBs is available in the [HTB terms of reference](#). The membership of each HTB, and records of their meetings, are available on the [Gov.uk website](#).

## 1.4 Staffing and budget

In the 2015-16 financial year, each RSC office employed between 8 and 10 members of staff and had an annual budget of around £560,000, comprising a £40,000 programme budget, to cover costs related to events and other communications activities, and a £520,000 administration, to cover staff costs. In addition, each HTB also had a budget of around £100,000 in 2015-16, to recompense the HTB members' employer for loss of staff time.<sup>12</sup>

<sup>9</sup> Further information is provided in DfE guidance: [Making significant changes to an existing academy](#), last updated 1 March 2016.

<sup>10</sup> [Regional academy growth fund](#), Department for Education, 18 November 2016.

<sup>11</sup> [Written Evidence submitted by the Department for Education](#), Education Committee website, 16 September 2015.

<sup>12</sup> [PQ HL5859](#), 17 February 2016.

## 1.5 Accountability and performance

RSCs are civil servants appointed to take decisions on behalf of the Secretary of State for Education. Decisions that are sensitive; raise issues of interpretation of Government policy; or relate to safeguarding or extremism concerns are, however, escalated to the relevant minister or the National Schools Commissioner. The Secretary of State has the power to overturn the decisions of RSCs.<sup>13</sup>

### Key performance indicators

RSCs are held to account by the Secretary of State for the performance of academies in their area. They are line managed by the National Schools Commissioner, Sir David Carter, and their performance is measured against a set of key performance indicators (KPIs) spanning four areas of responsibility:

- taking decisions on the creation of new academies;
- ensuring there are enough high-quality sponsors to meet local need;
- monitoring academy performance and tackling underperforming academies and free schools; and
- providing advice and making recommendations in relation to free schools, university technical colleges and studio schools.<sup>14</sup>

### KPIs for 2014-15

Following a freedom of information request, the KPIs were first published by *Schools Week* in December 2014.<sup>15</sup> Although not available on Gov.uk, the DfE confirmed to the Education Committee in January 2016 that the KPIs were:

**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.]

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

**3. The percentage of:**

**i) 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.]

**ii) 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.

<sup>13</sup> Department for Education, [Regional schools commissioners decision making framework](#), December 2016, p4.

<sup>14</sup> [PQ 62650](#), 9 February 2017.

<sup>15</sup> [Commissioners must convert schools](#), *Schools Week*, 19 December 2014.



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

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

**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.]

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

**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)].<sup>16</sup>

In January 2017, *Schools Week* used data released by the DfE in response to a freedom of information request to compile [a league table](#) comparing the performance of RSCs against their KPIs for their first year in office (2014-15).<sup>17</sup> In a [separate article](#), *Schools Week* reported that the Government had stopped assessing RSCs on the percentage of local authority areas in their region where there was a lack of available sponsors (KPI 5). The Government was reported as stating that it had dropped this measure in 2015 because its estimates of sponsor capacity were not “regularly updated” and “not considered to be accurate.”<sup>18</sup>

In response to a parliamentary question in July 2017 the Minister, Robert Goodwill, stated that RSC performance against their KPIs is published in the academies report.<sup>19</sup> The [most recent annual report](#), covering the 2014-15 academic year, was published in November 2016.<sup>20</sup>

### **KPIs for 2015-16**

In November 2016, the Government stated that it was “currently reviewing the key performance targets for Regional Schools Commissioners, to ensure that they continue to fit their developing role.”<sup>21</sup> The revised KPIs for 2015-16 were published as an annex to the 2014-15 academies annual report. They comprised:

- Percentage of schools that are academies.
- Percentage of eligible schools issued with an Academy Order.

---

<sup>16</sup> Education Committee, [Regional Schools Commissioners](#), 20 January 2016, HC401, p36.

<sup>17</sup> [Regional schools commissioner league tables 2014-15](#), *Schools Week*, 27 January 2017.

<sup>18</sup> [RSC performance measure quietly dropped](#), *Schools Week*, 27 January 2017.

<sup>19</sup> [PQ 2522](#), 11 July 2017.

<sup>20</sup> Department for Education, [Academies annual report: academic year 2014 to 2015](#), 29 November 2016.

<sup>21</sup> [PQ 48383](#), 4 November 2016.

- Percentage of academies, free schools, UTCs and studio schools below the floor, by number of years below the floor.
- Percentage of inadequate rated academies, free schools, UTCs and studio schools that are in this category for more than 18 months.
- Number and percentage of academies, free schools, UTCs and studio schools below the floor or Ofsted inadequate within first three years of being open.
- Percentage of inadequate rated LA maintained schools issued with an academy order within the average time.
- Percentage of approved sponsors that are active in the region.
- Number of free schools, UTCs and studio schools open in the region.
- Number of free schools, UTC and studio school applications approved in the region.<sup>22</sup>

#### Box 4: Conflict of interest concerns

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 given their responsibilities relating to maintained schools.<sup>23</sup> DfE spokespersons have been reported as responding to the concern by emphasising that the KPIs are viewed collectively rather than in isolation and that RSCs have no financial incentive attached to their performance.<sup>24</sup> As shown above, in the 2015-16 academic year RSCs continued to be assessed in part on the rate of academy conversion in their regions.

The academies annual report noted that the KPIs for 2015-16 did not reflect the new powers in the Education and Adoption Act relating to coasting schools and academies as these only took force in the 2016-17 academic year. It added that the Government would “revisit the KPI for the percentage of schools that are open as academies for year 3 [2016-17], to take account of the RSCs’ new powers.”<sup>25</sup>

<sup>22</sup> Department for Education, [Academies annual report: academic year 2014 to 2015](#), 29 November 2016, Annex B.

<sup>23</sup> For example, see [HC Deb 22 June 2015 c712: 'Coasting' schools: Unions warn over academisation 'conflict of interest'](#), TES, 17 July 2015; and [Government continues judging RSCs on academy conversion rate – despite conflict of interest concerns](#), *Schools Week*, 29 November 2016.

<sup>24</sup> For example, see [Role review for regional schools commissioners if Education Bill passes](#), *Schools Week*, 21 August 2015.

<sup>25</sup> Department for Education, [Academies Annual Report: Academic year: 2014 to 2015](#), November 2016, p11.

## 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.<sup>26</sup> 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”.<sup>27</sup>

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”.<sup>28</sup>

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”.<sup>29</sup> 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.<sup>30</sup> The then Education Secretary, 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.<sup>31</sup>

#### Box 5: Characteristics of RSC regions

A [parliamentary question response](#) set out the number of academies, free schools, studio schools, and university technical colleges in each RSC region as at 1 June 2017. The mean number of such schools in each region was 854, but the numbers ranged from 389 in the North to 1,030 in East Midlands and Humber.<sup>32</sup>

A [report published by the National Foundation for Education Research \(NFER\)](#) in November 2016 examined how the RSC regions had changed in terms of the number and proportion of free schools and academies since RSCs were introduced in 2014. The report also included eight individual ‘region profiles’. Among other things, the report found that the rate of academisation remains highly variable between RSC regions, but also that differences within regions are greater than between regions.<sup>33</sup>

<sup>26</sup> Education Committee, [Academies and Free Schools](#), 27 January 2015, pp26-7.

<sup>27</sup> As above, p27.

<sup>28</sup> As above, p33.

<sup>29</sup> Education Committee, [Academies and free schools: Government Response to the Committee's Fourth Report of Session 2014–15](#), 23 March 2015, p5.

<sup>30</sup> Education Committee, [Academies and Free Schools](#), 27 January 2015, pp26-7

<sup>31</sup> As above, p27.

<sup>32</sup> [PQ 1053](#), 5 July 2017.

<sup>33</sup> National Foundation for Education Research, [A Tale of Eight Regions. Part 1: A snapshot of the evolving school system across the Regional Schools Commissioner areas](#), November 2016.

A report published by the NFER in April 2017 concluded that “considerable variation” in the level of challenge across RSC regions could affect the ability the ability of RSCs to tackle underperformance:

- There is considerable variation in the level of challenge across RSC regions with two regions having almost double the number of schools needing attention compared to the lowest region. These disparities could affect an RSC's ability to tackle underperformance as effectively as is needed.
- [...]
- Although available capacity in MATs exceeds demand for new trusts needed to take on the most serious underperforming schools nationally, there are stark regional differences. Many RSCs could face supply shortfalls, so a key priority will be to identify and attract new sponsors.
- As academy numbers have increased, so have the number of underperforming academies. RSCs will need to be seen to be addressing this underperformance as proactively as they do for LA controlled schools to maintain public credibility.<sup>34</sup>

## 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 decision making and intervene at trust and school level.”<sup>35</sup> However, it has been suggested that RSCs will need increased resources to deal with their expanding role.<sup>36</sup>

In its [report](#) on RSCs in January 2016 (see section three below), the Education Committee acknowledged the capacity concern, while stating that it was “not yet convinced of the case for a significant increase in expenditure on the RSC offices themselves.” The report recommended instead that the DfE should consider whether the partners that RSCs work with to secure school improvement (e.g. Teaching Schools) have the capacity to respond to their requests.<sup>37</sup>

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.”<sup>38</sup>

## 2.3 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

<sup>34</sup> National Foundation for Educational Research, [A tale of right regions: Part 2: Challenge and support across the Regional Schools Commissioner areas](#), April 2017.

<sup>35</sup> [Written Evidence submitted by the Department for Education](#), Education Committee website, 16 September 2015.

<sup>36</sup> For example, National Foundation for Educational Research, [A Guide to Regional Schools Commissioners](#), September 2015, p7.

<sup>37</sup> Education Committee, [Regional Schools Commissioners](#), p30.

<sup>38</sup> Education Committee, [The role of Regional Schools Commissioners: Government Response to the Committee's First Report of Session 2015–16](#), p8.

intelligence and oversight for the growing number of academies.”<sup>39</sup> However, the Committee raised the concern that introducing RSCs could “increase confusion about roles, especially where local authorities are already working constructively with academies”.<sup>40</sup> The Committee recommended that the DfE should:

- clarify the roles of the DfE, RSCs, local authorities, and the Education Funding Agency [now the Education and Skills 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.<sup>41</sup>

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.

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.<sup>42</sup>

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

---

<sup>39</sup> Public Accounts Committee, [School oversight and intervention](#), 28 January 2015, p4.

<sup>40</sup> As above.

<sup>41</sup> As above. See also, Education Committee, [Academies and Free Schools](#), 27 January 2015, p34.

<sup>42</sup> 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.

authorities are also sharing information about need for new school places with the relevant RSC.<sup>43</sup>

The DfE's decision making framework for RSCs states that RSCs will "look to work closely with local authorities in determining what action is necessary in a maintained school causing concern."<sup>44</sup>

### 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<sup>45</sup>

#### 3.1 Report

On 20 January 2016, the Committee published its report, [The role of Regional Schools Commissioners](#). The Committee argued that there was 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 formed part of "an increasingly complicated system of oversight, accountability and inspection" and that more work was needed to improve the transparency, accountability and working relationships of RSCs.<sup>46</sup>

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 remained unclear, including to parents. It recommended that the Government should clarify the division of responsibilities between RSCs, local authorities and Ofsted in

<sup>43</sup> [Written Evidence submitted by the Department for Education](#), Education Committee website, 16 September 2015.

<sup>44</sup> Department for Education, [Regional schools commissioners decision making framework](#), December 2016, p8.

<sup>45</sup> [Committee begins inquiry into role of Regional Schools Commissioners](#), Parliament website, 20 July 2015.

<sup>46</sup> 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.

a comprehensible way.<sup>47</sup> 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.<sup>48</sup>

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.<sup>49</sup>
- The DfE should publish decision-making frameworks for RSCs to “aid consistency of approach and transparency.”<sup>50</sup>

### **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.<sup>51</sup>

### **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.<sup>52</sup>

The report additionally recommended that if the remit of RSCs expands in the way proposed in the then Education and Adoption Bill, headteachers of high-performing local authority maintained schools should be eligible for election and appointment to Headteacher Boards.<sup>53</sup>

### **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 also recommended that KPI 3(i) relating to the proportion of schools that are academies should be removed.<sup>54</sup>

The report also raised concerns regarding a lack of data on the performance of RSCs and recommended that the Government should

---

<sup>47</sup> Education Committee, [Regional Schools Commissioners](#), 20 January 2016, HC401, p13.

<sup>48</sup> As above, p45

<sup>49</sup> Education Committee, [Regional Schools Commissioners](#), 20 January 2016, HC401, p15.

<sup>50</sup> As above, p43

<sup>51</sup> As above, p23

<sup>52</sup> As above, p33

<sup>53</sup> As above, p34

<sup>54</sup> As above, p37

produce an annual report on the work of RSCs showing performance against their (revised) KPIs.<sup>55</sup>

### **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.”<sup>56</sup>

The Committee also recommended that a formal complaint and whistleblowing procedure should be established so that the decisions of RSCs can be challenged or reviewed.<sup>57</sup>

In 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.<sup>58</sup>

## **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.<sup>59</sup>
- 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.<sup>60</sup> As set out in section 1.2 above, the [Regional schools commissioners decision making framework](#) was published by the DfE in December 2016.

---

<sup>55</sup> As above, p38

<sup>56</sup> Education Committee, [Regional Schools Commissioners](#), 20 January 2016, HC401, pp40-1.

<sup>57</sup> As above, p46.

<sup>58</sup> As above, p49.

<sup>59</sup> 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.

<sup>60</sup> As above.



- 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.<sup>61</sup>
- The Department would publish a terms of reference for Headteacher Boards clarifying what their role and powers are.<sup>62</sup>
- The Government was currently carrying out a review of all of the Key Performance Indicators (KPIs).<sup>63</sup>
- The new national Schools Commissioner would publish a yearly report on the work of the RSCs.<sup>64</sup>

## 4. Educational Excellence Everywhere White Paper (March 2016)

The [Educational Excellence Everywhere](#) White Paper was published on 17 March 2016. Among other things, the paper set out the then Government's proposals to convert all state-funded schools in England to academy status by 2022. This proposal for an all-academy system was subsequently dropped and the Government stated that its focus would be on encouraging schools to convert voluntarily.<sup>65</sup>

The White Paper set out an expanded role for RSCs within a future all academy system. It stated that the Government would "ensure Regional Schools Commissioners are able to commission support and intervention for schools identified as under-performing", 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."<sup>66</sup>

### 4.1 Funding for school intervention

The White Paper also set out 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,

---

<sup>61</sup> As above, p6.

<sup>62</sup> As above, p8.

<sup>63</sup> Education Committee, [The role of Regional Schools Commissioners: Government Response to the Committee's First Report of Session 2015-16](#), 20 April 2016, HC975, p9.

<sup>64</sup> As above, p10

<sup>65</sup> [HCWS223](#), 27 October 2016.

<sup>66</sup> Department for Education, [Educational Excellence Everywhere](#), March 2016, pp112-3.

although RSCs will be able to commission different support where they see fit.<sup>67</sup>

As outlined in boxes 2 and 3 above, both the Regional Academy Growth Fund and the Strategic School Improvement Fund have been set up since the publication of the White Paper. RSCs have a role concerning both funds: in assessing applications for funding from the Regional Academy Growth Fund and in working with other bodies to identify shared priorities for the school improvement funding.

---

<sup>67</sup> Department for Education, [Educational Excellence Everywhere](#), March 2016, p80.

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email [hcinfo@parliament.uk](mailto:hcinfo@parliament.uk).

Disclaimer - This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).