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Key issues in the development of the Local Education Authority as Government Agency between 1988 and 2002

by

ROBERT JOHN GARNETT

A doctoral thesis

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ABSTRACT

This thesis examines some aspects of the relationship between central and local government in the administration of school-based maintained education in England from the 1988 Education Reform Act to the point where the government was about to pass the 2002 Education Act. Consideration is given to the extent to which the local education authority (LEA) has become an agent of central government and to the ability of local education officers to influence the direction of policy implementation. The thesis is largely based on qualitative studies in “Centralshire”, a county council in the midlands and in “Northall”, a LEA in north London.

Following an introductory chapter, chapter two relates the implementation of government policy limiting the size of Key Stage One classes. Chapter three describes the setting up of the Early Years and Childcare Development Partnership and the School Organisation Committee. Chapter four traces the history of funding for the educational support of minority ethnic pupils and shows how the continued effectiveness of the funding has depended on cooperation between local headteachers and officers. Chapter five considers the political impetus and rationale for the inspection of LEAs. Chapter six is largely concerned with some initiatives by which central government has sought to by-pass LEAs altogether and deal directly with schools.

Chapter seven discusses a government paper intended to define the role of the LEA. It becomes clear that when the government’s education department talks of ‘partnership’ with LEAs, it is in the sense of a master-servant relationship. Yet chapter eight explores a more pro-active role for LEAs in supporting schools causing concern. Interviews with ‘key players’ from LEAs, schools, OFSTED and the DfES provide the material for chapter nine and form an important part of the ‘triangulation’ process. The thesis concludes that whilst LEAs have become the agent of central government to a large extent, it is in the interpretation of policy and its application at the local level that local initiative can flourish, and it is at this point that a distinctive LEA role remains and where local leadership can make its contribution.
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REFERENCES

References to all published works are given by the “Harvard method” and all works cited are included in the bibliography. References to unpublished letters, memoranda, other papers, speeches and conversations are made by means of a reference number (e.g. ref. 1/01) and are listed separately at the end of the thesis.

IDENTITY AND CONFIDENTIALITY

The names of all interviewees have been changed in order to ensure confidentiality. Similarly the two local authorities that are featured in this study are renamed as “Centralshire” and the “London Borough of Northall”. In most other cases names are not disguised since the subjects of inspection reports and the identities of conference speakers, chief officers and politicians are generally matters of public record.

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CHAPTER ONE

INTRODUCTION, METHODOLOGY AND CONSIDERATION OF SOME PREVIOUS WORK

Introduction

This thesis examines some aspects of the relationship between central and local government in the administration of maintained school-based education in England from the 1988 Education Reform Act (ERA) to the point where the government was about to pass the 2002 Education Act. Consideration is given to the extent to which the local education authority (LEA) has become an agent of central government, in the sense that it acts largely on behalf of the government, rather than on its own initiative. The Shorter Oxford English Dictionary includes the definition of an agent as "one who does the actual work, as opposed to the employer" (SOED, 1973). An agent is one who carries out tasks on behalf of another, or who acts as a representative of another. This thesis begins with the hypothesis that the LEA has indeed become the agent of central government in the years since the passing of the ERA. This hypothesis is tested through consideration of a number of areas of policy implementation. Attention is given also to the role of education officers as individual actors at the local level and the extent to which they are able to influence the direction of policy implementation. Particular reference is made to Centralshire, a county council in the midlands, and to the London Borough of Northall.

In describing the education system in England, the 1944 Education Act used the phrase, 'a national service, locally administered' to convey the idea that whilst central government largely funded education, most of the decisions about organisation and teaching were taken at the local level. Yet insofar as the phrase has ever been accurate, it is imprecise. The problem with this
particular description of the English education system is that it can bear one of several meanings. When it was used within the 1944 Education Act it may have been intended to convey the existence of two estates of the realm; central government with its national responsibilities, and local government with each council exercising significant control over the education service within its area. Yet even from the early days of the present education system there has been some ambivalence around the relationship between central and local government and the precise limits of the responsibilities assigned to each estate. Whilst the relationship has never been clear cut, nevertheless, it will be argued in this thesis, events in the years following the introduction of the ERA have seen considerable shifts in the balance of power in education, away from LEAs and to central government, most particularly in the form of the government’s department for education under whatever title each successive government has chosen to bestow upon it.

It should be noted that at the time of the ERA, the government department for education was known as the Department for Education and Science (DES). From 6 July 1992 it was renamed the Department for Education (DfE) and on 5 July 1995 it became the Department for Education and Employment (DfEE). It was redesignated Department for Education and Skills (DfES) on 8 June 2001. For the purposes of this study the title or initials have been used that were current at the time of the particular issue under discussion or the date of publication of the document being referenced. Where general reference to the department is intended the current designation DfES is used.

Barnard’s *A History of English Education from 1760* describes the development of the national education system from its early roots in the eighteenth century and identifies the origin of the LEA from its effective establishment in the 1902 Education Act. Lawson and Silver (1973) note that “The aim of the 1902 Act had been to weld together a system of secondary education under local authority control” whilst Barnard states, “The Councils...became for the purposes of the Act the ‘local education authorities,’ often abbreviated to LEA. Each was instructed to appoint an education committee” (Barnard, 1971). Subsequent Education Acts refined
the responsibilities and powers of the LEA until the 1944 Education Act set out a clear settlement of the way forward:

The statutory system of public education shall be organised in three progressive stages to be known as primary education, secondary education, and further education; and it shall be the duty of the local education authority for every area, so far as their powers extend, to contribute towards the spiritual, moral, mental, and physical development of the community by securing that efficient education throughout those stages shall be available to meet the needs of the population of their area (Education Act, 1944, in Barnard, 1971).

It can be argued that the three decades after the passing of the 1944 Act saw the full flowering of the LEA, only for it to be transformed subsequently into what is, in effect, an agency of central government. In 1967, Fox, the author of a history of Ashby Grammar School, Leicestershire, could speculate somewhat fearfully about its future under the control of the local county council and there is a clear recognition in his book that the LEA at that time had powers over practically every aspect of the life of the school. A Country Grammar School relates how, faced with financial difficulties, the trustees of the school had decided to relinquish the school's non-religious, 'voluntary aided' status in order to receive support from the LEA:

The effect of this has been to strengthen the control of the Leicestershire Education Authority, which now for all practical purposes has control of the government of the school, and is responsible not only for its finance, but for its premises, staff, curriculum, and general organisation (Fox, 1967).

Fox's anxious view of an all-powerful LEA very much reflected the reality at that time, yet some thirty-five years later, few of the responsibilities he listed remain with LEAs. Successive Education Acts from 1988 onwards have stripped the LEA of many of its powers and vested more and more directive authority in the Secretary of State, whilst at the same time transferring much
day-to-day management of schools to headteachers and governors. The phrase from the 1944 Act “a national service, locally administered” with which this thesis began still holds true: education is more of a national service than ever before, and it is still administered at the local level to a large extent, but the reality is that the local administrators in the LEAs now carry out much of their work in response to the directions and requirements of officials and ministers in the DfES. It will be shown that there is scant regard for the views of the local councillors who are the employers of the local government officers who have to implement national policy.

The changes that have taken place in the administration of education are much more than a mere adjustment of approach and change of style by local bureaucracies and the bureaucrats who inhabit them manoeuvring to survive in a changing climate of expectations from central government, public and schools. The very nature of the LEA has been transformed, as local government itself has been transformed. It is the contention of this thesis that in the last fifteen years central government has arrogated to itself more and more powers to the point where it has largely taken over control of local government. The day-to-day reality is of a two-tier national government in England, of which the LEA is the most obvious local expression, with locally elected members reduced to a peripheral role in an arena where once they wielded considerable authority.

Methodology

In considering the extent to which this view represents reality, this study will employ the following methods:

- Consideration of some previous studies and literature in this field;
- Qualitative studies of specific areas of policy, following through particular aspects of LEA activity, and giving attention to the work of the individual education officer at the local level;
• Consideration of recent government publications and comments on the role of the LEA and its relationship with central government;
• Semi-structured interviews with local education officers, government officials, headteachers and politicians.

It should be stated that the interviewees chosen for this study are intended as an indicative, rather than a representative sample. Some interviewees are clearly “key players” in the national implementation of policy and include the head of the Office for Standards in Education (OFSTED) LEA Inspection Division and a civil servant responsible for implementing the grant maintained schools policy. Others, however, are key players at the local level and were chosen in order to indicate a range of experience and responsibility within the administration of education. The use of contacts and networks within the Society of Education Officers and within the local education authorities of Centralshire and Northall provided the combination of access and availability of most of the interviewees. A full list of interviewees is set out on page 274.

This research is qualitative in that it seeks to show something of the nature of the relationship between central and local government through consideration of events and the experience of individual actors involved in the process of policy implementation. It aims to provide an opportunity to understand the relationship from within the process itself. Narratives are offered in relation to areas of policy implementation using observer participation, documentation and semi-structured interviews. The approach is that described by Stake:

To sharpen the search for understanding, qualitative researchers perceive what is happening in key episodes or testimonies, represent happenings with their own direct interpretation and stories (i.e. narratives). Qualitative researchers use these narratives to optimise the opportunity of the reader to gain an experiential understanding of the case (Stake, 1995).
Much of the experience related is based upon participant observation within Centralshire, a county council in the Midlands and some is based within Northall, a north London borough. The value of such observation is noted by Bryman (2000) when he describes how, “The researcher is immersed in the organisation for an appreciable period of time”. He points out that the ‘insider’ is able to offer the interpretations of the actors themselves and to provide a strong sense of context. Clearly, however, the personal access opportunities afforded by professional involvement and the use of observer participation as a principal method of research could lead to an over subjective analysis. To avoid this problem use has been made of documentation and of structured interviews with other actors in order to provide confirmation of the validity of the inferences drawn. Flick refers to this use of multiple sources to confirm analysis as ‘triangulation’. He states, “Triangulation serves also to clarify meaning by identifying different ways the phenomenon is being seen” (Flick, 1992). Nevertheless, it is inevitable that what is offered is, ultimately, a personal view, although it is a view based on such evidence as the research has been able to marshal. Erickson recognises the nature of the undertaking when he states:

Given the intense inter-action of the researcher with persons in the field and elsewhere, given a constructionist orientation to knowledge, given the attention to participant intentionality and sense of self, however descriptive the report, the researcher ultimately comes to offer a personal view (Erickson, 1986, in Stake, 1995).

The areas, or episodes, of policy implementation that form the core material of this work could be termed case studies, yet there is continuing debate over what can properly be called a case study. Stake (1994) suggests that the term ‘case study’ can be used of a piece of research where “it draws attention to the question of what specifically can be learned from the single case”, although he warns that not every piece of research which sets out to learn something from studying an organisation can be called a case study:
Custom has it that not everything is a case. A child may be a case. A doctor may be a case – but his doctoring lacks the specificity, boundedness to be called a case. The reasons for child neglect or the policies of dealing with neglectful parents would seldom be considered a case. Those topics are generalities rather than specificities. The case is a specific. The case in the words of Louis Smith (1978) is a bounded system (Stake, 1994).

The studies of policy implementation that form the core of this thesis can be considered in the light of this comment. The chapter dealing with the implementation of the government’s infant class size policy in the county of Centralshire may be sufficiently specific to qualify for description as a case study. So too might the descriptions of the setting up of the local partnerships within Centralshire for early years work and for school organisation. The chapter describing the development of funding policy for the educational support of minority ethnic pupils is more problematic since it deals with national policy development as well as its implementation at the local level. Similar reservations must be raised regarding the chapter considering the inspection of LEAs, whilst the description of the grant maintained experiment goes well beyond the local and specific. The consideration of LEA support for the improvement of schools causing concern, however, includes detailed examination of work with two schools in the London borough of Northall. These sections of chapter eight are specific and could be described as case studies.

Yet all of these chapters consider a particular strand of policy implementation and activity in order to gain insight and illuminate a particular contention, that is, that the LEA has become the agent of national government. In the broadest sense they may, perhaps, be considered as instrumental case studies, combining together to form a collective study. Each of them tells a story, and the reader is invited to draw conclusions from the stories that are told (Carter, 1993; Coles, 1989) although in this thesis as elsewhere it is clearly “the researcher who decides what is the case’s own story he or she will report” (Stake, 1994). In any event, there is both encouragement and
caution for the thesis writer in Stake's assessment of the breadth of definitions available for case studies:

Custom is not so strong that researchers (other than graduate students) will get into trouble by calling anything they please a case study (Stake, 1994).

Yin suggests a narrower definition of case studies although here too there is some suggestion that the studies in this thesis may be thus defined. Yin states that a case study:

Investigates a contemporary phenomenon within its real life context; addresses a situation in which the boundaries between phenomenon and context are not clearly evident and; uses multiple sources of evidence (Yin, 1993).

There is some support in Yin also for describing some of the research reported in this thesis as ethnographic research. He describes such work where:

Inquiry is value bound, not value free. The investigator's goal is in fact to experience directly the phenomenon being studied. Such direct experience arises from the conduct of field work, with participant observation therefore being the preferred data collection technique (Yin, 1993).

The involvement of the researcher as a direct participant in the policy implementation described in the chapters on infant class size policy, support for ethnic minorities and in setting up one of the partnerships would seem to bring these parts of the work within Yin's description, as would the work on schools causing concern. Personal and professional involvement has provided access to the material to be studied, in terms of observational opportunities, access to documents and in access to other actors. Use has been made of original sources and access has been gained to otherwise
confidential management files within Centralshire and Northall, as well as to more widely circulated correspondence between the DfES and LEA Chief Education Officers. In some cases it has been possible to interview the person who was responsible for the national management of the particular activity under consideration. A number of other interviews have been conducted with LEA officers and headteachers. Where appropriate the words of the interviewees have been left to speak for themselves. In all chapters except the consideration of the grant maintained experiment, part of the discussion of LEA inspections and the chapter relating the content of interviews, the approach is one of qualitative, post hoc participative research, using the opportunities afforded by the author’s personal involvement in the areas of activity and policy implementation that provide the material of the narratives. Where appropriate or necessary, the study has been augmented by literature and documentation from other local education authorities and by interviews.

The multi-faceted study of the topics under discussion in the different chapters of this thesis might, therefore, be included in either of the definitions of case studies considered. Bryman, however, appears to disagree. In seeking an answer to the question, ‘What is a case?’ Bryman (2000) refers to Blau (1955), Gouldner (1954), Roy (1954, 1960) and Selznich (1949) who all took the term ‘case’ to refer to a particular or specific site. He notes that some writers include events and persons (Gronnn, 1983) in their definition of the case to be studied but Bryman favours the stricter definition based on the notion of the site. If Bryman is followed on this matter, therefore, it is likely that only the description of the implementation of class size policy, the setting up of local partnerships and the examination of work with two schools causing concern, can properly be called ‘case studies’ within this thesis. It would seem, therefore, that while debate continues as to what may or may not properly be called a ‘case study’ the separate sections of this thesis should be regarded simply as studies or narratives of particular themes or topics, which, taken together with the other material considered, illuminate the nature of the relationship between central and local government.
The practical application and implementation of policy at the local level inevitably brings together politics and individual personalities. This study explores this mixture, within the context of one shire county and one London borough, and will focus on the role of the individuals involved in the processes of educational administration at education officer and senior officer level and the extent to which they do, or do not, have the ability to make a difference to the way in which national policy is implemented at the local level.

In giving attention to the work of the individual officer, the approach is in line with that described by Cohen, Manion and Morrison (2001) as considering the experiences and perceptions of the participants and with those social scientists such as Beck (1979) and Blumer (1969) who emphasise the importance of the role of the individual in shaping events. Consideration of the ways in which government policy was applied within Centralshire through the activity of individual officers follows Woods (1983) in focusing on the construction of meanings through negotiation within a particular local social context. For example, the development of the use of grant-aided support for children from minority ethnic groups was distinctive in Centralshire because the individual administering the use of the funding held particular views, and was a different individual from anyone doing a similar job elsewhere. Bowe and Ball (1992) make the same point in relation to the implementation of the National Curriculum in schools. They note that the policies handed down by government are written documents requiring interpretation and implementation within a local context:

"Texts carry with them both possibilities and constraints, contradictions and spaces. The reality of policy in practice depends upon the compromises and accommodations to these in particular settings (Bowe, R., Ball, S.J. and Gold A. 1992).

Bowe and Ball distinguish between ‘readerly’ and ‘writerly’ texts. The former are those texts that are highly prescriptive and admit of little scope for creative interpretation. The latter are those that require reader co-operation in working out the appropriate application. The narratives of this thesis demonstrate that it is in the space created between the parameters of interpretation that local
initiative can flourish. National policy requires local interpretation to a greater or lesser extent, and unless account is taken of this fact, a full understanding of the effects and impact of government policy cannot be achieved, nor will a practical knowledge of the role of local government and its relation to central government be gained.

The role of an individual education officer and his or her inter-action with government officials is explored in chapters two and four. Chapter two considers the implementation of the Labour government's policy of limiting the size of infant classes, whilst chapter four traces the history of the administration of specific, grant-aided support for the education of children from minority ethnic groups. In chapter three, consideration is given to the extent to which the role of locally elected council members is being circumscribed by the installation of 'partner' organisations at the local level, each with the right to challenge councillors' decisions and, in some cases, to make the decisions that councillors used to make. The examples considered are the Early Years Development and Childcare Partnership and the School Organisation Committee and the narrative covers the period when the local version of each of these bodies was set up in Centralshire.

The introduction of the inspection of local education authorities by the Office for Standards in Education (OFSTED) is the subject of chapter five. Reference is made to the national perspective as well as to the local situation within Centralshire as that council prepared for its first inspection. An interview with a senior manager within OFSTED who was a member of the inspection team that visited Centralshire provides an interesting counterpoint to the impressions gained through examination of the local management files and participant observation.

Chapter six departs from the participant-observer approach to consider the by-passing of the LEA through the Conservative government's introduction of city technology colleges and grant maintained schools. The chapter reviews the developing philosophy within the Conservative Party that led some proponents of the grant maintained policy to call for its imposition on all
schools, coupled with a serious curtailing of the role of the LEA or, indeed, its total abolition. Consideration of literature and comments by those involved is illuminated by an interview with a leading civil servant who had responsibility for implementing the policy at the time of its inception.

The DfES view of the role of the LEA is considered in chapter seven, with reference to recent publications from central government and to comments by ministers. The frequent use of the term “partnership” by government when talking about local education authorities is found to have a meaning that does not include any obvious sense of equality of status or influence. Chapter eight provides something of a balance to this view by examining the role of the LEA in improving schools that are causing concern through their failure to provide a satisfactory education to their pupils. It is noted, however, that even here the DfES has over-arching, interventionist powers. This is followed, in chapter nine, by a summary and commentary on a series of interviews held with officers, headteachers and civil servants regarding the current and future role of the LEA.

This study does not attempt an exhaustive or comprehensive examination of all aspects of the role of the local education authority. Nor does it consider a number of issues – some of them major initiatives – that have affected the relationship between central and local government in the administration of education. For example, with the exception of the case study on the development of support for members of minority ethnic groups, there is little mention of finance. The history and effects of the introduction of local management of schools (LMS) is not directly considered, although the reality of LMS makes itself manifest throughout the study. The reason for the omission is quite simply one of time, space and interest. Whilst the introduction of LMS and its subsequent development and refinement is an important and worthy subject for detailed examination, and the development of LMS would provide ample material for a parallel study to this one, the interests of this thesis lie with the more general development of the local-central relationship and with the way in which the changes in that relationship were being experienced and in some cases influenced by people working in
the field. Equally, the work of Tomlinson (2001), whilst exploring the history of education policy to the present day, takes a very different approach from that attempted here through her attention to the social and economic context and implications of policy developments. Further attention is given to Tomlinson's work later in this chapter.

Consideration of Some Previous Work

As part of the 'triangulation' mentioned earlier, the assertion that central government has taken powers from local government and acts in a way that suggests local government is its agent, can be tested against the views of writers and commentators who have considered the effects of the ERA and more recent legislation in relation to the relative roles of central government and the LEA. The literature in this field is vast and constantly being augmented by new publications and an exhaustive literature review would be prohibitive. What follows is a consideration of some contributions that illuminate particularly the issues with which this thesis is concerned.

In beginning with the 1988 ERA this thesis starts from a point where the Conservative government believed it was providing a legislative basis for a renewal of the national education service. The government regarded the ERA as its education flagship, yet it was a complex piece of legislation that brought together several strands of policy development from within the Conservative Party and the New Right, and gave expression in educational terms to a number of values that the Conservative government sought to promote within the national life. Russell (1997) has indicated the importance of understanding the cultural and political values that influence legislative change in the field of education and she traces the changing values that have shaped successive government approaches to education since the 1944 Education Act. She writes:

It is the values and political culture of a society in its historical setting that determine choices about the purpose and institutional
arrangements of its education system. Hence an analysis of the
government and control of education must take account of the social
and political order existing at the time (Russell, in Fidler, B., Russell, S.
and Simkin, T., 1997).

The dominance of ideologies favouring consumer choice and accountability
certainly influenced the ERA, as Flude and Hammer (1990) point out. They
describe the ERA as a redistribution of power within the Education Service as
well as a re-ordering of political priorities:

With the passing of the 1988 Education Reform Act, no longer do a
concern for equality of opportunity and the ideals of a fully
comprehensive system of state education figure highly in national
education programmes and initiatives. Instead, the emphasis has
come to be placed on parental choice and competition, the
management of resources, people and institutions in an increasingly
cost conscious environment, and the extension of a new battery of
central controls that establish a strong regulatory framework for state
education (Flude and Hammer, 1990)

The contributors to Flude and Hammer place this statement in a wider context
by considering the socio-political context of the ERA and the culture of the
society in which it was passed. Ranson (1994) sees the ERA as part of “a
broader reconstituting of the social and political order”. He believes the ERA
to be an expression of the New Right’s emphasis on individual rights and
choice. Other contributors trace elements of the ERA in the Black Papers of
the 1960s and 1970s and to the so-called “Great Debate” initiated by then
Prime Minister James Callaghan’s speech at Ruskin College in 1976 (Riley,
1998; Cox and Boyson, 1975, 1977). Yet the ERA is essentially a political
compromise containing elements of liberal economics and individualism on
the one hand and an authoritarian approach to moral and social issues on the
other. Whitty (1990) highlights the artificial constraint placed on market forces
by the imposition of the National Curriculum. Hickox and Moore (1990)
consider what they believe to be the paradox of a curriculum that is trying to
respond to the changing needs of industry at the same time as reflecting the assertion of traditional values and methodologies.

The strands of influence here are opposing currents running through the Conservative Party under Margaret Thatcher's leadership: the traditional liberals versus the iconoclastic technocrats versus the moral supervisionists. Much of this history is traced in the period prior to 1986 by Knight (1990). He notes that a particular idea that became dominant in Conservative and New Right thinking was that in order to achieve a better system of education, it was necessary to constrain the professionals and prevent teachers and LEA administrators from obstructing progress. The LEA was regarded as a malign influence against New Right designs and was, therefore, a principal target in the ERA. The introduction of local management of schools (LMS) and the provision for schools to opt away from the LEA and into direct relationship with the then DES through grant maintained status were both intended to reduce radically the influence of the LEA.

Wallace, however, considers the erosion of the policy making function of the LEA less significant than the strengthening of the planning function, especially in regard to the National Curriculum. Unlike many commentators, Wallace believes the ERA meant a "more interventionist and influential role" for the LEA (Wallace, 1990). He is not convinced by the argument that the ERA represents a loss of power for the LEA; rather he interprets the ERA as a redefinition of the role and a clarification of LEA powers. Wisker, writing in Barber and Graham (1993), is another writer who believes that the introduction of the National Curriculum strengthened the role of the LEA. Unlike Wallace, she recognises that other clauses of the 1988 ERA "challenge and alter fundamentally the traditional role" (Wisker, 1993) but she agrees with Wallace when she argues that the National Curriculum gives LEAs a key role in support for curriculum development, support for school management and in challenges to failure or complacency. Wisker believes, moreover, that self-managing schools can and should work together within the context of the LEA.
The tensions in the political genesis of the ERA are discussed also by Lawton (1989). In common with Flude and Hammer's contributors he notes that the increase in central government control of education administration and of the curriculum is at odds with the Conservative government's declared intention of diminishing government control over all aspects of national life. Lawton considers two explanations for the situation. First, he wonders whether the government might wish to abandon state control of education altogether but dare not do so because of the political unpopularity of such a course. Alternatively, he suggests that the explanation lies in the lack of consensus on education policy within the Conservative Party itself. What all this amounts to is this: Was there a clear view in the Conservative Party as to where it wanted to go with education policy, or was there confusion and conflict between rival viewpoints? The same issue is discussed by Knight (1990) in his survey of the development of Conservative education policy in the years from 1950 to 1986. On this view the ERA is a "messy compromise" (Lawton, 1989) between freedom and choice on the one hand and increases in control and direction on the other. According to Lawton, Whitty (1990) and others, tensions will continue between market forces and a planned system and around the question as to which system is more likely to provide desirable choice. Thomas, Kirpatrick and Nicholson (1989) continue this theme and quote Thomas and Ranson (1988), pointing out the tensions between conceptions of a consumer democracy giving precedence to individual preferences and a social democracy in which the individual is viewed as part of an inter-dependent collectivity.

The Secondary Heads' Association commissioned Lowe (1988) to write a commentary on the ERA. As well as noting that the ERA attracted opposition from all directions of political opinion, Lowe observes that whilst the ERA is declared by the government to be about standards and pupils' educational entitlement, "the Government sees parents as the consumers of education, not the pupils" (Lowe, 1988).

This concern with parental choice, and accountability to parents was a factor also in the shaping of the 1993 Education Act, which sought to ease schools
away from the LEA and towards grant maintained status (GMS). The 1993 Act takes the concept of the self-managing school to its logical conclusion and raises the very real possibility of the abolition of LEAs and the pitching of schools into a competitive market place where they will have to adapt to consumer wishes or face the possibility of failure. In such a context, schools must expect continuous change. Caldwell and Spinks (1992) refer to the "dramatic changes in the management of education since 1988" and assert that schools must therefore acquire a capacity to manage change as a way of life. According to the 1993 Act, schools must recognise also that they are "uniquely accountable to parents". The latter are encouraged to take control of "their" schools and free themselves from what the government declared to be the negative bureaucracy of the LEA.

Unsurprisingly, the Association of Metropolitan Authorities (AMA) was less than enthusiastic about the changes introduced by the 1993 Education Act. It noted that the 1993 Act was the longest and most complex piece of education legislation ever published in the UK and suggested that the Act sprang from an intrinsically political obsession:

The 1944 Act was a paradigm of simple and outline legislation - aspirational as suited post war reconstruction. Unfortunately the 1944 Act is now seen as a prospectus for a golden age - with the result that successive governments have felt the urge to introduce their own defining act to usher in a new age of educational advance (AMA, 1993).

The effects of the 1993 Act are discussed by contributors to Ranson and Tomlinson (1994). The editors take the intention of the Act to have been the abolition of the LEA, since if parents had voted in sufficient numbers for local schools to obtain grant maintained status, then the powers and duties of the LEA would have passed to the Funding Agency for Schools, a body established under the 1993 Act to administer the finance for schools that had opted out of LEAs. Moreover, the 1993 Act provided the opportunity for parents to take a school into grant maintained status but without the possibility
of the decision being reversed by future parents. According to the contributors there was, however, a credibility gap between the government’s declared intention of raising standards and its disregard of any need for local planning to meet the needs of pupils. The logic of the 1993 Act would have seen individual free-standing schools competing with each other and securing funds at the expense of neighbouring schools. Ranson and Tomlinson point out that this is incompatible with improving education for all children and argue that only a local, democratically accountable authority can balance provision for the diverse needs within a community.

It cannot be claimed that the failure of the grant maintained idea to attract widespread support showed that most parents agreed with the argument set out by Ranson and Tomlinson. Yet, for the “longest and most complex piece of education legislation ever published in the UK” (AMA, 1993), the impact of the 1993 Education Act must have been a great disappointment to the New Right, for whom its passage proved to have represented a high water mark in their influence on education law. Nevertheless, despite this apparent rejection of the policy and its subsequent removal from the statute book by the incoming Labour government following the 1997 General Election, some of its most fervent supporters remain convinced that only the abolition of the LEA and the introduction of unfettered market forces into the education service will lead to higher standards. Sexton (1999) makes it clear that following the defeat of the Conservatives, nothing has changed for that section of the New Right that would see LEAs abolished as schools are “set free” to compete in the educational market place. Sexton believes that this alone can guarantee higher educational standards. Further consideration will be given to Sexton’s considerable contribution to New Right thinking in the later chapter on the grant maintained experiment.

Yet if the years following the 1993 Act and leading to the 1997 General Election were not characterised by the demise of the LEA, they were marked by a transition in its role, from ‘provider’ to ‘enabler’ and from ‘controller’ to ‘partner’ in the provision of support and services to schools. This development had been presaged by the Audit Commission’s publication
Losing an Empire Finding a Role: The LEA of the Future published in 1989. The concept was developed in explicit terms by Graveson (1994b) who surveyed the statutory and discretionary duties and responsibilities of the LEA on behalf of the Society of Education Officers (SEO). Admittedly writing to further the cause of the LEA for the benefit of a group of professionals who have close and personal interest in the future of LEAs, he argued that the future role of the LEA lay in the concept of the “enabling LEA”. As might be expected, the SEO considers the continued existence of the LEA to be highly desirable and Christine Whatford, then Director of Education for Hammersmith and Fulham and a leading figure in the SEO, also asserts the central role of the LEA to local provision:

As a directly elected body, the local education authority is the only agency that concerns itself with the educational needs of the total population of its area, both permanent and transient, wherever their needs may be met (Whatford, 1994).

Whilst most schools did not opt for GMS following the 1993 Act, it became clear that the embedding of LMS meant the development of a very different relationship between schools and LEAs than had existed in former years. At the same time central government was taking further powers to exercise control over local authorities. In education this was most obviously expressed in the introduction of powers to inspect LEAs through the extension of the work of the Office for Standards in Education (OFSTED). The Framework for the Inspection of LEAs published in 1997 recognises a significant role for LEAs in supporting schools and individual pupils but it is based firmly on the premise that the LEA answers to the government of the day.

In 1997, the newly elected Labour government embraced the view of LEAs implied by the Conservative’s extension of OFSTED’s remit as it introduced its own distinctive piece of legislation in the form of the 1998 School Standards and Framework Act. Clutterbuck and Skeet (1998) identify three aims for the 1998 Act: Firstly to improve standards in schools, secondly to provide a framework for schools and to end grant maintained status, thirdly to tidy up
areas of difficulty left by previous legislation. The 1998 Act develops further the concept of the 'enabling LEA' by imposing duties on LEAs to secure services for schools and ensure that adequate support is available, although the LEA need not provide them directly. Instead it may commission services from private providers or ensure schools have adequate information as to where they may use their devolved funding to purchase such services. Thus, the place of private providers of education services within the state funded education system has become enshrined in law. The Act sets up partnerships which include the LEA but which share decision making powers with a wider forum than elected councillors and, in some cases, transfer those powers away from the LEA altogether. Education action zones are one example where a group of schools could be run as a government sponsored partnership within an LEA's area, thus by-passing LEAs altogether. Finally, the 1998 Act gives the Secretary of State powers to intervene in LEAs and manage officers directly or replace them with private contractors where he considers the local authority to be failing in its duty. Since the passage of the Act this power has been used in relation to several authorities, thus providing a practical demonstration of where the ultimate authority in education administration lies.

The Labour government proposed to replace LMS with 'Fair Funding'; a system announced in the consultation paper *Fair Funding* (DfEE, 1998a) and designed to provide a common basis of funding delegation for all maintained schools. This consultation paper is significant in that it defines the areas of activity for which the government believed LEAs might retain funding. These activities were identified as strategic management; the planning of places, admissions and transport; school improvement; provision for special educational needs. Some of the funds delegated to schools could be returned to the LEA to enable services to be run centrally under 'buy-back' arrangements involving the pooling of some of the schools' resources but the power determining the future of such arrangements was switched away from the LEA to the schools under a *Code of Practice on LEA-School Relations* (DfEE, 1998b). More recently, it was announced that funding for LEA administrative and centrally controlled expenditure is to be separated
completely from the school's budget under the provisions of *Modernising Local Government Finance* (DETR, 2000).

In 1998, Michael Bichard, the Permanent Secretary at the DfEE, identified four major areas that he stated to be priorities for the government. These areas were provision for early years, tackling disaffection, class size pledges and modernising the teaching profession. He implied that the LEA has a future if, and only if, it carries out the government's agenda. On the class size policy, considered in the following chapter of this thesis, he stated that, "The challenge here for the LEA is to demonstrate the skill and the resolve to see through a demanding shift in policy over several years" (Bichard, 1998a). The description of the implementation of this policy in Centralshire will show that the LEA was expected to 'demonstrate the skill and resolve' to 'see through' this particular policy despite the fact that many of its officers and the headteachers of the schools concerned believed the policy to be deeply flawed and unnecessarily expensive. It will be shown also that these views were expressed to the DfEE and were declared unwelcome since the government's course was set and the content of the policy was not open for discussion. Bichard supports the role of the LEA but only when it co-operates in the furtherance of policy determined by central government, regardless of the views of officers or elected members at the local level.

Bichard's view of the role of the LEA was given further expression in the *Code of Practice on LEA-School Relations* (DfEE, 1998b). The Code states that the LEA has a duty to protect the interests of pupils and has a role in raising standards and encouraging improvement. Intervention, however, must be in 'inverse proportion to success' and there is 'no general right of access to schools for the LEA'. Even where the LEA role in headteacher appointments is recognised, the role is reduced to an advisory one, with the right to make representations to the governors who are not obliged to follow the LEA advice. The Audit Commission, on the other hand, considered that the advice of the LEA to school governors on key appointments should be binding. The Commission envisaged a comprehensive role for the LEA in its publication *Changing Partners* (Audit Commission, 1998). The Commission shared the
DfEE's view on 'intervention in inverse proportion to success' but stated its belief that the LEA needs powers to intervene that go beyond those regarded as necessary by the DfEE.

A definition of the role of LEAs as agents of central government is implied by Roxburgh (1998). In considering the 1998 School Standards and Framework Act, Roxburgh refers to the duty it places on LEAs to promote high educational standards. Key to the performance of this duty is use of data and its dissemination by the LEA in ways that are helpful to schools. In this way LEAs will enable schools to meet mutually agreed targets and fulfil the government's policies. Gillingham and Barrow (1998), moreover, believe that "one of the government's over-arching aims for local government is the renewal of democracy". They assert that Directors of Education and Education Committee Chairs will need to be involved in community consultation and in finding ways of developing new partnerships. LEAs will have to work with other agencies and services to change and improve provision, accountability and involvement. The business excellence model will apply to education services, which will take on a community focus. Further insight into what this might mean for education services is provided by the Department of the Environment's 1998 paper Modernising Local Government: Improving Services Through Best Value:

The Government proposes legislation that will create a statutory duty on local authorities (including police and fire authorities) to obtain best value by securing economic, efficient and effective services. That duty is one that local authorities will owe to local people, both as taxpayers and as the users of local authority services (DoE, 1998).

There is no mention here of local democratic accountability; instead, the duty is owed to people as taxpayers and as users of services, and the arbiter of the relationship will be the government. The paper includes also the assertion that there is a need, "to put pressure on poor or mediocre authorities to seek sustained improvements in service standards whilst controlling and as far as possible, reducing costs" (DoE, 1998).
Much is made of the Government’s desire not to take away local authority discretion or responsibility but the primacy of democratic accountability between the local authority and its electorate is superseded by a national framework of specifications which limit the scope for local political decision making and assert the national government’s will.

In a speech to the 1998 Annual Conference of the Local Government Association (LGA), the Chairman of the LGA Education Committee complained that DfEE officials were treating local authority employees as if they were DfEE staff. His particular complaint concerned over-prescriptive requirements for LEA Education Development Plans and he said, “I have a message for the civil servants in Sanctuary Buildings: Get your scooters off our lawn” (ref. 1/01). Lane’s speech referred to wider concerns about the possible demise of LEAs and his sound-bite phrase reflects his resentment of what he saw as an increasing tendency for central government to treat the LEA as if the latter is merely a local outpost for the Secretary of State’s department.

At the same LGA Conference, Education Minister Charles Clarke spoke for the government and declared that there was a role for LEAs so long as they seize the initiative and create it for themselves. Otherwise, he said, the debate about the future of LEAs would continue (ref. 1/02). These words seem in their context to be a clear endorsement of Bichard’s views and a confirmation that LEAs have their place in the government’s plans but it is important that LEAs know their place. The government’s developing view of the role of the LEA is explored further in the later chapter ‘The View from Sanctuary Buildings’.

As mentioned earlier, the changing nature of the LEA’s role and the relationship between the LEA and central government form part of the subject matter of a study by Tomlinson, in which she sets out “to provide a critical overview of educational policy over the past fifty years” (Tomlinson, 2001). Her particular concern is the link between education and social policy and she reaches what she terms the “bleak conclusion” that “education has moved
from being a key pillar of the welfare state to being a prop for a global market economy" (Tomlinson, 2001). Tomlinson notes that in the years from 1980 to 2000, over thirty Education Acts were passed, with hundreds of accompanying circulars, regulations and statutory instruments, and that thousands of curriculum documents and guidance notes followed the ERA. One of the effects of this "welter of legislation" (Tomlinson, 2001) has been confusion for many people involved in education and she mentions teachers, students and parents in particular. She argues that there is confusion also about the political and ideological purposes behind much educational change and one of the avowed the intentions of her work is to cut through the rhetoric of government, both of the Conservatives and their Labour successors who she criticises for continuing to pursue Conservative policies. For Tomlinson, the direction of education policy has a malevolent purpose in reinforcing economic and social hierarchies. Given the prevailing social and economic order and its values, local education authorities have in effect been enlisted within this malevolent design as if to exacerbate divisions between 'haves' and 'have-nots' to the disadvantage of the poor and dispossessed. She acknowledges the progress made in terms of gender and racial equalities but she does not believe this progress has deflected the overall social and economic direction and effect of educational policy. She holds out the hope that, "In the longer term there will be a reaction against a centrally imposed curriculum, never-ending assessment and inspections, control of educational institutions and a narrow economistic view of the purposes of education" (Tomlinson, 2001). Her general conclusions, however, are not optimistic and in Tomlinson's terms, it matters little where the balance of powers lies between central government and LEAs, since the overall effect of education policy implementation and administration is negative in any event.

Tomlinson's views aside, it is hoped that one of the conclusions that may be drawn from this thesis is the view that good intentions at the local level can make a difference to the experiences of individuals at the 'receiving end' of education policy, a point of view attested particularly in chapter three.
Whilst the changing relationship between central and local government forms part of the material for Tomlinson's work, it is the very core subject material of a series of essays edited by Collins (2002). The book focuses on the role of the LEA and is written from "the premise that there is, indeed, a role for a good LEA". The contributors to the collection variously define what the role might be. For Lane, it has to be seen within the broader context of local government in which LEAs "have an excellent history of innovation and reform". He lists the functions of the LEA and concludes that LEAs remain a key part of a general system of democratic political accountability that is essential to the future of education in this country:

We must preserve a system of democratic accountability. To take local government out of the equation altogether is illegitimate in a democracy where public money needs to be accounted for through officials charged with that obligation. This is why education in this country has always involved local government. In fact in 2002 we shall be celebrating one hundred years since the founding of local education authorities. Their role has been one of constant change and development. Increasingly in the last few years, tension has increased between the DfES, central government and local authorities over the direction of education. Ironically, a closer partnership agreement is more possible now than in the past, and would benefit the education system as a whole. That partnership would include the private sector and industry. It would mean educational institutions would then learn to work together instead of competing with each other (Lane, 2002).

Collins himself acknowledges that whilst the democratic accountability of LEAs via locally elected members is a key defining feature of the local authority, and one that is often used to justify the LEA's continuing identity as an estate of the realm, the legitimacy of this argument for the integrity of the LEA is called into question by the notoriously low turnout at local elections. He notes that, "The mere existence of an election does not, in itself, ensure that the need for accountability is met" (Collins, 2002). For Collins, it is important to distinguish between accountability and legitimacy and to be clear
as to what it is about the work of the LEA that actually requires democratic legitimacy. He argues that there is more work to be done in identifying those areas of activity where democratic legitimacy matters and where it does not. What is clear for Collins, in his editorial survey of the collection of essays, is that where LEAs perform poorly it is usually due to weak political leadership; sometimes manifested in a failure to take tough decisions quickly and sometimes masquerading as strength, as when councillors interfere in the work of officers. He argues that

Where LEAs succeed the opposite usually obtains. This deceptively simple formula – elected members decide and officers manage – is extremely hard to embody but it contains a great deal of wisdom about how to ensure that an LEA performs its functions effectively (Collins, 2002).

Finally, in this discussion of some of the recent work in the field, reference must be made to Whitbourn, Mitchell and Morris (2000) who have provided “an analysis of the functions and roles of the local education authority” from the perspective of the law of education in England and Wales. As a work that sets out to describe the role of the LEA through detailed discussion of the powers, duties and responsibilities as defined in statute and guidance, Whitbourn, Mitchell and Morris provide an example of the difficulty of maintaining topicality in a rapidly changing field. Updated to June 2000 to take account of the legislation then before Parliament, the authors are nevertheless left with a definition of the LEA and its relationship with central government that has been overtaken by more recent events. They write, accurately enough:

The role of the Local Education Authority is complex and varied, encompassing many separate roles.... Some of these roles are longstanding and, despite a decade nationally of revisionism almost to the point of reticence, continue in place both in law and in practice (Whitbourn, Mitchell and Morris, 2000).
They describe the continuing process of definition and redefinition and refer to a series of publications and pronouncements before attempting their own construction of models of the LEA's role in relation to the national situation. They do so because, "Despite an original intention to do so, the Government has not yet set out a full, and fully modernised – or at any rate, an easily accessible and comprehensive – LEA ‘job description’," (Whitbourn, Mitchell and Morris, 2000).

Yet the government, or at least the Education Department of government has been undertaking work aimed at producing the very thing that Whitbourn, Mitchell and Morris believe to be lacking. Through the very publications to which they refer there has been an emerging view of the appropriate role of the LEA and its place in the administration of education. The comments of Bichard, referred to above, form part of this process and it reached public expression six months after Whitbourn’s work in the DfEE publication *The Role of the Local Education Authority in School Education* (DfEE, 2000). It is this publication that forms the basic reference text for the chapter of this thesis entitled ‘The View from Sanctuary Buildings’. Whilst the models put forward by Whitbourn, Mitchell and Morris remain useful as descriptors of the functions of the LEA, therefore, that particular paper within their book has not achieved the status for which the authors had hoped when they wrote, “DfEE may wish to recognise it as a proxy for the LEA job description" (Whitbourn, Mitchell and Morris, 2000).

What Whitbourn *et al* have achieved, however, is further confirmation that the role of the LEA is now subservient to that of central government. They share in the general consensus that has emerged between the writers and commentators mentioned, to the effect that the role of the LEA has changed, and central government has become more prescriptive towards LEAs in requiring that they work to a central government agenda. Whilst contributors to the debate, including Wisker and Wallace, consider that there is now a different role for the LEA, rather than a diminished one, it is difficult to avoid the conclusion that the weight of evidence adduced here suggests that the LEA is very much under the direction of central government. The succeeding
chapters describe examples of the ways in which this direction has been exercised in the implementation of central government policies and how LEA officers have experienced it and, in some situations, have influenced it.
CHAPTER TWO

THE REDUCTION OF INFANT CLASS SIZES

This chapter considers one example of the way in which the Labour government elected in 1997 used Local Education Authority (LEA) administrators to achieve its policy objectives. Written largely from a participant observer viewpoint, the chapter describes the first two years of the implementation of a particular policy within Centralshire and draws on correspondence and internal memoranda to elucidate the issues that emerged as the policy was introduced.

The government declared it's intention of ensuring all infants' classes were restricted to a maximum of thirty pupils and published the requirements and expectations that were to be carried out at the local level. Relatively junior officials at the DfEE contacted local government officers with the clear expectation that requests would be met and information or action would be forthcoming. The early stages of this occurred even before the passage of the enabling legislation and there was little apparent regard for the fact that local government officers have a prior responsibility to their employers rather than to central government officials or even to Ministers.

The Beginnings of the Class Size Policy

During the campaign for the 1997 General Election, the Labour Party made two related policy pledges. Firstly, if elected, a Labour government would abolish the assisted places scheme whereby public money was used to fund places in private schools. Secondly, the money saved would be used to reduce pupil numbers in classes in state schools so that no infant pupil would be in a class of more than thirty.
The fulfilment of the first of these pledges is not the concern of this study, except that the subsequent decision to remove the assisted place scheme by “phasing out” rather than by instant abolition meant that less money was immediately available to the government. Those local authorities for which the assisted places scheme formed a key part of educational strategy were very few in number and the muted opposition to abolition lay well outside the mainstream of local authority opinion. What is of interest to this study is the fulfilment of the second pledge and its demonstration of a relationship between central and local government in which the latter became the agent of the former in carrying out a policy that many local government officers believed to be flawed. This chapter describes the first two years of the implementation of the policy in Centralshire and identifies the sharply differing strands of opinion that were exposed as the policy was delivered.

The first legislative action in Education by the newly elected Labour government was the Education Act 1997. This Act abolished the assisted places scheme and thus began to provide the financial basis on which the policy on class sizes could be implemented.

The previous government had set up a system of grant support for approved projects known as Grants for Education and Training (GEST) under the Education Act 1996. The new Labour government renamed this system of support ‘The Standards Fund’ and issued Circular 13/97 with a wide range of headings inviting bids for projects and expenditure for 1998/99.

The government’s priority was made clear in the introduction to the programme of available grants:

The range of grants reflects the Government’s central priority of raising standards in our schools as set out in the White Paper, “Excellence in Schools”, published on 7 July. The major focus is on school self-improvement through targets agreed with LEAs and reflected in both school and LEA development plans. The role of LEAs will be to support
their schools, and to press those that are under performing to do better (DfEE, 1997a).

Included among these was Standards Fund Grant Number 5: Reduction of Infant Class Sizes. The initial allocation of funding under this heading was unspecified in Circular 13/97 but it was stated that a minimum number of thirty LEAs would be supported in this action, depending on the content of the plans submitted by LEAs. Expenditure would be supported at 100%. At this early stage in the government's programme little funding had been released by the phasing out of the Assisted Places Scheme and the DfEE could signal only a start to the implementation of the class size policy. Allocations to individual LEAs were to be determined competitively for this first tranche of funding.

A proforma was provided for the LEA to make its bid but, compared with what was to be issued in subsequent years, further guidance was fairly minimal. The entire text of the guidance for the initial funding round occupies half a dozen lines of the Circular:

**Eligible expenditure**

Expenditure on the employment of additional teachers engaged wholly or mainly in teaching infant classes with a view to minimising the number of pupils taught in infant classes with over 30 pupils in them; additional transport expenditure directly linked to reducing the number of infant classes of over 30 pupils.

**Other proposed requirements of grant**

LEAs will have to provide with their bids a plan setting out how they would reduce infant class sizes in 1998/99 using the funds for which they are bidding.

(DfEE, 1997a).

And that was the extent of the guidance at that stage. The Circular went on to state that funding through the Standards Fund was likely to be for the initial
year only and that other grant funding would support the policy in the following years.

That DfEE thinking was at an early stage is indicated not only by the fact that instructions were brief and left much to the discretion of the LEA but also by the reference to transport. Clearly someone in the DfEE envisaged that where a school operated a class size limit of thirty, then “surplus” pupils would be bussed to the next available school. The impact of such a policy on a largely rural county where schools are separated by large distances would have made an interesting study (not least of the electoral implications) as parents became aware that the government appeared to believe that it was better for infant children to travel long distances to and from school rather than be in a local school class of thirty one or thirty two. This was an aspect of the policy that provoked much comment in Centralshire's Education Department about policies designed by people for whom outer London represented the limits of practical knowledge. It was not an aspect of the policy that anyone in County Hall ever seriously considered should be implemented. Officers concentrated on gathering information from schools that would enable a bid to be made for funding. An internal office memorandum written at the time suggested a bid for funding for twenty teachers at an estimated cost of £500,000 (ref. 2/01).

The proforma completed by the LEA included three columns to show the numbers of infant pupils who would be removed from classes with more than thirty pupils if the grant allocated was to be £100,000, £250,000 or £500,000. Circular 13/97 had stated that grant would be paid in one or other of these units. The figures indicated the numbers of infant pupils in classes for January 1999, since the grant bid was for the financial year commencing April 1998. When the proforma was sent to the DfEE it was accompanied by explanatory notes detailing the local circumstances and describing local admission arrangements. The figures submitted stated that the total number of children in classes with more than 30 pupils in January 1999 would be 4,570 if no grant was provided to address the matter. If £100,000 was made available this figure could be reduced to 3,970. With grant of £250,000 the
number would reduce to 3,250, and with grant of £500,000 it would reduce to 2,750 children.

From these figures it is clear that education officers in Centralshire expected that if the county received £100,000, then 600 children would be removed from over-sized classes. If £250,000 were received the figure would be 1,320 children; and if the grant was £500,000, then 1,800 children would benefit.

In the event, the DfEE approved expenditure of £291,000 for Centralshire. The initial allocation was intended to remove 1,800 infants from classes of over thirty pupils by the simple device of providing part-year funding. Instead of funding for additional teachers for the full financial year, the allocation provided funding for the autumn and spring terms 1998/99. In response to an enquiry by a local Member of Parliament, an education officer wrote:

The £291,000 represents funding for the period Autumn term 1998 to the Spring term 1999. This would enable the number of pupils in classes of 30 or fewer to increase in Centralshire from 13,910 to 15,730, i.e. 1,820 pupils would benefit from this funding. This is the origin of the 1,800 mentioned in the media (ref. 2/02).

The letter from the DfEE accompanying the announcement of the allocation to the LEA is instructive:

These funds will enable you to make an early start on reducing infant class sizes in your authority. Mr. Byers' letter made clear the Government's wish to see all authorities make progress in drawing up plans for achieving this, as will be required by the School Standards and Framework Bill, now before Parliament and you will therefore wish to consider what more would need to be done in your authority to fully meet the Government's intentions.

We will look to you to collect and make available to the Department data on actual infant class sizes early in 1998/99 to demonstrate how
the funding has enabled you to reduce the number of infant pupils in classes over 30. (ref. 2/03).

The letter leaves little doubt that its authors expected compliance. There is no reference to local democracy and the possibility that particular local authorities might have opinions on the issue that differed from those of central government. Nor is there any recognition that the officers expected to implement the policy are anything other than the servants of central government.

In Centralshire the initial work had been carried out by an officer (DLN) with general responsibilities for the Standards Fund. The LEA’s bid had been based on aggregated numbers of pupils and notional teacher costs. There had, as yet, been no attempt to match expected funding to particular schools. This was the next stage of implementation and would require a considerable amount of dedicated time. The task was passed to a senior education officer with responsibility for policy and planning.

The Development of the Policy in Centralshire

The newly designated officer worked with a group of headteachers nominated by the Centralshire Association of Primary Headteachers. This working party examined all the forms sent in by schools in response to the information gathering exercise that had been the basis of Centralshire’s bid for funding. It became clear that full compliance ensuring that no infants’ classes had more than thirty pupils through the appointment of additional teachers would cost in the order of £800,000, whereas the LEA’s grant was £291,000 (ref. 2/04).

All the submissions from schools were listed and considered by the senior officer concerned. The list was then discussed by the panel of headteachers who looked at the figures from the point of view of school management and organisation in order to minimise the number of additional teachers required. At this stage a list of remaining schools requiring additional teachers was
drawn up based on average sizes of classes across the Key Stage and taking account of opportunities for internal re-organisation. The cost of implementing the policy for all the schools on the revised list amounted to £450,000.

The eligible schools were listed in descending order of the number of children affected and provisional allocations were made for the autumn and spring terms, based on notional teacher costs of £7,000 and £5,000 respectively. A line was drawn at the point where the money would all be used up. Headteachers of the schools above the line were contacted and asked if it was possible for the school to make a contribution towards the cost of employing the extra teacher, thus enabling the Standards Fund money to be allocated further down the list. As a result of all this, a total of 37 schools received funding for the autumn and spring terms 1998/99 (ref. 2/05). A letter was sent to schools in March 1998 setting out the amounts allocated and describing the process that had resulted in the allocations to individual schools (ref. 2/06). In the event, however, this proved only to be the beginning of an increasingly complex exercise.

In April 1998 the DfEE published a consultation paper: "Reducing Infant Class Sizes: Outline Regulations". The main points of the paper concerned the powers of the Secretary of State to "impose limits on class sizes for infants classes at maintained schools" and to "fix the dates by which such limits are to be met by such schools" (DfEE April 1998c). The limit on class size was set at thirty and the target date for full implementation of the policy was fixed as 1 September 2001.

The second clause of the draft regulations begins:

> Every local authority shall prepare a statement setting out the arrangements which the authority propose to make for the purpose of securing that the limits imposed under section 1 are complied with in relation to infant classes maintained by the authority (DfEE, 1998c).
Detailed instructions followed as to the information to be included in the authority's statement or plan, as it later came to be known. Part of the "supporting information" that the LEA was asked to provide included:

(iii) Details of any consultation that has been undertaken, including how the LEA is addressing any concerns expressed by the consultees.

And, furthermore,

(vii) Measures the LEA is taking to ensure that smaller infant classes are not delivered at the expense of KS2 classes
(viii) Details of how plans are consistent with the enhancement of parental preference (DfEE, 1998c).

A further set of instructions prescribed the consultation that the LEA should carry out:

The LEA must consult

• The headteacher and chair of governors of all schools with infant classes;
• Representatives of denominational schools, e.g. diocesan boards of education;
• Neighbouring LEAs;
• Parents;
• Funding Agency for Schools (where there are GM schools in the LEA) (DfEE, 1998c).

Having consulted on the contents of the regulations, the government proceeded on its chosen course. Section 1 of The School Standards and Framework Act 1998 and the Education (Infant Class Sizes)(England) Regulations 1998 (Statutory Instrument 1998/173), which came into force on 1 September 1998 put the policy into effect. These provisions placed a duty upon both LEAs and school governing bodies to limit the size of infant classes to 30 or under by September 2001. The legislation required LEAs to provide,
for the approval of the Secretary of State, plans that showed how they would meet the target.

The scale of the bureaucratic exercise set in train by these instructions was considerable. Again, it is worth noting that locally elected councillors had no say as to whether or not they were content for senior members of their staff to be devoting so much time and expenditure to this activity. Nor was there ever any suggestion from central government that it would support the cost of administering the policy at local level.

Discussions with DfEE officials revealed that many schools would be expected to achieve the target size limit without extra resources through the introduction of mixed age grouping. Where it appeared possible to achieve the limit of thirty by internal re-organisation rather than through the employment of an additional teacher, then this was to be the preferred way forward. Yet as work on the Centralshire Class Sizes Plan proceeded, it became clear that there were very strong local misgivings about the wisdom and acceptability of the government's approach. A number of headteachers and chairs of governors objected to the introduction of mixed age classes as a means of achieving the class size target because they believed the pedagogical problems caused by mixed age classes out-weighed the benefits of having no more than thirty pupils in a class.

A number of Centralshire schools had had mixed age classes for many years and had operated them to high standards and without qualms; elsewhere, however, it became clear that the prospect of introducing such groupings was viewed with horror by staff and parents. It was pointed out by some parents that the requirement to have regard to parental preference disregarded the possibility that parents might prefer their children to be in a class of 31 pupils of similar age rather than in a class of, say, 25 where the year groups are mixed. The point at issue here is not whether the DfEE was correct in arguing that mixed age classes are educationally sound. The point is that on this question of educational debate the government was prepared to ignore local opinion and impose its view in pursuit of an overriding policy aim.
In July 1998, in common with other LEAs, Centralshire had been invited to send an officer to a briefing on the School Standards and Framework Act, 1998. The officer working on class size policy duly attended. The briefing took place in London on 24 July, less than a week after the Bill had become an Act after passing its final parliamentary stage and receiving the Royal Assent. The senior DfEE official opening the conference described LEAs as "key partners" in implementing the legislation. He stated that the Act was driven by the three themes of raising standards in schools and LEAs, strengthening the teaching profession and re-invigorating and strengthening partnerships across the education system. The keynotes of the legislation were modernisation and flexibility with a determination to move forward to achieve the government's agenda (ref. 2/07).

A line up of no less than twelve speakers from the DfEE spoke about the sections of the Act that were their speciality. This in itself provided the audience of local authority officers with some unintended entertainment as those present noted with some satisfaction that civil servants were having equal difficulty to themselves in keeping up with the pace of the government's changes and that "joined up thinking" was yet to be accomplished. More seriously, the opportunity was taken by several in the audience to express their misgivings about aspects of the policies contained in the Act.

For the purposes of this chapter it is necessary to consider only the presentation on class size policy by JY, who reminded the audience that it was the government's intention that by the end of that Parliament no child aged 5, 6, or 7 years should be in a class of more than thirty pupils. The legislation was framed to achieve this aim and the policy would use the money released by the abolition of the Assisted Places Scheme. The importance given to the policy was signalled by its place at the front of the Act where it occupies the first four clauses. JY reiterated the deadline for compliance as the 2001/2 school year. LEAs would have to submit implementation plans to the Secretary of State for approval. Regulations would be published in August.
As part of the implementation strategy, LEAs were invited to revise admissions arrangements by dis-applying and reducing standard numbers. The powers of admissions appeals panels were to be limited by the government so that the implementation of the policy would not be vitiated by decisions that would send class sizes over thirty again. The only circumstances in which an appeal panel could direct that a class size should exceed thirty would be where an error had occurred in the administration of the admission procedure. JY pointed out that the class size legislation would affect also the work of the Schools Organisation Committees and local decision-making. She laid stress on the importance of consultation by LEAs on the design of their implementation plans, although she did not address the question as to what should be done when the consultees objected to aspects of the proposals, such as those regarding mixed aged teaching.

The funding of the scheme was announced to be as follows:

- £62M to date (£22M of this was from the Assisted Places Scheme
- £560M to enable LEAs who wish to deliver early.

Next years:
- £161M 80/81 capital/revenue
- £220M 60/160 capital/revenue
- £180M 20/180 capital/revenue.

The talk by JY was followed by questions from the audience. A number of speakers voiced doubts about the extent to which the DfEE – or Ministers – had understood the likely impact of the policy in LEAs outside London.

A particular concern raised by questioners was the enforced creation of mixed age classes in many schools where these did not exist already as a matter of local choice. It was, in fact, this issue together with the over-arching question of the impact of the policy on local decision-making and parental reference that formed the most controversial aspect of the policy for the audience.

Replying to these questions, JY recognised that there were differences of opinion on the matters raised but she made it clear that there was no room for discussion. She stated that the DfEE was relying on OFSTED reports that
declared mixed age teaching to be acceptable and in no way a threat to educational standards. The DfEE was "comfortable" about mixed age teaching, she said.

More interventions from the floor made it clear to the DfEE officials that many of those charged with implementing the policy at local authority level were anything but "comfortable" with some of its implications but JY was not to be moved – reinforced no doubt by the knowledge that the Act had received the royal assent and was now a fact of law (ref. 2/07).

The Guidance promised for August arrived in September and further complicated the situation by the insistence that:

No infant class at a maintained school shall contain more than 30 pupils while an ordinary teaching session is conducted by a single qualified teacher.

Where such a session contains more than one teacher, there should be no more than 30 pupils for every one of those teachers. Classes with a single qualified teacher must not exceed 30 pupils for any ordinary teaching session in the week. Such sessions would not include activities such as school assemblies and lessons in music, drama or sport where large groups of pupils may be brought together. There may be more than 30 pupils in a class if there are two or more teachers, but the second teacher would have to be present for every ordinary teaching session with over 30 pupils. In a class where there are more than 30 pupils the pupil to teacher ratio must not exceed 30:1 (DfEE Guidance, 1998d).

It is clear from discussions with headteachers that a policy would have been much more acceptable and workable that provided additional funds for schools - to be used at the discretion of schools – combined with an overall target of adult/pupil or teacher/pupil ratios.
A new key feature of the Guidance quoted above was the acceleration of the policy. No longer was the target date September 2001 as announced in July:

Following its Comprehensive Spending Review, The Government has decided to make additional resources available to enable implementation before September 2001, the date specified in the legislation. In total, the Government will be spending £620 million by 2002 to deliver its class size policy. But a significant proportion of this funding will be aimed at making as much progress as is possible by September 2000. Though there will be no statutory limits in 1999/2000 or 2000/2001 the Government expects virtually all schools in England to have complied with the limit by September 2000 (DfEE Guidance, 1998d).

At the same time as this guidance was being issued to local education authorities, the statistics section of the Centralshire Education Department was able to report to the Departmental Management Team that 59 schools had at least one infant class with more than thirty pupils but that 83.5% of all infant children were in classes of thirty or fewer (ref. 2/08).

Centralshire County Council’s Education Department issued a draft policy statement on the reduction of infant class sizes in September 1998. The statement was accompanied by a letter to schools and other interested parties which summarised the government’s guidance. Part of the letter reads:

The main points of the Government’s Guidance are:

• Vertical grouping should be used as a normal means of organisation in order to achieve class size targets;
• Statutory procedures for reducing Planned Admission Limits are suspended temporarily in order for an LEA to recommend revised admission limits to the Secretary of State;
• Funding for additional teachers may be sought where neither of these approaches will work;
• Bids may be made for additional building work – but priority should be given to proven “popular and successful” schools. (ref. 2/09).

The reference to vertical grouping reflected the government’s espousal of mixed age classes as a recommended means of achieving its policy. The paper noted that headteachers and governors might have decided against mixed age classes in the past but reference was made to the fact that DfEE advice now stated mixed age classes to be educationally sound. Furthermore, it had been made clear that this form of organisation was expected as a strategy for the achievement of the government’s class size policy objective and, moreover, the statutory guidance stated that the materials for the Literacy Hour had been prepared with mixed age organisation in mind.

The draft policy statement accompanying this letter was sent to all the consultees prescribed in the earlier regulations. Additionally, the main proposals were made available to local newspapers and copies of the paper were displayed in libraries throughout the county. The plan and proposals were discussed with the Centralshire Association of Primary Heads’ advisory group of headteachers.

The general terms of the draft proposals were supported by respondents with the significant exception of the principle of vertical grouping as a means to achieve the targets through organisational change rather than through the provision of additional staffing. Several respondents stated that parents would rather have classes over 30 than accept mixed age classes. Objections were particularly strong against cross key stage grouping.

One Chair of governors wrote:

I could not support vertical grouping as an option, but would welcome extra Government funding for additional staffing and additional building work where appropriate (ref. 2/10).
A headteacher was more forthright in his condemnation of the policy:

These proposals, like so many others over recent years are political. It is ludicrous that headteachers' ability to organise their schools is governed by a speechwriter's sound-bite.

The last government used OFSTED findings to say that class size didn't matter. This government is now basing policy on a number seemingly plucked out of the air, and using OFSTED to confirm that y2/y3 classes are efficacious and that any vertical grouping to achieve classes of 30 or under is preferable to non-vertically grouped classes of just over 30 (possibly with extra ancillary help) (ref. 2/11).

These, and others expressing similar views, received a supportive, if somewhat weary, reply. The following is typical of many:

Comments like yours on vertical grouping were made by education officers to DfEE officials at a conference I attended in July. Last month and as recently as this week I have re-stated the view to DfEE officials. The unpopularity of aspects of the policy was made clear in this Authority's submission to the Secretary of State.

I can only suggest that you write to the Secretary of State in similar terms to those of your letter to me. (ref. 2/12).

Having acknowledged this important reservation on the part of many of the intended "beneficiaries" of the policy, the Centralshire implementation plan goes on to state that the county welcomes and supports the government's commitment to reducing class sizes at Key Stage 1 to no more than 30 pupils. The introduction to the paper echoes the government's stated belief that the policy constitutes an important contribution to raising standards through helping to provide all children with a good start in their school education.
The LEA Plan sets out the LEA's views on how the policy should be implemented in Centralshire, including estimates of the additional funding required and what additional accommodation would have to be provided. The Plan recognises that the KS1 class size policy is linked with other policies that are key to the overarching aim of raising educational standards. These included Local Management of Schools, not simply in terms of the delegation of budgets to schools, but also the acknowledgement of schools' responsibility for their own organisation and management. The other policies mentioned are pre-school education, strategies to raise standards in literacy and numeracy, the exercise of parental preference and the continued application of equality of opportunity.

It was noted that the statutory guidance required the class size policy to be implemented "in a way that will enable more parents to get their child a place in a school of their preference". It was not altogether obvious to the officers working on the implementation of the policy that this requirement was entirely compatible with the restrictions placed on local discretion. The Centralshire class size plan therefore stated that implementation of the KS1 class size policy must take account not only of all the links described but that also it might be necessary to determine an order of priorities!

For all the rhetoric regarding parental preference in the Guidance, it was clear that the over-riding priority for the government was the achievement of smaller classes. Part of the strategy to achieve this lay in the variation of some schools' 'Standard Numbers'. Previously changes to the Standard Number of a school involved lengthy negotiations and consultations, the publication of notices and the passing of considerable amounts of time before a further period spent waiting for a decision from the Secretary of State. The Guidance issued on class size policy however expressed the view that "the concept of 'Standard Number' as currently framed is less relevant in the context of the class size policy". Someone at the DfEE had noticed that "Standard Numbers that are tied closely to school capacity may oblige schools to adopt complex and possibly expensive solutions to class organisation".
Given the commitment to limiting class sizes in KS1 - which will have an impact on KS2 - the Government recognises that it would be sensible now to adapt the concept of standard number to the new reality, relating it to aggregate multiples or fractions of 30, except in the case of small village schools where established patterns of mixed age teaching already provide for class sizes of 30 or fewer within existing admission limits (DfEE Guidance 1998d).

The Statutory Guidance provided that LEAs should apply for variations in standard numbers in the normal way. It was recognised, however, that this might not allow changes to be made in sufficient time to achieve the policy aims. From September 1998, therefore, LEAs were released from the requirement to admit pupils up to the standard number relating to infant classes for admission in 1999/00, provided that this disapplication was certified by the Secretary of State. Where approved, the temporary maximum admission number was to be published as part of the LEA's admission arrangements, pending an order modifying the standard number.

As noted, the Centralshire policy paper recognised that some schools would have to create mixed age classes and split year groups - in some cases across key stages - but the proposals attached to the plan kept such arrangements to a minimum. The achievement of the class size objectives for Centralshire was therefore based on:

- Changes in school organisation where required,
- Revising admission limits where practical to multiples or fractions of 30,
- Funding of up to one additional member of staff where this was necessary in order to achieve class sizes of 30 or fewer.
- Bidding for capital resources for the extension of schools which were successful and popular
- A small number of exceptional cases for which contingency funding would be sought.
In response to the DfEE's suggested use of revised admission limits based on multiples of 30, the Centralshire plan proposed that, from September 1999, these schools should admit pupils to reception classes in groups of 30 or fewer and should be kept in these same groups until September 2001. Funds for additional staffing would be provided in the cases of schools where the total number of intending pupils was maintained through expressions of parental preference or where the numbers in the catchment area could be kept within neat multiples of thirty. Equally schools would qualify for funding where a reduction in the admissions number would cause pupils to travel long distances to school. (N.B. This represented a temporary triumph for common sense over the approach signalled in Circular 13/97, although the issue would reappear later). The maximum additional funding would be for 1 full time equivalent (fte) teacher, although in some circumstances funding would be for less than 1fte (for example, where an extra teacher was required for one term only.)

The paper stated that in certain approved cases, the DfEE would provide capital funding for an additional classroom to accommodate the extra class created by the allocation of funding for an extra member of staff. Additional classrooms had to be permanent build rather than temporary except where the need could be shown to exist for a limited period. The DfEE Guidance required priority for an additional classroom to be given to “successful and popular” schools, although no advice was given as to how these were to be identified. A further complication was the requirement that the implementation of the class size policy should ensure that the proportion of denominational places in the LEA was maintained.

The Regulations allowed an infant class with one teacher to have more than 30 children in special circumstances. These exceptions allowed for the admission of pupils in circumstances that could not have been anticipated in planning; and also for children with special educational needs to attend some classes in mainstream schools.
Comments were invited on the draft policy by 30 September in order for a final version to be approved by elected members and sent to the Secretary of State. At the same time, Centralshire was in receipt of copies of polices from neighbouring authorities. A tacit agreement might have been observed that given the difficulties of implementing the government’s plans, neighbouring authorities would not complicate matters further by making adverse comments on each others policies. Whether or not this was so – and there is no indication that this was ever discussed between LEA officers in the east midlands –there is no evidence of any criticisms being passed by any of the region’s LEAs on any of the others’ plans.

By mid-October the Centralshire policy was ready for transmission to the DfEE. There were minimal changes following the consultation although the strength of feeling against the use of mixed age grouping had been made clear in the responses to the consultation. The paper approved by the then Education Resources Sub Committee on 12 October drew attention to the objections that had been raised during the consultation. Subsequently, the letter that accompanied the submission of the Plan to the DfEE once again made the reservations clear:

You should perhaps know that the consultation exercise indicated that some aspects of the Statutory Guidance are deeply unpopular in a number of schools. There is significant opposition to mixed age classes. As a result, this LEA has based its policy on a minimal number of mixed age classes and has avoided cross key stage grouping as far as possible (ref. 2/13).

Whilst the final stages of the local political process were being completed a further letter arrived from the DfEE enclosing a new form to be completed by the LEA. The allocation of funds to the LEA depended on the submission of updated figures based on this form. It arrived after the LEA had carried out its own data gathering exercise. Nevertheless, the new form was circulated to schools and headteachers were asked once again to complete the relevant
boxes. In doing so, several took the opportunity to repeat their objections to the policy.

The Centralshire Class Sizes Plan and Rising Tensions with the DfEE

Whilst this was going on the Centralshire plan was sent to the DfEE with the agreement of a DfEE official that the final figures would follow by a revised deadline of 24 November 1998. Before the end of October another DfEE official dealing with Centralshire’s plan had contacted the authority with a number of questions on the submission. The irritation caused within the LEA is clear from the memoranda exchanged between the designated officer and an Assistant Director regarding the conversation. N.B. The references to “PALs” are to “planned admission limits” a device for determining the number of pupils to be admitted to a school.

I have had a phone call from one EF at the DfEE. She made a number of comments on our submission.

1. The yellow proformas for individual schools were not included in our submission. This was a major omission.

I pointed out (a) that they had arrived far too late and (b) that I had discussed this with one of her colleagues and agreed a revised deadline of 24 November. EF accepted this but said she had not been made aware of the earlier discussion.

2. The policy does not contain a strategy for achievement.

I asked what she meant by a strategy and was told that the policy did not contain an explanation of how it would be implemented. I replied that the strategy was for the DfEE to provide the money, teachers would then be appointed and the policy would be achieved. In the event of
insufficient money being granted allocation would be made on a priority basis. EF stated that all this should be explained in the document.

3. The policy does not spell out the transport implications of changes to PALs.

I explained that the impact on transport was negative in that changes to PALs would affect only some out of catchment admissions, thus directing students to move local schools. Again EF wanted this spelt out. She then moved onto.....

4. What would be the effect on parental choice? – i.e., how would we ensure pupils would only attend “popular and successful schools” and not be directed to others?

I asked for a definition of a “popular and successful school” and told her that this term in the statutory guidance was a contentious issue with headteachers. EF replied that it would be unacceptable for the policy to direct parents to a failing school.

I asked whether that meant that all non-failing schools were deemed “popular and successful”. She replied that it was for us to say.

5. The policy does not make clear what support the LEA will give to schools. e.g. No mention is made of how posts will be advertised or how we will ensure that all posts are filled.

I agreed that indeed this information had not been provided.

6. Finally EF complained that the policy does not make clear what financial contribution the LEA is prepared to make to the policy.
I told her that elected members assumed – as do officers - that this is a wholly centrally funded policy. I stated that the LEA does not expect to make a financial contribution. Again, Ms. F. wanted this spelt out.

At this stage I fear I may have conveyed a little irritation. I agreed that a statement of the obvious would be sent with the proformas at the end of November. (ref.2/14).

The tension in the relationship with the DfEE is clear also from the tone of the LEA’s letter sent on 20 November. Part of the letter dealt with the issue of parental choice – as the DfEE had called it:

Clearly any reduction in PALs or restrictions on admission limits will, in theory, restrict parental choice but “parental choice” has always been limited to “preference” and this will not change fundamentally. There is no useful definition of a “popular and successful” school. What is much more productive is to focus on standards of education and ensuring high quality educational opportunities for all our children.

Whilst this principle would preclude directing parents to a “failing” school, one effect of the class size policy is to emphasise the twin importance of (a) the local school and (b) authority-wide support for school improvement. (ref. 2/15).

The DfEE had raised the possibility that the LEA might like to contribute some additional funding to the achievement of the policy. The response to this was straight to the point:

Elected members assume this to be a Government funded policy. It is not expected that the LEA will make a financial contribution, although the cost of officer time has been considerable (ref. 2/15).
Finally, the local objections were expressed once more:

It may or may not be worth pointing out that it seems the majority of headteachers and governors - including those who filled in the forms - regard this as a deeply flawed policy. Contrary to Ministers' public expressions of confidence, it is not popular. We have had a few letters from parents, all of which express opposition to the policy.

Should the opportunity arise for modification, consultation with the "sharp end" of the service would indicate that a policy based on adult/child ratios would be popular, practical and cheaper to implement. (ref. 2/15).

EF was not deterred by this reply. Nor was she about to approve any funding for Centralshire without answers to a further set of questions. Her letter of 26 November revealed a tenacious adherence to procedure that had the effect of exhausting what patience was left in the LEA. Having answered all the questions asked previously and having produced a plan for the implementation of a policy that local education officers believed to be seriously deficient, the latter were faced with a further ten questions - many of which seemed to assume a role for the LEA that had passed away with the introduction of LMS. To add to local exasperation, the DfEE letter contained further proformas to be completed (ref. 2/16).

The LEA's reply reminded the DfEE of changes to the role of governors in the light of LMS and drew attention to DfEE policies that had resulted in the LEA not being in a position to control matters in the ways implied in EF's letter:

The reply is here quoted in full:
Dear Ms F

Infant Class Sizes

Thank you for your letter dated 26 November. You have asked for clarification on a number of points and I shall take them in the order in which you have listed them.

1. The action intended is indicated in the papers sent with my letter dated 13 October. For each school it is stated whether the LEA proposes an additional teacher, additional buildings, a reduction in PAL or if no action is required. If you require any further information about any of these schools/proposals please let me know.

2. Decisions on the use of funding allocated to schools rest with governing bodies. Governors will no doubt give due weight to the Government's policy in making their decisions. Where possible and where school balances permit, it is expected that schools will contribute towards the cost of additional staff. This is stated in the information supplied with my letter of 13 October.

3. It is not clear what is meant by "cluster" in this context. Centralshire's schools are organised in development groups for training and co-operative purposes. Given the scattered nature of the County population, not all the schools in a group are equally accessible and in most areas parents need their own transport if they are to have a genuine choice. See also comments on PALs under 8 below.

4. The designation "popular and successful" was raised by the DfEE in its guidance on the class size policy and this Authority awaits further guidance on the definitions to be used. In the absence of a fully validated system of value-added standards, the LEA would not expect children to have to attend an alternative school with serious weaknesses or in special measures. "Popularity" can be judged by "out of catchment"
requests - but only to some extent. In Centralshire, schools with 4+ provision tend to be more popular than neighbouring “rising 5” schools and proximity to home can over-ride catchment designation.

5. The dioceses have been consulted and have accepted the Authority’s Plan. Letters from the dioceses have been sent to you. The LEA will ensure also that standard number reductions in denominational schools are no greater pro-rata than those proposed in County schools.

6. The Authority’s Plan sets out the number of staff required to reduce infant classes to thirty or fewer. Allocation of funding for the required number of teachers will ensure there is no disadvantage to KS2 pupils. In addition, the Education Committee has requested the monitoring of KS2 class sizes. KS2 is a priority for funding in the ASB, following a recent needs-led staffing review.

7. Consistently low Annual Capital Grants over many years have resulted in the use of many more mobiles than the LEA would wish. The Authority’s application for building funds seeks to avoid the use of additional mobiles where there is a long-term need for additional accommodation in order to implement the class size policy. The LEA is experiencing some difficulty in funding the extra classrooms required for 1998/99 as the DfEE formula allocation does not cover the full costs that the LEA is having to incur.

8. This information was included with my letter dated 13 October. It is proposed to reduce standard numbers only where they are exceeded by pupils from out of catchment. It is assumed that these pupils will revert to their catchment area school. Parents may, in some cases, choose a third school. It should be pointed out that this group of children is very small compared with the much larger numbers involved in changes of address and school through natural turnover in some parts of the County. This will be the subject of a separate letter in due course.
9. Teachers will not be appointed by the LEA and posted to schools. The principles of LMS will be observed and the money will be allocated to schools as indicated in my letter of 13 October. It will be for headteachers and governors to make appointments in the normal way. This information was supplied with my letter of 13 October.

10. The pro-formas have been completed and the information was enclosed with my letter dated 20 November. The information provided was set out as requested in the pro-forma and it was sent in both hard copy and in disc form. It should be noted that following LMS, the LEA does not hold the information requested and the pro-formas were copied to individual schools. Copies of the individual forms, completed by all the Authority's schools with infants classes are available to you if you require them.

I hope this is helpful. Please let me know if you require further information. I look forward to hearing of this Authority's allocation shortly (ref. 2/17).

The result of this letter was the intervention of a more senior DfEE official and a face to face meeting between Centralshire officers and DfEE officials. Immediately after the Christmas break, DG telephoned Centralshire with what could only be described as a summons to a meeting at Sanctuary Buildings. The invitation to a meeting was followed by what presumably was intended as a helpful gesture. DG sent Centralshire officers a copy of Thameside LEA’s implementation plan with the recommendation that Centralshire might learn something from reading it (ref. 2/18). This proved too much for DJS, the Assistant Director who had shared in receipt of the summons to London. He replied:

Thank you for your letter to RJG enclosing a copy of Thameside’s Key Stage One Plan.
Whilst it is interesting to read another LEA's plan, I am not sure that we will make the progress needed next Tuesday if we get drawn into discussing the merits or otherwise of other plans (ref. 2/19).

DJS went on to note that Thameside appeared to be receiving much more in the way of resources than Centralshire's plan envisaged. He then related the Centralshire situation to the general under-funding of the Education Standard Spending Assessment in the East Midlands and suggested that the government might need to consider additional funding for Centralshire if the class size pledge was to be delivered.

On the day this letter was sent a further letter was received from DG containing the following paragraph:

My colleague EF has already explained that Centralshire's plan does not address the policy imperatives outlined in the Guidance in enough detail nor does the plan set out the strategy to be employed sufficiently to allow for the plan to be put to Ministers. I will take the opportunity to note some examples for you and, where necessary, colleagues to consider further (ref. 2/20).

The letter went on to reiterate a number of the points that Centralshire officers believed had been addressed in earlier correspondence. A point that was particularly annoying in the Centralshire context, given the earlier comments was:

There is no mention of any response from parents with regard to consultation. Where there is opposition to mixed age teaching does the plan set out to minimise its introduction or extension in the schools concerned? (ref. 2/20).

Again the reply from the LEA reveals a certain level of irritation:
The policy statement submitted with the Authority's letter of 13th October refers explicitly to consultation with parents. This consultation took two forms:

1) Headteachers and governors consulted parents and, in a significant number of the replies received, stated that "their" parents were opposed to mixed age classes.
2) Copies of the LEA's proposals were placed in local libraries and notices were published in the local press inviting public comments.

Direct parental comment was limited to five letters, all of which expressed opposition to mixed age classes.

My colleague RJG attended a DfEE briefing on the School Act in summer 1998. The DfEE spokesperson responded to objections to mixed age classes by stating that OFSTED approves mixed age teaching and that it was one means of achieving the class size policy. (ref. 2/21).

The three page letter deals equally robustly with other points raised by DG including the use of home to school transport in order to achieve the policy. This question harked back to the proposal of Circular 13/97 and was an approach that Centralshire officers were determined they would not implement:

The LEA has no intention of requiring additional pupils to use home to school transport in order to implement Key Stage One class size policy (ref. 2/21).

The meeting at Sanctuary Buildings took place on 1st February between DG and EF from the DfEE and DJS and RJG from Centralshire LEA. During three hours of discussion and sandwiches the minutiae of the Centralshire plan were examined. The outcome was agreement on an indicative funding figure that could be put to the Minister for approval.
A sum of £971,000 was approved for the year 1999/2000 with 71 schools subsequently receiving support. The confirmatory letter from DG to RJG was welcomed by the latter for its brevity in comparison to the detailed queries received previously. The entire text reads:

Thank you for meeting with myself and EF yesterday. As agreed, I am attaching revised costs for the Authority to implement the class size pledge. As you know, the plan and the associated costs are subject to Ministerial approval (ref. 2/22).

Official approval for the Centralshire plan followed on 4 March 1999 in a letter sent to all LEAs. The letter concluded with the words:

I am confident that the effective joint working between the department and authorities on class size plans will be carried forward into this next phase (ref. 2/23).

On the same date another letter was received from the same source giving approval to variations in the Standard Number for 27 of the LEA's schools.

**After the Plan's Approval**

Whilst the entire saga undoubtedly represents the eventually successful exercise of DfEE authority over an LEA, the flaws in attempting to control local schools from Whitehall continued to become apparent. Apart from the brief flurry of letters from EF at the DfEE, 4 March saw an exchange of memoranda between the head of the LEA's school admissions unit and the County Solicitor. The points at issue concerned the advice to be given to admissions appeals panels. The memorandum from the head of admissions contains phrases such as, "There may be a contradiction in the DfEE documentation." "There is a problem here". The earlier note from the County Solicitor had admitted "I am not very clear about...." and "I wonder whether any more guidance will be provided on that" (ref. 2/24; ref. 2/25). All this was in
discussion of the DfEE’s attempt to clarify the implications of the class size policy for admissions appeal panels. Without going into detail about the issues at stake here, it is clear that many things were anything but clear for those professionals dealing with the administration of school admissions on a day to day basis at County Hall.

In April 1998 the DfEE issued advice to all Co-ordinators of Traveller Education Services in England on the implications of the class size limit for the admission of Traveller children to schools. The advice proposed that Traveller children should be treated under the category of exceptions to the policy mentioned earlier. The letter stated also that where the LEA knew of “regular and predictable” movements of travellers, these movements should be taken into account in the Authority’s planning – a proposal that raises interesting questions in the event of a LEA obtaining funding for children who then fail to arrive in the expected school. It is not clear that the DfEE advice on this point takes account of the likely attitude of the District Auditor to allocations of funding to schools for phantom children (ref. 2/26).

The DfEE at last having obtained a plan from Centralshire that met its requirements, relationships between officials of the LEA and DfEE improved through several telephone conversations over the summer of 1999. DG and his manager JY (who had spoken at the DfEE briefing the previous summer) travelled to Centralshire in August 1999 to meet officers and discuss the operation of the policy. The visit was not, it seems, made in any spirit of actual or potential criticism but in order to talk about practicalities of implementation and to offer the possibility of contingency funding to meet any unexpected difficulties with the policy.

That relations were now much more congenial is indicated in the faxed message sent by DG after the meeting:

As per Wednesday’s meeting, please find attached explanatory notes and application pro forma to apply for contingency funds.
Once again, thank you for agreeing to meet with JY and myself at such short notice and also for your generous hospitality (ref. 2/27).

For the government meanwhile, the political pay-off for all this activity by officials was the ability of the Schools Standards Minister, Estelle Morris, to make a statement on the effects of the policy in the autumn 1999. Ms. Morris announced that there had been 477,000 infants in classes over 30 at the time of the previous election. The first stage of the policy to September 1998 had reduced the number to 354,000 and by September 1999 the number had been cut to 181,000, bringing the proportion of infant pupils in overcrowded classes down from 22% to 11% in the past year. Ms. Morris expressed confidence that by September 2000 “virtually all infants” would be in classes of 30 or fewer, thus delivering the election promise a year early. Furthermore, the Minister asserted that the reduction in classroom numbers had not been achieved at the cost of any decrease in parental choice.

The Opposition spokesperson for Education, Theresa May, challenged the government’s claims by arguing that the reduction in infants class sizes was partly balanced by an increase in overcrowding for children aged eight and above. May claimed that the latest figures indicated that the number of classes over 30 for this age group had risen dramatically. Similarly, John Dunford of the Secondary Headteachers Association asserted that reductions in infants’ classes were resulting in larger classes in secondary schools. However, whilst anecdotal evidence at LEA level provides some support for the claims of May, it is far from clear on what evidence Dunford may be drawing for his assertion. Encouragingly for the government, The Guardian of 28 October 1999 reported these exchanges under the headline “Overcrowded infant classes halved this term” (Carvell, 1999).

A further round of data collection and adjustment of the Centralshire class size plan took place throughout November 1999. This resulted in figures being sent to the DfEE for grant to be approved for the 2000/2001 financial year. By this stage the exchanges between DfEE officials and LEA officers had become congenial and almost routine. KW had replaced DG at the DfEE
but the approach remained one of determination to see the policy through – and to make available whatever funding was required to achieve this. For the financial year 2000/2001, Centralshire received approval for £1,484,000. The LEA divided this between 107 schools. Approximately half the authority’s primary schools were now in receipt of funding under this policy and a subsequent conversation between RJJG of the LEA and KW of the DfEE indicated that further funds would be made available to ensure full implementation of the policy from September 2000.

On a national scale this was now well beyond anything the government could have been saving from the assisted places scheme but it was clear that ministers were determined to enter the next election campaign with the class size pledge fulfilled. A press release dated 21 January 2000 from the Secretary of State reads:

David Blunkett, Education and Employment Secretary, today welcomed the latest statistics which show that the Government is on track to deliver its pledge to cut infant class sizes to 30 or below. Revised figures indicate that in September 1999 there were 171,000 infants being taught in classes over 30 – a reduction of more than 180,000 in one year – 315,000 since the General Election.

Commenting on the figures, Mr. Blunkett said:

“Infant classes of 30 or below was an election pledge. This confirms that we are delivering the goods. Smaller infant classes are good news for parents and teachers – they help give young pupils a flying start. And since taking office, the infant class size initiative has already benefited well over 300,000 young children.

We are backing this pledge with real money – more than £600 million for new classes and extra teachers. This will reduce infant classes for 5, 6 and 7 year olds in all schools by September 2001. We are continuing to
work in partnership with LEAs to meet this target in virtually all schools by September 2000.”

(DfEE Press Release 21 January 2000)

The work carried out by LEAs undoubtedly was essential to the achievement of the policy but the experiences outlined in this paper make it questionable whether the word “partnership” is the most accurate descriptor available.

It is, perhaps, interesting that locally elected councillors in Centralshire did not raise objections to their officers being treated as the servants of central government for the implementation of the class size policy, whereas the next chapter shows that they did object to what they perceived to be the undermining of their own role in relation to the Early Years Partnership (EYP) and the School Organisation Committee (SOC). It may well be that whilst Councillors perceived the EYP and the SOC as transferring powers that previously were theirs to exercise; the policy on class sizes was a new development and did not obviously impinge on the domain of elected members. Yet clearly the role of elected members is called into question when a major activity over which they have no say and no control is being undertaken in the authority and to which their own employees are having to devote considerable time and effort into work that has not been the subject of local decision making. From the point of view of an officer involved in implementing the policy it was clear that government officials felt able to give instructions and to pass on ministerial requirements without any doubts that their requests would be carried out. Government policy, in this example, took precedence over any other locally determined activities.

This chapter has shown how the application of that policy in a large shire county ended up by costing more than might first have been envisaged by the government officials who insisted upon its implementation without any flexibility. It has been shown that local education officers were not unwilling to work on the policy but that their efforts to interpret and apply it at the local level were over-ridden by DfEE officials. The local officers were caught between the headteachers, governors and parents with whom they sought to
work in partnership and the pressures from the DfEE. At the local level there was little room for manoeuvre. Within what space there was for local interpretation, officers worked as best they could to reflect local preferences. There was, however, very little opportunity for local discretion.
CHAPTER THREE

IMPOSED PARTNERSHIPS:
EARLY YEARS DEVELOPMENT AND
CHILDCARE PARTNERSHIPS AND
SCHOOL ORGANISATION COMMITTEES

This chapter continues with the participant observer viewpoint used in the previous chapter and supplements this with the use of documentation and semi-structured interviews to elucidate the implications for local and central government relations of the descriptions of events. The narrative concerns firstly the introduction in Centralshire of the Early Years Development and Childcare Partnership (EYDCP) and, secondly, the setting up of the Schools Organisation Committee (SOC). Use is made of semi-structured interviews with senior officers and leading councillors in Centralshire.

Early Years Partnerships

In April 1996 the Conservative government introduced a pilot scheme for a system of nursery vouchers in four Conservative controlled LEAs: Kensington and Chelsea, Norfolk, Wandsworth and Westminster. Following this trial period, the scheme was extended throughout the country in April 1997. Broadly, the scheme meant that the parents of every pre-school child would be given a voucher worth £1,000 to spend on a nursery place at the provider of their choice. The voucher covered five sessions of pre-school education for three terms. Parents had to apply for the vouchers and they were free to “top up” the voucher for more expensive provision if they so wished and if they could afford it.
One of the declared aims of the voucher scheme was to introduce market forces to the provision of nursery education. The scheme was administered by Capita Managed Services on behalf of central government and the emphasis clearly was on the encouragement of private providers. The only requirement for providers was that they agreed to work towards satisfying the prescribed desirable outcomes for pre-school education and that they offered the required number of weekly sessions. LEAs had no role in the planning or provision of places except for the fact that a number of locally managed schools set out actively to attract voucher users – often to the detriment of smaller, independent playgroups. This was an unforeseen and unintended effect of the voucher scheme as schools established themselves as providers of pre-school education and parents chose to spend their vouchers with the local school that they knew and trusted. There may also have been some element of signing up for a nursery place in the hope that this would help to secure a place in the school of choice when the child became five years old. For some small operators, therefore, the encouragement of an open market had the effect of driving them out of business, although a statement from Education Minister Robin Squire was dismissive of this point: "The enormous expansion in the number of nursery places far outweighs the very small number of losses brought about by closure of a few pre-schools" (DfEE press release 13.3.97).

Other criticisms of the scheme included the fact that it required parents to be pro-active in obtaining the vouchers and in seeking a suitable place for their children. Furthermore, the Campaign for the Advancement of State Education (CASE) pointed out that the scheme depended entirely on the operation of market forces and was not based on any co-ordinated assessment of need. (CASE 1996) Providers were required to be registered under the Children Act, as an independent school with the DfEE, or as a LEA or grant maintained school, or as a local authority day nursery. OFSTED was required to carry out inspections but the fact was that initial quality was a matter of self-assessment and with three years likely between inspections, CASE was concerned about lack of consistent quality control. The scheme took no account of social needs and disregarded families that were subject to major
indicators of deprivation. No specifically targeted provision was made for children with special educational needs.

The introduction of the nursery voucher scheme had been seen as a triumph by those on the Conservative Right who had long argued for an end to the planning function of LEAs in favour of a “free market” in schooling where every school place would be subject to the use of a voucher, deployed at the discretion of parents. Such “free choice”, it was argued by Tebbit and others, would lead to the closure of poor schools and the expansion of good ones, rather like the commercial operation of supermarkets. In such a market driven system the LEA’s functions in statutory education would be limited to the securing of SEN provision and to operating a “safety net” for the disaffected (Tebbit, 1991).

The Conservative government’s introduction of nursery vouchers was criticised by the Labour Party for all the reasons mentioned above. Whilst the then Conservative government heralded the extension of “choice”, the Labour Party condemned the “free market” approach to pre-school provision as inequitable and for failing to address obvious social needs. Prior to the General Election in 1997, the Labour Party planned an alternative approach that would reinstate LEAs as key players in nursery provision but would do so by requiring LEAs to work in a wholly new way.

On taking office in May 1997 the newly elected Labour government intervened in the market place to achieve a new level of planned child care that would make good quality early education places available, free of charge, to all four years old children whose parents wanted it by September, 1998. In time the scheme was to be extended to three years old children. The target was to be achieved through establishment of Early Years Development Partnerships (EYDPs), which replaced the nursery voucher scheme and introduced a new strategic planning framework in each LEA and brought together the private, voluntary and maintained sectors.
The School Standards and Framework Act (1998) laid a duty on LEAs to establish EYDPs and gave each of the new Partnerships the task of drawing up an agreed Early Years Development Plan – taking into account existing Children's Services Plans and Reviews carried out under Section 19 of the Children Act 1989 (DfEE 1997a).

Even before the EYDPs were fully enshrined in law in July 1988 by the School Standards and Framework Act (1998), a further stage in the government's programme was signalled in May 1998 with the publication of the DfEE Green Paper Meeting the Childcare Challenge (DfEE 1998e). Proposals included the expansion of the Partnerships to become Early Years Development and Childcare Partnerships (EYDCPs) with a remit that would now include the planning of childcare for ages 0-14. The Secretary of State requested the submission of Early Years Development and Childcare Plans by February 1999 with the requirement that the Plans should:

address issues of quality, affordability and accessibility across the range of services in the area and to consider how parents would have access to the information they need, by developing the Children's Information services in their area (Baker, K. and Baldwin, P. 1999).

Baker and Baldwin are sure that the Partnerships have strengthened the role of LEAs as leaders in early years provision:

These new developments have confirmed LEAs' place as lead players in the new Partnerships....They have broadened the role of the LEA in terms of partnership, strategic planning and responsibility and provide a new opportunity and duty to focus not just on nursery provision for three and four year-olds, but on the whole range of childcare from 0-14 (Baker and Baldwin, 1999).

Yet it is in their recognition that the Partnerships "...also require a new way of working in partnership with all stakeholders, and LEAs are no longer able to take unilateral decisions" that Baker and Baldwin's comments indicate the
nature of the problem for some councillors. It is precisely this requirement to share decision making that has caused concern to local councillors – an issue that will be seen again in relation to the Schools Organisation Committee, considered later in this chapter.

The DfEE published Guidance for the establishment of the EYDPs in 1997, ahead of the matter becoming a statutory requirement but in the clear expectation that action would be taken without delay. The key element of government policy was made explicit:

The key element...is that early years services should be planned in each local authority area through an Early Years Development Plan drawn up by a body which represents all the relevant early years interests in the area (DfEE 1997b).

The Early Years Development Plan was required to demonstrate how the local authority would secure three free terms of “good quality pre-school education for all four years olds”. Furthermore, it should “demonstrate how co-operation and collaboration between local authorities and the private and voluntary sectors can be used to secure these places”.

The feature of the new provisions that concerned locally elected members in particular was the requirement that the local authority should adopt and carry out a plan that was to be drawn up and agreed by a body outside the local authority itself and over which the local authority had no control.

The local authority will be responsible for implementing the Plan, in the light of its statutory duties, its broader policies and the resources available. The Plan must therefore be adopted by the local authority, through the normal committee procedures, once it has been drawn up (DfEE, 1997b).

There was no room for doubt as to where responsibility lay for drawing up the Early Years Development Plan: “In the light of background information
furnished by the local authority, the Partnership draws up the Plan" (DfEE, 1997b).

Membership of the EYDCP was required to include the following groups:

The Local Education Authority
LEA maintained schools, including nursery schools
Grant maintained/foundation schools
The Social Services Department
The health authority
Providers of other local authority services such as day nurseries and family centres.
Private sector providers, including independent schools
Registered childminders
Diocesan authorities
Local employers, possibly represented through the local Training and Enterprise Council or Chamber of Commerce
Special educational needs groups
Parents

Each of these organisations was invited to nominate a representative. By agreement with the other organisations local schools were allowed two representatives. In addition to establishing the EYDCP by securing representation from the relevant groups, the local authority is obliged to convene meetings and provide officer support to the EYDCP, yet as will be seen with the Schools Organisation Committee, an effect of this requirement is a situation in which an officer employed by the local authority is actually carrying our duties on behalf of an organisation outside of the authority. The result of this is that lines of responsibility and accountability are far from clear. It is not surprising that councillors – as the officers’ employers – have expressed misgivings about the arrangements and see their traditional role undermined.

The establishment of the EYDCP introduced county councillors in Centralshire as elsewhere to a new way of working and to a new set of accountabilities.
One of the more far-reaching conceptual adjustments that elected members had to make was to the EYDCP’s fundamental principle of pluralism in provision.

County councillors of all political parties in Centralshire had always been very supportive of LEA schools. Whilst the Conservative voucher scheme had bypassed the LEA administration, schools had nevertheless seized the lion’s share of the market opportunity the scheme had opened up. Senior members of the council had schools in their wards and, in many cases, were governors of schools where “four-plus units” had been established for pre-school education. Labour’s plans, however, changed the nature of planning and provision.

The assumption of local politicians in all parties was that early years provision “ought to be in schools”. It became clear to the officers concerned that this approach was based on a focus on the needs of schools rather than on the needs of children. Equally, the councillors had difficulty in accepting equal status on a Partnership with people from the community, especially when those people began to grow in confidence and put forward ideas of their own!

Elected members were not the only ones in difficulty over the new approach. Headteachers in Centralshire had been used to having a working relationship with officers and elected members in which the head’s professional opinions carried considerable weight. The senior officer responsible for establishing the EYDCP has stated that the headteacher representatives found participation in the Partnership meetings even more of a challenge than did elected members (Interview with Rivers, 22.2.00). Rivers reported that the two headteacher representatives appeared to have had no previous experience of working in partnership with others. Their attitude towards representatives of the voluntary and private sectors was described as having been patronising at best and they made clear their dislike of the new arrangements (Interview with Rivers, 22.2.00).
One effect of the suspicion with which headteachers and councillors regarded the EYDCP was the outcome of elections for the Chair. The DfEE Guidance for the EYDP contained explicit advice concerning the appointment of a Chair. Whilst acknowledging that “each Partnership should decide who should be the Chair” the Guidance recommends that “An independent person with an interest and knowledge of early years education” should be chosen (DfEE, 1997a).

This advice notwithstanding, at first meeting of the Centralshire EYDCP, elected members representing the LEA proposed that the Chair should be taken by the Director of Education. The proposal was supported by the headteachers – apparently on the grounds that the Director would ensure the interests of schools were paramount. At the same time, the representatives of the voluntary and private sectors had calculated that an officer in the Chair offered the best chance of fairness and ensuring that their voices were heard. On the basis of these conflicting motives the proposal was agreed, setting a precedent that was to be followed by the SOC a year later.

The Director of Education’s view of the role of the Chair is closer to that of her voluntary and private sector supporters:

The Partnership is a mechanism to help all of us with an interest in early childhood education and in childcare facilities for children and young teenagers, to get together and pool our ideas and resources to improve the situation for families across the county (Warbler in Fisher, M. (Ed) 1999).

Changes of personnel combined with experience of the Centralshire Partnership in operation to cause both headteachers and county councillors to develop a more positive approach to the EYDCP. The story of the Partnership’s working appears to have been one of success in planning and procuring provision. Grant funding attracted by the Partnership and its Plans runs at £3.5million annually. Politicians of all three parties have come to view the work of the EYDCP very positively.
The role of the LEA has been changed by the establishment and development of the EYDCP but elected members have come to regard it as an influence for good and a way of working that enables the LEA to fulfil its vision of securing good quality “cradle to grave” provision for the people of the county. In the opinion of the Assistant Director responsible for early years education the verdict of Baker and Baldwin quoted earlier is probably accurate:

These new developments have confirmed LEAs’ place as lead players in the new Partnerships....They have broadened the role of the LEA in terms of partnership, strategic planning and responsibility and provide a new opportunity and duty to focus not just on nursery provision for three and four year-olds, but on the whole range of childcare from 0-14 (Baker and Baldwin, 1999).

In the opinion of the senior officer responsible for setting up the EYDCP in Centralshire the LEA was crucial to the achievement of the government’s policy: “The fact is they couldn’t have delivered this in the way they’ve done it, at the speed they’ve done it, without us” (Interview with Rivers, 22.2.2000). The success, however, is due to the work of officers rather than the support of elected county councillors: “But it was officers; it was nothing to do with county councillors” (Interview with Rivers, 22.2.2000).

From the outset, officers set out to develop an integrated approach that incorporated the philosophy of the government’s policy. Working to a brief handed down from central government, those responsible for local implementation were able to present their elected employers with a fait accompli. The fact that local councillors have warmed to the idea of partnership working with the experience of the EYDCP in action in no way diminishes the fact that officers actually were being paid by Centralshire to implement a policy that was unwelcome initially to their local paymasters.

The School Standards and Framework Act (1998) introduced another example of partnership working. In the case of the School Organisation Committee, however, there was no doubt that LEA powers really were being
taken away and given to another body. Again, unlike the case of the EYDCP, elected members did not warm to the experience of working with this new grouping.

The School Organisation Committee

The 1998 Education Act included provision for setting up a School Organisation Committee (SOC) in every LEA in England. The legislation provided also for the appointment of Adjudicators who would take the decisions previously made by the Secretary of State in those cases where local SOCs could not agree. The stated intention of the government was to make decisions on the planning and provision of school places more local and to speed up a process that previously involved often lengthy periods of consideration of cases by the Secretary of State.

The Regulations and Guidance point out that the SOC is not a committee of the LEA. It is a separate statutory body which brings together what the government regards as the key partners in the provision of education at the local level - "giving each an equal voice". Elected members of the LEA form a group on the SOC but have equal status with the other groups (see below for details). On matters requiring a decision, each group casts just one vote, determined by majority voting within the group. The approval of any plans submitted to the SOC depends on unanimity between, although not within, groups. (N.B. Abstention by a group does not constitute lack of SOC unanimity if the other groups are unanimous).

The SOC must meet at least annually to consider the School Organisation Plan submitted to it by the LEA. More frequent meetings should be held as and when required; for example, to consider proposals for changes to school organisation in a particular area, including the proposed closure of a school. Where the SOC does not support the plans and agreement is not reached on suitable amendments, there is statutory provision for referral to an Adjudicator. The latter's decision is final. Whilst the SOC is not a committee
of the LEA and exists as a separate statutory body, it is the LEA which is responsible for setting up and financing the SOC. The LEA must provide officer support to the SOC and is expected to provide meeting rooms.

In December 1998 the government published three draft documents on which comments were invited by 29 January. The first was *The Education (School Organisation Plan) Regulations 1999* and guidance on the preparation and agreement of a School Organisation Plan (DfEE, 1998f). The second was *The Education (School Organisation Committee) Regulations 1999* and guidance on the establishment and constitution of School Organisation Committees (DfEE, 1998g). The third provided guidance on the role of the Adjudicator; *The Education (Adjudicators’ Procedure) Regulations 1999* and guidance on referrals and procedures (DfEE, 1998h).

Comments were invited on a number of specific questions of detail but the consultation papers included a timetable for implementation and advice on actions to be taken. It seemed clear therefore that the broad structures were not likely to be changed. A memorandum from the designated officer to the Centralshire Education Department Management Team suggested that it might be more productive at this stage to concentrate efforts on implementation but not all the senior staff involved shared this essentially pragmatic approach. A further memorandum was sent to an Assistant Director of Education reporting the outcome of two points of clarification raised with the DfEE concerning dates for producing and then implementing the School Organisation Plan. The memorandum was returned with the handwritten comment:

*The central point is: does it matter? The world will not stop spinning because we don't have “a plan”. Indeed, the plan itself does nothing – it is only subsequent changes that matter (ref. 3/01).*

This lack of enthusiasm on the part of departmental management was more than a response to the need to carry out additional work in drawing up a School Organisation Plan. The consultation papers were referred to elected
members for a response from each of the three parties on the then "hung" County Council. The subsequent single LEA reply to the DfEE consultation indicated a broadly based political opposition to the whole idea of the SOC and all that went with it.

On 15th January 1999 the Director of Education wrote to the DfEE on behalf of all three parties on the County Council. The letter included the statement that "...this County Council is opposed to the introduction of School Organisation Committees and believes they will add to bureaucracy whilst diminishing local elected democratic accountability" (ref. 3/02).

Local opinion notwithstanding, the DfEE required that a draft School Organisation Plan should be ready for publication during April 1999. The School Organisation Committee was to be established by mid-March and be fully operational from April. The DfEE recommended that the shadow committee should be consulted on the SOP in March, prior to formal consultation in April. Additionally, the LEA was required to set a budget for the School Organisation Committee for 1999/2000.

A key task for the LEA, therefore, was the establishment of the SOC, which was to be organised with a minimum of five groups and a maximum of six.

The constituent groups set out in the Guidance were presented as follows:

- LEA members according to political balance
- Church of England nominees
- Roman Catholic Church nominees
- Further Education Funding Council (FEFC) representative
- School governors - proportionately representing categories of schools other than those linked to the Church of England or the Roman Catholic Church.
- Optional extra group to represent a single interest deemed necessary by the LEA.
The maximum number of members for each group was to be seven but the guidance contained a strong recommendation to have the lowest numbers consistent with adequate representation. The DfEE strongly recommended an odd number in each group to facilitate decision taking since tied votes in any group would necessitate abstention in the subsequent plenary SOC vote.

The Guidance points out that members of the SOC are formally the appointees of the LEA but it suggests that where an organisation exists that represents a particular category of schools, then the organisation's nomination should be accepted by the LEA. It is, however, up to the LEA to ensure that the schools group remains truly representative of the range of schools within the authority's area. Membership of the schools group must be reviewed every February to determine whether, according to pupil numbers, a particular category of school is entitled to be represented or whether it has too many members. The LEA may terminate the membership of any member of the schools group whom it deems to be surplus to equitable representation. The membership of other members of the SOC may be terminated by the nominating organisation. For all SOCs the DfEE guidance recommended the FEFC group should consist of one person.

No guidance was given for the Church of England and Roman Catholic Church groups but Centralshire officers suggested three might be an appropriate number for each of these groups. Consequently, representation would be:

- CE Voluntary Schools (Primary) 1 representative
- CE Voluntary Schools (Secondary) 1 representative
- CE Diocese 1 representative
- RC Voluntary Schools (Primary) 1 representative
- RC Voluntary Schools (Secondary) 1 representative
- RC Diocese 1 representative

In appointing the members of the schools group the LEA had to have regard to the categories and age groups of its schools. Representation had to be ensured from special schools and proportional representation from other categories (apart from Church of England or Roman Catholic Schools). The
DfEE guidance suggested that the number of pupils in any category of school should have to reach a threshold of at least 5% before a representative of that category would gain a place on SOC.

The pupil numbers in Centralshire in January 1998 for the various categories of schools are set out below – together with the relevant percentages (not including schools linked to the Church of England or Roman Catholic Church).

<table>
<thead>
<tr>
<th>Category of School</th>
<th>Pupils</th>
<th>% Pop.</th>
<th>% All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Community</td>
<td>31458</td>
<td>48.0%</td>
<td>34.0%</td>
</tr>
<tr>
<td>Primary Voluntary (non-relgs)</td>
<td>253</td>
<td>00.5%</td>
<td>00.25%</td>
</tr>
<tr>
<td>Primary Foundation</td>
<td>0</td>
<td>00.0%</td>
<td>00.0%</td>
</tr>
<tr>
<td>Middle Community</td>
<td>3369</td>
<td>05.0%</td>
<td>03.5%</td>
</tr>
<tr>
<td>Middle Voluntary (non-relgs)</td>
<td>0</td>
<td>00.0%</td>
<td>00.0%</td>
</tr>
<tr>
<td>Middle Foundation</td>
<td>2273</td>
<td>03.5%</td>
<td>02.5%</td>
</tr>
<tr>
<td>Secondary Community</td>
<td>28312</td>
<td>43.25%</td>
<td>00.0%</td>
</tr>
<tr>
<td>Secondary Voluntary (non-relgs)</td>
<td>1600</td>
<td>02.5%</td>
<td>01.75%</td>
</tr>
<tr>
<td>Secondary Foundation</td>
<td>523</td>
<td>01.0%</td>
<td>00.5%</td>
</tr>
<tr>
<td>Special Community</td>
<td>415</td>
<td>00.5%</td>
<td>00.5%</td>
</tr>
<tr>
<td>Special Voluntary (non relgs)</td>
<td>0</td>
<td>00.0%</td>
<td>00.0%</td>
</tr>
<tr>
<td>Special Foundation</td>
<td>0</td>
<td>00.0%</td>
<td>00.0%</td>
</tr>
</tbody>
</table>

N.B. 10-14 High Schools are counted as Middle Schools, 11-14 as Secondary Schools.

Non-religious voluntary schools received no mention in the guidance or Regulations. Advice was obtained from the DfEE to the effect that these should be given their own representative if numbers exceeded five percent of the total pupil population, otherwise they would be included in the categories of community schools for representational purposes. Non-religious voluntary primary schools included 0.5% of the total non-religious school population and non-religious voluntary secondary schools included 2.5% of the non-religious school population, giving a total of 3.0% pupils in this category of school. Separate representation on the SOC was not therefore required for this category.
When religious schools were excluded from the calculations, community middle schools included 5.0% of the pupil population (3.5% of all pupils). This could merit representation according to the DfEE guidelines. Foundation schools - both middle and secondary - totalled 4.5% of the non-religious school population (3.0% of all pupils). This did not merit representation in terms of the DfEE five percent threshold. Again, discussion with the DfEE confirmed that both these categories could be included in the general categories of "primary" or "secondary", if the LEA so decided. (N.B. The desirability of agreement was mentioned: "we would like everyone to be happy" but it was stressed that the decision lay with the LEA) (ref. 3/03).

A decision for the Departmental Management Team was whether it should recommend to elected members that five members should be appointed to the schools group (the same number as the elected members group).

Possible composition of the schools group:
- Primary (i) 2 representatives
- Secondary (ii) 2 representatives (1 high school, 1 upper school)
- Special 1 representative

(i) including non-religious voluntary)
(ii) including middle, foundation and non-religious voluntary)

An alternative model would be:
- Primary (i) 2 representatives
- Secondary (ii) 2 representatives (1 high, 1 upper)
- Middle (not foundation) 1 representative
- Foundation (middle and secondary) 1 representative
- Special 1 representative

(i) including non-religious voluntary)
(ii) including non-religious voluntary)
Given the above suggestions, and subject to subsequent decisions, the membership of the SOC would be as follows:

- LEA members 5
- Church of England 3 or 5
- Roman Catholic Church 3 or 5
- FEFC 1
- Schools (non CE/RC) 5 or 7

Total membership 17, 19, 21, or 23 (depending which option or combination of options was chosen)

The option of creating a sixth committee to represent a particular single interest group was not recommended. It was believed that agreement on the identification of a single interest would be difficult to achieve, given the competing claims of, say, the local Racial Equality Council and the Rural Community Council; to name but two.

This was an issue that would re-appear later in the year. At the first formal meeting of the SOC, the FEFC representative made an impassioned plea for a sixth committee representing the FE sector. The plea received no support from other members of the SOC and was later described by an LEA officer as "incredible" in view of the power already possessed by the FEFC representative to block decisions in the SOC simply by the use of an opposing vote (interview with Welsh, 17.11.99).

Later, the Multicultural Sub-Committee of a district council in south Centralshire was to raise the question of a sixth committee. A senior Centralshire officer was invited to attend the sub-committee meeting on 29 September 1999, in order to describe the work of the SOC. When he did so, he was faced with accusations that the County Council was acting in a racist manner since, the sub-committee members alleged, it had dismissed ethnic minority interests through not having an SOC group comprising minority representatives. Not only so, but the officer himself was accused of being racist in defending the County Council's position (ref. 3/04).
The Education Department Management Team recommended five as the appropriate number of members for the elected members group following consultation with the Chief Executive's Department. Other recommendations were three each for the Church of England and Roman Catholic groups, one for the FEFC group and five members for the schools group. The Management Team suggested also that the creation of a sixth group was unnecessary. A paper was prepared for the Centralshire Education Services Sub-Committee on 2 February (ref. 3/05). Meanwhile the response to the consultation was agreed with spokespersons and nominations were sought for the places on the SOC constituent groups. It was decided that work should commence on the School Organisation Plan.

Whilst work continued on the SOP, letters were written to the Anglican and Roman Catholic diocesan authorities inviting nominations for the SOC. The assistance of the Centralshire Association of Governors was enlisted to identify members of the schools group, and the FEFC was asked for its nomination. The political parties on the County Council named their chosen members for the LEA group. Thus was the SOC created.

As noted earlier, elected members of all three parties had made it clear that they did not like the idea of the SOC. Prior to the Education Services Sub-Committee meeting on 2 February 1999, the three spokespersons agreed the LEA's response to the DfEE consultation papers. The letter, quoted above (ref. 3/02), went on to address the specific questions raised by the DfEE documents but the basic opposition and scepticism on the part of local politicians towards the whole idea was clear.

What was not clear and was not articulated either at the time or in subsequent Council committee meetings, was the precise reason for the opposition and scepticism. The belief was stated that "local elected democratic accountability" would be diminished but councillors appear never to have explained why this was thought to be the case.
The charge of additional bureaucracy was more self-evidently justified. The government's plans required the setting up and servicing of an entirely new organisation (the SOc) and the production of a new document (the School Organisation Plan). During a semi-structured interview, the Assistant Director responsible for the SOP was asked whether he believed the County Council's concern about increasing bureaucracy had proved justified. He stated "massively so" and went on to refer to the administrative time, the planning and consultation processes and the referral of plans between neighbouring LEAs, as well as to the servicing of the SOC itself. He cited the appointment of adjudicators as an example of a waste of time and resources:

It is clear that almost everything will be decided by the SOC because nobody wants issues to have to be resolved by the adjudicators.

The adjudicators have been appointed and there is nothing for them to do. The DfEE has even resorted to suggesting we send the adjudicator advance copies of any proposals we are considering – without waiting to see if there are any objections or whether the proposals are deadlocked in the SOC. They have created a whole group of people without sufficient activity – essentially the adjudicators are redundant. (Interview with Welsh, 17.11.99.)

Interviews with the leading politicians on the SOC, perhaps unsurprisingly, indicated a greater concern with what they saw as the political implications of the SOC. Referring to the words of the Director's letter of 15th January (ref. 3/02), the Labour Spokesperson stated: “The SOC has been set up to administer what the central government wants – with an Adjudicator against whom there is no appeal” (Interview with Shaper, 24.11.99). For this councillor the SOC is part of a take-over by central government:

The Tories had moved the scene on – with the national government taking over education. I knew the Labour Government wouldn’t go back. The LEA will become merely the agent of central government (Interview with Shaper, 24.11.99).
The Liberal Democrat Spokesperson agreed that “the position of the Adjudicator is very undemocratic” but based his support for the Director’s letter on a combination of principle and reflection on what the SOC had become:

The matters it (SOC) deals with should be dealt with by elected members. So that if people disagree with decisions they can change their representatives.

Looking at the people on the SOC, the accountability is not clear – especially in the case of the FEFC representative. Perhaps that doesn’t apply equally to all, some may be more accountable than others. There are particular problems with each of the groups just having one vote each – it gives disproportionate power to unrepresentative people (Interview with Baldock, 7.12.99.).

The Conservative spokesperson, Ivor Young, was even more forthright in his opposition to the SOC. The conversation arranging the interview included the following unsolicited comment: “The first thing the next Conservative Government should do is abolish the School Organisation Committee” (ref. 3/06). At the subsequent interview reference was made to this remark and to IY’s support for the Council’s response to the DfEE consultation. Young stated his reasons for opposing - and continuing to oppose – the existence of the SOC:

It (the SOC) is self evidently wrong – elected members were responsible for a budget of £200m per year – for which they were accountable to the electorate.

It is wrong to replace them with a SOC including five elements – most of which are largely unaccountable. It is particularly wrong to include the quango FEFC – and to give the power to obstruct plans for schools to just one representative – who can hold up everything.
The Church of England and the Roman Catholics already had representation on the Education Committee, governors had representation through the Education Forum, parents were being appointed to the Education Committee, so all these had representation already. And it is quite wrong to reduce 64 members of the Council to just one vote. Thankfully, Conservative policy is now to abolish the need for an Admission Plan and to abolish the SOC (Interview with Young, 29.11.99.).

This last comment was a reference to Conservative Party policy as expressed in The Common Sense Revolution in Education (Conservative Party, 1999). The booklet includes the statement “We will abolish the School Organisation Plan”.

It was clear that experience of the working of the SOC had in no way diminished the force of this spokesperson’s opposition:

My views have been reinforced. Because we have a situation where just one representative – from the FEFC – can obstruct or wreck proposals and cause everything to be referred to the Adjudicator (Interview with Young,29.11.99.).

The Liberal Democrat reflected on the way in which a parent might use the SOC:

But if I was a parent and I was opposed to a school closure, I would want to use the SOC as another forum in which to argue the case. I would feel the SOC ought to understand the local situation. Equally, I would feel more let down by an adverse decision of the SOC than I would by the Secretary of State (Interview with Baldock, 7.12.99.).

Something of this hope that “more local” might mean “more appropriate” was echoed in a comment by the Assistant Director:
There is one clear benefit in working with the SOC rather than the DfEE and the Minister. The SOC is local – a fact that may give some understanding of the context and history in considering decisions. (Interview with Welsh, 17.11.99.).

The first meeting of the Centralshire SOC was held as an informal briefing on 5 July 1999. The LEA’s lead officer for the SOC outlined the powers and duties of the SOC and set out the LEA’s ideas on administrative arrangements. Statutory issues such as declarations of personal and pecuniary interest were discussed and a draft of the School Organisation Plan was presented for detailed consideration at the next meeting, which was to be held on 9th September. A member of the schools panel found general support for his request that officers should prepare standing orders for the SOC.

The first substantive item of business on 5 July was the appointment of a Chair for the meeting. Since it was the first opportunity for members of the SOC to meet each other, the lead officer suggested that a temporary Chair should be appointed for that meeting only, with a view to an informed appointment at the first formal meeting in September. The FEFC representative (a substitute for the day) proposed that the lead officer should chair the meeting. This suggestion was supported immediately by the County Councillors and carried without any opposing votes.

The situation is noteworthy since it had been the practice in Centralshire that all meetings involving elected members should be chaired by an elected member, with the officers present providing information and support as required. The ready acceptance of the proposal by the County Councillors on SOC can only be understood in terms of their concern that one of their number might not have been elected as Chair and that the opportunity to have a known (and trusted?) County Council officer in the Chair was preferable to the alternative.

The issue became more remarkable at the first formal meeting of SOC on 9 September. The business was substantial and significant, including
consideration of standing orders and the School Organisation Plan. The first item on the agenda was the election of a Chair for the year and on this occasion it was a County Councillor who proposed that the lead officer should retain the Chair until the next meeting. He gave as a reason for this proposal the fact that the Roman Catholic group was not present. After some discussion the proposal was carried, again without any votes to the contrary.

Through this device County Councillors thus ensured that there would be no focus for the SOC independent of the County Council itself. They produced a situation in which the clerk to SOC – and notionally its servant – was also its Chair for the first two meetings. Whilst Councillors were able to appear supportive and concerned for democracy, any possibility of independent action by the Chair of SOC was neutralised. The fact that the appointment of an officer was more than a coincidence is confirmed by reference to the EYDCP where the same device was employed. Elected members on the EYDCP ensured that the Director of Education chaired the EYP for its first few crucial meetings. This issue was noted in the earlier section dealing with the EYDCP but during an interview the Conservative Spokesperson made the parallel explicit:

There is another example in the Early Years Partnership, chaired by JW. Unfortunately she has now resigned. You were there. We had an officer who could do it. We were happy to leave you there until we find our way. You chaired impartially. You’re probably there for the duration (Interview with Young, 29.11.99.).

The Liberal Democrat expressed the pragmatics of the matter:

Better the devil you know. We lacked any knowledge of members of the other groups and we didn’t want to lose control (Interview with Baldock, 7.12.99).

It is at least arguable that the opposition of elected members to the SOC is founded on something more than the obvious facts of the matter. Insofar as a
common position is discernible, elected members' opposition rests on the belief that their local powers have been diminished in some way, that is, that something they were able to determine locally within the County Council is now decided elsewhere – and by persons who have no electoral legitimacy.

Prior to the introduction of the SOC, proposals for any re-organisation of local schools began with analysis and discussion within the Education Department. After appropriate consultation with interested parties including headteachers, governors and parents, proposals would be put to elected members. Following approval, formal notices would be published and consultations carried out.

At the end of the notice period a decision would be made at the local level provided no objections had been received. Where there were any objections, the matter then passed to the Secretary of State for determination. This stage of the process could take many months and relied on written evidence provided by the LEA and the objectors. The new regime follows the old up to the point where the statutory notice period expires. In the event of there being no objections to the proposals, the LEA can make a decision and implement the changes as before. Where there are objections, however, the decision passes to the SOC.

The SOC will receive a report from the LEA, presented by a LEA officer other than the lead officer for SOC. The County Councillors' group members will have been party to discussion of the matter at LEA level and can be presumed to be well informed. They can take part in the debate. For a decision to be made there has to be unanimity between the groups casting a vote. (N.B. each group has one vote only). In the event of opposition the question can pass back to the LEA for further thought so that a modified version of the proposals can be submitted to the SOC. In the event of continuing disagreement the matter stands referred to the Adjudicator, who takes the place of the Secretary of State and will consider written evidence in reaching a decision, against which there is no appeal.
From this description of the decision making process, it can be argued that the SOC provides locally elected members with the opportunity for more involvement than they had before. This is clearly true for re-organisation proposals, such as closure of schools, changes to standard numbers, etc.

The Assistant Director of Education believes that elected members’ fears of loss of political control may be an over-statement of the reality:

It is too early to say whether the supposed loss of political control is a reality or not, mainly because the SOC has not really had anything to decide.

The signs are that elected members will play a significant part in the SOC – because of their understanding and knowledge of the issues.

The “new players” do not have the level of knowledge of elected members. The last meeting of the SOC demonstrated that they are slow to understand the remit – despite having had a comprehensive briefing (Interview with Welsh, 17.11.99.).

Elected members are as capable as anyone else of reflecting on the process and reading it in this way. In time they may come to do so, but the key to understanding councillors’ current feelings lies elsewhere in the work of the SOC. Prior to the 1998 Act, nothing like the School Organisation Plan existed. The LEA had a statutory duty to plan for the provision of school places and to ensure that places were available for all local children. Whilst this duty was made more difficult for some LEAs during the years of grant maintained status, the activity remained one that was carried out within the LEA. It should be noted that Centralshire was largely unaffected by the issue of grant maintained status with less than 5% of schools “opting out” of the LEA.

The 1998 Act requires each LEA to produce a School Organisation Plan annually, showing how it will provide the appropriate number of school places
over the following five years. The Plan has to be approved by the SOC - and it appears to be this aspect of the SOC's responsibilities that upsets the councillors. They resent the idea of what they see as their decisions being subjected to scrutiny and possible modification by a collection of people who are not democratically accountable through the ballot box and in response to the government's assertion that it is extending democracy by involving relevant players in the planning process, councillors object that the institution of local governance is being undermined.

The councillors clearly have a point in terms of their own constitutional position. Furthermore, defenders of the government's innovation are not helped by the constitutional oddity created by the arrangements for servicing the SOC and for appointing its members. Notwithstanding the local innovation created by Centralshire councillors in ensuring one of their officers was both Chair of SOC and its Clerk, the more normal position provides that a paid official of the LEA acts as the servant of SOC in the discharge of its duties. But where do professional liability, obligation and loyalty lie in this situation? 'Chinese walls' in an office may be one thing, but the SOC arrangements in Centralshire required them to be erected in an individual's brain.

It was noted earlier that whilst the LEA appoints the entire membership of SOC, yet the SOC is not a committee of the local authority. There is understandable resentment on the part of councillors that the local authority budget is required to fund the activities of which they disapprove and over which they have no control.

The SOC was set up as a result of primary legislation. Its legal position must, therefore, be presumed secure. At this stage, however, it is not clear that rational justification or any coherence in its constitutional position matches its legislated legitimacy. Whether or not the fears which fuelled the opposition of elected members to the SOC prove to be soundly based, the bizarre nature of the beast will continue to provide those members with more than enough justification for their resentment; in their own eyes if not in terms of a rational
assessment of the political reality. Whilst the implementation of central
government policy left little room for local discretion in regard to either of the
partnerships considered in this chapter, it is perhaps noteworthy that in regard
to the perceived loss of their own powers, local councillors subverted the
intentions of the policies with an innovation of their own, albeit a device that
relied upon the use of their local officers for its temporary success.
CHAPTER FOUR

EDUCATIONAL SUPPORT FOR MINORITY ETHNIC GROUPS

The preceding two chapters of this study have considered areas of activity where the changing relationship between central and local government is evidenced in policy decisions that have shifted overtly the balance of responsibilities from local to central government. This chapter describes the development of grant funded educational support for members of minority ethnic groups within Centralshire, an issue that does not usually feature in discussions about constitutional change but which, nonetheless illuminates still further the shift to the centre. As in the previous chapters, the description of events is largely based on observer participation, with reference to documentation to clarify the development of events.

The history of educational support for members of minority ethnic groups is well documented in specialist journals whose circulation is largely confined to teachers, academics and education officers involved in this area of the education service. Yet whilst the outcomes of the Inquiry into the murder of Stephen Lawrence (McPherson, 1999) and the current government's emphasis upon achievement have brought the particular needs of minority ethnic pupils into focus for a wider educationist audience, the issue has not featured in discussions about the relationship between central and local government.

There are three good reasons for addressing this omission. Firstly, the past twenty five years have seen considerable shifts in administration and accountability from the introduction of “Section 11” grant aid to local authorities under the 1966 Local Government Act through to the present Standards Fund administered by the DfES. Secondly, the experiences of the
teachers and officers who have developed expertise in this area of activity may provide some insight into the practical local effects of strategic shifts at government level. Thirdly, an examination of these issues may indicate that the results of policy decisions at national level do not always have the intended effect at the point of service delivery. The recent history of the Ethnic Minority Achievement Grant suggests that it is the efforts of staff employed by the LEA that have ensured the realisation of the government's policy goals through negotiating agreements with headteachers that set aside the changes to grant administration imposed by the DfEE. In order to demonstrate this point it is necessary to consider the history of the funding of educational support for minority ethnic pupils within schools.

The DES survey *The Education of Immigrants* (DES, 1971) refers to the successive waves of immigrants received by Britain over several hundreds of years. Huguenots, East European Jews, Displaced Persons and Hungarians are among the examples mentioned, with the comment that in all these migrations "absorption" was accomplished because the numbers involved were relatively small. From 1948 onwards, immigration from the Commonwealth began and steadily increased through the 1950s until restrictions were imposed in the early 1960s. A peak was reached in 1961-2 in anticipation of the controls imposed by the Commonwealth Immigration Act.

Following the implementation of the Act and the restrictions that preceded its passing, Desai was able to comment in 1963,

> Since 1960, when irregular practices in evading passport regulations were discovered, it has become extremely difficult...for an uneducated, unskilled person to obtain a passport and an endorsement to come to the United Kingdom (Desai, 1963).

Desai wrote at a time of widespread concern over the numbers of immigrants arriving in Britain and he asserted correctly that the great majority of immigrants from the Indian sub-continent arriving since 1960 were the dependants of men already resident and established in work. This pattern of
migration is in accord with the theoretical description offered by Bogue who refers to “sex-selectivity” in early migration (Bogue, 1961, quoted in Desai, 1993). Desai argued less persuasively that the arrivals presented no additional demand on state resources. The fact of the matter was that since the influx of dependants during the mid and late sixties included a large number who had received little formal education and who spoke little or no English, many schools had to begin to make provision for children for whom English was an additional language.

The pattern of settlement meant that some areas had more numerous immigrant populations than others and inevitably political concerns were expressed, not least in the House of Commons. The perception of “immigrants” as “problems” is clear in a statement made by the then Minister for Education addressing the House in 1963:

> If possible, it is desirable on education grounds that no one school should have more than about 30% of immigrants...I must regretfully tell the House that one school must now be regarded as an immigrant school. The important thing to do now is to prevent this happening elsewhere (Hansard, 1963).

A policy of dispersal was attempted by the then Conservative government and was further developed by the new Labour government elected in 1964. DES Circular 7/65 entitled Spreading the Children states:

> It is inevitable that, as the proportion of immigrant children in a school or class increases, the problems will become more difficult to solve, and the chances of assimilation more remote...It is therefore desirable that the catchment areas of schools should, wherever possible, be arranged to avoid undue concentrations of immigrant children (DES Circular 7/65).

There was more in the same vein:
It will be helpful if the parents of non-immigrant children can see that practical measures have been taken to deal with the problems in the schools, and that the progress of their own children is not being restricted by the undue preoccupation of the teaching staff with the linguistic and other difficulties of immigrant children (DES Circular 7/65).

Reviewing this period of policy making in 1985 the Swann Committee commented:

It is difficult to avoid the conclusion that such pronouncements by Government served to confirm and reinforce the belief of many in the majority community that immigrant pupils merely caused problems and posed a threat to the well-being of indigenous children and to traditional educational standards. The "problem-centred" approach to the education of ethnic minority pupils – which has we believe continued to underlie thinking and policy making in this field ever since, was thus officially sanctioned and articulated for the first time (Swann, 1985).

It is, perhaps, encouraging that the policy of dispersal espoused by successive governments in the mid 1960s became outlawed by the Race Relations Act 1976, although it took until 1989 for this implication of the Act to be made explicit. The Commission for Racial Equality carried out an investigation into school admissions policy in Cleveland LEA and concluded that any transfer of a pupil on racial grounds amounted to segregation contrary to the Race Relations Act (CRE, 1989).

By 1966, however, local authorities had convinced the government that additional resources should be provided to those councils with significant populations of New Commonwealth residents. The Local Government Act, 1966 contained the following section:
1. Subject to the provision of this section the Secretary of State may pay to local authorities who in his opinion are required to make special provision in the exercise of any of their functions in consequence of the presence within their areas of substantial numbers of immigrants from the Commonwealth whose language and customs differ from those of the community, grants of such amounts as he may with the consent of the treasury determine on account of expenditure of such descriptions (being expenditure in respect of employment of staff) as he may so determine.

2. No grant shall be paid under this section in respect of expenditure incurred before 1 April 1967.

(Local Government Act, 1966, Section 11).

The amount of the funding was a matter for determination by the Secretary of State and local authorities could spend the money only on staffing and not on other service costs. Nevertheless, at this stage all other decisions about deployment and distribution rested with the local authorities concerned.

Distribution of the funding paid under Section 11, as it swiftly became known, was via the 'block grant' system. Qualifying local authorities received an additional sum to enable them to carry out their functions with regard to the immigrant communities. Local education authorities passed on funding to schools that were deemed to need extra resources but no system of accountability was set up. The spending of the funds was in the hands of headteachers who were expected to use the money to provide additional staffing as required. There was, however, no directive or requirement that the additional staff were expected to work specifically with the pupils whose presence had led to the extra funding.

The focus in terms of need was upon the school implicitly regarded as unfortunate enough to have to cope with significant numbers of immigrant children. Additional staffing would enable all teachers to cope more effectively and it was assumed that the immigrant children would learn alongside the rest of the school population without any specific measures
being taken, apart from special classes in English language where required. The latter were often conducted in language centres away from the mainstream school that the child would attend once she or he had required sufficient language to survive in the classroom.

The point of interest for this study is that the funding regime at that time and the educational provision that it supported – whatever its obvious flaws and arguably racist misconceptions – reflects a partnership between central and local government in which neither partner appears dominant in terms of policy or practice. National and local government perceived there to be a problem: national government provided resources that were supplemented by local government, and it was local government that decided how to spend the money.

This system and approach prevailed throughout the 1970s and into the 1980s but it did not do so without challenge. The perceptions upon which the funding regime was based caused offence to the migrant communities and to many indigenous people – not least those who worked in the support services funded through Section 11. The 'deficit model' that decreed 'immigrants' to be a problem such that if a local authority had large numbers of immigrants it automatically needed extra resources was a significant source of resentment. No less so was the prevalent use of the term 'immigrant' which, whilst technically correct historically, was increasingly inaccurate – particularly as a descriptor of children who had been born in Britain.

A shift in perceptions gradually took place in which it became recognised increasingly that the schools that the children attended had themselves to make adjustments to meet the individual needs of the new arrivals. Evidence of growing government awareness of the issues and one of the earliest acknowledgements of the need for a fundamental shift in thinking appeared in the DES Education Survey 13, published in 1971.

Many adolescent immigrants go though a difficult phase of identity search, suffering the strain of having to bridge the gap which exists
between the traditions, beliefs and duties of their family and the quite
different ways of thinking and behaving of the life they are experiencing
in and out of school...The schools need to inform themselves fully
about these differences and to be careful not to set up tensions
between the immigrant pupils, who naturally may wish to conform by
modifying their habits in such things as food, dress and behaviour, and
their parents who may have a distrust for the new way of life and its
possible effect on their children (DES, 1971).

The tone is patronising and the expectations that children would wish to
abandon their home culture is misplaced, yet, nevertheless, this publication
represents a step forward in the process of changing perceptions within the
education service.

At the same time as the legitimate needs of children of Asian origin were
beginning to be recognised, other minority groups were finding a voice.
Migrants from the Caribbean had settled in Britain from the 1950s and their
children were treated as English speakers yet the children were amongst the
lowest achievers within the education system. Since the children spoke
English, their particular needs were largely unrecognised by schools and the
subsequent alienation and exclusion suffered by many of them reinforced a
perception that “West Indians” – as they were known – presented a particular
problem for teachers. Concerns about the treatment of their children in
schools were raised repeatedly by representatives of Caribbean community
associations and when the Swann Committee published its report in 1985 it
was able to state:

The origins of this Committee can be traced back to the concern
expressed by the West Indian Community during the late 1960s and
early 1970s about the academic performance of their children. This
concern was recognised by the Select Committee on Race Relations
and Immigration and in their report on the West Indian Community in
1977 they recommended that:.......as a matter of urgency the
Government (should) institute a high level inquiry into the causes of
underachievement of children of West Indian origin in maintained schools and the remedial action required (Swann, 1985).

Swann notes that the then government accepted the need for an inquiry but decided to widen the remit to include the needs of pupils from all ethnic minority groups. It had become clear that left to themselves, even with Section 11 funding, local authorities were not making adequate provision for Asian origin children, despite the language centres and other schemes that had been set up. The expulsions of Asians from East Africa in the 1970s led to further developments in language teaching, particularly in cities such as Leicester and Bradford, but the levels of achievement for minority children continued to lag behind.

In 1979 the government established a Committee of Inquiry with the following terms of reference:

Recognising the contribution of schools in preparing all pupils for life in a society which is both multi-racial and culturally diverse, the Committee is required to:

- review in relation to schools the educational needs and attainments of children from ethnic minority groups taking account as necessary, of factors outside the formal education system relevant to school performance, including influences in early childhood and prospects for school leavers;
- consider the potential value of instituting arrangements for keeping under review the educational performance of different ethnic minority groups, and what those arrangements might be;
- consider the most effective use of resources for these purposes; and to make recommendations.
In carrying out its programme of work, the Committee is to give early and particular attention to the educational needs and attainments of pupils of West Indian origin and to make interim recommendations as soon as possible on action which might be taken in the interests of this group.

(Swann, 1985)

From this point onwards, the quality of educational provision for minority ethnic group pupils would not be left solely to the discretion of local authorities, a point that was made explicit in one of the key passages of the Swann Committee's final report. Having concluded that the education service generally had failed children from minority ethnic groups, Swann argued for a radical new approach:

The fundamental change that is necessary is the recognition that the problem facing the education system is not how to educate the children of ethnic minorities, but how to educate all children,

Britain is a multi-racial and multicultural society and all pupils must be enabled to understand what this means,

This challenge cannot be left to the separate and independent initiatives of LEAs and schools: only those with experience of substantial numbers of ethnic minority pupils have attempted to tackle it, though the issue affects all schools and all pupils.

(Swann, 1985)

The paragraphs that follow this declaration contain a series of recommendations for action by LEAs, government, examination boards, schools and Her Majesty's Inspectorate with a clear expectation that the Secretary of State should do whatever was necessary to ensure the recommendations were carried through.
A detailed analysis of the Swann Inquiry and its Report lies beyond the terms of this study but the effects of the Report’s publication impacted directly upon the relationship between central and local government. Two tracks can be identified in education policy and legislation from this point onwards: Firstly, a general concern for the inclusion of all children in a culture of higher achievement, backed by statute where necessary; secondly, an increasing tendency to accountability in the use by LEAs of funds provided by government for the educational support of ethnic minority pupils.

Whilst the first of these tracks can be traced back to James Callaghan’s famous “Ruskin College Speech” in October 1976 (Riley, 1998), the link between legislation and the Swann report first appears in the preamble to the 1988 Education Reform Act (ERA). The wording is remarkable for an Act that the then government promoted as one of its “flagship” pieces of legislation; the more so since the government was led by a Prime Minister who had recently and famously declared there to be “no such thing as society”. After the standard words of enactment the preamble states that is the duty of the Secretary of State, of LEAs and of school governors and headteachers to ensure that the curriculum, satisfies the requirements of the Act. It then reads:

The curriculum for a maintained school satisfies the requirements of this section if it is a balanced and broadly based curriculum which –

(a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society; and
(b) prepares pupils for the opportunities, responsibilities and experiences of adult life.

(HMSO, 1988)

The possible link with Swann was made explicit by the government’s spokesperson at a conference called to discuss issues in education in the light of the Swann Report and held in the Queen Elizabeth Conference Centre, London, in 1989. The spokesperson informed a somewhat sceptical audience that the government’s intention in the ERA was to implement the
the concept of “education for all” recommended by Swann. Whatever the truth of this particular claim, it is the case that an ‘achievement agenda’ was launched that was to shift the centre of gravity in educational management away from LEAs and towards the Secretary of State. A policy direction was set at that time from which no government since has deviated (ref. 4/01).

The second track initiated by Swann produced a concern to ensure greater accountability in the use of Section 11 funding. It began with a demand from the Home Office to LEAs that they should identify the members of staff who were being funded through Section 11 grant. As mentioned earlier, funding had been allocated on a fairly non-specific basis and schools had simply employed staff within a total budget without giving any attention to exactly who was paid for by specific funding, or for what purpose.

In some schools, managers’ understanding of the nature and purpose of Section 11 funding was at a low level. For example, at one community college in receipt of the funding in the West Midlands, the Vice-Principal contacted the LEA to ask what was meant by Section 11. Having been informed by the LEA, he then sought a volunteer from the staff to be the nominated person, assuring them that it was merely an administrative requirement with no practical implications for the member of staff concerned – a statement that might have haunted him a few years later when redundancies threatened Section 11 staff (ref. 4/02).

The concerns of minority groups, mentioned in the preface to the Swann report, were becoming more direct and echoed those of many professionals working in the field. The concerns found support in Swann’s recommendations for reform of Section 11 (Swann, 1985). Reinforced by this and still more by the publication of John Eggleston’s DfEE funded report in 1986 (Eggleston, 1986), the demands for review and reform became very strong.

The then current position in regard to language support for minority ethnic children became unsustainable in 1987 when the Commission for Racial
Equality (CRE) published its report on an investigation into language teaching in Calderdale. Asian families living in Calderdale had challenged the LEA's method of organising the teaching of English to their children. The CRE took up the complaint and carried out a formal investigation focusing on three aspects of Calderdale's provision. The three aspects were: the selection of Asian children for assessment of their knowledge of English, the assessment methods used, and the consequent segregation of those deemed to be in need of special tuition in English. It was Calderdale's practice to transport all such children to a language centre and not to admit them to mainstream schooling until they had achieved a certain level of competence in English.

The CRE concluded that Calderdale's practice amounted to discrimination contrary to the Race Relations Act 1976. The report refers to a number of detriments suffered by the children and their parents and effectively sounded the death knell for all such centres in authorities throughout the country. The report was clear also on its insistence that segregation in a separate centre should not be replaced by segregation into separate groups within a school:

Calderdale cannot show the application of the requirement or condition concerning the admission of a child whose first language is not English to mainstream schooling to be justifiable irrespective of the colour, race, nationality, or ethnic or national origins of the person to whom it is applied, because the education of children in separate language centres is contrary to the prevailing educational view, which Calderdale accepts, that it is better to educate children whose first language is not English in mainstream school classes rather than separately (CRE, 1987).

The publication of this report strengthened the hand of those who argued that many LEAs were not following best practice in their support for minority ethnic children. The government was more than willing to listen to representations from those who wanted it to take a more directive role in the education service. The Education Reform Act gave legislative support to a massive strengthening of the powers of the Secretary of State and a commensurate
weakening of the position of LEAs. The political current was running against LEAs in this matter and there was now no argument available for anyone who may have wished to retain local control over Section 11 expenditure.

In 1988, therefore, the Home Office announced a Scrutiny Review of Section 11 with the declared aim of revising the administration of the grant. The Review was launched through a number of regional meetings, one of which was held in Kirklees in November 1988. A speaker from the Home Office set out the reasons for the review and outlined its process. Comments from the floor of the meeting confirmed the view that it was time for a much more rigorous line in terms of purpose and accountability (ref. 4/03).

The Report on Scrutiny Review of Section 11 was published in 1990 (Home Office, 1990a) and was followed by DES Circular 78/90, unremarkably entitled Section 11 of the Local Government Act 1966 (Home Office, 1990b), in which the terms of the reformed Section 11 regime were set out. Local Authorities were required to bid for funding against clear criteria. The posts to be funded had to have specific job descriptions and their work would have to be monitored against targets agreed by the Home Office. The expected location of language support work would normally be in the classroom rather than a separate centre or in a group withdrawn from the classroom for the purpose. Section 11 work would continue to be managed by local authorities but the accountability of those authorities to the government was clear. The link with government policy was henceforward going to be explicit and binding.

No longer was Section 11 grant going to be paid simply to assist local authorities. The General Guidelines and Instructions on Applying for Section 11 Funding issued by the Home Office in October 1990 contain the following statement under the heading “Aim of Section 11”:

The Government recognises that to achieve a truly multi racial society all citizens irrespective of ethnic origin, must be able to participate fully and freely in the life of the nation while retaining their own cultural identity. The aim of Section 11 of the Local Government Act 1966 is to
assist in this process by paying grants to local authorities who, in the opinion of the Secretary of State, have to meet the special needs of a significant number of people of Commonwealth origin with language or customs which differ from the those of the rest of the community.

The policy (by service area) within which the grant will in future be administered is set out fully in the accompanying document: any reference to the "policy statements" in these guidelines refers to this document. (Home Office 1990c)

The accompanying letter was even more explicit:

The Government's fundamental objective is to enable everyone irrespective of ethnic origin to participate fully and freely in the life of the nation while having the freedom to maintain their own cultural identity. The achievement of this objective involves central and local government; the private and voluntary sectors; and the ethnic minority communities themselves. The Government believes that at present there is a continuing need for specific grant in the form of Section 11 to meet certain needs particular to ethnic minorities that prevent full participation in the mainstream of national life. Barriers to opportunity arise in a number of areas, particularly through differences of language in educational attainment, and through economic, social and cultural differences (ref. 4/04).

Section 11 was now to be about equality of opportunity and equal access within a national policy context, with the emphasis upon assisting members of minority ethnic groups, rather than the local authorities themselves. To qualify for funding, local authorities would have to gain approval for projects that met the government's policy aims and would be subject to annual review against agreed targets and measurable outcomes. Home Office officials answering to ministers, and not local government officers answering to councillors, were to be the arbiters of what was, or was not, acceptable practice.
As a first move in response to the changing situation, Centralshire had appointed in Autumn 1990 a senior officer with responsibility for overseeing the re-organisation of Section 11 and its subsequent management within the context of a strategic approach to equalities issues. The new post was established as part of the Schools Branch Management Team within the Education Department. An early task for the new appointee was to compile an accurate list of members of staff paid through Section 11. The very fact that no such list then existed is further testimony to the generally casual arrangements for the use of the funding that had led to the Scrutiny Review. Indeed, as work progressed on a response to the Home Office request for bids for funding, it became clear that the legacy of previous Section 11 work in Centralshire was an incoherent and unaccountable patchwork of staff allocated to schools at some stage in the past without any form of monitoring or any process by which relative need for support could be assessed. No one had been in a position to move staff from one school to another as demography and needs changed. The result was that some schools with few or no minority ethnic pupils had additional staff paid under Section 11 whilst other schools with considerable numbers of pupils needing support had none.

A small team devised a questionnaire that was first trialled and then sent to all schools in order to ascertain the number of pupils and schools needing support. Schools were asked to record pupils’ first language and their competence in English according to Circular 78/90’s suggested four point scale ranging from “little or no English” to “almost fluent but help required in some areas of the curriculum” (Home Office, 1990 b).

The information returned was checked against the existing placement of support staff and a new system of allocation was devised. It was proposed that staffing should be based on groups of schools rather than on single schools. In this way the project teams (as they became known) could respond flexibly to changing needs and demography within an area, rather than have staff tied to one school irrespective of need – as had happened in the past. The group of officers and representative headteachers met to
consider appropriate staffing levels in order to meet the needs of the 19,000 children that the survey had indicated to be in need of support.

During the development of the Centralshire bid to the Home Office for grant funding twelve consultative meetings were held with headteachers, a similar number with existing language support staff and over one hundred minority ethnic and other community based organisations were canvassed for their views. Numerous visits were made to schools, community centres, places of worship and even one or two public houses in order to provide opportunities for members of the community and school staff to participate in the planning process.

The result was a plan for an area based project structure about which the communities felt confident and on which staff and headteachers were generally agreed.

Such agreement was not always gained easily. A frequent complaint from the minority ethnic communities in Centralshire was that support staff were often used by headteachers to cover classes of absent colleagues rather than provide direct support to children who needed help with their English. Another issue was the sense of exclusion and alienation from the education system that many minority ethnic parents said they experienced.

The latter point was addressed by including provision for home and school liaison work within each of the proposed area based project teams. Attention to the first point required education officers to exercise considerable diplomatic skills in persuading headteachers that the most effective way of managing language support lay in the model proposed. In practice this would mean the LEA taking control of Section 11 away from headteachers and placing it in the hands of project leaders who would be accessible to both headteachers and to the communities and who would ensure the appropriate use of staffing.
The area project teams that were proposed were each to be led by a project leader, with a co-ordinator for the staff in each school where support was needed. Each team was to include home/school liaison workers to assist schools and parents to understand each other and to support parents in helping their children to learn. A related aim was to facilitate parents and local communities in gaining access to their full educational entitlement. Negotiation with the Home Office and further consultation throughout the target areas provided agreed sets of criteria and targets towards which the teams would work. Educational support work was to be based in the classroom in collaboration with mainstream teachers but it was recognised that collaborative classroom-based language support would make demands on staff which some might find difficult to meet. A programme of staff training and development was devised to meet this need and was planned to run for one half day per week during the life of the projects.

All these proposals were written into the bids for funding together with several proposals for community and local authority partnership projects aimed at capacity building within local communities. The bids were submitted to the Home Office in spring 1991 and a series of discussion then took place with Home Office officials in order to finalise targets and agree monitoring procedures.

When the funding decisions were announced, Centralshire was awarded an annual £5.2 million of grant aid to meet 75% of staffing costs for eight area projects working with schools, a project for the hearing impaired, an inner city computer learning project, a project teaching English to adults and a project supporting students in further education. The language support projects were approved to run for an initial five years from April 1992 – a fact that delighted the team since most LEAs around the country received approval for three years. The operation of a national cash limit meant that the community-based proposals were not approved. Cash limits meant also some scaling down of the original proposals but this was achieved through further consultation with headteachers and community leaders.
The approval of the grant signalled the start of a hectic period of advertising of posts, interviews and appointments, beginning with the selection of the project leaders and including the appointment of some 232 full time equivalent teachers, bilingual assistants and home/school liaison workers. Members of Centralshire's minority ethnic communities were present at shortlisting and interviews, as were representative headteachers.

Management training sessions were arranged for the newly appointed project leaders with a focus on team building and personnel management skills. The first term's staff development was launched after Easter 1992 with a full day at a teachers’ centre where staff reviewed the aims and methodology that had featured so much in the consultation and had been emphasised in the staff selection process. A system of monitoring and recording pupils' progress against agreed criteria was implemented, together with a scheme for moderating standards across the County.

Within a matter of months reports from headteachers indicated a discernible rise in standards of achievement amongst the pupils receiving support, whilst reaction from community leaders was one of satisfaction that pupils' needs were being addressed in a systematic way (ref. 4/05). The sense of satisfaction was shared at County Hall where officers believed they were beginning to address the issue of language support across the County in a way that was gaining positive results. The first set of reports prepared at the end of the summer term of 1992 confirmed the initial impressions and reinforced the hard-won sense of optimism.

One of the project leaders in Centralshire described the mood developing during that year:

By December 1992 initial difficulties were beginning to recede and morale seemed to be high. Many staff felt that their work had been given fresh impetus by the INSET and the higher profile given to Section 11 work. Collaborative teaching and moves towards
partnership were firmly on the agenda and confidence grew that generally practice was heading in the right direction (Cooke, 1993).

But the mood of optimism did not survive the first year of the new regime. A letter was sent to local authorities from the Home Office on 25th August stating that “given uncertainty as to the financial position” no applications would be invited for new projects to start in 1993/94 (ref. 4/06). This was followed by a further letter dated 26th November 1992, announcing financial prospects for each of the three years 1993/94, 1994/95 and 1995/96 (ref. 4/07). In relation to 1993/94, the letter stated that current funding was secure but:

In the event, it has not been possible to secure a net increase in funding in 1993/94 to allow additional projects to be accommodated (ref. 4/07).

Had this been the only announcement contained in the letter, the effect would not have been too serious for Centralshire. Whilst it had been hoped that the projects not approved the previous year could be re-submitted for funding from April 1993, the key issue for the Centralshire education service was the maintenance of the existing work. There was more bad news, however, and the November letter went on to state that for 1994/95:

It will unfortunately not be possible in this year for existing projects to continue to be supported at a rate of grant of 75%. Proceeding on the basis of the numbers and types of posts within approved 3-year and 5-year projects, and of current best estimates as to factors such as inflation, it is calculated that financial provision for this year will be sufficient to support approved projects at a rate of 57% (ref. 4/07).

This 18% reduction in grant aid from April 1994 was bad enough for the local service but the letter went on to assess likely provision for 1995/96: “On current best estimates, the provision would enable grant to be paid at a rate of 50%” (ref. 4/07).
This represented a further 7% reduction and meant that over two years, and within three years of the successful launch of the projects, grant funding was to be reduced by 25%.

The Director of Education reported the news to the Curriculum, INSET and Multicultural Sub-Committee of Centralshire County Council on Tuesday 19 January 1993. The report began by outlining the scale of the service provided in Centralshire. The Director reminded elected members that approval to the school based projects had been given for five years.

Nationally, this was quite exceptional and was held to reflect the considerable need for support and the thoroughness with which the extent of that need had been researched through a far reaching needs analysis (ref. 4/08).

The likely impact of the reductions was described in financial and in human terms. The County Treasurer calculated that the Education Department would need to find an additional £944,500 in 1994/95, followed by a further increase in contribution in 1995/96 in order to maintain the current level of service. Without an increase in the LEA contribution, the alternative was stated to be a reduction in staffing from 232 full time equivalent staff to 116 in the schools based projects (ref. 4/08).

Similar calculations were being made in other local authorities and the reaction from staff and communities around the country was one of disbelief and anger that the structures they had so recently established were to be dismantled almost as soon as they had become effective. A campaign was launched to attempt to change the Government's decision.

The National Union of Teachers organised a protest meeting in London at which several speakers expressed the view that the reductions would have a detrimental impact on pupils who would be denied equal access to the curriculum, as well as upon the staff who would lose their jobs. These claims were backed up by arguments about the inability of local authorities to make
up the shortfall in funding from their own budgets. Letters were written to Members of Parliament and community groups signed petitions.

One of the Centralshire Members of Parliament became very involved in protesting against the proposed reductions. He requested a detailed briefing from the LEA and subsequently accompanied a delegation of community representatives that visited Peter Lloyd, the Minister of State responsible for Section 11 at the Home Office. The MP also asked questions in the House and followed up the matter with Lloyd. A letter from the MP to the Minister enclosed a letter from the Director of Education for Centralshire in which the consequences of the reduction were detailed, together with the likely detrimental impact on children’s learning (ref. 4/09).

The Minister replied to the MP on 22 December 1993:

You will, of course, be very familiar, both from our meeting and from our correspondence, with the general background to this matter. I shall not, therefore, rehearse the whole of it again here. However, I should like to re-emphasise that it was with the greatest regret that the conclusion was reached that, in the current economic situation and with the need to tackle the very large exchequer deficit, we would be unable to sustain the level of expenditure under section 11 which had earlier been planned.

As you know, we announced this unwelcome news to local authorities over a year ago, at the earliest opportunity, in order to allow authorities as long as we possibly could – in practice, 16 months before any reduction in the level of grant would need to take effect – in order to adjust their planning in this changed situation. This period of time has also allowed us the opportunity to consult local authorities and other interested parties about how best to use the considerable level of funding which remains available.
This has permitted us the advantage not only of the responses to the original invitation, in my officials' letter of 26 November 1992, to authorities and others to let us have their thoughts but also a long series of meetings which I and my officials have had with representatives of local government, the education world, and ethnic minority communities, and more recently, a series of seminars which my officials have conducted around the country for local authority representatives.

I fully understand the disappointment which is reflected in the Director of Education's letter, and the concern which he expresses. I very much wish that it had not been necessary to reach such an unwelcome decision. I should be grateful if you would assure the Director that I and my officials, in collaboration with colleagues in DFE and OFSTED, will continue to work closely with authorities and others to ensure that we can achieve the maximum benefit for members of ethnic minorities from the available funding. (ref. 4/10).

The letter indicates clearly that decisions about levels of funding are matters for the government. Local authorities and opposition MPs may protest and have their say, but it is the government that decides. There is, nevertheless, recognition in the letter that local authorities have a clear and significant role in the use of the funding.

Whilst most of the protests served only to provide an outlet for the protesters' feelings, one meeting did produce some positive results from the local authorities' point of view. As a result when the initial reduction in funding took place with effect from April 1994, it did so with an important concession.

The local government associations were at that time organised according to the type of authority. There were the Association of County Councils (ACC), the Association of Metropolitan Authorities (AMA) and the Association of
District Councils (ADC). A meeting was held at ADC headquarters between the associations and the Home Office.

The government's intention from April 1994 was to fund LEAs at 57% of eligible expenditure and from April 1995 at 50%. The representative from Centralshire pointed out that under the current funding regime many local authorities already contributed more than the previously required minimum of 25%, thus making the total expenditure on Section 11 services more than 100% of the figure funded by the Home Office. The effect of the funding rules proposed by the Home Office would be to reduce the LEA contribution as well as the funding paid under Section 11. A possible way forward had been identified in the Centralshire report quoted above:

The reduction of the Government contribution to Section 11 funded posts from 75% to 50% over a three year period appears to be aimed at achieving a 25% saving in Government spending. This assumes that local councils will be able to make up the difference. If they cannot do so, then there may be a risk that whole projects will be cancelled, thus saving the Government all its current 75%. Equally, if local councils are able only to maintain their current financial level of contribution, the total spending on Section 11 will fall by 50%, thus saving the Government twice its stated objective. In such circumstances the Government could achieve 25% savings by a cut back equal to half the amount proposed (ref. 4/08).

Whatever one may think of the merits of this argument viewed at a distance of several years, it seemed attractive at the time. The local authorities' associations supported Centralshire's request that the LEA "top-up" should be disregarded in calculating the total figure on which Home Office funding was to be based. The Home Office officials were impressed sufficiently by the reasoning to agree the request, with the result that a higher level of service provision was maintained in many LEAs than otherwise would have been the case.
Another issue upon which some agreement was reached was the unacceptable disruption that would be caused for schools, pupils and staff by reductions in funding - and therefore of staffing levels - in two successive years. Further discussions with the Home Office led to the adoption by many authorities, including Centralshire, of a “one step” approach to the reductions. The projects ran with their full complement of staff for the remainder of the academic year 1993/94 and for September 1994 were reduced to the levels originally required by April 1995.

Following a report to the Education Resources Sub-Committee on 23 May 1994 (ref. 4/11), Centralshire’s Policy and Resources Committee agreed on 15 June 1994 to make funds available for the “one step” approach, following further calculations of severance costs and the additional costs to the LEA of maintaining a viable service (ref. 4/12). At considerable cost to the Centralshire LEA, therefore, compulsory redundancies amongst Section 11 staff were avoided. Apart from the financial impact, a total of 60 posts were lost as the eight school based area projects were reduced to five and staffing was cut from 232 to 170 full time equivalents (ref. 4/11; ref. 4/12).

A letter to headteachers explaining the changes stated that staffing allocations for the five projects were based on an updated and moderated needs analysis that had taken account of levels of attainment across the County. It was pointed out:

Equally, it will be understood that a reduction in staffing of over 60 posts cannot continue to provide the existing level of support to schools, students and families. Priority has therefore been given to the first and second levels of English language attainment with weighting to allow for the increased curriculum demands at secondary level and to provide support for students taking examination courses (ref. 4/13).

The letter re-stated the County Council’s determination to avoid compulsory redundancies but pointed out that the use of premature retirement and
voluntary severance was a random tool in respect of staff location. To make the policy work, an acceptance of mobility and flexibility would be necessary:

Professional associations are well aware, therefore, that the price of "no redundancy" is the need for increased mobility and flexibility on the part of the residual workforce. Inevitably this will require the cooperation of headteachers and principals as essential adjustments are made (ref. 4/13).

An accompanying table set out the structure of the new projects, listing the schools involved and the levels of staffing allocated to the projects.

Whilst all this had been taking place, the management of change had been further complicated as the government implemented its Further and Higher Education Act 1992. Under this Act, on 1 April 1993, further education colleges and sixth form colleges were transferred from LEAs to a newly created further education sector. Somewhat belatedly, a Home Office letter dated 16 April 1993, set out the options for subsequent organisation of Section 11 projects involving posts within the schools and colleges affected. The letter positively encouraged sixth form colleges to maintain membership of LEA managed projects and pointed out the advantages from an administrative point of view (ref. 4/14).

Uncertainty did not end with the reductions in funding. The period 1993 to 1997 was a time of considerable turmoil for local government in Centralshire. The Local Government Commission for England was considering the possible re-organisation of local government in several parts of the country and Centraltown City Council was one of a number of large urban authorities seeking to gain 'independence' and become a unitary authority. Given the political determination with which the campaign was prosecuted, it was always likely that the City would get its way – especially since all the local Members of Parliament favoured the change. A decision was eventually made and a date for re-organisation and the separation of Centralshire from Centraltown was set as 1 April 1997.
Once the Local Government Commission had delivered its verdict and the government had accepted it, work began to separate Section 11 work in Centralshire into two services. Since project planning had anticipated this change the task was relatively straightforward. What had been a project operating in the areas outside the city boundaries became the County Section 11 Service from April 1 1997, and the project leader became the service manager.

What did not change, however, was the lack of clarity surrounding the future of Section 11 work in general and the security of funding in particular. With the expiry in 1997 of the original five years funding approval, the government had declined to make firm decisions on future levels of support prior to the general election. Approval was given to a one-year extension of the funding.

In the autumn of 1997 the newly elected Labour government followed suit and extended funding for a further year, pending its own review of Section 11. At the same time the government made clear its preference for a transfer of the education elements of Section 11 from the Home Office to the newly created Department for Education and Employment (DfEE).

A remarkable example of Whitehall “turf wars” followed, with the Home Office Section 11 team touring the country ostensibly consulting on the future of Section 11 but in reality holding what were in effect a series of rallies to keep Section 11 with the Home Office. The audiences at these meetings mainly comprised professionals – the teachers, bilingual assistants and education officers who had worked on Section 11. The East Midlands regional meeting took place at County Hall, Centralshire on 26 January 1998. According to a senior Home Office official, the meeting was typical of all those held (ref. 4/15). Speakers argued in favour of maintaining a specific and distinctive funding regime for minority ethnic pupils and expressed fears that a transfer to the DfEE would result in a loss of resources and the likely devolution of funds to schools – with all the consequences of abuse and misuse that had characterised Section 11 before the 1988 Scrutiny Review.
The NUT's national leadership had previously declared itself to be in favour of a transfer of Section 11 to the DfEE although at local level many of its members involved in Section 11 work had grave doubts about the possible consequences of such a move – for the reasons that their General Secretary had articulated at a joint conference of the National Association of Language Development in the Curriculum (NALDIC) and the National Union of Teachers (NUT) on 14 July 1997, called in anticipation of the new government’s initiative.

In an echo of the two tracks identified earlier in relation to the outcomes of the Swann Report, Doug MacAvoy pointed out that there are two elements to race equality in education. One, he argued, applies to all schools and required them to prepare all their pupils for life in a plural society. Because this applied equally to all schools there was no need for specific or additional funding. The second element, however, applies to some pupils in some schools – and because of this limited application it requires specific, targeted funding that cannot be reduced to a formula for all schools. The fear expressed by many NUT members was that the transfer of funding to the DfEE would result in the introduction of just such a formula and the consequent loss of targeted support.

MacAvoy went on to criticise what he regarded as the incoherence of the then current funding regime, claiming that there existed no national framework within which needs were assessed. He referred to Section 11, the Single Regeneration Budget and to support for Travellers’ education paid under Section 488 of the 1988 Education Act and stated that whether or not pupils received support under any of these headings depended on the quality of the bids submitted, rather than upon any objective, rational assessment of the pupils’ needs. Additional problems were caused by the short-term nature of funding agreements leading to the use of fixed term or temporary contracts and consequent difficulties in recruiting high quality staff (ref. 4/16).

Taking up the theme of loss of specificity, Jo Jollife of the Manchester Education Service contrasted the situation that had prevailed before Section
11 support services were centralised, with the situation that currently existed across much of the country. She described the former devolved regime in which there was a lack of specific expertise, few black staff and little movement of resources as relative needs changed as between schools. She referred to the traditional complaint that staff were used for general cover and worked in isolation on unfocused and unspecific tasks.

Jollife contrasted this negative picture of the past with a stirring defence of the centrally run support that characterised most Section 11 services in 1997. She said there was strong monitoring and accountability, there was partnership with and between schools and there was partnership with the black communities. The services were cost effective, employed numerous black staff and were flexible to meet changing needs.

According to Jollife, the story of Section 11 since the re-organisation of 1991/92 was one of success. The responsible Home Office section had developed an understanding and level of expertise that would be difficult to replace or replicate if the funding was transferred to another government department. She argued also that there were advantages in having one department at the heart of government with a strategic overview of minority group needs and the management of resources to combat disadvantage (ref. 4/17).

The need for dedicated funding to remain was emphasised by Heather du Quesnay, then newly appointed Director of Education for the London Borough of Lambeth and recently President of the Society of Education Officers. Drawing also on her experience as Director of Education in Hertfordshire she talked about the success of LEAs' centrally managed projects and stated that there was 'no other way of doing it'. Echoing the negotiations of 1993 at the ADC offices she referred to the additionality factor inherent in the control of the service by many LEAs but extended the concept of additionality beyond the financial to include management benefits for schools (ref. 4/18).
What is of interest here is the fact that many of the practitioners within the Section 11 services had been vocal in the campaigns of the 1970s and 1980s to secure specific support for minority ethnic pupils. The abuse of funding and the use of staff for duties other than supporting targeted children were issues that they had fought long and hard against. Almost all of them were veterans of the protests against reductions in funding a few years earlier. They did not, however, hold Home Office officials responsible for those reductions, preferring to blame the then Conservative government for its perceived perfidy. Equally, these people were not particular enthusiasts for Home Office staff in general, indeed many of them would condemn the immigration policies or the policing policies administered by other sections of the Home Office.

The unifying point for most of the speakers was that the Home Office staff dealing with Section 11 had developed an understanding over the years and were supportive of the work of Section 11 services around the country. There was a feeling amongst staff that the Home Office generally left the services to get on with job and appeared to share an understanding that schools alone could not to be trusted to it effectively. By contrast, a real suspicion was revealed towards the DfEE and any further delegation of funds to schools. The feeling was to persist that DfEE officials possessed little understanding of the issues with which they were attempting to deal.

In the event the protests again counted for nothing and the government announced the transfer of funding for education projects to the DfEE with an initial guarantee that funding levels would be preserved for the first year of the new regime, the financial year 1998/99. The funding was now to be paid under a new grant heading: Ethnic Minority Achievement Grant (EMAG) attached to the Standards Fund. Furthermore, it was a requirement that most of the funding should be devolved to schools, leaving only sufficient with the LEA to maintain a small peripatetic team. The intended effect of the DfEE's directive was that staff should transfer to the establishments in which they worked if headteachers or governors were willing to accept them; the alternative being redundancy as schools used the money to employ staff of their own choosing.
The feeling that yet again the staff working in support of minority groups were being disregarded and treated badly by government was shared throughout the country. Individuals' prospects of continued employment rested upon the nature of relationships between their local authority and the schools concerned. Redundancies were declared in numerous authorities. The magazine "Multicultural Teaching" provided a vehicle for expressions of feeling:

The arrival of the EMAG documentation along with the ludicrously truncated timescale sent a shiver of panic through the LEA and Section 11 teams. The clear message, which had been articulated in the response to the Home Office/DfEE study that LEAs wanted Home Office control and minimum delegation, had not been heeded. Officers felt most alarmed, as the contents of the document posed a number of operational and technical problems – more alarming was the limited response from the DfEE, which seemed to change on a daily basis. Achievement data was not readily available and the resources of the department were struggling to cast the Education Development Plan. The switch from a totally language support service to an EAL and Achievement service was not fully understood by DfEE officials. Maintaining sanity was not helped by the perception from headteachers that the money would be coming to them with no strings. The influence on Section 11 staff morale was marked. Attitudes began to soften when schools were reminded of their responsibilities and roles. It was an opportune time to remind all partners of the nature of good practice. On a personnel front, varying advice was being offered on the nature of employment legislation in the event of downsizing (Anon. 1999).

In Centralshire negotiations began with headteachers and a vigorous defence was mounted of the virtues of a centrally run service – henceforth to be called the Ethic Minority Achievement Support Service (EMASS). Given that the funding was guaranteed for one year only, all except one of the schools in receipt of EMASS support agreed a one year "buy back" arrangement, whereby the local authority continued to manage the service on behalf of the
schools. Frequent meetings between the education officer and headteachers and close liaison with schools by the project manager ensured the partnership operated to everyone's satisfaction, within the limited resources available.

During the first summer of this new regime, in 1999, the London Borough of Westminster decided to lease a hotel in Marketborough, a small university town in Centralshire, in order to accommodate a number of homeless families, including refugees and asylum seekers. No prior warning of this development was given to Marketborough District Council or to the Centralshire County Council. Furthermore, the new arrivals received no help or support from Westminster Council in settling into their new surroundings. Responding to the situation, Carol Millet, the EMASS project manager, took the lead in arranging registrations with local doctors and dentists and volunteers from the team ran a language school at the hotel during the summer holiday. Whilst this was very helpful for the children and adults concerned, it proved to make little difference to the challenging task that would face teachers in local schools since the hotel population proved largely to be transient with new arrivals every few weeks. It became clear to Millet and the education officer concerned that continuing reception arrangements would be needed and that a collective response from headteachers and schools would be required if the arrivals' needs were to be met.

With the start of the new school year the impact on Marketborough was immediate and considerable. Whilst one primary school received the majority of the children arriving at the hotel, schools throughout Marketborough admitted pupils; many of whom could speak little or no English. One effect of all this on headteachers was to bring about a collective realisation that any one of them could be faced with new arrivals and require additional support at very short notice. It was immediately obvious that a fully devolved service, with staff attached to specific schools could not provide the flexibility to enable any response to such a situation. It was generally acknowledged by headteachers that the ability of the project manager to assign additional support where it was needed was a key factor in helping schools to cope.
Late in the autumn term, 1999, the DfEE announced funding levels for the following two financial years. The grant underwent another change of name, with the former "Section 488" grant for Traveller Education being brought into the new Standard Fund 17. The new grant was to be known as the Ethnic Minority and Travellers Achievement Grant (EMTAG). At around the same time as the announcement, the Home Office was making arrangements for the dispersal of asylum seekers around the country.

In the light of the developing situation negotiations for "buy back" arrangements for the two years of the new funding period were swiftly concluded with every headteacher concerned expressing a desire to maintain a centrally managed service. The County Council made arrangements to maximise the support available to pupils in schools. At the budget meeting for 2000/2001 the County Council approved funding for an additional post specifically to co-ordinate work with asylum seekers and refugees whilst additional classroom assistants were funded through Standards Fund 32, a government scheme to provide schools with additional classroom assistants. With the approval of headteachers, the LEA retained funding to employ the two posts mentioned.

By agreement with headteachers in Marketborough a scheme was devised for using the additional staff to provide intensive language support for new arrivals who lacked a basic level of 'survival English' - and whose parents so requested. The last point was a crucial distinction from the compulsory segregation that had taken place in Calderdale. A system was put in place whereby the EMASS team took over the administrative tasks of admissions and home/school liaison on behalf of the schools. A centre was established at the local primary school that was receiving the majority of the new arrivals. Intensive English language lessons were provided with the expectation that pupils would move into mainstream classes after six to ten weeks. The pupils were linked from the outset to the school they would be attending – thus avoiding another of the faults of the system the CRE had criticised in Calderdale. The scheme was aimed at newly arrived children with little or no English and included the children of university students from overseas as well
as refugees and asylum seekers, all admissions were, however, subject to parental agreement and all work was linked to the children's schools and the mainstream curriculum.

The agreement of all concerned and the success of the EMASS operation in Centralshire in no way guaranteed that it would continue, even for the notional two years for which funding was assured in the 2000/2001 budget round. The DfEE announced plans to simplify the Standards Fund for the following financial year, reducing the number of headings and requiring that the majority of funds be devolved to schools. It is far from clear that EMTAG has a long term future under such circumstances. The government is committed to an achievement agenda aimed at including all pupils. Yet within the DfEE there is an ambivalent attitude towards the part – if any – that local authorities have to play in delivering that agenda. Education officers and headteachers appear to be agreed that it would be sadly ironic if a structure of support that contributes positively to the achievement of the government’s aims were to be dismantled because it does not fit the principle that every possible piece of funding should be given to schools and not administered by the LEA.

By way of conclusion to this chapter it may be noted that the history of educational support for pupils from minority ethnic groups began with a situation prior to 1966 in which local authorities had to cope as best they could. The government, through Section 11 then assisted with funding but left decisions on use of the funds to the LEA. Some accountability was introduced in the 1980s to be followed by a move to central control of spending plans first signalled in the Swann Report. Pressure and concern from interested parties led to the introduction of a bidding system but this was managed by Home Office officials in a growing spirit of partnership with colleagues in local government that the latter came to value and which was characterised by a sense of mutual understanding and respect.

The take over of the funding by the DfEE involved the immediate application of the requirement that funding should be devolved to schools. The effect of this was to cut out of the management process the accumulated knowledge
and expertise of LEA support service managers, apparently in the belief that standards would improve through headteachers having complete control over the use of funding allocated to schools. One result of this move has been a loss of flexibility on the part of the LEA and a consequent inability to redirect funding to meet priority needs. This threatens to deny vulnerable pupils the very support they need in order for the government's inclusion and achievement agenda to be realised successfully. Notwithstanding the devolution of funding, collaboration prevailed at a local level in Centralshire, although in some other authorities this has not been the experience. A question remains as to how long local discretion and democracy will prevail in this most sensitive of policy areas.

This chapter has shown how, through winning the co-operation of headteachers and arguing from a sound knowledge base, a local education officer was able to influence the direction and outcome of central government policy at the level of local implementation. In doing so, the role sometimes risked becoming overtly political and could only be sustained through ensuring that there was a broad measure of local support for what was being done, both from local councillors, Members of Parliament and from the leaders of community groups affected by the funding issues. Unlike the earlier examples of class size policy and partnerships, the history of educational support for minority ethnic groups is an example of how an individual officer can make an impact on the implementation of government policy. The difference in this case, however, is that for most of the narrative of this chapter, it was the Home Office that presided over "Section 11" funding with a regime that prescribed broad parameters within which LEAs could work. The switch of the funding to the DfEE in 1998 saw an immediate restricting of local discretion. Subsequently, local variations relied very much upon the willingness and the abilities of local officers to negotiate with headteachers and to broker local agreements.
CHAPTER FIVE

INSPECTION OF LOCAL EDUCATION AUTHORITIES

The earlier chapters of this study have indicated various tensions in the relationship between central and local government in the administration of education as these have developed over the period from the 1988 Education Reform Act (ERA) through to the second term of the Labour administration first elected in 1997 and re-elected in 2001. Each chapter so far has considered evidence of the legislative and financial means by which central government has sought to exercise some control over local government in order to implement its own policies. It has been shown that the years of Conservative administration from the ERA and the period beforehand in which the main ideas of the Act were being developed included various devices by which the powers of local education authorities were curtailed or through which the LEA was simply by-passed. Increasing financial control and the designation of specific funding also constrained the discretion of LEAs. Yet the setting of parameters and the exercise of financial control did provide sufficient accountability for standards of performance.

This chapter considers the introduction of the inspection of LEAs as a further development in the exercise of control and constraint upon LEAs. Whilst some material is based on observer-participation, much of the material in this chapter is drawn from the management files of Centralshire and extensive use is made of published reports on the inspections of LEAs. A key feature of the chapter is a semi-structured interview with the head of the LEA Inspection Division of the Office for Standards in Education (OFSTED).
The Rationale for LEA Inspections

The Conservative government clearly believed that the inspection of schools by OFSTED had proved successful in raising standards through identifying good practice to be emulated and through requiring poor practice to be rectified. The government's new "big idea" was to extend the inspection regime to include the work of local education authorities.

The final piece of education legislation passed by the Conservative government before the 1997 General Election was the Education Act 1997. Section 38 of the Act gave powers to the Chief Inspector of Schools to extend the inspection work of the OFSTED to include the activities of local education authorities. Section 39 provided for a report to be written setting out the findings of the inspection. Section 40 set out the obligations placed on LEAs and on governing bodies of schools to co-operate with the inspectors and Section 41 identifies the role of the Audit Commission in LEA inspections.

38.- (1) The Chief Inspector

(a) may, and
(b) if requested to do so by the Secretary of State, shall,

arrange for any local education authority to be inspected under this section.

(2) An inspection of a local education authority under this section shall consist of a review of the way in which the authority are performing any function of theirs (of whatever nature) which relates to the provision of education.

(Education Act 1997)

In particular, there was to be scrutiny of the way in which LEAs carried out their functions in relation to school improvement, special educational needs, provision of places and strategic management. The inspections were to be
conducted in conjunction with the Audit Commission who would form a
judgement as to how cost effective the LEA was in carrying out its functions.
Again, like other apparently radical pieces of education legislation, including
the ERA itself, this had been brewing for quite a while.

Thoughtful LEA officers had recognised for some time that a position whereby
schools were inspected but the body responsible for the performance of those
schools was not inspected, was unsustainable. Leading figures in the Society
of Education Officers (SEO) had been working with members of HMI to
develop an approach to LEA inspection based on self-evaluation. There was
a general feeling of a need to do it and equally there was a feeling that if LEAs
could do it for themselves, then it might be possible to keep out government –
and particularly to keep out the influence of those in government who simply
wanted to do away with LEAs altogether and who were believed to be seeking
evidence from inspection to strengthen their cause. Yet whilst this debate
was going on – well before the legislation was passed - the key mood-
changing moment came unexpectedly, as it often does in politics, in response
to a local crisis that received national attention.

The Ridings School in Calderdale hit the national headlines in 1996 when a
number of teachers at the school declared that some sixty or so pupils were
“unteachable” through their unruly behaviour and attitudes towards the staff
and other pupils. The local Director of Education appeared on national news
to say the LEA had let the school down through not taking appropriate action
to support the school and avert the crisis.

According to Michael Doubleday, the Head of the LEA Inspection Team at
OFSTED, this was the key moment in the whole process of legitimising
government sponsored inspections of LEAs. Those who were suspicious of
LEAs seized the moment. Clearly LEAs could not be left to regulate
themselves and the concept of LEA inspection from above became
established as a political inevitability from that point (Interview with
Doubleday, 2 July 2002). The government now had statutory powers to
inspect local education authorities. Most significantly, perhaps, it had a way
of dealing with LEAs that were perceived to be failing to perform their statutory duties in a satisfactory manner.

Throughout the development of the legislative framework for the inspection of LEAs there had been little or no attack on the policy from the Labour Party and the change of administration in 1997 represented relatively little change of approach by central government in its dealings with LEAs. For some supporters of the new government, this was surprising. Local government at this time was largely in the control of the Labour Party and there was a very real perception that the outgoing Conservative administration had been unduly hostile towards local councils. The incoming Labour administration contained a number of prominent figures that had been senior local councillors, and there was much talk of 'partnership' both at local and national level. Labour councillors and party members welcomed the overwhelming landslide success of their party in the General Election of 1997 and looked forward to working with 'their' government in order to carry through what they clearly hoped would be a programme both of reform and the restoration of consensus in the governance of state education.

Early in the life of the new administration it became clear, however, that the change of approach intended by the government was not to be quite what many Labour Party members and local councillors had hoped for. Firstly, the government pressed ahead with the implementation of the LEA inspections that Section 38 of the 1997 Education Act had introduced. Secondly, adding insult and considerable dismay to the perceived injury of Section 38 as far as some figures in local government were concerned, was the invitation to Chris Woodhead to remain as Head of OFSTED and as Her Majesty's Chief Inspector (HMCI) for a further term of his contract and to oversee the first wave of LEA inspections. A controversial figure for his outspoken criticism of perceived shortcomings in teaching and in educational administration, Woodhead had campaigned long and hard for government to take action against LEAs that he regarded as obstacles to school improvement and the raising of standards through their unwarranted interference in schools and their unjustified bureaucratic demands.
The importance of this second action lay not so much in the personality of the HMCI but in the newly elected Labour government's acceptance of the agenda that he had previously been prominent in identifying and articulating. It became clear that there was no disagreement between the Labour government and its Conservative predecessors in the view that in the task of raising educational standards a number of LEAs constituted part of the problem, rather than part of the solution. How better, therefore, to signal its determination to tackle this issue than for the Labour government to place the new powers in the hands of someone who had already indicated his willingness to wield them without regard to the sensitivities of Labour's friends in local government? That the renewal of Woodhead's contract also caused widespread dismay amongst the teaching unions was embraced by central government as further evidence with which to convince the public that it meant serious business in addressing long-standing malaise within the education world and was in no sense in thrall to the teaching unions.

According to Doubleday, there was not a polarisation of views on the subject. He believes that there was then "not only a political imperative, but a general feeling even among LEAs that the performance of some LEAs was so poor as to jeopardise the future of LEAs as a whole" (Interview with Doubleday 2 July 2002).

Equally, Doubleday is adamant that there was never a 'hit list' of LEAs that the government or Woodhead in particular was out to deal with:

"Nothing of that kind was ever drawn up and there was never any sense of a feeling among Ministers of having a list. But performance tables were definitely a major factor. And those LEAs near the bottom of the tables were particularly vulnerable" (Interview with Doubleday, 2 July 2002).

The steer that came from Woodhead and from ministers was that the primary purpose of the inspections was to improve standards. OFSTED therefore looked first at those LEAs where school standards were on the low side.
Although the then leader of OFSTED was a very vocal critic of the role of LEAs, Doubleday has stated that he needed persuading that OFSTED should take on this additional role. Much as Woodhead seemed to dislike LEAs and appeared to want their powers curtailed, apparently he was not sure that OFSTED had the capacity to do this particular job. Accordingly the task was approached somewhat gingerly – and in dialogue with some Chief Officers (Interview with Doubleday, 2 July 2002).

The Pilot Scheme

The inspection of a school was familiar ground for OFSTED but it was not at all clear how the inspection of a large and complex organisation such as the average LEA would be conducted. Prior to the inspection of LEAs becoming statutory in 1998, nine LEAs were inspected as a pilot scheme in order to establish a method of working and to identify the most effective ways of carrying out the task. The nine authorities were Barking and Dagenham, Bedfordshire, Birmingham, Calderdale, Cornwall, Hackney, Kirklees, North Somerset, and Staffordshire.

The list chosen for the pilot included authorities across a range of geographical and socio-economic contexts and indicators. Significantly, perhaps, it included Birmingham, an authority led by Tim Brighouse, the Chief Education Officer (CEO) who had come to be regarded as the leading critic of the previous government’s education policies in general and of the Chief HMI in particular. As England’s second city, Birmingham faced a vast array of inner city issues and many of its schools had struggled to cope with the challenges over many years. Brighouse’s distinctive approach to education leadership relied on much positive public praise accompanied by vigorous but less public attention to shortcomings. This style had earlier brought success in Oxfordshire where Brighouse had previously been the Director of Education but it had also brought him into conflict with the ‘name and shame’ approach of the Conservative government. He had fought and won a libel action against the then Secretary of State, John Patten, who had labelled Brighouse
as “mad” during an attack upon his stewardship of Oxfordshire LEA, launched soon after Brighouse moved to Birmingham from a brief tenure as professor at Keele University. Such were the feelings of hostility within the teaching profession and the educational establishment towards the Conservative administration at the time that Brighouse was able to fund his action through spontaneous donations from teachers and others to a fund organised by Fred Jarvis, former General Secretary of the National Union of Teachers. The subsequent settlement of the action in favour of Brighouse and his characteristic donation of the proceeds to educational causes in Birmingham had simply added to the widespread and growing respect for the Birmingham CEO.

Furthermore, as the time for the Birmingham inspection approached, there was considerable and growing admiration within the local government educational establishment for what actually was being achieved in Birmingham. Equally, however, it was clear that the HMCI believed there was more presentation than substance in the positive image of improvement. The differences between the Birmingham CEO and the HMCI went well beyond a philosophical dispute. The intense personal dislike they had towards one another was well known throughout the educational world. In Doubleday’s words this amounted to “total mutual detestation” and he has said of them that, “Neither (is) capable of being rational where the other is concerned” (Interview with Doubleday, 2 July 2002). The outcome of the inspection was awaited, therefore, with interest that went far beyond Birmingham itself.

The Birmingham inspection took place towards the end of 1997. A draft report was then presented to the LEA’s senior management under conditions of strict confidentiality. The final report showed a number of amendments to the draft and there was no doubt in the CEO’s mind that these were due to the intervention of the HMCI and were motivated by Woodhead’s implacable opposition to the work that Brighouse and his team were carrying out in Birmingham.
In a conversation in January 1998 Brighouse described the revision carried out on the Birmingham inspection report as 'extraordinary'. He stated that the meeting with the inspection team at which a verbal report had been presented to the LEA's leadership had been amicable and he had felt the report was positive. The senior inspector responsible for the inspection of Birmingham had then submitted his report to the HMCI for approval before publication, however, and it had then been extensively revised by Woodhead in a way that was far more critical of the LEA than Brighouse believed was warranted. Brighouse clearly believed that the report had been amended with malicious intent (ref. 5/01).

Whatever their private sympathies in the differences between Woodhead and Brighouse, senior members of OFSTED were surprised by Brighouse's reaction. Doubleday believes it to have been an over-reaction and further evidence for his view, mentioned earlier, that neither Brighouse nor Woodhead could respond rationally to the other. There was a general belief in OFSTED that the Birmingham report was a positive one and that it showed the LEA in a good light. In Doubleday's words, "Most CEOs would give their right arm for a report like that", although he too is of the opinion that some criticism of the Birmingham LEA was justified at that time: "Some things that Brighouse was doing were mad" – a careful distinction from Patten's intertemperate comments that had led to legal action (Interview with Doubleday, 2 July 2002).

The Secretary of State for Education issued a press statement on the subject of the Birmingham pilot inspection. In it he praised the work of the LEA:

This report describes a success story for Birmingham City Council. It has demonstrated its commitment to education in the city by making a sustained political and financial investment in its schools.

The significant achievements and steady improvements in performance levels show that poverty and social disadvantage can be overcome, when the partnership between schools, local authority and the wider
community is working at its best. Of course there is no room for complacency and there is still room for further improvement but I am confident Birmingham will rise to the challenge. (DFEE Press Release 65/98 dated 6 February 1998).

The press release contained more in the same vein, then commented:

The report describes a very well run LEA, with a sense of purpose and a carefully articulated rationale for the deployment of its resources. Rates of improvement in performance at all levels are improving at a faster rate than the national average. (DFEE Press Release 65/98 dated 6 February 1998).

The Report itself contains some very positive comments – including the second quotation from the press release, which is a verbatim extract from the report. The Executive Summary sets the tone:

Birmingham LEA is efficient and effective. It takes reasonable steps to meet its statutory obligations and delivers, in the main, expert and highly regarded services at reasonable cost. Both the statistical evidence and the findings of the inspection visits suggest that in recent years the LEA has helped to revive the morale of its teachers and to engender an enhanced professional commitment that has resulted in a worthwhile rise in standards. That rise has been faster than for the country as a whole, although attainment overall remains low. (OFSTED, 1997a).

The Report was clear in its attribution of responsibility for these achievements:

The success of the LEA is due to:

• The commitment of the Council to education, expressed through a sustained improvement in funding
• The leadership of elected members and the Chief Education Officer and the support given by senior staff
• The efficient organisation of services generally and improvements in the work of particular services
• Respect for the autonomy of schools, combined with effective support for school management
• Thorough and systematic use of school inspection data
• A willingness, in general, to take tough action when required
• Improvements in the quality of teaching and management of schools

In summary, this inspection judges that the LEA has defined a clear aspiration to raise standards and has convinced schools and others of its determination to do so, and of the feasibility of the undertaking. (OFSTED, 1997a).

Brighouse took exception not to the positive words of the summary or the glowing praise of the DFEE press release; he was very unhappy with the qualifications contained within the detail of the report and with comments that he perceived as striking at the heart of what he was trying to do. The task of improving educational performance in Birmingham was a massive one and Brighouse had addressed it through a range of initiatives aimed at galvanising schools and their staff. The final Report questioned whether there were not simply too many of these initiatives and criticised the fact that it was not possible to identify their relative effectiveness in contributing to raising standards.

The key passages are worth quoting at length since they indicate an approach to inspection during a defining period for the process itself. Having recognised the support given to schools and to headteachers in particular as key factors in success, the Report comments:
Once we move beyond these obvious truths, it is more difficult to come to clear judgements about what it is in the Birmingham approach that makes it effective. The LEA, as a matter of policy, surrounds its activities and those of its schools with publicity and forceful statements of vision that have played an important part in raising the profile of education in the city and in presenting the schools as institutions of which the community can be proud. Particular mention must be made here of the Chief Education Officer who, in a number of ways, has had an enormous personal impact. He has the ability to articulate a very particular educational vision and to inspire teachers to new levels of commitment. His accessibility to schools is much appreciated. The LEA would not have made anywhere near as much progress without his leadership.

Setting aside, but not in any sense minimising, the importance of the Chief Education Officer’s personal praise and support for Birmingham teachers and the positive impact of the general tone the LEA has sought to strike, there are, nevertheless, crucial questions to be asked about the expression of the LEA’s vision, the substance of its approach to school improvement, and the match between the two. (OFSTED, 1997a).

The “crucial questions” posed in the report are basically three:

There is, first, the question of whether there are too many initiatives. There is certainly a large number... Given that standards in literacy and numeracy were very low and remain low, it might have been wiser, in the primary phase at least, to continue to focus energy on raising standards in these basic skills...

(OFSTED, 1997a).

Secondly,

There is another important question about the substance of individual curriculum initiatives considered by HMI; whether they are based on a
clear and coherent view of teaching and assessment....In some cases, they contain examples of questionable practice....There is a risk of confusion here arising from eclecticism...

(OFSTED, 1997a).

And finally,

The third question concerns the “shared understanding of school improvement” which the LEA offers to its schools. As inspirational vision, like much else the LEA does, the impact of its school improvement strategies has been positive. This, perhaps, is the point. To reflect on what the words might mean, to ask whether the proposals are in fact sensible, or whether, conversely they amount to anything more than common sense is, arguably, to subject them to a scrutiny they were not meant to bear.

(OFSTED, 1997a).

Brighouse might have been able to accept this comment as an attempt to analyse the nature of his approach, although whether the final report was the appropriate place for such philosophical musing is another matter. Unfortunately, however, from Brighouse’s point of view, the Report goes further in the direction of scepticism:

However, what the LEA is seeking to promote is, in its words, a “shared understanding”. The first prerequisite for achieving this is that there must be something precise to understand. This report argues that in some critical areas this is not the case. Some key concepts, not least that of improvement itself, are poorly defined or are susceptible to misinterpretation. The celebration of success, for example, may turn all too easily into a refusal to acknowledge and confront failure.

(OFSTED, 1997a).

The fact that the LEA had increased significantly its funding for education also was identified as a major contributor to the success recognised in the Report.
Nevertheless, there was a qualification that implied there was not always enough analysis of direction and cost effectiveness:

To spend more money is never, however, in itself the sole answer. The LEA should...review what it is doing to ensure that initiatives focus on key priorities, make pedagogic sense and are manageable by those who have to deliver them.

(OFSTED, 1997a).

Brighouse was clearly aggrieved by these caveats and believed them to be the product of the CHMI's inability to think divergently or to recognise the true breadth of the work that Birmingham LEA was carrying out. It seems typical of the apparent nature of the personal relationship between himself and Woodhead that every question was seen in personal terms. It is clear, however, from the comments of Doubleday, quoted above, that the OFSTED leadership shared a view of Brighouse's work that mixed acknowledgement of achievement with scepticism towards some of the rhetoric and methodology.

Whatever the truth of the matter, such was the general regard for Brighouse within the profession that his reaction to the Report, combined with a closing of ranks amongst Chief Education Officers and a suspicion of all the works of the CHMI to ensure that the it was the impression of unfairness towards Birmingham that became the accepted view within the LEA fraternity, rather than a belief that Birmingham had received a favourable and fair report. This was to have consequences for the developing process of inspection, as will be shown.

Before the Birmingham report was published and the reaction became public, the OFSTED view of the pilot inspections was announced in a letter sent by OFSTED to all Chief Education Officers on 17 September 1997. The letter referred to two documents issued by OFSTED that day. The first was a consultation document on proposals for regulations for the implementation of Sections 38 and 39 of the Education Act 1997. The second was the revised Framework for the Inspection of LEAs. As a result of the pilot inspections a
clearer role had been identified for the Audit Commission as well as several other changes in the inspection process.

The final paragraph of the letter contains these words:

HMCI's programme of inspections begins on 1st January 1998. It is an essential component of the new partnership with LEAs which the government wishes to establish. The pilot reviews have been from OFSTED's point of view arduous but exhilarating, not least because of the quality of co-operation achieved between HMI and senior LEA officers. We look forward to working with you further.

(ref. 5/02).

Earlier, in May 1997, the developing OFSTED view of the process and purpose of LEA inspection had been set out in a paper by Doubleday to a seminar entitled "Maximising the Benefits of Inspection of LEA Services". In his paper he stated that OFSTED was primarily interested in asking whether or not LEA activity was helpful in assisting schools to improve and raise standards. He acknowledged that this was not the only question that might be asked of LEAs and he recognised that LEAs have many responsibilities that go beyond schools and school improvement. Nevertheless, he argued, this was the key responsibility and the proper subject for investigation.

We would argue, however, that the question OFSTED is asking about LEAs, difficult as it is to answer, is one of absolutely central importance. Most LEAs see their role in school improvement as fundamental, and if it lacks a precise statutory framework, that is something that a Labour Government is committed to addressing. It is not for OFSTED to impose such a framework through inspection; what we have sought to do is review LEAs in the light of their own priorities and their own context. My team does not think it knows the right way to run an LEA, indeed we're sceptical about whether there is a right way. The test is wholly pragmatic: if it works, it's good.
This paper effectively signalled an approach that combined rigorous inspection and challenge of performance with a pragmatic acceptance of local variation in style and approach. It is a theme to which further attention will be given later in this chapter.

The Inspection of Centralshire, 1998

The pilot inspections were followed therefore by the announcement of the first tranche of full LEA inspections to be carried out under the new statutory powers. The list had been known to the LEAs concerned for some time in order to ensure that they had sufficient period in which to prepare documentation and it included authorities where school performance tables indicated low levels of achievement.

Amongst these authorities was Centralshire, since the performance tables took no account of the fact that local government re-organisation in April 1997 had separated the low-performing Central City schools from the rest of the County. Indeed, it is interesting that those senior officers and elected members of Centralshire County Council who expressed their dissatisfaction at the County's inclusion in the first tranche on the basis of out of date information, seemed not to notice the fact that they might hold some responsibility for those low-achieving City schools. Moreover, it did not appear to occur to them that the LEA's support for schools might be equally deficient in the apparently more successful County schools. More perceptive officers quietly mentioned the word "complacency" and joined in the preparations for the arrival of the inspection team.

Those preparations included attendance by senior managers at seminars such as the one at which Doubleday had delivered the paper quoted above. Centralshire's Director of Education reported back from a meeting of chief
education officers held in June 1997 that the process would consist of four parts: the establishment of a baseline, including the LEA context and local school standards, the checking of facts in co-operation with the LEA, deciding on areas for inspection, and reporting and follow-up, including the preparation by the LEA of an Action Plan to address inspection outcomes (ref. 5/03).

A Centralshire Assistant Director attended another seminar in June entitled "Preparing Your LEA for OFSTED Inspection". His subsequent lengthy memorandum to management team colleagues is further indication of the level of anxiety that existed at the time. Apart from generally sound advice on ensuring that all appropriate school improvement processes were in place and well documented, he reported on a session that had consisted of "hot tips" in preparing for inspection and on an exercise in which he had participated relating to managing the post-inspection outcomes. Advice included:

- Be honest, admit mistakes
- Welcome recommendations
- Attract resources to be forward looking
- Undertake mini inspection first
- Prepare evidence beforehand
- Prepare action planning very soon afterwards to hit the ground running. Early wins.
- Ensure Councillors realise that they will be criticised as well as officers concerning areas of weakness. Elected Members' contribution will be inspected too.
- Agree the press strategy beforehand
- Try to strengthen links between Councillors and friendly stakeholders

(Ref. 5/04).

One of Centralshire's Senior Advisers attended a conference in October where the subject was "Managing the Information Requirements". Again, the
notes from the conference sessions suggest fairly high levels of anxiety and suspicion towards the process. The following extract is typical:

Motivation for inspection: standards/tidiness/accountability. (Elected members find accountability difficult)
Improvement/control. “Show trial”.

Stephen Byers – the LEA is on trial – they need to deliver or the LEA’s future may not be secure.

David Cracknell expressed some concerns about HMCI objectivity – it is therefore vital to take LEA inspection very seriously.
(ref. 5/05).

OFSTED itself and the leading professional associations such as the Society of Education Officers (SEO) and the Association of Chief Education Officers (ACEO) shared a concern that the process of LEA inspection should have positive outcomes. A number of seminars and conferences along the lines mentioned above were part of a cautious dialogue in a process intended to lead to some kind of agreed way of approaching inspections.

What OFSTED did not expect or welcome, although it could have been predicted, was the fact that officers from LEAs that had been inspected were visiting others who were to be inspected and sharing perceptions of the process in ways that were not always positive. Given the high profile nature of the outcome of the Birmingham inspection, inevitably, senior officers from Birmingham were invited to address meetings in other LEAs and, when they did so, they shared the perceptions that had been reached in that authority following its inspection.

The Deputy Chief Education Officer of Birmingham addressed the Midlands meeting of the SEO in October 1997. As a result, the SEO representative for Centralshire sent a memorandum to Centralshire’s Director of Education
outlining the main issues raised by the speaker. Advice to senior managers on preparation for the inspection included the following:

- Spend time talking through the issues
- Talk to headteachers of schools which have had a successful inspection
- Fill in all the boxes on the timetable for interviews
- Brief staff on (i) Authority aims (ii) How to approach inspectors
- Arrange pre-interviews with senior staff
- Arrange rehearsals for staff involved in group interviews
- Arrange report back process for staff who have been interviewed, including instant response provision
- Provide drop-in facility – for staff to talk about the interview experience afterwards.
- Hold an “end of OFSTED” party (ref. 5/06).

The same talk provided fresh insight into the aftermath of the inspection experience in Birmingham. The Deputy CEO stated that the report back to senior management by the OFSTED team was not in the original OFSTED plans. Apparently OFSTED had wanted to speak only to the Director and then in the strictest confidence. Brighouse declined the opportunity unless the rest of his management team could be present. The inspectors agreed but insisted that the contents of their briefing should remain confidential to the management team. This ran counter to the ethos that Birmingham LEA was trying to develop and so the management team subsequently had issued a statement to staff anyway, believing that staff morale would not be helped by denying them what the management team regarded as their right to know what had been said. As a result of the Midlands SEO meeting, the Birmingham Deputy CEO was invited to address a meeting of all Centralshire officers at third tier and above on 7 November 1997.
Much of what was said repeated the advice and information shared at the Midlands SEO meeting. Key advice included provision of “runners” to let the next person to be interviewed by the inspectors know what issues had been raised in the previous interview. The importance of the “drop-in” centre was emphasised so that staff could talk through the stress of being interviewed and share the issues that had been raised. The planning of the interview schedule was thought to be important. It was suggested that no gaps should be left in the schedule “to avoid inspectors wandering around the department”. Rehearsals were recommended for interviewees (ref. 5/07).

If, with the benefit of hindsight, all this seems somewhat paranoid, it must be understood that the atmosphere at the time lent itself to the mutual reinforcement of anxieties. OFSTED inspectors knew some of what was taking place. Doubleday regarded the whole enterprise of briefings as “over the top” and he remains strongly critical of such preparations, especially of rehearsing people in a previously agreed “party line”:

> It is basically dishonest and not a proper use of public money. Colleagues are quite good at seeing thorough it...They are conspiring to defraud the public of its right to an accurate report. It cannot be right to coach people (Interview with Doubleday 2 July 2002).

A team of officers was established in Centralshire to oversee preparation for the inspection. Chaired by an Assistant Director, the group comprised senior staff from each division, plus an officer who was to be responsible for overseeing the collection and ordering of the documentation. Meetings were held fortnightly and representatives of primary and secondary headteachers joined the group on a regular basis. A time line was produced commencing in October 1997 and finishing in January 1999 with the receipt of the final report. (ref. 5/08).

The actual dates of the Centralshire inspection were the first and third weeks of June 1998 for interviews with officers and elected members and throughout September 1998 for visits to schools and interviews with headteachers. A
questionnaire was sent to schools by the inspectors in December 1997. A number of preliminary meetings were held with the Lead Inspector, including a meeting with Education Spokespersons from the three political parties on the County Council. For most staff involved, however, the key tasks were to ensure that the documentation deemed necessary by senior management was available and up to date, and that they were personally prepared for whatever awaited them in interviews with the inspectors.

The Departmental Management Team faced its own concerns, not least of which was ensuring that all schools were ready and willing to play their expected part in providing a favourable impression of the LEA. In January 1998, the Director wrote to all headteachers and chairs of governing bodies in terms that may reveal more about her own anxieties at the time than those that she was purporting to address. The letter begins:

> During the last few weeks it has become apparent to me how anxious some schools are about their involvement with the LEA inspection. In my concern to prepare the Department properly I had not grasped that some of you were rather unsure about your role and the purpose of the school visits as an integral part of this process. Now that I have become aware of this I shall be taking steps to address your concerns (ref. 5/09).

Whatever anxieties the Director may have had should have been put to rest by the fact that the headteachers were used to being on the receiving end of inspections and knew how to close ranks in support of the common cause. In an unprecedented move in LEA inspections the primary headteachers invited the lead inspector to attend their conference to be held in May 1998. The invitation made an instant and positive impression on the Lead Inspector, as she expressed in a letter to the Director of Education in February 1998:

> I have recently received a very welcoming letter from Centralshire Primary Heads who have been kind enough to invite us to their conference in May. This is the first time we have receive a direct
invitation from schools. It is good to see that schools are approaching the inspection so positively. There is a good possibility that I shall be able to attend but before confirming this, I would like to discuss this with you when we meet (ref. 5/10).

Subsequently, in a letter dated 7 April, the Lead Inspector accepted the invitation and duly attended the Primary Heads’ Conference on 8 May. (Letter from Lead Inspector to headteacher representative, 7 April 1998). The Lead Inspector wrote to the Director of Education on the same day informing her of her acceptance of the invitation and seeking the Director’s agreement to the inclusion in the inspection team of a trainee – an experienced HMI who was being inducted into the LEA inspection process as part of the expansion of the programme. The request was for the trainee to accompany the Lead Inspector and Doubleday, who was part of the team in Centralshire, for the initial review stage of the inspection. The letter concludes on a friendly note with an enquiry about holidays and it is clear that everyone was on first name terms at this stage of the process (ref. 5/12).

Nevertheless, despite this clear indication of cordiality and the apparently smooth progress of preparations, the level of anxiety in County Hall appears to have remained high. The Director sent a memorandum to the Assistant Directors dated 20 March 1998 “suggesting” that a number of dates be set aside for preparation of the Management Team’s presentation to the inspectors – including some meetings designated ‘dress rehearsal’. No less than seventeen dates were identified – in many cases half days or whole days (ref. 5/13). It was on the basis of his experience of taking part in the Centralshire inspection that Doubleday could make the comment of the Centralshire Director that: “For all her qualities, she is not someone who generates a sense of calm” (Interview with Doubleday, 2 July 2002).

Prompt sheets and briefing papers continued to be produced and the Centralshire management files contain a number of memoranda from service managers and others seeking clarification of one issue or another. The general impression is one of ordered progress but nevertheless an order that
is shot through with anxiety from the leadership down, as the dates for the
arrival of the inspection team approached. It is a point for serious debate as
to how far such anxiety is an inevitable part of the process of external
inspection and the extent to which the whole process constitutes an enormous
distraction from the business of running an LEA. Or, as OFSTED clearly
believes, the focus on effectiveness and on outcomes actually enhances the
performance of the LEA by concentrating attention on what actually matters
and on what makes a difference in schools.

The cordial tone of communications reflects a conscious decision by the
Departmental Management Team in Centralshire that the inspection team
would be made welcome and that everything possible would be done to meet
their needs as a team. The principle was adopted that if the inspectors were
made welcome, and helped to feel good about visiting Centralshire, they were
more likely to write a positive report than if they were made to feel
unwelcome.

This fragile combination of friendly acceptance and wary paranoia held in
check was seriously threatened by events elsewhere. Just prior to the
commencement of the Centralshire inspection, the outcomes of the inspection
of North City LEA sent shock waves through LEAs across the country. A very
unfavourable report led to the removal of the Chief Education Officer and to
considerable negative publicity. The outcomes of the North City inspection
formed part of the agenda at the Confederation of Local Education Authorities
(CLEA) Conference in June 1998, where the North City CEO gave a
presentation on the inspection and where the Director of Centralshire was
able to have a private conversation with him. Her reaction to all this is
indicated in the contents of a confidential memorandum sent by the Director of
Education to the Centralshire Assistant Directors on 29 June – after the first
phase of the inspection but whilst visits to schools were still awaited in
September (ref. 5/14).

The first part of this memorandum describes the feelings in North City LEA
about the report they had received and the manner of its publication. In an
echo of Brighouse's concerns in Birmingham, the North City CEO told the CLEA conference that the report issued to the press by OFSTED bore little relation to the verbal report given at the end of the inspection. Attempts to amend the draft report had been rebuffed and there was a general feeling that the report was unfair and unbalanced. It was stated that whilst the CEO and the Chair of Education were prepared to accept criticism, they both agreed that the process itself, the outcome and the style of the report were totally unacceptable to them.

In her report of this presentation, the Director of Centralshire shared her fears with her Assistant Directors:

As a result I became a little nervous. We have yet to receive our proper feedback and I shall await this with interest. It is interesting that the common component of all the teams where there have been problems with the report has been Michael Doubleday i.e. Midchester, North City and Tower Hamlets (where I understand the report is being re-drafted). Christine Gilbert the CEO for Tower Hamlets is to use the word given to me "incandescent" about the style of her draft report. Given our links with Central City and the problems they are currently experiencing I am beginning to wonder whether Michael Doubleday was placed on our team with the expectation that Centralshire would demonstrate they were a "failing" LEA. I doubt that the team could make that finding. However, if one were paranoid, one could see how a report could be slanted in a particular way to make points which were detrimental to an authority. (ref. 5/14).

The Director then states her intention of speaking to the Lead Inspector and seeking reassurance but adds:

I am anxious too that we should not be penalised for asking difficult questions about, for example, who the true author of the report will be and whether there is likely to be a spin on the outcome. (ref. 5/14).
Turning to the subject of the inspection team's visits to schools, the Director refers to a private conversation with the North City CEO:

In a personal conversation he told me also that there was an outstanding complaint by a headteacher of a school against a member of the OFSTED team during the second phase of the inspection. You may or may not be surprised to learn that the Inspector concerned was Michael Doubleday. The headteacher complained that every time she said something positive about the LEA he turned it round and almost forced her to make a derogatory comment about the Local Authority instead. She said that this was so noticeable that she remarked on it and subsequent to the interview felt that she had been put under undue pressure by Michael Doubleday to present a black picture of the LEA's role in her school.

(ref. 5/14).

She describes some other incidents and repeats her intention to seek assurances from the Lead Inspector. She then adds:

We may wish to prime our schools along those lines. I would certainly like to know if the style of questioning veered towards bullying.

(ref. 5/14).

Describing the reaction of the elected members who attended the conference with her, the Director concludes her memorandum:

Lastly, all three of our Education Spokespersons were present with me when this presentation was made. They were not party to my conversation with him. They were horrified by his account and we did discuss it briefly afterwards.

I would be grateful if you would keep the contents of this note confidential to yourselves for the moment. I believe we need to be careful how we use this information.

(ref. 5/14).
Some of this version of events and the apparent reaction to his presence on inspection teams was put to Doubleday in the interview of 2 July 2002. His response was robust and provided a very different view of the North City experience.

He began by acknowledging that he was aware of the perception in which he had been held and he added that the welcome the team had received in Centralshire made no difference to the outcome of the inspection. He went on to state that North City LEA had a bad time because it deserved to have a bad time. He listed the facts relating to the condition of North City LEA at the time of the inspection: £6m in deficit, SEN in chaos, a critical school survey.

Doubleday then said:

We didn't need to inspect North City - it was clear from the performance indicators and the data that North City was a basket case from the beginning (Interview with Doubleday, 2 July 2002).

Referring to the reception the team had received in North City he said:

North City set out to bully us. It was led by the CEO and it was clearly an embarrassment to some senior officers (Interview with Doubleday, 2 July 2002).

Then, on a more personal note he added:

The process was still bedding down. The relationship between ourselves and the Audit Commission was still being worked through. My role in all this was to make it work. It was an extremely difficult thing to do. I deliberately put myself on teams where we knew there was going to be a problem. An exception was North City. Originally I was not on the team – because my wife was working in North City. But I went to the initial meeting. The inspection was to have been led by a
colleague – but he received such a battering from the LEA that he went off with stress. So I took it on. I stated to the CEO in front of witnesses that my wife worked in North City and it was agreed – and he stated – that it was not an issue.

There was collusion between Midchester and North City. There was a concerted effort to destabilise the inspection process. Pressure was put on my wife. There were allegations and accusations that she had been commenting on the inspection – that we had discussed it. My wife was used to attack the process. (Interview with Doubleday, 2 July 2002).

Clearly, some four years on, the memory of that experience remained with the then Head of OFSTED’s LEA Inspections Team. Equally clear, however, is his insistence on the integrity of the inspection process as it applied to North City and elsewhere, along with his dismissal of the emotional reactions taking place in LEAs at that time.

What North City had been trying to avoid through its alleged bullying tactics was comments like this from the final report of the OFSTED inspection:

The LEA is beset with problems....There are crucial weaknesses. (The LEA) has not arrived at the shared understanding of relative roles with its schools that would enable it to influence them without undermining their autonomy (OFSTED Report on North City – actual report not included in bibliography in order to preserve confidentiality).

And again:

....a failure of communication....North City performs so poorly in relation to the principal issues that confront it...The LEA is not carrying out its functions adequately (OFSTED Report on North City – actual report not included in bibliography in order to preserve confidentiality).
The strongest impression emerging from discussion of these events with Doubleday was of his unbending determination that the evidence should speak for itself and that the inspection process should address things as they are and evaluate their effectiveness. It is for this reason that there is the conviction, quoted earlier from the Doubleday interview, that attempts at coaching and preparing scripts are part of a conspiracy to defraud the public of its right to an accurate report. There is, perhaps, a fine line between what LEAs might see as prudent preparation, and what OFSTED might see as a conspiracy with headteachers.

For all the fears and anxieties, in the event the Centralshire inspection passed without trauma or undue controversy. In a letter to the Director dated 7 September the Lead Inspector made some very positive comments concerning staff co-operation and preparation in relation to the completed phase one and the forthcoming visits to schools. The Initial Review had been sent to the Director previously and the Lead Inspector commented “I will look again at the Initial Review and I will then let you know in writing whether we are able to make the amendments”. Once again the letter concluded on a friendly note with mention of holidays and appreciation of hard work. The tone was robust in its insistence on letting the evidence speak for itself but friendly in its sense of human relations operating at a professional but convivial level. (ref. 5/15).

By November the final report on Centralshire was in its draft form and was subject to representations by the Director who was seeking amendments to it. The Lead Inspector wrote to the Director on 2 December providing detailed reasons as to why many of the requests for changes were not accepted in full, although acknowledgement was made of the helpful nature of many of the suggestions. The report was ready for publication, complete with its judgement that many Centralshire schools were complacent or under-achieving and that this was in part due to the LEA failing to provide them with adequate challenge:
Too many schools in Centralshire appear to be coasting at about national averages, where they might and should be aiming for excellence....Schools are performing adequately, but they need a vigorous, effective local education authority to encourage them to strive harder (OFSTED Report on Centralshire – actual report not included in bibliography in order to preserve confidentiality).

The Times Educational Supplement (TES) focused on the issue in its report on the Centralshire inspection and did not give any attention to the number of very positive comments that OFSTED had made (N.B. no direct reference given here in order to preserve confidentiality). The Director of Education was moved to write to the TES and protest at what she called the biased reporting. Her letter was published, giving some redress to the sense of injustice. Some further comfort was forthcoming in a letter from the Lead Inspector to the Director in which she said:

I read the TES report with disbelief myself – although in OFSTED we have become used to mangled reports in the press. I was very sorry that the findings have been poorly reported. Anyone who reads the report cannot come to these conclusions. Issuing the report seems to have caused more difficulties than the whole inspection (ref. 5/16).

The solidarity of LEA leaders was demonstrated in a letter received by the Centralshire Director from the Director of Education in Durham:

Just a brief and belated letter to congratulate you most heartily on your OFSTED outcome. I thought the report was extremely supportive and very complimentary and it is good not only for Centralshire but for all LEAs in trying to get across the success that we are achieving.

One of the things we learnt was from the very unfair publicity which your report initially got and which you were able to correct through the TES. That just reminded me that there are all sorts of people out there always trying to underplay the success of LEAs, even when it is written
down and in front of their eyes, and hopefully we shall not be subjected to the same treatment (ref. 5/17).

So the drawn out saga of the inspection drew to a close, with an LEA Action Plan responding to the main issues raised and that was soon to become subsumed into the Education Development Plan that the LEA was required to produce from 1999.

**The Development of LEA Inspections**

The cycle of LEA inspections was completed in the autumn of 2001. It is undoubtedly the case that as a result of the process there is now an opportunity for rational debate about the role of the LEA and discussion about the kind of LEA that is best suited to that role. The accumulated corpus of evidence means that discussion of the place of the LEA in policy can be conducted rationally and with attention to evidence. The near hysteria within LEAs that accompanied the early inspections has been replaced by a calmer recognition of the need for accountability and there is now in almost all authorities a readiness to co-operate with inspection. In recognition of the changed atmosphere the latest approach puts an emphasis on self-evaluation with the Chief Officer’s pre-inspection statement playing a key role in setting the agenda for the inspection.

Doubleday believes that there is an arguable case that LEAs needed to go through the imposition of inspection to teach them self-evaluation. Before inspection of LEAs began, there were relatively few performance management approaches in LEAs and despite the early efforts of the SEO to deflect central government, it is hard to see how LEAs at that time could have conducted self-evaluation. The past five years has seen the development of data collection and the organisation of schools’ performance and other data in ways that make it possible to take a dispassionate view of LEA effectiveness and school improvement.
Five years ago no framework existed setting out the LEA’s role. This is now in place. There is a shared language and understanding of what the criteria and methodology are about. LEA inspection gives the opportunity to talk to an external evaluator. The intellectual structure has had to be worked out, and that has come at the end of a long and, at times, painful process.

The transformed atmosphere surrounding inspection was demonstrated in January 2002, when Doubleday conducted a seminar at the SEO 2002 winter conference held, ironically, in North City. The seminar was entitled “Lessons From Inspection” and in it Doubleday stated his belief that during the period of the inspection cycle the nature of the evidence had changed. LEAs were now generally good at leading school improvement and in their support for partnerships. The internal evidence of improvement is clear – particularly where there had been a second inspection as a result of concerns identified during the first (ref. 5/18).

The reasons for the general improvement in LEA performance include the increasing clarity of the LEA’s role and the fact that preparation for inspection is able to take place against known criteria. There is an increasingly effective recognition of corporate responsibility for education and a greater openness to challenge and to constructive criticism.

Some impediments to improvement remain, including funding arrangements for schools and LEAs and – significantly – an excess of regulation: “Sixty six plans for local authorities overall is rather a lot” (ref. 5/18). According to Doubleday the process of inspection is no longer about exposing failure, since there is very little failure about. The LEAs who were particularly weak have been dealt with in one of several ways. This message was similar to that expressed during the interview held on 2 July 2002 when Doubleday was asked to what extent the improved atmosphere regarding inspections of LEAs was due to a change of approach by OFSTED. He responded to this question by acknowledging the fact that the departure of the previous Chief HMI and his replacement by the universally respected Mike Tomlinson had
undoubtedly improved relations at a stroke, but he argued that the issue is complex:

It is because the Chief HMI has changed! It is complex. The approach to evidence has not changed. Perhaps we have become even less generous in our judgements. OFSTED has not got softer. Mike Tomlinson set a different tone. This probably changed the way LEAs approached inspection. But – above all – the evidence changed. Most problematic LEAs were front-loaded. So later tranches were of LEAs doing well. Of the early reports, 17 out of 41 were failing. It was my idea to put this out as a challenge. It was not a failure rate that was sustainable. The second reports found improvements on that. Nearly all LEAs have been reported as improved on the second inspection. (Interview with Doubleday, 2 July 2002).

Alongside the continuing rigorous emphasis upon evidence, what is equally clear is that there is now respect in OFSTED for local circumstances. This is a situation that contrasts quite strongly with the DfES inclination to issue directives and to insist upon plans that conform to a national prescription – as evidenced in the earlier chapter on the progress of the Infants Class Size Policy. As a by product of the pragmatic approach to running an LEA, OFSTED is increasingly willing to accept local variations – so long as the evidence is there that the particular approach is effective.

An example of this development can be found within the two reports that have been written following inspections of Barking and Dagenham. In 1997 the Lead Inspector wrote: “All the evidence suggests that, were it not for the work of the Authority, standards would be a good deal lower than they are” (OFSTED, 1997c). It was the case that the Barking and Dagenham School Improvement Service operated at a significantly higher cost than the then national average, but OFSTED felt able to accept that since, “The trust that the LEA has created renders tolerable the cost of this activity. This small borough of 155,000 inhabitants maintains relatively large inspections and
advisory service. But the LEA has a stronger rationale for what it maintains" (OFSTED, 1997c).

A second inspection of Barking and Dagenham took place during 2002 and the continued effort was recognised:

Through its perseverance over many years, the LEA has achieved a crucial shift in attitude across the borough. Educational failure is neither expected nor accepted as an inevitable feature of the local scene (OFSTED, 2002a).

And OFSTED makes clear that the focus is where it should be:

Consistent focus on the need to reinforce teachers' pedagogical skills...has done much to improve the quality of provision in schools and has materially improved the prospects of thousands of local children (OFSTED, 2002a).

The focus is on delivery and end-user experience within a local context, where the LEA is recognised as having the right to make decisions and provide leadership in order to address local issues.

The LEA's achievement has been, and remains, a striking one. It also involves a very high level of investment.... The LEA argues that the cost of school improvement, though undeniably high, is necessary in view of the continuing vulnerability of schools (OFSTED, 2002a).

The OFSTED message is therefore clear: local variations are acceptable, so long as they deliver the essentials of school improvement and pupil entitlement. It is not unreasonable to see this as something of a contrast with the DfES where the language of partnership is used but there is a demonstrable and fundamental mistrust of LEAs and a reluctance to allow them to get on with things on their own ways. Reference has already been
made to the earlier chapter on class size policy by way of illustrating this contention. OFSTED does not use words like partnership since, perhaps, to do so might stray too far towards suggesting negotiation, but it does engage in dialogue on the basis of a shared language about effectiveness, standards and improvement.

Doubleday was asked whether inspection could ever be an expression of partnership. He answered with reference to Wittgenstein:

Partnership is not a word I like to use. In all inspections there is a language game that is being played – you are familiar with Wittgenstein? Partnership goes too far towards suggesting negotiation. When inspection goes well there is discussion and there is collaborative use of language (Interview with Doubleday, 2 July 2002).

It is possible to conclude, perhaps, that the collaborative use of language in a critical dialogue based on a shared understanding of the LEA’s role offers a much more productive way forward for LEA relations with central authority than the early exchanges around inspections of LEAs might have led anyone to believe was going to be possible.

This is not to say that there are not still some real issues where the perception of the LEA’s role and activity that informs OFSTED’s conclusions is open to challenge. For example OFSTED will say that in their evidence base it is clear that what LEAs do best is deliver centrally proposed and funded initiatives and policies and there is a residual belief in OFSTED that LEAs are less good at having their own ideas. In the SEO seminar at North City in January 2002 Doubleday stated that according to the evidence from inspection:

LEAs are stronger in processes of strategy formation than in implementing or evaluating strategies, or in aligning resources to priorities (ref. 5/18).
There is also a belief in OFSTED that LEAs have concentrated on attainment and have not seen the connections between issues; for example the need to see a relationship between the promotion of inclusion and the raising of standards. This is believed to be true particularly of the corporate centre – which, in most councils, has yet to demonstrate its capacity to address a range of issues surrounding schools and their performance, although the Comprehensive Performance Assessment should, if it is done properly, accelerate this process.

Furthermore there is significant debate within OFSTED concerning some of the judgements that are being made and there is clearly a willingness at least to discuss the extent to which particular features of the local situation should affect practice and, consequently, judgements. This view was confirmed by Janet McCardes, HMI and a member of the OFSTED LEA Inspection Team, during a talk given to the London borough of Northall School Improvement Service in July 2002 as part of its preparation for the LEA’s inspection, due in January 2003. McCardes reinforced the impression given by Doubleday that OFSTED wishes increasingly to engage with LEAs in discussion of the local context. The judgement of capacity would be influenced considerably by the honesty and accuracy of the self-evaluation carried out by the LEA and communicated through the Chief Officers Statement prior to the inspection (ref. 5/19).

In its approach to the task of LEA inspection, there seem now for OFSTED to be three key questions. The first is whether or not there is a rational basis for what the LEA does. The second is whether or not what the LEA does is effective. The third asks what evidence there is to justify the LEA’s approach. Furthermore, it is clear is that if an LEA can show that it knows what it is doing and why it is doing it, then the likelihood is that it will have a positive report, particularly if there is an honest recognition of weaknesses and evidence of a planned effort to improve.

An example of this can be found in the Hillingdon inspection report of 2002. It is not a particularly good report but it is less critical than it might have been
because Hillingdon LEA was able to show that weaknesses were known and that action was being taken to address them:

The LEA is aware of the weaknesses identified in the report and is already planning improvements. The inspection team is confident that the LEA has the capacity to address the recommendations made in the report and to continue to improve (OFSTED, 2002b).

Yet with the developing understanding of the inspection process both in OFSTED and in LEAs one thing that has not changed is the OFSTED view of the leadership role of the LEA. In OFSTED's view that role is to provide moral and professional leadership for the service as a whole and to set and exemplify the vision for educational progress throughout the LEA's area. The crucial importance of such leadership together with OFSTED's acceptance of differences and its willingness to judge according to achievement were exemplified in the report of the second inspection of Birmingham LEA that took place in 2002. The publicity surrounding the publication of this latest report was a far cry from the situation described earlier in this chapter. Finding Birmingham to be an outstandingly successful LEA, the inspectors reported:

It is one of a very small number of LEAs which stand as an example to all others of what can be done, even in the most challenging of urban environments.

Critical to its success has been its consistency of approach over a long period, a high level of funding, dedicated and uniformly effective work by officers, very capable political leadership, but above all the energising and inspirational example set by the chief education officer (OFSTED, 2002c).

The fact that LEAs do not control schools does not change the importance of the role of the chief officer as leader. The relationship with schools has changed, but the leadership role remains, albeit through the exertion of
influence and capacity to persuade. This chapter has provided two contrasting views of chief officers in relation to their responses to inspections. On the one hand was the negative approach, unhappy with the very notion of inspection; on the other, active, positive leadership that was judged by its concentration upon school improvement and the needs of pupils. It is on this issue above all, that the success or otherwise of the LEA continues to depend. It is crucially important that the LEA should be able to deliver its aims and to evaluate itself in the process, making necessary and appropriate changes and adjustments in order the more effectively to support its schools.
The introduction of two initiatives by the Conservative government in the late nineteen-eighties were both intended to create a new kind of school, free from the supposedly malevolent influence of the local authorities. Both initiatives were the outcome of a developing strand of Conservative Party thinking throughout the eighties, culminating in the 1988 Education Reform Act (ERA). This chapter considers how central government sought to by-pass LEAs and deal directly with schools through setting up city technology colleges and grant maintained schools. The main focus of attention will be on the grant maintained initiative, since this was the policy through which the government clearly intended to bring about a transformation of the education system. The narrative draws on published material and on a semi-structured interview with a civil servant who had responsibility for implementing the government’s policy, as well as giving attention to the views of headteachers in Centralshire and Northall. Consideration is given to the ERA itself and to some of the thinking that lay behind it insofar as the Act and the intentions of the Conservative government impacted on the relationship between central government and local education authorities. Note is taken of several strands of Conservative Party thinking in which LEAs were vilified and threatened.

The introduction of grant maintained (GM) status in particular was a major attack on LEAs and was one means by which central government by-passed local government completely in allowing schools to leave their local education authority and become semi-autonomous. The first development of this kind was the setting up of city technology colleges (CTCs) through private and public funding without reference to the LEA.
Power to the Centre: The ERA and CTCs

As stated in the Introduction to this study, the ERA did not emerge suddenly after the 1987 General Election without considerable preparation from Conservative Central Office, although it will be shown that many of the party's councillors in local government were less than enthusiastic about crucial parts of the legislation. The origins of the ERA lie in several distinct but interconnecting strands of thinking that had been taking shape since before the initial victory of Margaret Thatcher in 1979. Knight (1990) traces much of the history of this development and Ranson (1990) suggests three formative phases that culminated in the ERA. The first was the "Black Paper" phase from 1969 to 1977 in which writers such as Cox and Boyson criticised standards of attainment and blamed child centred methodologies and pedagogy for the unacceptable state of affairs. The authors of the Black Papers argued for a stronger voice for parents to counter the domination of the system by self-interested groups of professionals, both educators and administrators, who were identified as the 'producers' of education. (Cox and Boyson 1975, 1977). Ranson's second phase saw the growth of proposals for a stronger 'consumer' voice including a 'charter' and extended information for parents. The 1980 Education Act extended the possibility of parental preference in the allocation of school places and provided more representation for parents on schools' governing bodies. The third phase led through the 1987 election campaign to the ERA itself.

The ERA signalled a deliberate end to the consensus that had prevailed in education policy making since the passing of the 1944 Education Act and an endorsement of the ideological conflict that had been developing since the publication of the first of the Black Papers. Whilst the concerns about educational organisation, standards and the curriculum that the ERA set out to address were shared on both sides of the House of Commons, the solutions it proposed did not and could not command common assent.
The Secretary of State made the break with the past explicit and spoke in the language of the New Right when he introduced the second reading of the Bill in the House of Commons:

Our education system has operated over the past forty years on the basis of the framework laid down by Rab Butler's 1944 Act, which in turn built on the Balfour Act of 1902. We need to inject a new vitality into that system. It has become producer dominated. It has not proved sensitive to the demands for change that have become ever more urgent over the past ten years. This Bill will create a new framework, which will raise standards, extend choice and produce a better educated Britain (Baker 1987).

For the Conservative Party the ERA was, if not the final step, then a major advance in establishing a project pursued since they had achieved office in 1979. Lawton (1992) puts it like this: "The ERA should be seen as a continuation of the trend towards conflict beginning in 1979 rather than a bolt from the blue in 1988." This trend had seen gradual erosion of the powers of LEAs as more and more of their traditional functions were removed.

The incoming Conservative government in 1979 took early action to repeal the law requiring LEAs to plan for comprehensive re-organisation and whilst this was not in itself a diminution of LEA powers it was a signal that the government had an agenda that it was prepared to assert. The next step, in the 1980 Act, was the creation of the Assisted Places Scheme to give parents the right to apply for a government-subsidised place in an independent school if their child was considered to be of above average ability. Lawton (1992) remarks that this innovation indicated to the public that the government considered "LEA provision was not really good enough for bright children". The theme of "choice" was reflected also in the right for parents to express a preference for a school, to be represented on governing bodies and to receive a range of information on the school. LEA powers to refuse places to parents outside the authority's boundaries were reduced.
The 1984 Education (Grants and Awards) Act gave the government powers to allocate specific grants that LEAs were not then able to use for virement. Two further Education Acts in 1986 increased central direction. The first Education Act (1986) made it a statutory requirement that all maintained schools should have a governing body and laid down a formula for each governing body's composition. This brought an end to the practice in some LEAs of having governors for groups of schools or even, as had been the practice in one large northern authority, constituting the Council’s Education Committee as the governing body for all the authority’s schools. The second Education Act (1986) set up a centrally directed in-service training scheme for teachers; again something that hitherto had been a locally determined issue. In 1987 the local authority associations were taken out of the loop in teachers pay negotiations by the Teachers’ Pay and Conditions Act (1987). None of these Acts in themselves represented a decisive step but all of them moved in the direction of more central government control and less local authority discretion. Meanwhile another initiative was being prepared to take forward the aim of broadening provision beyond that controlled by the LEAs. The then Secretary of State for Education, Kenneth Baker, used the occasion of the 1986 Conservative Party Conference to announce a further development that combined an attack on LEAs with an attempt to further the government’s agenda. He declared that the government was to establish twenty new schools to be known as CTCs. The CTCs were to be independent of LEAs, situated in deprived urban areas and funded jointly by the DES and by commercial sponsors. The curriculum was to lay emphasis on science and technology and the students were to be admitted on the basis of their aptitude for such a curriculum.

Commenting on the CTC initiative in 1991 Walford and Miller noted:

In one swoop the CTCs were thus an attack on local education authorities, on comprehensive education, on other schools within the designated catchment area and on traditional state maintained education as it had developed over the previous forty years (Walford and Miller, 1991).
The Conservative Party Conference greeted the announcement with enthusiasm, not least because Baker's speech made clear that the initiative was deliberately aimed at weakening so called left wing Labour LEAs. The latter's hold over education through the comprehensive system was believed by the Conservatives to be a major cause of low educational standards. To counter this allegedly baleful influence, CTCs were to provide a curriculum that emphasised science and technology and that provided opportunities for secondary aged students from the inner cities; the very people whom the Conservatives believed were being failed by inner urban comprehensive schools.

The new schools were to offer places to pupils without charging for them and the government intended that a major part of the cost of building and equipping the CTCs would be provided by sponsors from the world of business and industry. These were the people and companies whom the government regarded as its political allies and whom it clearly believed could be relied upon to support this initiative. Walford and Miller report that some 2000 "leading industrial and commercial organisations" were approached to give support to the CTC project (Walford and Miller, 1991).

The DES booklet that carried the appeal to the target organisations included a statement that echoed the words of Baker's speech to the Conservative Party conference: "The Government believes that there is, in the business community and elsewhere, a widespread wish to help extend the range of choice for families in urban areas" (DES 1986). Yet it quickly became clear that this belief was founded on little more than ministerial optimism and that the assumption that the government's "natural allies" would automatically support an initiative about which they had not been consulted, was far from soundly based.

The reluctance of the business world to commit itself to the CTC cause appears to have stemmed from two considerations. Firstly, throughout the previous decade the links between industry and the state education system
had been growing. The Technical and Vocational Education Initiative (TVEI) had proved very successful and popular with both schools and industry. The curriculum of the majority of state secondary schools had been transformed and there were numerous schemes providing work experience for pupils, placements in industry for teachers and opportunities for industrialists to take part in school-based activities. As Walford and Miller observe:

Given that this had occurred in very many maintained secondary and primary schools, there was little reason why the companies involved should wish to concentrate their attention on CTCs rather than continuing to spread their efforts over a far wider number of schools (Walford and Miller, 1991).

The second consideration was simply one of cost. A very large amount of investment was required to set up and equip a CTC. From the point of view of cost effectiveness it made much more economic sense for industrialists to continue to invest in mainstream schools where the unit costs were lower and their influence much more widespread.

If these were the two major considerations for a lack of enthusiasm on the part of those from whom the government expected a more positive response, a third factor that emerged for some companies would have been particularly frustrating for the government, given the stated intention of by-passing LEAs through the CTC initiative. First, in December 1986 the education liaison manager of British Petroleum addressed an Industrial Society meeting and accused the Secretary of State of lacking confidence in the majority of state schools. Second, the managing director of ICI stated that support for CTCs could only be provided at the expense of other work the company was carrying out with a number of LEAs. He made it clear that ICI was not willing to damage its existing relationships with LEAs in order to support the CTC initiative.

The government's stated intention of having twenty pilot CTCs open by 1990 foundered on the lack of willingness of potential sponsors to commit the kind
of money required and the problems of finding suitable sites within the inner urban areas targeted for the scheme. The refusal of Labour controlled LEAs to have anything to do with the scheme obstructed the process of planning and building and the opposition of the Labour Party nationally to CTCs made the future security of any investment extremely uncertain. The lack of industrial support for what should have been a flagship initiative in the run up to a General Election led to an announcement that legislation would be passed safeguarding any investment against the actions of a future Labour government. The difficulties experienced by the government are indicated by the fact that whereas the clause added to the 1987 Education Reform Bill specified that government funding would be available for five years and that payments could not be terminated without five years notice, by the time the ERA was passed in 1988 these periods had been extended to seven years each.

With the appointment in May 1987 of the Conservative former deputy leader of the Greater London Council to head up the City Technology Colleges Trust fresh impetus was given to the initiative. Additional DES funding was committed to the project; the search for single, high profile sponsors for each potential college was abandoned in favour of groups or consortia of businesses. Nevertheless the scheme was less than highly successful. The first CTC opened in Solihull in September 1988 with the support of the local Conservative council. It has to be said that the location was not exactly characterised by the inner urban deprivation that the CTCs were supposed to counter. Equally, since the avowed intention was to bypass left wing LEAs that were deemed to be failing children in the inner cities, the choice of a Conservative controlled LEA for the first CTC provided further ammunition for the project's opponents. Seven further CTCs were in preparation at the time and whilst some of these more clearly met the original criteria, there was never to be the groundswell of support for which the government had hoped.

The history of CTCs has been one of a parallel existence to LEA maintained schools, with little development in the sector until the election of a Labour government in 1997 led to new emphasis upon CTCs becoming the focus for
good practice in their area and made liaison with the local family of schools a prime condition for the extension of funding. With the less than successful progress of the CTC initiative in the years that followed the passing of the ERA, the Conservative government's approach to LEAs was more clearly epitomised through other aspects of its legislation.

The Grant Maintained Initiative

Whilst the Education Reform Act of 1988 contained clauses seeking to safeguard the already controversial CTCs, the sections of the Act that aroused more opposition than any other part were those containing the legislation dealing with grant maintained schools. During the 1987 General Election campaign, Margaret Thatcher, the Conservative leader had made a number of references to the need, in her view, to "set schools free" from local authority control. The views she expressed did not sound or read like coherent legislative proposals but Baker appeared before the press on several occasions to explain how the ideas all fitted together and would form the 'flagship' of the next Conservative government's proposals for education. His task was made the more difficult because Thatcher appeared at times to confuse the emergent idea of allowing a number of county schools to opt out of LEA control to become grant maintained with a return to the former 'direct grant' grammar schools.

The lack of coherence in Conservative pronouncements provided an easy target during the 1987 election campaign for opponents of the emerging policy. A typical example occurred during an education debate between the candidates in the South Worcestershire constituency where the Labour candidate drew considerable applause from an audience containing a large proportion of teachers with the following observation:

We are being treated to the spectacle of Margaret Thatcher stomping around the country, dropping bits of education ideas from her cuff wherever she goes – and Kenneth Baker scrambling after her, picking
up the pieces and desperately trying to put them together into something that can be made to look like a coherent policy. And every time either of them opens their mouth on the subject of education you know that they have never had to stand in front of a fourth year class on a wet Friday afternoon in February (ref. 6/01).

Despite their immediate entertainment value to partisan audiences, however, such rhetorical jibes carried no more weight in the country as a whole than they did in the Conservative stronghold of South Worcestershire and, having duly won the election, the Conservatives wasted little time in publishing plans that reflected the intentions of their Leader. In his review of the effects of the ERA Maclure is clear about the primary thrust of this aspect of the legislation: “The aim was to break the local authorities’ monopoly of ‘maintained’ schooling” (Maclure, 1992).

Over fifty sections of the Act were devoted to grant maintained status since the innovation was so radical that it required amendments to almost every other piece of legislation relating to primary and secondary education. The essential elements of the policy were to allow any state secondary school, referred to as ‘maintained’ in the legislation, with a minimum of three hundred pupils, to choose to leave its local authority and to become funded directly by the government, although eventually in practice this was to be through the Funding Agency for Schools. The move to opt out of the LEA could be initiated by a group of parents or by the school governors and was dependent upon approval by a majority of parents voting in a secret ballot. Where the proportion of parents voting amounted to less than fifty percent of the total a second ballot had to be held, with a simple majority being decisive regardless of turn-out.

Where a county school opted out the buildings became the property of the governing body together with any other assets located at the school. The school would receive funding equivalent to that of the county schools in its former LEA area but with the addition of a share of the LEA’s administrative costs calculated by the DfEE. The sum for administration included a
proportion of the costs of LEA maintained service to schools and was payable to the grant maintained school whether or not that school had previously been in receipt of the particular service, a provision of the legislation that was to be challenged through the courts.

In the West Midlands, Oldswinford Hospital School in Dudley became an early applicant for GM status. The LEA sought a judicial review of the Secretary of State’s ruling that the school was entitled to a proportion of everything that Dudley spent on education services, whether or not the school was in receipt of those services. The issue at the heart of the case was the authority’s spending on support for minority ethnic pupils learning English as an additional language. Dudley argued that as Oldswinford School had no such pupils and that this was a specific fund directed at particular pupils, it should be excluded from the calculations of the amount due to the school. Dudley duly lost the case and the borough’s minority ethnic pupils lost a percentage of their support to the all white, middle class Oldswinford School. The case served only to strengthen the objections of those who saw the GM policy as unfair and immoral in its distribution of funding.

The local authority objections to the ‘opting out’ legislation were not confined to the financial effects. LEAs were under pressure from the Audit Commission and from the DES to reduce the number of surplus places and in a number of cases proposed to achieve the required reduction by closing a school. The prospect of acquiring grant maintained status provided a bolthole for anti-closure campaigners, despite the government’s assurance that each case would be considered on its merits. Where applications to opt out were successful for such schools, the LEA was still left with surplus places but with no obvious means of addressing the issue. The allocation of places to pupils and provision of school transport were also rendered problematic. GM schools had the right to become selective, with the concomitant right to admit pupils from anywhere, yet with an obligation resting on the local authority to provide transport. Even where the GM school was notionally comprehensive, the admission policy was in the hands of the governors, with the result that an area with several GM schools would have several admissions policies.
London Borough of Hillingdon was one example where parents were left without places for their children as a direct result of the inability of the LEA to plan for provision in the face of all its secondary schools having become grant maintained. Writing at a time when over half of Hillingdon’s schools had become GM and most of the remainder were considering doing so, Fitz, Halpin and Power described the authority as operating a minimalist service and commented: “Indeed, in one particular LEA, Hillingdon, the future may have already arrived” (Fitz, Halpin and Power, 1993).

Teachers’ professional associations and other trade unions with members involved in education were deeply unhappy about the fact that a decision to become grant maintained meant that the staff of the school automatically ceased to be local government employees and became the employees of the governing body. Union representatives who were used to dealing with local authority officers on behalf of large numbers of schools feared the potentially divisive and disadvantaging effects of negotiating on a ‘plant by plant basis’, and saw this as a threat to the maintenance of nationally agreed terms and conditions of service, as well as of pay. Yet this was precisely what the government intended since part of the problem it perceived within the English education system was the combined effect of the ‘interfering’ LEAs and the ‘obstructive’ unions. Both were believed to be self-serving institutions standing in the way of progress and obstructing the achievement of the goal of raising standards through competition and the application of free market economics to schools.

The philosophy behind the legislation was set out in numerous speeches and booklets and in material circulated to schools with the aim of encouraging them to seek GMS. The strong encouragement to opt out was accompanied by continued speeches from ministers extolling the virtues of schools setting themselves free from LEAs and by appointed ambassadors from within the grant maintained schools themselves. One of the leading players in these activities was Sir Robert Balchin, Chairman of the Grant Maintained Schools Trust. In a speech to the Grant Maintained Headteachers’ Conference in 1993 he said, “This freedom, of professional people to decide their own
priorities for their schools unhindered by local or central political control, is the very air that these schools breathe”.

Despite all the encouragement, or pressure, depending on one’s point of view, very few schools accepted the challenge of holding ballots. Where they did so, opponents of opt-out won a significant number of them. Increasingly, ministers appeared to be torn between arguing on the one hand that schools and their parents should be sovereign and on the other hand denouncing the apparent perversity of these sovereign parents in opting to stay with their local authority. The government’s case was not helped by the fact that many Conservative councillors were to be found among the opponents of the GM policy, an uncomfortable fact that was remarked upon by Balchin in 1991:

Half the daggers I have in my back have blue handles: Tory LEAs, with some honourable exceptions such as Wandsworth and Lincolnshire, have fought against GM status for their schools, some spending tens of thousands of pounds on anti opt-out campaigns (Balchin, 1991).

Whilst Sherratt can describe Conservative councillors and their perceived continuing paternalism as an embarrassment to the party, he deplors the fault lines running through Conservative thinking on GMS right up to government level. ‘Free market’ purists such as Balchin, Sherratt and Sexton have criticised the less than whole-hearted way in which the policy was pursued. Indeed, to read Sherratt is to gain the impression that he resents the ideological opponents of GMS rather less than those ministers and officials whose caution led them first to insist on parental ballots and then to impose regulations on opted out schools. This section of Sherrat’s book usefully illuminates the ideological divide within the Conservative Party. Sherratt is at his most scathing when he quotes Baker’s memoirs:

The creation of grant-maintained schools, and the prospect of eventual large-scale opting out, did raise the whole question of whether the local education authorities should continue to exist. In discussions during 1986 and 1987, the Department of Environment, led by Nick Ridley,
wanted schools to be funded solely by a per capita grant to be topped up with fees. The Treasury was quite prepared to take on the funding of schools centrally. This would have been the nationalisation of the education service (Baker 1993).

Baker goes on to explain that this could not happen because the Department of Education and Science did not have the numbers of staff required to take over school administration from the local authorities. Yet for Sherratt this is simply beside the point and indicates a lack of radical conviction on the part of the then Secretary of State: “This is interesting, because it is clear that the former Secretary of State did not see self-governing schools operating independently of DES regulation and bureaucracy” (Sherratt, 1994). Sherratt saw the continuing existence of LEAs as “the greatest current threat” to the further expansion of the GM sector. He wanted them abolished but he equally wanted schools to be free from central government control. In this he was supported by “New Right” thinkers such as Sexton.

Sexton, Sherratt and Balchin regarded the application of the National Curriculum to grant maintained schools as an aberration that betrayed the free market principle. Schools should be free to plan their own curriculum in response to market forces. Planned admission policies were unnecessary for the same reasons, although the possible effect on children of being moved from school to school like short term investments on the stock market is nowhere discussed in the free market literature of the time.

Equally, the imperative to replace a producer driven culture with one driven by consumers appears to beg the question of the role of the headteacher in the autonomous school. It is assumed the headteacher will respond to market forces and manage accordingly. Enlightened policies will rule the day. In discussing the treatment of disruptive pupils Sherratt asserts: “In virtually all cases the first test as to what action the school will take when dealing with a highly disruptive child will be the interests of that child” (Sherratt 1994). Yet it is not clear what precisely will ensure that this is so or what will prevent a new producer culture emerging in the form of autonomous headteachers.
Speaking recently about the effects of legislation passed by the 1997 Labour government, Robyn Thomas of Cardiff University Business School has described the new role of the headteacher as “a despot’s charter” (ref. 6/02). It is difficult to see how this charge could be avoided in the New Right’s ideal world where headteachers appear to rule without let, hindrance or safeguard.

By 1992, however, even the most optimistic of the GM apostles had to admit that the policy was not proving as popular as they had earlier anticipated. Writing in 1989, Sexton could conclude his introduction to a guide on opting out with the optimistic words:

...it is a fair assumption that after the first flush of schools opting out to become grant maintained, the process will accelerate as other, perhaps more timid school managements, see the advantages of this freedom to manage (Sexton 1989).

According to supporters of GM status the fact that this had not happened by 1992 was due to the continuing obstruction of the LEAs coupled with the entrenched self-interest of the hated professional associations and institutions, albeit aided and abetted by the faint hearts within Conservative ranks. Further action was required and it was to come in the form of the 1993 Education Act. Yet whilst the genesis of this next major piece of education legislation lay in the Conservative leadership’s conviction that its policies were self-evidently right, the government could not quite bring itself to abandon the idea of parental ballots and legislate schools into GM status.

Once again, the free market advocates are clear on the issue and Sherratt is forthright in his assertion that parental ballots were “a waste of time and money” (Sherratt 1994). According to Sherratt, the ballots were failing to produce the right results because parents were not able to make a clear choice due to all the interference by opponents of GMS. In this situation it was self evident to the advocates of GMS for all schools that the government should simply legislate on behalf of what they believed people would choose if they had a free choice. Effectively, Sherratt accuses the government of hiding
its lack of political conviction behind a flawed pretence of democracy. Norman Tebbit refers to the requirement to hold a parental ballot as a "superficial attraction" that was in fact a major weakness of the legislation (Tebbit 1991). Kenneth Clarke has stated that if he had been the Secretary of State in 1988 the legislation would not have included provision for ballots (Clarke, quoted in Sherratt, 1994).

Balchin also regretted the inconvenience of introducing parental choice at the wrong point of the process, although, like Tebbit he did concede that it provided some legitimacy for an otherwise unpopular policy at an early stage.

The ballot was right because we could not be accused, as we accused the socialists when they forced comprehensives on to unwilling parents, of carrying out a huge educational experiment with no inkling about whether it was right or whether people wanted it. Now a thousand schools have given us impeccable proof that this is the way ahead and, I believe, we are justified in legislating to bring, on a rolling programme, all secondary schools and most large primary schools into GM status by the end of the century (Balchin, 1994).

Had the Conservatives prevailed in the 1997 general election, no doubt there would have been legislation to enact this "justified" programme. As it was, in the meantime schools were subjected to a provision of the 1993 Education Act that some leading Conservatives, including arch supporters of GMS thought was a serious, counter-productive mistake.

The 1993 Education Act was the longest and most complex piece of education legislation in history but one of its central aims was very simple. It was intended to pave the way for the vast majority of secondary schools to become GM and it was based on the notion that there were still too many obstacles in the way of making the choice for freedom that any right thinking person would surely make. To help that choice to be made the Act insisted that the subject of a GM ballot should be on every LEA school's governors'
agenda at least once each year, until the school opted out, after which the decision was irrevocable.

Earlier rules for triggering the process of opting out had relied on a governor or group of governors putting forward a proposition to be debated or on a group of parents petitioning the governing body to do so. As a result of the 1993 Act every eligible school’s governing body was to be forced to consider the issue annually – whether it wished to do so or not. Whilst the supporters of grant maintained status saw this provision as a way of ensuring that the issue could not be kept off the agenda, opponents and neutrals might well be forgiven for wondering what was so wrong with a policy that required such measures to ensure that it was even considered. Nevertheless, as a result of its renewed emphasis, the government expected that by April 1994, half of the LEAs in England would be stage two authorities whereby, with over ten percent of their pupils in any one phase in grant maintained schools, decision making would be shared with the Funding Agency for Schools – a body set up under the 1992 Education Act and appointed by the Secretary of State to manage the distribution of finance to the grant maintained sector.

Although the fact was unpalatable to the grant maintained lobby, the reality of the matter was that the government's other major initiative, the local management of schools (LMS), had taken the wind from the grant maintained sails. Under LMS schools receive a delegated budget and make their own decisions on a range of matters previously handled by the LEA. Equally, the issues that could be administered better by a central authority such as transport and personnel issues remain with the LEA, thus avoiding the need for schools to invent their own bureaucracy. At the same time, the LEA is there as a fall back when trouble strikes. Belonging to the local 'family of schools' was also something that many schools valued. Where LMS was working well it was difficult to see how any additional advantages that might be gained from grant maintained status would justify the additional workload, responsibility and risk that the school would have to take on. Pragmatic considerations were often underpinned by a loyalty to the LEA as a collective expression of public service and the Conservatives never succeeded in
persuading the vast majority of headteachers and governors, let alone parents, that the grant maintained approach was simply another acceptable way of managing highly valued public sector schools for everyone. The failure of Conservative Party education policy to capture the public imagination was part of a general disillusionment with the government during the early and mid nineteen nineties.

The end of GM Status

The Labour Party entered the 1997 election campaign with a clear commitment to putting grant maintained schools back under local authority control and, having duly won its landslide victory, it set about legislating for its programme. The Schools Standards and Framework Act of 1998 brought the grant maintained experiment to an end, although not without considerable compromise.

Rather than simply restore the status quo that had existed prior to 1988, the government gave grant maintained schools the option of retaining something of their independence from the LEA by creating new categories of schools. The ‘community school’ was simply the existing, locally managed LEA school under a new title. The introduction of the category of ‘foundation schools’ enabled the former grant maintained schools to continue owning their own buildings and employing their own staff, albeit under the ‘umbrella’ of the local education authority. The LEA was given powers of intervention in the event of a foundation school becoming a cause for concern, but no general right of entry or authority that goes much beyond influence.

The Labour government also changed the approach to specialist schools status. It declared its belief in diversity and stated its intention of encouraging many more secondary schools to specialise as science, technology, languages, sports or arts colleges. Now, however, the emphasis was to be upon the specialist schools as a centre of excellence and a resource for the
surrounding schools, rather than simply receiving enhanced funding to compete with other local schools.

This is all too much for Sexton (1999), who believes the outcome of the 1997 election to have been a setback for the development of autonomous schools within an education market place. Sexton argues that independent, competing schools funded by parents paying fees directly to the school rather than taxes to the government provide the ideal form of organisation that would inevitably lead to higher standards of educational performance. He looks forward to a day when a re-elected Conservative Party will legislate for such a system. In doing so he ignores the evidence of schools performance and the comments of such informed individuals as the former Head of OFSTED’s LEA Inspection Team who has stated that “there is not a shred of evidence” for the proposition that market forces contribute to raising standards (Doubleday, interview 2.7.02). Equally important, a senior civil servant involved in the grant maintained policy, believes it would be disastrous for all schools to be compelled to take on GM status (Saville, interview 4.7.01). Detailed consideration of the semi-structured interview conducted with Saville follows later in this chapter.

Whilst the further development of specialist schools under the post-1997 Labour government would form the basis for some interesting research in its own right, it is not intended to pursue it further within this study. Rather, attention now is given to the views of some of the actors in the process described above. Interviews have been conducted with a senior DfES official who had a key role in the office dealing with GM whilst Thatcher was Prime Minister and with several headteachers, some of whom led their schools into grant maintained status and some of whom chose not to do so.

Reflections on the GM Experiment

In 1987, Stephen Saville was transferred from the Cabinet Office to the DES to work on the grant maintained initiative. He spent one year steering the
legislation through Parliament and then the next eighteen months or so seeing through the first twenty schools to grant maintained status before returning to the Cabinet Office.

Saville was interviewed on 3 July 2001 and the following questions were put to him:

1. What do you recall of the genesis of the grant maintained project?
2. Was it ever really intended in the DfES that the majority of schools should become GM?
3. How was it envisaged that a large GM sector would be administered?
4. How would schools' finance have been managed?
5. What would have become of LEAs if the vision of some members of the government had been realised?
6. What about GM schools that became failing schools?
7. What about admissions and exclusions?
8. What about children who could not get a place in their local school because it was GM with a restrictive admission policy?

1. What do you recall of the genesis of the grant maintained project?

Saville: The genesis was some radical thinking about how could we make the education system less conformist. How could we release more management distinctiveness and creativity in schools?

He went on to describe how the Conservative Party manifesto for the 1987 General Election contained a pledge that schools would be given the opportunity to opt out of their local authorities and gain some form of independence. The details were unspecified and there were broad comments about the problems of the then homogeneous system of state education. He stated that there were clear differences between Baker as Secretary of State for Education and Thatcher as Prime Minister and Party Leader. Baker initially rejected any changes.
According to Saville, once the election was out of the way, the issue for Thatcher was about who ran the schools, "it was never about the curriculum; we already had the national curriculum as an established idea." The debate inside the party and the government was about what kind of freedoms should schools have, but the attitude from Number Ten was robust in terms of "this is what we are going to do". Consultative documents were put out at the start of the summer holidays with the intention that, "we would get everyone to spell out their objections so we could brief against them". Saville recalled that despite the timing of the consultation there was a huge number of responses, mostly against the idea of opting out.

Saville emphasised that the driver within the DES at the time was the desire to release creativity in schools. The policy was not intended as a means of destroying LEAs but it was accompanied by "thinking hard about what local authorities are for. Only over time did the debate become one about what happened to LEAs if all schools opted out".

The introduction of LMS – local management of schools – brought a new uncertainty into the thinking. According to Saville, two views existed at the time. One view had it that LMS would result in all schools opting out, the other that the introduction of LMS would "kill GM status" because it gave most of the benefits of financial autonomy without the risks and burdens of full independence from the LEA. No one in the DES at the time knew which way it would go. Looking back, Saville now says, "If we had wanted all schools to opt out we would not have gone for LMS" and he attributes a greater shift in the balance of power between schools and LEAs to the introduction of LMS than he does to the introduction of GM status.

2. Was it ever really intended in the DFEE that the majority of schools should become GM?

Saville: That view changed over time. Initially it was not necessarily the view. If the LEA was good, then fine. The government was in
favour of schools taking the opportunity if they decided it was right for them. It only shifted over time to the view that all schools should opt out, parallel to the souring of relations with the local authorities.

Saville went on to say that it was important for the government and the DES that the first two schools to become grant maintained were from LEAs with different politics, one from a Labour LEA and one from a Conservative LEA. The first two were St. James, Bolton (Labour LEA) and Skegness Grammar, Lincolnshire (Conservative LEA). He added that he and his colleagues had had to work hard to ensure that the timing of the two processes was evenly matched. However, as the process continued, “Unfortunately for the government it looked as if more schools were opting out from Tory authorities than from Labour ones. Ministers therefore had to re-assess the notion that opting out was a way of escaping from crap authorities.” According to Saville, it was these considerations of political expediency that shifted the concept of opting out from providing schools with a means of escaping poor councils to being promoted as a good thing in itself.

3. How was it envisaged that a large GM sector would be administered?

Saville confessed that the whole GM experiment had started with a “naïve and rudimentary idea” that schools should be set free. It had been assumed that they would need only a minimal level of support, although it had soon become apparent to officials that much more than this was needed by a number of schools.

4. How would schools’ finance have been managed?

Saville: Gradually it dawned on us that many schools would need support.

The question to be addressed was how the funding and support for schools was to be managed. Even for a handful of schools, officials found that the time commitment was considerable. Saville claims that schools were given
good quality support at the time but it was recognised that the implications for widespread extension of GMS were huge. As a result the Funding Agency for Schools was conceived to deal with finance and planning issues. There was a strong steer from government that schools would manage themselves and the DES in its original form could not take on the task.

The Funding Agency for Schools was set up under the 1992 Education Act and prior to its formation, Saville states that in his section of the DES, “there was desperation between 1988 and 1992.” He stated that schools had opted out of their LEA for a variety of reasons and that many needed considerable help and support. “It had to be given, but it could not have been sustained”. As an aside he added that the financial incentives for opting out that became a source of conflict with other schools, were introduced relatively late in the process. They were introduced as incentives when it was decided to increase the sector.

5. What would have become of LEAs if the vision of some members of the government had been realised?

Saville: “This was not thought through, because in 1988 and 1989 the vision was not that a majority of schools would opt out”.

Contrary to the hopes of Sexton and those of like mind, the expectation then, apparently, was of a “mixed economy” in which grant maintained schools would shine as beacons of good management, putting LEAs to shame and leading to a general improvement in standards: “It was an LEA improvement strategy, not an LEA destruction strategy”.

Saville was then asked how the DES - and the government – would have dealt with a school that became grant maintained and then provided such a poor educational experience for its pupils that it became a failing school. The reply to the question is very revealing of the Conservative government’s philosophy at the time:
6. What about GM schools that became failing schools?

Saville: "We were not allowed to contemplate that notion. We couldn't think that some headteachers were dodgy or the whole thing would have begun to unravel. The idea was to set headteachers free from LEAs and all would be OK."

Where the quality of a school became an issue, insofar as the matter had been thought about at all, the government supposed that the market would be the arbitrator: "If a school did badly then the pupils would simply have gone somewhere else and the school would have closed."

Saville went on to state that there had been no strategy for intervention. The Big Idea was to set schools free – before the introduction of any accountability framework for standards of education. The debate about school support in the DES was about how to manage budgets and provide administrative support, "it was not about standards of education."

7. What about admissions and exclusions?

There were no figures and no targets, according to Saville. Each grant maintained school was expected to determine its own ethos and establish its own procedures for exclusions. There was no central, official view of the matter. Similarly on admissions, each school had to have its own procedure since, "This was a world where Ministers wanted schools to compete with each other."

8. What about children who could not get a place in their local school because it was GM with a restrictive admission policy?

Saville: "There were other schools."

Saville stated that Ministers thought they were setting up a market driven system in which each school would decide its ethos and attract children
accordingly. "There was no direct discussion regarding children without a school place".

Having worked through the prepared open questions, the interview continued as a discussion in which Saville expanded on some of the themes touched on in answer to earlier questions. He commented that most local authorities were hostile to the whole GM principle, partly because of Ministers' early line that GM was an answer to poor LEAs. Many Conservative LEAs, and experienced councillors with long years of interest in education, took exception to this and to what they saw as an attack on their reputation for good local government. As far as Saville is concerned, there is no doubt that this friction contributed to the growing gap between central and local government. He notes, however, that as time went by, through the early nineties, less and less of local government was in Conservative hands and it became acceptable within the Conservative Party to criticise local government as bad because it was largely Labour controlled.

The strongest advocates of the grant maintained principle were in the New Right 'think tanks', according to Saville, and he mentioned Sheila Lawlor in particular. One of the problems for the government was that the core ideas about GMS were developed on the right of the Conservative Party and were not worked through in the party as a whole. They therefore lacked universal support within the party.

Saville portrays Baker as a moderate influence within the government where the development of GM was concerned. He stated that Baker believed the National Curriculum could act as a common framework to guarantee standards and that it was, therefore acceptable to set schools free from local authority constraints. He appears to have resisted later proposals to allow GM schools to opt out of the National Curriculum, arguing that GM was about how to manage schools, not about what they should teach.

Legislative proposals for making all schools GM came later and ran counter to a growing realisation within the DES that not all schools could cope with GM
status. On this point Saville commented: "If you force everyone to be free you’ll find half the schools in the country are on their knees by Christmas". Such action would also have involved taking "the prior decision to kill off local government" and Saville observed, "They could never quite bring themselves to do it". For the government it appears that it was too great a risk and too expensive. Equally, according to Saville, it was thought to have been politically unacceptable within the Conservative Party as well as in the country as a whole. Interestingly, as an aside, Saville commented that the Conservative manifesto pledge in 2001 concerning 'free schools' could now be more capable of implementation because of the changes in the administration of education brought about by the Labour government since 1997. For the early years of grant maintained status, however, the debate was about the right proportion of GM schools that the system needed in order to make the system as a whole better.

The discussion was very illuminating in terms of the changing relationship between the DES and local education authorities. Saville described the changes he had witnessed within the DES itself as a department built around the 1944 Education Act and the relationship that the Act implied with LEAs, in his words, "changed gear" and he observed the "relationships breaking and changing". Effectively, the Department was: "Backing off from a warm, comprehensive relationship with LEAs. The Department had to change its cultural assumptions and re-assess allies and the nature of the new world." He described how his colleagues "worked hard to adjust" to the new reality in which LEAs regarded the DES with suspicion.

Yet at the same time tensions were building within the Department itself. One example, quoted by Saville, was about the issue of surplus schools places and the planning of provision. A number of LEAs had been prevented from carrying out re-organisations of schools involving closures because of the threat that schools would simply opt out of the local authority and thus frustrate the plans. Saville reports that there was a recognition within the DES that some re-organisations were necessary and officials put a proposal to ministers to the effect that schools should not be allowed to opt for GM status.
on planning grounds alone, in order to frustrate LEA planning proposals. The suggestion was turned down by ministers who were anxious to see the GM sector expand. In Saville’s words, “This was where the old world and the new world most sharply met”.

Within the DES, Schools 1 Branch had the task of managing the existing system whilst Schools 4 was charged with managing and increasing the GM sector. This was a situation which, Saville said, “replicated the tension out there in here”.

**Headteachers’ Views on the GM Experiment**

The headteachers interviewed for this chapter were selected from amongst contacts available in Centralshire and Northall. Again, it must be pointed out that they form an indicative, rather than representative, sample. Whilst all the headteachers are from comprehensive schools, yet it is in their sharply divided views over the merits of the grant maintained policy that they reflect the divisions “out there” mentioned by Saville.

The headteacher of a former GM school in the London Borough of Northall stated candidly that her school had opted out because of the financial advantages of doing so. The school had been the last of eleven schools to go GM in Northall and had only done so after three parental ballots. The local Council had been controlled at the time by a Conservative Group that was anxious to demonstrate its support for the government and had, unusually for a LEA, encouraged its schools to opt out. In line with the Council’s policy, the Director of Education and the Chief Adviser had supported the schools’ opting out.

There were therefore no difficulties for the schools at the local level. Since almost all the secondary schools in Northall had opted out for financial reasons and because they had been encouraged to do so by their LEA, the relationships between them remained fairly cordial. 15% selection had been
introduced in order to “ensure positive parental perceptions” (Interview with Tavistock, 5.9.01) and although the headteacher claimed that she had felt “uneasy” about this she had accepted that ‘branding’ and ‘marketing’ were important to the school. Nothing about the GM experience or its aftermath had diminished this particular headteacher’s sense of being part of a public service. She does, however, believe it is “unfortunate” that as a foundation school she now has to relate to the LEA once more (Interview with Tavistock, 5.9.01). Similar views on the process and experience of being headteacher of a GM school were expressed by another Northall headteacher, although he had no qualms about being part of the LEA once more (Interview with Elliot, July 01).

Very different views to these were expressed by the two Centralshire headteachers. Asked why they had not sought to lead their schools into opting for GM status, both headteachers interviewed stated that they had ideological objections to the policy which for them, were more important than pragmatic issues.

For one head, however, the objection in principle was reinforced by pragmatism: “Politically I did not believe in it. The governors were not functioning governors and would not have been able to manage. They did not have the expertise” (Interview with Turner, 9.11.01). Her colleague had no reservations about governors’ abilities, since her opposition to the policy went sufficiently deep that pragmatic considerations were not relevant. Asked why she had not sought GM status she replied that it was basically because it was a Conservative government policy and seemed to her to be linked to an agenda of re-introducing selection. She stated that she had a real concern that GMS meant schools taking control over their intake, with the likely result that schools already facing difficulties with lower ability students would become even more disadvantaged, through a narrowing of the range of ability within the school: “I am a firm believer in comprehensive education and I felt that GM would go some way to destroying it. You can see the evidence in some of the ex-GM schools today” (Interview with Mirren, 26.5.01).
The financial incentives were seriously morally tainted for this headteacher and she resented what she saw as bribes intended to undermine the comprehensive system:

It appeared wrong and unfair that additional money would be available for schools that went GM and not for those who did not. As a headteacher of an inner city school, there was a real need for additional resources and it was wrong that they went to GM schools, with an inevitable impact on the LEA and its support for schools like mine (Interview with Mirren, 26.5.01).

Both of these Centralshire headteachers referred to the 'hands off' approach of their LEA in its relationship with schools and with secondary schools in particular. It was a commonplace joke amongst Centralshire LEA staff at the time that few local schools had opted for GM status since they would not have noticed any difference in the role of the LEA.

What these references to headteachers' opinions provide, however, is a microcosmic view of the deep divisions within the education world that were caused by the promulgation of the grant maintained policy. These were divisions that made themselves manifest within the DES itself and which have had a lasting impact on the way DES officials relate to LEAs as well as affecting the feelings of LEA officers towards the DES.

Lawton offers a helpful analysis of Conservative Party thinking in the years leading up to the publication of the ERA. The conflicting strands of philosophy that were to characterise the ERA and its aftermath lie in a deep-seated ambivalence towards the nature of state provision – indeed towards the state itself. Although Lawton states that "by 1988 it was no longer possible to classify Conservative politicians as modernizers or traditionalists in their educational thinking" (Lawton, 1992), but it is possible to distinguish between what might be termed the pragmatists and the ideologues. Both groups are anxious to promote what they regard as the common good and they are united in their belief in the Conservative values of personal freedom, choice
and a quasi-nostalgic patriotism that views tradition as a good thing in itself. Where they differ - and differ radically - is in the pragmatists' conviction that a variety of approaches can be made to work if adopted by good management mixed with traditional values. Equally the pragmatists value the Party's roots in its local government traditions. The ideologues, on the other hand, are clear that only the unfettered operation of the market can deliver the personal freedoms, choices and ultimately better standards that are desirable and the sensibilities of Conservative councillors should not be allowed to stand in the way of progress.

The 1988 ERA represents an uneasy marriage of these two approaches: GM status for the market ideologues, but GM status restrained by the National Curriculum, parental ballots and Civil Service supervision to satisfy the pragmatists. It was the fact that this uneasy compromise failed to capture the imagination of the parents, governors and headteachers who had the power to implement the Conservative policy that resulted in the further attempted fix of the 1993 Act. Yet it was clear even at this stage that there was no decisive will in the Conservative leadership to take on the party's local government constituency, with the probable alienation of the local associations that were considered vital to electoral success. It is equally clear, however, that more radical voices would have prevailed following a Conservative victory in 1997 and there are signs that a return to power under the present leadership could lead to extensive reform including, possibly, enforced GMS for all secondary schools, despite the lack of any evidence that suggests this would enhance educational achievement. As noted already, during the interview referred to in the previous chapter on LEA inspections, Doubleday stated that there was "not a shred of evidence" that competition between schools led to any improvement in standards (Interview with Doubleday, 2 July 2002).

What is clear, however, is that such a move would have dire consequences for the future of LEAs. In such circumstances it is likely that they would cease to exist in anything like their present form, since there would be little left for them to do with regard to secondary schools. Their likely residual duties with primary schools, special educational needs and, possibly, school transport
might require a different kind of authority. It is not self-evident that such responsibilities would require a body that was separately accountable at the local level.

What is equally clear from the evidence accumulated by OFSTED, is that such a policy would be profoundly unhelpful to schools. The key role of the LEA in supporting schools was acknowledged by the senior government official responsible for implementing the policy that would have seen the abolition of LEAs, if it had been adopted throughout the country. Unlike some of the more fervent advocates of the policy, mentioned above, it is perhaps significant that the official closest to its implementation came to recognise its limitations and the need for a local body able to offer support to schools. The next chapter examines the developing view within the DfES as to how the LEA should relate to schools and manage that support.
CHAPTER SEVEN

THE VIEW FROM SANCTUARY BUILDINGS:

A PECULIAR VIEW OF PARTNERSHIP

The DfES is based in Sanctuary Buildings, an office block in Great Smith Street, close to the Houses of Parliament. This chapter examines the view of the role of the LEA as expressed by publications and statements from the DfES and its officials. As mentioned in the earlier chapter dealing with the OFSTED inspection of LEAs, the DfES has used, and continues to use, the term 'partnership' a great deal, not least in ministers’ speeches and in papers addressing the role of the LEA. The chapter explores in detail the way in which DfES thinking defines partnership, first through a key policy paper published in October 2000, and then through reference to a number of conference speeches and discussions. It will become clear that the use of the word 'peculiar' in relation to the DfES view of partnership applies in both senses of the word.

On 11 October 2000, the government published a paper entitled, The Role of the Local Education Authority in School Education (DfEE, 2000) setting out its view of the role of the modern LEA in school education, and advancing “proposals for better ways of providing key services to schools.”

The paper contained three sections. The first set out to describe the role of the modern LEA, outlining the responsibilities of schools and LEAs, summarising the LEA’s role and describing ‘Fair Funding’ and delegation to schools. The second section addressed what it called ‘modernised methods of working’ including the identification and dissemination of good practice and it argued the need for new ways of working and for new proposals for future actions. The third section contained the proposals for action. These included
a more open market for school services, sharing school improvement and finding new ways of discharging responsibilities in partnership. It also contained proposals for national professional standards and registration for those involved in school improvement work. In considering this paper it is important to take account of the subsequent comments made upon it and its subject matter by way of explanation and qualification by government ministers and senior officials, including the Chief HMI in his role as Head of OFSTED.

The introduction to the DfES publication made it clear that this paper was to be considered in conjunction with the Green Paper, *Modernising Local Government Finance*. A key feature of the finance Green Paper is the proposed separation of schools funding from the funding of LEA administration and support functions:

To provide a far more transparent and effective school funding system for the future, the Government believes the best way forward is to assess and separately identify the resources required by schools on the one hand, and those required by Local Authorities on the other. Local Authorities would be expected to pass on in full the allocation for schools. If they failed to do so, the Government would be prepared to introduce a legal requirement to this effect (DETR, 2000).

This approach is based on the stated belief that there is a clear and simply defined set of LEA functions that can be costed as a constant proportion of the education budget. Indeed, the paper is explicit in placing the division of the budget between schools and LEAs within the context of increased delegation to schools:

The target for 2001-02 is 85%, and the Government believes that 90% is the level of delegation the majority of Authorities can achieve by no later than 2002-03, whilst maintaining their core functions as defined in this paper (DETR 2000).
A little later it will be seen from the subsequent remarks of a senior DfEE official that the government's 'belief' could be a little less certain than the paper suggests, but exactly how limited the definition of LEA functions is to be is anticipated in the following statement:

We believe that Education Authorities have precise and limited functions. It is not their role to run or intervene in schools, except those which are in danger of, or have fallen into, special measures or serious weaknesses; nor should they seek to provide directly all education services in their areas. Rather their job is to provide certain specific planning and support functions which are essential to guarantee adequate school provision. They also have an important role in supporting school improvement, especially by helping schools which are identified by OFSTED as under-achieving or giving cause for concern, and in other significant statutory functions, notably in regard to special needs and school transport (DfEE 2000).

There is an explicit expectation that services will be provided to schools by way of a range of providers, "public, voluntary and private sector partners" who will work with the LEA in ensuring the highest possible quality. Having surveyed the issues by way of introduction; the main body of the paper addresses the detail.

The DfEE View of the Responsibilities of Schools and LEAs

The paper reinforces the assertion of the Green Paper, Modernising Local Government Finance (DETR, 2000) that schools are the 'key unit of delivery' in the education service. They are responsible for the conduct of the school, for discipline, control of the premises, repairs and maintenance and for staffing appointments. In carrying out their responsibilities, schools should now apply Best Value principles to the purchase of services. They are not obliged to buy back services from the LEA, yet the paper makes it clear also
that a free market between quasi-independent school businesses is not what is intended:

But autonomy does not mean isolation. Many schools recognise the importance of working in co-operation with each other, with Local Education Authorities and with private and voluntary sector bodies, in the interest of serving the whole community (DfEE 2000).

This inclusive approach coheres with the “modernisation” agenda introduced under the 2000 Local Government Act. Under this Act, local government structures are changing to become “more efficient, open and accountable” and each local authority will have a duty to develop strategies to promote the economic, social and environmental well being of its area. The DfEE paper states that improvement in education standards is crucial to this agenda and it is the LEA that will contribute a key strategic role in achieving the objectives of the government’s inclusion programme.

Education Authorities will work with local partners, including health, police and probation services, to contribute to the cross-cutting approaches which are critical to tackling deprivation (DfEE 2000).

Whilst schools are seen within the DfEE paper as local foci for community development, a role is suggested for LEAs in working with schools and other partners in local capacity building. It is suggested further that groups of schools could take joint responsibility for organising and where appropriate, purchasing services. This implies a network of mature partners in which the LEA stands alongside its schools, enabling them to take part in a wider community of discourse and working and sharing decision making and responsibility with them.

The strategic role of the LEA is acknowledged in the paper’s list of national initiatives that have been implemented or assisted by LEAs over the past several years. Yet the very existence of this list, as well as its length, is itself testimony to the central thesis of this research: namely that the activity of
LEAs has become more and more controlled by central government, to the point where the really effective policy interventions of the LEA are almost wholly those in which it acts as the agent of central government. The initiatives include the literacy and numeracy strategies, the introduction of the National Grid for Learning, the reduction in infant class sizes and the development and support of early years and childcare partnerships (both discussed in an earlier chapter of this study). The development of the Sure Start programme, effective provision for special educational needs, improvements in education for children in local authority care are other examples quoted. Finally, the successful introduction of the Excellence in Cities programme is attributed to the cross boundary work of LEAs, whilst LEAs are described as working 'partners' in the latest arrangements for post-16 education. Each of these could form the basis of a further study, or at least provide material for another chapter. The key point is, however, that whereas none of them originated with local government, all of them have required considerable work by local government and all of them have required the commitment of staff and other resources, in many cases necessitating some degree of re-organisation within LEAs.

Part One of the DfEE paper provides a summary of the government's perception of the LEA role. This appears to reduce to a view that good schools should be left to manage themselves, with the LEA intervening only in "inverse proportion to success". Nevertheless, it is recognised that there are functions that are more efficiently and effectively planned and administered by a larger body than the local school. Examples include planning to ensure there is a school place for every child, planning and provision of home to school transport, supporting schools in difficulties, and distribution of resources according to the differing needs of schools. The paper points out that considerations of cost effectiveness require that the LEA should undertake some of these functions but it recognises also that some activities inherently need a strategic overview beyond the scope of the local school:

Other cases, such as school place planning or the allocation of funds, involve assessment of the relative needs of different schools and the
communities which they serve. Not only have such assessments to be made, by definition, on a supra school basis, they also involve the interests of the community at large, and it is right that they should be the responsibility of a body – the Local Authority – which is democratically accountable (OfEE, 2000).

This is an absolutely key passage since it goes beyond the functionalism that recognises the value of having local officials implementing policy at the behest of the central government. The notion of democratic accountability at the local level is introduced and justified in philosophical terms that admit the possibility of local variations according to an interpretation of need drawn from local political argument, rather than the application of a nationally determined formula.

The government considers there to be five broad areas of activity for LEAs in relation to schools. These are:

- Special educational needs – assessment and specialist provision, psychology services, inter-agency partnerships with health and social services.
- Access and school transport – planning of places, asset management and building programmes, management of transport, school attendance.
- School improvement and tackling failure – including monitoring performance, supporting schools, target setting and development planning
- Educating excluded pupils and pupil welfare – including behaviour support
- Strategic management – including data handling, supporting governors, auditing and finance.

The paper reiterates the government’s belief that these five areas of activity describe adequately the modern role of the LEA in relation to schools. As noted earlier, at the time of the paper’s preparation it was the government’s
stated belief also that these functions could be discharged within ten percent of the education budget with the remaining ninety percent being delegated to schools.

The Green Paper: *Modernising Local Government Finance* (DETR, 2000) made clear the government's intention to separate LEA and school budgets. One of the intended outcomes of this proposal is to restrict LEA expenditure on bureaucracy from going beyond what the government believes to be a necessary minimum, another is to assist schools in becoming more "genuinely self-managing" and to ensure that they are able to exercise real choices in the purchasing of services – an issue to which the DfEE paper makes further reference and which will be considered in more detail shortly. Implementation of these budget arrangements is set for the financial year 2003/2004.

Confirmation of the government's position is drawn from an assertion that there is "now wide agreement about these principles" and from reference to the evidence base developed through OFSTED's inspections of LEAs. The government is determined to reinforce what it believes to be good practice through its Beacon Council scheme and through various websites recommending exemplars drawn from LEAs commended by OFSTED. Reference is made, however, to the wide variation in standards of LEA performance and to the fact that a number of LEAs have been deemed to be suffering from serious weaknesses requiring outside intervention. Where such is found to be the case the government will continue to exercise its powers of intervention.

It is expected that all LEAs will continue to consider and explore new ways of working as part of the Best Value process as they compare current performance against external and alternative standards and methods of service delivery. Where LEAs are not already undertaking serious self-assessment in this way, the DfEE paper makes clear the government's determination to ensure that they should do so. The paper sets out the government's belief that there are four approaches which, taken together, can lead to progress in LEA performance and school improvement:
1. Education Authorities can help to promote a more open market in school services and take steps to ensure that all schools have the knowledge and skills they need to be better purchasers of goods and services, in line with Best Value principles;

2. Education Authorities can test out new ways of sharing school improvement responsibilities with groups of schools who have the knowledge and skills to discharge that role;

3. Education Authorities can develop and trial new ways of discharging responsibilities in partnership with other Local Authorities, and with other public, private and voluntary sector bodies; and

4. We are also considering the development of national professional standards and national recognition of those engaged in the key role of school improvement.

(DfEE 2000).

The remainder of the DfEE paper considers each of these four related propositions, beginning with the idea of a more open market for school services. This idea is, in turn, based on the principle of optimum delegation of funds to schools in order that choices can be exercised at school level on the purchase of staff, goods and services to support the process of teaching and learning. The approach is stated to be frustrated through 'buy back' arrangements in which blocks of funding are returned to the LEA without the individual school being able to make informed and realistic choices. Furthermore, the paper argues:

Schools' ability to make real choices can be affected by a number of factors:

1. the lack of adequate information about what is available, on what terms, from the Local Education Authority and from alternative sources;
2. the lack of procurement skills at school level, and competing time pressures which limit schools' ability to secure the best possible deal;
3. the packaging and pricing of services in a way which may obscure true costs and militate against choice, rather than encouraging it;
4. for some functions and in some areas of the country, the current lack of any genuine alternative to the home Authority as supplier.

(DfEE 2000).

Whilst some LEAs have addressed these alleged barriers to freedom of choice others have not, but it is clearly the government's intention that all LEAs should do so. More alternative suppliers are needed and LEAs must operate their services at full cost in order to ensure transparency of expenditure and to encourage competition to develop. Schools will receive guidance from the DfEE on effective purchasing and independent “brokerage” schemes are to be established in order to put schools in touch with a range of suppliers and enable informed choices to be made. The paper states that a number of such schemes could operate nationally or locally and that the DfEE is looking for partners with whom to develop the idea.

Clearly, the restricted definition of the LEA role with which the DfEE paper begins is to be taken very seriously. Equally clearly, the days are numbered of the LEA as major or primary supplier of services to schools and, although the paper does not consider the personnel implications of its proposals, there is a clear implication that employment within support services will become a much more transient and flexible arrangement. Quite how this will contribute to school improvement is not explained, nor is there an answer to any question as to how the demise of LEA services will ensure that support is available where and when it is needed. It is one thing to introduce Best Value principles; it is another thing altogether to return to the New Right assumptions that public services can be delivered through the unfettered exercise of market forces.
More eminently realistic in the longer term is the second proposition, that school improvement could be developed by means of groups of schools collaborating in monitoring and challenge of performance and in the purchase of external review. The example of Education Action Zones is cited as an example as to how the function of the LEA could be discharged in a different way. Again the DfEE paper invites expressions of interest in possible pilot schemes to explore the idea.

The third proposal takes the changing role of the LEA to its logical conclusion and faces the fact that current regulations hinder further development of the idea of the LEA as a partner with other providers. Whilst inter-departmental and inter-LEA co-operation is well established in a number of areas, the sharing of service delivery between public, private and voluntary partners is less well developed. Indeed the regulations governing local government currently prohibit LEAs from contracting out any services that require the exercise of discretion in individual cases – unless a Parliamentary Order is made allowing each instance. The DfEE paper indicates the government’s willingness to make a general order enabling LEAs to contract out any of their functions apart from what are termed ‘key strategic functions’. The latter are the planning and supply of school places, school organisation plans, admissions and budget setting. Everything else apparently is available for outsourcing.

Finally, if all this is to work to the benefit of school improvement, it seems the market cannot be trusted to guarantee standards. The government proposes to limit the players in the market place to those who satisfy certain minimum professional standards. The passage dealing with this issue is informative and is worth quoting at length:

The Government is...considering the case for a system of national recognition of school improvement services which would apply common professional and business standards to any body from any sector proposing to offer a monitoring, improvement and intervention service to be paid for out of retained Local Authority funds. This would
cover Local Education Authority in-house provision, and any private and voluntary sector alternatives being developed. The standards set would be high. The primary aim would be to achieve a step change in the quality of school improvement monitoring and challenge functions, in part by encouraging new providers from the private and voluntary sectors to enter the market. We envisage that the outcome would be a market in which there might be fewer, larger providers, each with a critical mass of high calibre staff (DfEE, 2000).

Some consideration has been given to the qualities required of these 'high calibre staff', including experience and specific training. The proposal is described as 'a logical step' from the introduction of professional standards for headteachers and teaching staff. Crucially, in the light of the implications for LEA services of the development of a market in support services, the government believes that its proposal will, "Encourage the movement of high quality professionals among different types of organisation, with the assurance that each sector will recognise and operate to the same standards" (DfEE, 2000). In its conclusion to the DfEE paper, the government reiterates its view that, "The self managing school is key to the delivery of high standards, and needs the maximum freedom to make decisions and manage resources so as to achieve demanding targets" (DfEE, 2000).

To achieve this, schools need to be able to exercise real choices, but it is recognised that even successful schools need support at the local level of a kind that only the LEA can provide; either directly or through its partners. The government's determination to intervene to secure high quality performance from LEAs is underlined, together with an expression of confidence that everything required is in place to support the achievement of "a sea change in Education Authority performance". The paper ends with a declaration that the government "will welcome widespread debate" on how support services can assist the task of raising achievement and securing equity.
Reaction and Response

The debate that the government declared it would welcome was entered into with some vigour at the Society of Education Officers (SEO) annual winter conference, held in January 2001. The major part of the agenda was given over to consideration of the DfEE paper with a series of speakers invited to give their particular perspectives on its contents. Those invited to speak included a government minister, a senior civil servant from the DfEE, a headteacher, and a leading manager in a large private sector education consultancy.

The minister's speech, delivered in her illness-enforced absence by an official, made it clear that the government was serious in its mission to achieve higher standards and that it regarded LEAs as partners in this enterprise. Equally, those LEAs that would not or could not support the government's agenda with high quality activity would be left to one side. The minister stated that one intention behind the publication of the DfEE paper was to put an end to the debate about whether or not LEAs should exist and to clarify the role. The focus of that role within the paper was deliberately on schools because it is schools that are in the front line in raising educational standards. There are, however, limits to what the individual school can do and the government "strongly disagrees" with any argument for delegating the functions listed in the paper as properly belonging at LEA level. A wider role for LEAs was acknowledged also in terms of regeneration and achieving the government's agenda on social inclusion and countering social deprivation.

According to the minister, however, the key issue remains how to secure high quality services – whoever delivers them. Nevertheless, the speech repeated the message of the paper, that "The government is committed to a continuing role for LEAs, embracing central functions defined under Fair Funding and embracing lifelong learning and the key contribution of the LEA to regeneration" (ref. 7/01).
A speech from the representative headteacher, Mike Mahoney, registered some impression on the DfEE official with a strong plea that delegation should not move to 90% and that it should remain at its present level – with local variations to a greater or lesser level according to local circumstances. His plea echoed the findings of Jane Wreford, director of local authority inspections for the Audit Commission who had stated that of 6,500 schools inspected in the academic year 1999-2000, “The vast majority are satisfied with the level of financial delegation that their authority already provides” (ref. 7/02).

Mahoney invited members of the conference to imagine a line running down the centre of the room and to imagine themselves standing on the line. At the back of the room would stand those who wanted to return to the days of the controlling LEA, at the front those who saw no role for the LEA in relation to schools. He suggested that most members of the conference would be at one point or another in between the two extremes. What mattered, he argued, was not that every member of the SEO from different authorities should be at the same point, but that all the officers from one authority should be standing together. Each LEA had to have an agreed view of where it stood or else it could not expect to offer coherent, let alone efficient and effective support to its schools. Nor should contacts between the LEA and schools be limited to times of crisis and the need for intervention. Frequent contact in times of confidence and success was a key to maintaining mutual knowledge and respect that was itself preventive of decline and failure. A key part of the relationship should be the ready flow of data and an agreed approach to school improvement, agreed, that is, between partners (ref. 7/03).

Perhaps predictably, the private sector representative called for greater cooperation between LEAs and other providers, pointing out that the presence of private operators in the field of education is not a new phenomenon. He argued that the extension of the concept to support services is one that should be explored by any LEA that is serious about obtaining the best for its schools (ref. 7/04).
During the questions and discussion that followed the contributions of the speakers some interesting points emerged, including a response from the DfEE official to the headteacher and a number of contributions from the floor. Taking up the statement that 90% delegation was not wanted by schools and that if imposed it would lead to a loss of capacity in schools as well as the erosion of LEA/school relationships, it was stated by DfEE official Helen Williams that the present figure of 85% was the only firm target and that the DfEE, "will have to review subsequent targets in the light of experience" (ref. 7/05).

This statement was as surprising as it was welcome to the audience of local authority education officers. It was surprising since the DfEE paper is unequivocal in its statement that 90% delegation is achievable and is the government's intention. It was welcome because it may have indicated that notice is being taken of comments from the arena in which the government's agenda for raising standards of attainment has to be delivered. Williams pointed out that the proposals contained in *Modernising Local Government Finance* for separate funding streams would overtake any notional changes to levels of delegation. She stated that the important task was to get right an agreed definition of LEA functions and to assess the costs attaching to this, rather than argue over percentages of delegation.

Yet this apparently reasonable offer of an olive branch served only to direct the conference to the tension that lies between different perceptions of the LEA's role. Williams expressed the view that schools tended to buy back services from the LEA because of loyalty and a lack of capacity for exploring alternatives, not necessarily because of satisfaction with the level or quality of the services received. LEAs should therefore assist schools to make choices by offering brokerage. Equally, there is a need to improve professional skills within LEAs through a serious approach to continuing professional development. A fundamental cultural change is needed within LEAs in order to embrace the approach the government has set out (ref. 7/05).
Taking a somewhat different view of how much change was required, Christine Whatford, the Director of Education for the London Borough of Hammersmith and Fulham and a past president of the SEO, questioned the credibility of the argument that wanted the LEA to act as a broker for private service suppliers in direct competition with the LEA’s own services. (ref. 7/06).

It might be observed that Whatford has missed the point of the government’s argument. In the government’s view, LEAs and other suppliers are not in competition, they are partners in proving services to schools through a Best Value driven approach that places the emphasis on school improvement as the key agenda with the ‘end-user’ experience as the sole arbiter of a reasonable service. Yet this interpretation works only so long as the rest of the package of flexible working and transferable staff is in place. It requires also a capacity matched exactly to the market with standards guaranteed by external moderation. Since neither condition is the case there is a dilemma: The government’s view will have to be modified to embrace a more active role for the LEA than the DfEE paper describes, or the members and staff of LEAs will have to live through some fairly uncertain times whilst the system is adjusted to embrace the new philosophy and way of working, with all the insecurity of employment that this will entail; to say nothing of the uncertainty of service supply to schools where LEA services collapse through lack of resources and yet the market fails to provide alternatives.

A DfEE Working Group was established after the publication of the paper in order to pursue this proposal. The first meeting of the group was held on 4 December 2000, chaired by Sheila Scales, a senior DfEE official. The full title of the group was the School Improvement Recognition Scheme Working Group and its purpose was defined as to provide a "sounding board" for DfEE development of a quality assurance scheme for providers of school improvement services. Initial membership of the group included the SEO, the Virtual Staff College, the Association of Chief Education Officers, the Local Government Association, the National Association of Inspectors and Advisers, Nord Anglia (a private provider of services to schools) the General Teaching
Council, OFSTED, the National College for School Leadership and representative headteachers.

The themes of partnership, innovation and the LEA's role in raising standards in schools were the subject of a number of further conferences throughout 2001 and 2002. At the launch of the OFSTED report on the inspection of LEAs published in January 2001, the Education Minister Estelle Morris paid tribute to the work of LEAs, acknowledging that it was the efforts of LEAs that had enabled the government to achieve so much of its agenda. The Chief HMI stated also that whilst there was considerable room for improvement in a number of LEAs, his report did not support the view that there was no future for the LEA: “The report provides no comfort to those who believe local authorities serve no purpose. It does not support the abolition argument.” He continued, “Local authorities do have important roles of strategic planning, in relation to school places and admissions, for example, which can never be undertaken by an individual school” (ref. 7/07).

The CHMI stated that LEAs had played a key part in the success of the literacy and numeracy strategies and were important to the recovery of many failing schools. Crucially, he said, they had a co-ordinating role that would be lost if schools were left to manage by themselves in such areas as admissions. In these statements he was echoing the government’s views expressed in the DfEE paper.

In June 2001, Capita, a company providing education support services directly to schools and LEAs and under contract to the DfEE, sponsored a conference at which speakers included the then Deputy Director of the DfES’s Standards and Effectiveness Unit, the Chief HMI and several leading local government figures. An officer from the Local Government Association (LGA) chaired the conference and its title was “The Role of the LEA in Raising Schools Standards”.

The rationale for this particular gathering was the variation in the quality of LEA services reported by OFSTED and the Audit Commission and the
intention was to share good practice and to “demonstrate how local education authorities as a whole can meet the challenge of raising standards” (ref. 7/06). The sponsors ensured that a key part of the agenda highlighted the benefits of working in partnership with private sector providers of education services, with the Director of Capita’s Strategic Education Services section speaking for forty minutes on the subject “New partnerships to ensure LEA success”. (ref. 7/08).

In May 2002, the recently renamed DfES joined with the Office for Public Management and the newly formed Confederation of Education Service Managers (ConfEd - an amalgamation of the former SEO, Association of Chief Education Officers, and the Society of Chief Inspectors and Advisers) in a conference entitled “Learning and Innovating: The Modern Education Authority”. The stated purpose of the conference was to “give further impetus to the second phase of education reform” (ref. 7/09).

Peter Housden, Director General Schools at the DfES, opened the conference. He referred to the “growing confidence and autonomy of schools operating in a mature partnership with LEAs and was followed by Stephen Crowne, Director of Operations in the Standards and Effectiveness Unit, who discussed what he considered to be the lessons to be learned from new models of delivering LEA services. Mark Pattison, Managing Director of Education Bradford, a trust established to run education services in a city where the LEA was deemed to have failed, presented his experience as an example of a positive way forward within a range of diverse models (ref. 7/10).

All these speakers were agreed that whatever the model being used for service delivery, effective leadership is crucial to its success. They identified four key elements for successful LEA leadership. Firstly the building of political acceptance and a clear understanding of the ‘new role’ of the LEA was necessary, then secondly, a strong commitment at a corporate level to education. Thirdly, successful LEAs provided a means of interpretation of national policy for schools, along with a clear strategic view, and fourthly, there was a high level of responsiveness to the needs of schools.
According to David Hopkins, Director of the Standards and Effectiveness Unit at the DfES, the history of educational reform can be seen in four phases. He described the 1970s as a period of 'uninformed professional judgement' in which teachers and other professionals developed approaches to education that were not evidence based. This period was followed by one of 'uninformed prescription' throughout the 1980s with politicians at central government level taking control of education away from professionals but relying on political conviction, rather than soundly based evidence. His third phase, throughout the 1990s, consisted of an equal amount of prescription, but this was now based on the use of evidence with the growing body of data on school and pupil performance and OFSTED inspections of schools and LEAs. The fourth phase was now one of 'informed professional judgement' in which evidence was being used to inform practice within a framework of accountability (ref. 7/11).

For Hopkins, the key to success in this fourth phase of educational reform lies in confident schools operating within a network of information and support in which the LEA plays its full part, but it is clear that the 'full part' is within a diverse layer of providers of school support and is subject to the overall direction of the DfES.

The Conference Report, produced by the Office for Public Management on behalf of the DfES and circulated to conference attendees and all Chief Education Officers, provides a key and crucial insight into the real nature of the relationship, as seen from the viewpoint of Sanctuary Buildings and of one of the DfES's private sector partners. Having commented on the way in which participants had been able to consider the lessons of the past five years (of Labour Government) and reflect on the way forward, the writers of the report reveal the nature of the game. The emphasis is that of the current writer:

In particular, the conference explored the future role and practice of LEAs and the wider “middle tier” in supporting and enabling transformation, including relationships and partnerships to support the
second phase of reform and the needs and demands on schools and teachers in the next five years or so (ref. 7/12).

To the conference attendees from local authorities the introduction of the term 'middle tier' in the conference papers and its use on the day had come as a surprise. As the day's programme unfolded, it was clear that the term was meant to denote all the providers of services to schools and include the private sector providers along with LEAs. Thus, in one phrase, the role of and status of the LEA was re-defined. In commenting on conference discussion groups, the report acknowledged some opposition to this key phrase:

All the workshop groups identified an overarching need for greater flexibility as a key requirement if LEAs (and the whole middle tier — although that term was not widely liked) are to be able to fulfil their role successfully (ref. 7/12).

"Widely liked" or not, the report uses the phrase repeatedly to mean local education authorities and private providers of education services contracted to the DfES.

Throughout the day, the crucial importance of developing "horizontal" partnerships and lateral accountability at school and LEA level was recognised.... This is not about partnerships for their own sake, but about using a range of focused partnership relationships to achieve the desired outcomes. Further developments of skills, at all levels (headteachers, middle tier, and government officials) will be a concomitant need (ref. 7/12).

In conclusion, the report invites conference participants and all Chief Education Officers to join in further debate on the work of "the middle tier" but the parameters of the debate are clear from the terminology. Again the emphasis is that of the current writer:
The conference was well received and has given important impetus to the debate around the work of the middle tier which will be taken forward over the next few months.

All participants and readers are urged to take forward the debate in all parts of the education community.

The results of the conference will be used immediately to feed into the Department's thinking, particularly on the freedoms and flexibilities which might be offered following on from the Comprehensive Performance Assessment process, on how to build capacity in the middle tier and on ways of encouraging and disseminating good practice (ref. 7/12).

This is interesting not only for its repeated use of the phrase "middle tier" but for the language of patronage and indulgence whereby those members of the "middle tier" deemed worthy will be offered certain "freedoms and flexibilities".

By July 2002 also, the Secretary of State for Education and Skills was able to say in a speech to the ConfEd summer conference:

Local Education Authorities...are key partners in the delivery of the Government's education agenda and a vital support for schools, especially those in difficulties. We have come far in developing strong working relationships between central government, LEAs and schools (ref. 7/13).

Yet these partners are very much junior partners with a purpose and task defined by the senior partner; they are not partners who are free to contribute on an equal basis. In August 2002, Hopkins wrote to all CEOs in England with the assertion,

Local Authorities are now well placed to take forward with us a new phase of transformation in education. They will have a key role in
supporting schools to make best use of the significant additional investment in education announced in the recent spending review (ref. 7/14).

All this takes the definition of the role of the LEA not one pace further forward than the original declaration in the October 2000 document and quoted at the beginning of this chapter that: “We believe that Education Authorities have precise and limited functions” (DfEE, 2000).

It is clear that a strictly limited definition of the role of the LEA is now firmly established in the collective mind of the DfES and at least one of its private sector partners. It is to form part of a public/private “middle tier” of education administration and to carry out the tasks at local level that cannot easily be achieved by direct rule from Sanctuary Buildings. “Partnership” in this scenario takes on a very particular meaning, and it is a meaning that contains no hint of a relationship between equals or even between separately accountable bodies. Nor does it pay any attention to the constitutional outrage that it perpetrates by ignoring local democratic process and the accountability of the Chief Education Officer firstly to her or his employers, the local Council. It came as little surprise, therefore, when Taylor, the Director of the Institute for Public Policy and Research, told a conference of senior managers in the London borough of Northall of an exchange with David Milliband, an adviser to the Prime Minister, shortly before the 2001 General Election. Challenged about the way in which the Labour government seemed to be controlling local government, the adviser replied, “Wait for the second term. It will be different then; we will decide what they (local government) should do, but they will be able to decide how to do it” (ref. 7/15). At the time of writing, Milliband is now a minister at the DfES.

Addressing the issue of the constitutional relationship between central and local government, Taylor stated that he was in no doubt that when the DfES thought of local government it was in terms of the “little people who could carry out the little tasks”. He believed there was no sense of true partnership in the DfES thinking (ref. 7/15).
This chapter, therefore, has described an unequal relationship to which the normal sense of the word partnership does not apply. The role of the LEA is prescribed and limited to a definition set out by central government. Whilst there is frequent acknowledgement of the LEA and the importance of its role, it is a role that is set within strictly defined parameters. It appears that local officers have a role only insofar as they are the agents for the implementation of government policy. The next chapter provides something of a balance to this view, although the over-arching presence and influence of the DfES will remain apparent.
CHAPTER EIGHT

THE ROLE OF THE LEA IN THE IMPROVEMENT OF SCHOOLS CAUSING CONCERN

Some of the earlier chapters of this study have considered the LEA’s role in relation to specific policy initiatives and particular areas of activity. The discussion of the grant maintained experiment recognised the question as to whether there was a need for the LEA to exist at all. Certainly the role and scope of the LEA changed significantly throughout the 1990s, in response to changing central government policy. A joint publication by OFSTED and the Audit Commission described the situation thus:

The task of LEAs was reducing in scope and significance, but not in difficulty or complexity (OFSTED/Audit Commission, 2001).

The same publication, Local Authority Support for School Improvement, went on to describe the government’s view of the LEA’s role in relation to schools. It noted that the government had no intention of reversing the policies of the previous Conservative government in that schools were not to be placed completely under LEA control but should remain responsible for their own improvement. Rather, the government’s policy was that schools and LEAs should work in partnership to bring about higher standards of attainment:

The LEA’s role involves setting strategic objectives and negotiating targets, allocating resources to priorities, and providing monitoring, challenge, support and, where necessary intervention. The rationale for this policy is that LEAs are well placed to support schools, since they possess extensive local knowledge, are locally accountable and have much experience in managing services that support schools. They are also in a good position to ensure that the educational provision in an area contributes to the Council’s overall efforts to
promote the well-being of children and families (OFSTED/Audit Commission, 2001).

The OFSTED/Audit Commission report goes on to evaluate the evidence gathered from inspections of LEAs and poses some serious questions as to how far a "LEA effect" can be measured in relation to school improvement. What is clear, however, is that government, including the DfES and OFSTED, expect LEAs to act in an effective way, particularly where schools experience difficulties in providing good quality education for their pupils.

The previous chapter began by considering the government's publication *The Role of the Local Education Authority in School Education* (DfEE 2000) in which the LEA appears as a provider of services to schools alongside others in what has been termed by DfES officials "the middle tier". Yet it was seen also that there are passages in the publication that recognise the uniquely democratically accountable nature of the LEA and its key position in the provision of a state funded education system. Five broad areas of activity for LEAs were identified in the publication and among these were included school improvement and tackling failure. Furthermore, the earlier chapter on inspections of LEAs made clear that, according to OFSTED, this is the most crucial task for a LEA and the one on which depends the ultimate success or failure of the LEA.

**LEA Intervention in Schools Causing Concern**

Following the publication in October 2000 of *The Role of the Local Education Authority in School Education* (DfEE, 2000), in February 2001 the government issued a revised version of the related document entitled *Code of Practice on Local Authority – School Relations* (DfEE 2001). This updated an earlier version (DfEE 1999), itself a replacement for the original code of practice issued in 1998 (DfEE, 1998). This document continued the theme of keeping the LEA out of school affairs except when things are going wrong, and
highlighted the phrase first introduced in DfEE Circular 6/99 *Schools Causing Concern*, “intervention in inverse proportion to success”:

The guiding principle is that intervention should be in inverse proportion to success (DfEE 2001).

Nevertheless the code of practice has some fairly robust things to say about the key tasks of the LEA and its powers and responsibilities for carrying them out. Having asserted, “schools are responsible for their own performance and the achievements of their pupils”, the code declares:

The highest priority for the Local Education Authority is to promote high standards of education. Key to this is its support for self-improvement in all schools. It needs to monitor information about all schools, and facilitate the sharing of best practice among local schools and more widely. The Authority’s energies and resources should otherwise be focused on schools which monitoring information suggests need further challenge or support to secure improvement (DfEE 2001).

Again, LEA support and challenge – and intervention in less successful schools – are regarded as key components of a national strategy for improvement and there appears to be a tacit acknowledgement that the appropriate theatre for the operational part of the strategy is at the level of the LEA. LEA monitoring through advisory services and other sources of information is expected to lead to early identification of difficulties within a school. Each LEA’s Education Development Plan is required to include a clear statement on how the LEA intends to assess school performance and provide a graduated level of support appropriate to each category of assessment. Where support and challenge are insufficient to help a school bring about improvements in standards, then the LEA is expected to use more direct intervention.

Under the School Inspections Act, 1996, a LEA has the right to inspect any maintained school in order to gain information relating to the LEA’s
responsibilities, so long as it is not “reasonably practicable” for the information to be gained through some other means. The law provides no other right of entry for LEAs to schools against the expressed wishes of the school’s management. The LEA can, however, take other measures of intervention where these are thought to be necessary, using powers conferred by the School Standards and Framework Act, 1998.

There are three principal measures that a LEA can take where normal activities of support and challenge have not produced the desired results or in cases where there has been a sudden breakdown of management or there is an immediate crisis. The first of these measures is underwritten by Section 15 of the 1998 Act and it is the power to issue a formal warning notice to the governing body of a school in circumstances where standards of pupil performance are unacceptably low and appear unlikely to improve without drastic action. Equally, a formal warning may be issued to governors where there has been a serious breakdown in management such that standards of performance and the safety of pupils and staff are put at risk. The second LEA power of intervention, gained through Section 16 of the Act, is the authority to appoint additional governors. This power can be used only when the school has been declared by OFSTED to be in need of special measures or to be suffering from serious weaknesses or when the governing body has failed to respond to a formal warning notice.

The third, and most drastic, of the powers of intervention is the suspension of a school’s delegated budget under Section 51 and Schedule 15 of the 1998 Act. Effectively this means the withdrawal of a governing body’s right to make decisions on the spending of the school’s budget and of the governors’ right to act on staffing matters. Although used rarely, this imposition of direct rule of a school from County Hall or the Civic Offices can be exercised in response to a governing body’s failure to carry out its financial responsibilities in a satisfactory manner. Equally, Section 17 of the School Standards and Framework Act, 1998, gives powers of budget suspension to a LEA where a formal notice has not produced improvement or where the school is declared to be in need of special measures or to have serious weaknesses and the
LEA concludes that the governing body lacks the capacity to address the issues.

In addition to these three principal powers of intervention, Section 62 of the School Standards and Framework Act, 1998, gives LEAs a reserve power to direct the headteacher and governors of any school where they deem it necessary to remedy a potential or actual breakdown of discipline at a maintained school.

These powers were described in DfEE Circular 6/99 (DfEE,1999). Entitled Schools Causing Concern, its purpose is set out in the summary on the title page:

This Circular explains the procedures which governing bodies, Local Education Authorities and others should follow in relation to schools causing concern, and the roles played by OFSTED and DfEE. It also describes the new powers for Local Education Authorities and the Secretary of State to intervene in schools causing concern, which will be fully in force by September 1999 (DfEE 1999).

The successive codes of practice and the related document The Role of the Local Education Authority in School Education (DfEE 2000) should be read in conjunction with this Circular. The Circular identified three categories of schools causing concern. The most serious category consists of schools deemed to be in need of special measures and are those schools designated by OFSTED as “failing or in danger of failing to give their pupils an acceptable standard of education” (Section 13.9, The School Inspections Act, 1996). This almost always includes low standards in more than one core subject, an unacceptably low standard of teaching and often weaknesses in leadership and management. The second category comprises schools designated by OFSTED as having serious weakness in one or more areas of their work. The weaknesses will invariably be in standards and teaching in one or more core subjects or sections of the school, although unlike a school in need of special measures, in overall terms the school is not failing to give an acceptable
standard of education. The third category includes all other schools where there is cause for concern but not so designated as a result of an OFSTED inspection. Their identification depends on the capacity of the LEA to recognise those schools that have developing weaknesses in standards of performance, in the quality of teaching and perhaps where the strength of leadership and management is declining. These schools will include those that have developed weaknesses since their last OFSTED inspection and those that have a temporary weakness due to specific factors in a key area of their work. In categorising such schools, the LEA is expected to use the same criteria as OFSTED school inspectors.

When an OFSTED inspection results in a school being designated as in need of special measures, a timetable of events is brought into being under Circular 6/99. At the end of the inspection the lead inspector will have reported the conclusions to the governing body and a LEA representative. The Chief HMI has to corroborate the lead inspector’s judgement and this decision is communicated to the school and LEA by the end of week five following the inspection. The final version of the report is issued by week seven and the school’s governing body then has a forty day period in which to prepare an action plan setting out how the areas of weakness and failure will be addressed. Once OFSTED and the DfES receive the action plan, the LEA has a further two weeks in which to submit its own commentary on the plan, together with a target date by which the LEA believes the actions to be taken by the school and LEA will result in the school emerging from the need for special measures. Ten days after the submission of the LEA commentary the LEA’s powers take effect to enable it to intervene in the work of the school by withdrawing financial delegation or appointing additional governors, although in many cases these powers will not be used and intervention will consist of additional support and the organisation of advice and training and, often, the secondment of expert staff from other schools.

Six months after the inspection, HMI will carry out a monitoring visit and consider the effectiveness of the school’s action plan and the LEA’s commentary and support, together with the quality of progress being made.
Should the inspectors have concerns at this stage, then a report is made to the Secretary of State, which will usually lead to a request for further proposals for action. Before each further monitoring visit, the school is required to provide a self-evaluation of progress against the key issues raised in the inspection report. Again, where progress is deemed by the inspectors to be insufficient, further actions may be required. If, after eighteen months there seems to be no prospect of the school ceasing to require special measures, the LEA will be required to provide a further account of the action being taken and any additional measures that may be needed. Where a school remains in special measures after two years and improvement appears unlikely, then steps may be taken to close the school. Where the LEA requires the school places, closure in such circumstances may mean a fresh start with the school re-opening under a new name and with a different senior management team. In the cases of some secondary schools, under an initiative introduced by the government for such situations, it might mean the school being re-launched as a “city academy” funded by a private provider in partnership with the DfES. Whilst part of the state system, such schools remain outwith the LEA and their management is free to pursue innovations in terms of the curriculum and staff employment.

For schools designated as having serious weaknesses there is also the requirement for an action plan to be prepared and for the LEA to set out its proposals for support and improvement together with an assessment of the options for the future of the school. Where progress has not been made within six months and where the LEA has not exercised its formal powers of intervention, it is expected to do so. All schools with serious weaknesses are re-inspected two years after their initial designation. Where a school has not improved, Circular 6/99 states “it is likely that it will be found to require special measures” (DfEE 1999).

Attention is now given to the application of these provisions in the London Borough of Northall.
Northall’s Approach to Schools Causing Concern

Effective LEAs have developed networks of intelligence on school performance in order to avoid the perceived failure of schools falling into the categories of having serious weaknesses or being in need of special measures. The London Borough of Northall publishes its own Policy on Schools Causing Concern (ref. 8/01) in which it sets out its criteria for the categorisation of schools and the support it provides for the various categories that it designates. The Northall School Improvement Service (SIS) places each school in Northall in one of four categories in order to allocate SIS resources according to each school’s needs. The four categories are:

1. Excellent and very good schools
2. Good and satisfactory schools
3. Schools requiring some improvement; under-achieving schools; schools in temporary difficulties; schools with new headteachers or management vacancies.
4. Schools in special measures; schools with serious weaknesses; other schools causing concern to the LEA (ref. 8/01).

The categorisation of each school is reviewed termly, using information and evidence from School Improvement Advisers, and other sections of the Education Department, including officers dealing with schools’ finances, personnel officers and staff from other support services. Each school’s categorisation is confidential to the headteacher and chair of governors and in accordance with Northall’s Policy on Schools Causing Concern such schools will receive an agreed balance of support, challenge, intervention and monitoring. Each of the borough’s School Improvement Advisers (SIA) is attached to a number of “link” schools and in relation to these attached schools is known as the “link SIA”. The link SIA will prioritise assistance for a school perceived to be in crisis and will visit at least once each week, providing personal help and guidance and brokering specialist advice and training where appropriate and as agreed with the headteacher. The school will be linked with other schools where there is good practice. Often these will
be beacon schools in Northall or elsewhere. Support for Northall schools causing concern is balanced with challenge on the pace and effectiveness of improvement. As the school improves, this balance will shift towards more challenge as the school becomes increasingly confident and effective in its own self-evaluation and improvement processes.

Northall Council uses its formal powers of intervention where such intervention is deemed to be necessary, following discussion and consultation with the governors and headteacher of the school. Whilst it is extremely rare for Northall to withdraw delegated financial control from a school, the power to appoint additional governors has been used frequently. Other forms of intervention commonly used in Northall include the public identification of statutory targets as being set too low by a school, link SIAs attendance at governors’ meetings, the issuing of warning letters to governors setting out actions that need to be taken if the school is to avoid more serious intervention, assistance with staff redeployment and the use of specific funds to provide targeted support in areas of the curriculum identified as weak.

A key element of Northall’s support for schools causing concern is the holding of strategy meetings designed to monitor progress and set further targets for improvement, to identify strategies for progress and any further support that may be needed, and to provide challenge to the school’s leadership and management. A strategy meeting for each school causing concern is held twice in each term and is attended by the chair of governors, the headteacher, the link SIA and a senior officer of the LEA who acts as the meeting’s chair. The senior officer will usually be the assistant director of education responsible for educational standards (AD Standards), or a senior SIA. In the case of a church school, a member of the diocesan board of education attends the meetings. The meetings are held at the LEA’s offices to underline the seriousness of the situation and add something of an element of challenge to the occasion by requiring the chair of governors and the headteacher to make the journey to the offices. A record is kept of the discussion, together with action points and agreed timescales and is circulated to all attendees shortly after the meeting.
During the period 2001 to 2002, Northall School Improvement Service (SIS) supported a number of schools causing concern. In the spring term of 2001 five Northall schools were designated as requiring special measures. By the autumn term of 2002, four of these had improved and were no longer so designated, although one further school had entered the category. As well as strategy meetings for these schools the SIS was holding meetings in support of other schools that it considered vulnerable with a view to preventing them falling into the serious weaknesses or special measures categories.

On a quarterly basis, the AD Standards presents a report to the Education Scrutiny Committee of Northall Council on the progress of schools causing concern. Those schools identified by OFSTED as requiring special measures or as having serious weaknesses are identified in the report by name, since their designation is a matter of public knowledge following the publication of the OFSTED report. The other schools causing concern to the Council are dealt with anonymously. Since it is intended and hoped that the actions taken will result in improvements in this latter category of schools, the avoidance of publicity is believed desirable, not least because it is thought by Northall officers that a public declaration of concern might well hasten a cycle of decline.

The report presented to the Education Scrutiny Committee on 9 April 2002 provided elected members of Northall Council with some good news of schools' progress (ref. 8/02). The report described progress at the five Northall schools that had been identified by OFSTED as requiring special measures and the four designated as having serious weaknesses. A further three schools were reported anonymously as causing concern to the Northall SIS. Of the five special measures schools the report was able to announce that two no longer required special measures and that good progress was being made in a third, Village Primary School. Less satisfactory progress was reported on Saint Isabella Church of England Primary School.
Village Primary School had been in special measures since June 1999 but the particularly challenging circumstances of the school, together with the very clear and structured improvement plan jointly agreed between the LEA and the school's governors, had meant that the school had been given additional time by DFES to demonstrate improvement. A monitoring visit by HMI took place in December 2001 and the inspector had declared himself satisfied that reasonable progress was being made and, although further work was needed on standards of attainment, the quality of teaching had improved. A further visit in February 2002 confirmed the rate of progress and this section of the report to the Scrutiny Committee concluded with the comment:

HMI reported that the school has made good progress since the last monitoring inspection and reasonable progress overall since being subject to special measures. There are grounds for optimism that if the present rate of progress continues, the next visit by HMI will find that the school no longer requires special measures (ref. 8/02).

This positive conclusion was found to be justified when the following HMI visit in July 2002 did indeed result in the school being removed from special measures, with specific praise being directed at both the headteacher who had been appointed to guide the school's recovery and to the SIS staff who had supported the school through its long process of improvement. The Vice-Chair of the school's governing body subsequently wrote to the AD Standards in the following terms:

I am writing to say a big thank you to you and your staff for all the help given to Village Primary in achieving our final goal. Without (the link adviser's) help this would not have been possible. Once again, thank you (ref. 8/03).

The report to the Education Scrutiny Committee expresses what can be described as guarded concern when commenting on the situation at St. Isabella:
The school was visited by HMI in January 2002 for the fifth monitoring visit since becoming subject to special measures in May 2000. It was found that progress was limited since the previous visit and since going into special measures. Whilst reasonable progress has been made on the issue of balancing the curriculum, it is limited on standards of attainment, quality of teaching, leadership and management and pupil punctuality.

The school has experienced considerable difficulties with staffing and in managing its budget. There has been a significant turnover of staff (13 since the beginning of September) although the school is fully staffed at present.

The LEA continues to provide the school with support and this support has been noted and praised by HMI (ref. 8/02).

Notwithstanding this continuing concern for St. Isabella, more good news was provided by the improvement of schools previously designated with serious weaknesses since three had now been declared to be good schools and “considerable progress” had been made at the fourth. The further three schools identified by the SIS as causing concern included two where progress was steady, if a little precarious. For “School B”, a boys’ secondary school that is also a specialist technology college, the report comments:

The school is not yet confident that GCSE results will improve significantly this year, despite intensive work with a key department and support from both within and outside the school. There continue to be weaknesses in middle and senior management. Improved systems for monitoring teaching and pupils’ progress have been introduced. The challenge for the school is to use these systems effectively to raise standards (ref. 8/02).

Of these three schools causing concern to SIS, the comments on “School C”, a Roman Catholic boys’ secondary school, contained a warning for
councillors that a public declaration of an OFSTED categorisation was imminent. Support and improvement work had been carried out in this school but its impact had been insufficient to avoid the designation of requiring special measures. Since the OFSTED report was not yet in the public domain, the report to councillors was somewhat coded:

The school continues to make progress but a recent inspection by OFSTED is expected to find that this is insufficient to avoid the school being found to be deficient at the present time. Behaviour across the school has improved but concerns remain over standards of attainment. There is now stability of staffing and many of the new systems and structures that have been introduced are beginning to have a positive impact. Teaching and learning continue to be areas of concern in several departments. A substantial proportion of the staff have been recruited from abroad and do not have experience of the National Curriculum and of teaching in a multicultural environment. When the OFSTED report is received, full attention and support will be given to the action plan (ref. 8/02).

Notwithstanding this set back, overall, the report of 9 April 2002 provided Northall councillors with evidence that their SiS was engaged with schools causing concern in a way that was bringing about improvements, although there remained some schools where progress was less than satisfactory. The remainder of this chapter considers examples of the work done in Northall in support of two particular schools mentioned in the report.

Saint Isabella Church of England Primary School

Saint Isabella was designated as requiring special measures in May 2000 having previously been identified as having serious weaknesses. As indicated in the comment contained in the report to Northall Education Scrutiny Committee, progress since May 2000 had been very limited. A new headteacher, A. Hope, had been appointed in January 2001, with the brief to
bring about improvements and to lead the school out of special measures. In the latter part of 2001 and into 2002, it became increasingly clear to senior staff in the Northall SIS that Hope's performance in managing and leading the school was proving less than satisfactory. The link adviser reported that she was receiving little co-operation from the headteacher and the causes for concern identified by OFSTED were not being addressed satisfactorily. The AD Standards visited the school and was shown round by the headteacher.

During the tour the AD Standards noticed the headteacher kick aside children's coats that had fallen to the floor in one of the cloakrooms. He noticed also in one of the lessons that apart from the children surrounding the class teacher, others appeared to be disengaged from any learning or awareness of what they were supposed to be doing. The AD's approach to school visits normally was to accentuate the positive and reinforce success. On this occasion, however, he believed he could not ignore what he had seen and on returning to the headteacher's office, he raised these issues with Hope, referring also to a comment from the last HMI's monitoring report to the effect that in one lesson the HMI had observed a child sitting under a table, unnoticed by the teacher. Hope's response to these issues was to say that he was working with staff on classroom management but that it was a difficult task. The Assistant Director was left with a clear impression of a headteacher who was not on top of the situation in the school (ref. 8/04).

The subsequent strategy meeting returned to these issues at the Council’s offices on 27 February 2002. The notes of the meeting convey a sense of incomprehension on the part of Hope as to the seriousness of the situation:

Hope said that the outcome of the last HMI monitoring visit in January had been a big disappointment to the school. He felt that the timing of the visit, so soon after previous one, contributed to the high level of unsatisfactory teaching.... Behaviour problems last term also contributed to poor teaching, although behaviour had improved since then.... Planning has been changed and teachers now do individual lesson plans for lessons being observed (ref. 8/05).
It was suggested by SIS officers that, given the deeply unsatisfactory nature of the school's progress and the poor quality of teaching and learning observed by HMI, the comments revealed a surprising amount of complacency. It was suggested also that in order to improve the quality of lessons, teachers should be expected to plan properly for every lesson, regardless of whether or not it was being observed. The meeting went on to discuss a number of other aspects of the school's performance and Hope was urged to undertake a visit to a nearby school that had recently emerged from special measures with accolades from HMI for the degree of its improvement, following outstanding work by a headteacher appointed for the purpose. Hope did not follow up this suggestion.

The LEA subsequently used its powers of intervention to appoint an additional governor, as did the diocesan authority, with which the LEA was working collaboratively. The next strategy meeting was held on 25 April but could note only the slow progress mentioned in the report to Scrutiny Committee. The notes show also a high level of involvement by LEA advisers and advisory teachers in working with school staff to improve practice (ref. 8/06).

Meanwhile, however, HMI had reported the findings of the monitoring visits to the section of the DfES that monitors the progress of schools causing concern. The AD Standards was requested to provide a report on the LEA's view of progress at St. Isabella prior to a meeting at DfES to discuss further action. The report submitted to the DfES summarised the notes of the strategy meeting of 25 April 2002. Teaching and learning remained unsatisfactory although the quality of teaching had been the subject of monitoring by the school's link adviser and the headteacher of a successful Northall primary school. 13 lessons were observed, of which two were good and five were unsatisfactory. The AD Standards concluded his report with the following comments:

My own observations of the school, based on only one visit, are that there remains much to be done in terms of improving the tone and
ethos. Whilst relationships are positive there is a need to ensure continuous pupil engagement – an issue that relates back to the earlier comments about differentiation and lesson planning as well as classroom management. Recruitment and retention have been major problems for the school.

It is not at all clear to me that progress is either rapid enough or sustainable in terms of the quality of the educational experience offered to the pupils. Much will depend on the quality of teachers that are recruited for the new school year. I welcome the opportunity to discuss the future of this school with colleagues at the DfES (ref. 8/07).

The “opportunity” duly followed on 21 June 2002, at Sanctuary Buildings, Westminster in a meeting that had been due to start at 0900hrs but was delayed until 1030hrs to enable participants to watch the Brazil versus England World Cup match. This detail is not irrelevant since it is indicative of the sense of co-operation with which the participants approached the meeting. There was no sense of the LEA being summoned to account for itself; rather, it was a meeting of concerned parties, ready to find a way forward. The meeting was attended by the head of the section of the DfES, an assistant DfES officer, a senior OFSTED inspector, the head of the diocesan education service, the diocesan adviser attached to St. Isabella, the Northall AD Standards and a senior SIA from Northall. In preparation for the meeting the Northall SIS had been requested to prepare a summary of the support given to the school in relation to each of the key issues identified by OFSTED as requiring improvement, together with an evaluation of the impact that the support was believed to have had.

The four key issues originally raised by OFSTED were: 1) to raise standards in speaking writing and experimental science at both key stages and in mathematics at key stage one; 2) to improve the quality of teaching; 3) to provide a clear direction for the school and improve the quality of leadership and management; 4) to ensure that the curriculum is sufficiently balanced to provide worthwhile experience for pupils in all subjects. A considerable
number of supporting activities, visits and advice were listed for each of these issues yet whilst progress had been made in relation to issues one and four, the impact for issues two and three was unsatisfactory. For key issue one, in support of improvements in speaking, writing, science and maths, there had been support from the LEA's literacy consultant through the provision of training for teachers, through support for the school's literacy co-ordinator and for individual teachers in support of their planning of lessons. The literacy consultant had also observed lessons and monitored the school's work on pupil's guided reading. The numeracy consultant had provided similar support with the addition of demonstration lessons and co-teaching with the school's staff. The science SIA had provided training and had also supported teachers in their preparation and teaching of lessons.

In relation to key issue two, the quality of teaching; the LEA had funded additional teaching posts at the school at a cost to the LEA of approximately £20,000. It had also provided, at no cost to the school, support from a special educational needs consultant working with the school's teaching assistants. A consultant headteacher had been deployed to the school and her work had been complemented by the link SIA monitoring lessons. Other LEA advisory staff had supported the school's teachers in the foundation stage, whilst the early years SIA, the ICT advisory teacher and the literacy and numeracy consultants had all provided advice and assistance to teachers in support of lesson planning and teaching.

To bring about improvements in the quality of leadership and management, the link SIA had been meeting with the headteacher for half a day every two weeks, in addition to working with staff and governors, attending governors meetings and providing support for staff with posts of responsibility within the school. A consultant headteacher had been appointed by the LEA to give direct support to the headteacher, an additional governor had been appointed by the LEA and a finance officer had been assigned to support the headteacher in budget management.
On key issue four, the improvement of balance in the curriculum, support had been provided by the LEA’s ICT advisory teachers, the early years SIA and a humanities consultant as well as general advice and support on curriculum review and revision from the link SIA.

Whilst some improvement had been made on issues one and four, in relation to improvement in the quality of teaching, the LEA summary concluded:

There has been very little impact overall on the quality of teaching despite all the above actions. The percentage of satisfactory or better teaching has never gone above 70% and is often much lower. Individual teachers have gained in confidence and their teaching has improved but the improvement is not always secure and consistent (ref. 8/08).

Where advice and support for improvements in leadership and management were concerned the summary described the impact thus:

Impact of the above support has not been as evident as the LEA would have hoped. Contributing to this is the reluctance on the part of the headteacher to accept and act upon advice and also his reluctance to seek advice from the LEA and others. There is also a lack of analysis of information and data collected, in order to inform future actions (ref. 8/08).

The meeting had also the evidence of the latest monitoring visit by HMI, which had taken place on 13 and 14 June 2002. The inspectors had concluded that “the school has made limited progress since the previous monitoring visit and limited progress since being subjected to special measures” (ref. 8/09). Detailed comments following observations of key issues two and three were very critical and included the following on the quality of teaching:

For example, a teacher may not notice that a pupil lacks a partner for an exercise that is to be carried out in pairs, and is staring into space.
Classrooms and classroom routines are not organised to promote pupils' independence as learners. The planning of pupils' learning is weak (ref. 8/09).

On the need for improvements in leadership and management, HMI had this to say:

The headteacher and senior managers have worked hard to try and raise standards and improve the quality of teaching since the previous monitoring visit.... However, these actions are not serving to move the school forward with sufficient speed. Some of them are not well judged, for example, because they direct considerable resources towards symptoms, not causes, of problems.... The headteacher is not drawing sufficiently on "critical friends" from outside the school (ref. 8/09).

During some two hours of deliberations a range of options was considered, including closing the school. The diocesan officers opposed this since they did not want to lose the number of church school places that St. Isabella represented. There was general agreement, however, that little more could be offered in the way of support that had not already been made available. The role of the LEA in supporting the school received very positive acknowledgement both from the OFSTED representative and the DfES officials. The meeting concluded that there was little prospect of progress so long as the current headteacher remained in post. It was decided that the LEA, in partnership with the diocesan authority, should advise the governors that they should take action to remove the headteacher. It was agreed that the AD Standards would inform the headteacher of this decision and of the action being taken (ref. 8/10).

Meanwhile a five-page catalogue was drawn up by the Northall SIS of instances where the headteacher had failed to follow advice or to take necessary actions to improve the situation in the school. This document was titled, Monitoring Leadership and Management at St. Isabella CE Primary.
School, July 2001 – July 2002 and includes thirteen examples of the headteacher's failure to follow advice from HMI or SIS advisers (ref. 8/11).

The AD Standards drafted a letter for the Director of Education to send to St. Isabella Chair of Governors on 27 June 2002 in the following terms. The letter is reproduced in full since it reflects something of the relationship between central and local government in the resolution of the issue.

You will be aware that it is now over two years since St. Isabella CE Primary School was found to be in need of special measures and three and a half years since it was designated as having serious weaknesses.

The Minister for Schools expects that schools should improve sufficiently to emerge from special measures within two years. It is clear from the HMI monitoring visits that only limited progress has been made on most key issues. Due to this lack of progress, LEA representatives were required to attend a meeting called by the DfES to discuss the situation. Also present were representatives of OFSTED and the Diocesan Education Board.

The senior DfES official chairing the meeting emphasised the fact that the Schools Minister is deeply concerned about St. Isabella and the lack of progress. This was confirmed by the view of OFSTED, expressed at the meeting, that the school appears to be slipping further into special measures rather than improving.

The meeting considered the evidence provided by HMI monitoring visits, by the LEA and by the Diocese. It was concluded unanimously that the evidence indicates clearly that the prime reason for this regrettable situation lies in the poor quality of leadership provided by the headteacher. Representatives of the LEA and the Diocesan Board consider that the headteacher has not heeded advice nor has he
addressed adequately the need to improve the quality of teaching and learning in the school.

As a result, it was agreed that I would write to you as Chair of the Governing Body to advise you to address this situation as a matter of urgency. I understand the Diocesan Director will be in touch with you shortly.

The headteacher will be invited shortly to a meeting with myself and the Diocesan Director of Education to discuss this matter further (ref. 8/12).

The interview between the headteacher and the AD Standards took place in the latter’s office, following the regular termly briefing meeting for local headteachers at the Northall Teachers Centre on 25 June, 2002. The AD explained the situation to Hope, who became angry and demanded to know what grounds there were for the action being taken. The AD informed Hope that the meeting at the DfES had been unanimous in its view and that the current interview was in order to inform Hope of what was happening, not to discuss the matter in detail. He advised Hope to contact his professional association and seek advice and representation. A similar letter to that sent to the Chair of governors was handed to Hope at the interview (ref. 8/13).

Having reacted with some anger and apparent surprise, Hope’s response was to involve the National Association of Headteachers (NAHT) with the initial purpose of contesting the allegations of culpability. Meanwhile the Diocesan Director of Education and the diocesan school adviser had met with the chair of governors on 3 July. The Northall LEA Director of Education was fully briefed by the AD Standards on 4 July and a meeting was held between the LEA Director of Education, a diocesan official, the headteacher and the NAHT representative on 5 July. At this meeting the catalogue of failure to take advice (ref. 8/10) was presented to Hope and the NAHT representative. Some time was spent in discussing the options available, including a “compromise agreement” whereby Hope would agree to resign, a package of
salary in lieu of notice would be arranged and a statement prepared for public consumption. The NAHT representative requested time for consideration of the situation (ref. 8/14).

By 9 July agreement had been reached with the NAHT that Hope was to leave the school at the end of term, the NAHT meanwhile having considered the evidence and advised their member that it would be counter-productive to contest the situation. The "compromise agreement" that was drawn up provided for an agreed statement for public consumption, an agreed reference and a payment of £30,000, following termination of Hope's employment at the end of August 2002. The deal was not as generous as it might seem, since a refusal to leave on the part of Hope would have led to competency procedures that might well have dragged on for many months, during which time Northall LEA would have been paying full salary costs. In the event, the settlement figure amounted to little more than six months salary (ref. 8/15).

Hope's departure having been secured, the efforts of the SIS now returned to ensuring support for St. Isabella. Pending the appointment of a new headteacher, the services were secured of two headteachers of successful schools in Northall who agreed to share leadership of the school, each acting as headteacher for half of the week with a third local headteacher acting as consultant to the school for the whole of the autumn term. These arrangements were in addition to link adviser support and the continuation of the other advice and support that the LEA and the diocese had been providing. These arrangements were set out in a statement to parents and staff published at the beginning of the autumn term (ref. 8/16). The implementation of the arrangements resulted in considerable progress being made and the subsequent HMI monitoring visit was able to record positive comments on all key issues.

Whilst the situation at St. Isabella CE Primary School was one in which the LEA had to add fairly drastic action to more conventional methods of support in order to bring about improvement, the case of School B mentioned in the
report to Scrutiny Committee on Schools Causing Concern required a somewhat different approach.

School B

School B is a boys' secondary school and specialist technology college identified by the Northall SIS as causing concern due to weak middle management and under-performance in its science department. Senior LEA staff were worried that the school was not providing its pupils with good quality teaching in certain areas of the curriculum and believed that without improvements, the school could be identified by a future OFSTED inspection as having serious weaknesses. Action was taken therefore to support the headteacher's management and leadership of the school and to address the problems in the science department.

Strategy meetings were held with the headteacher, a governor representing the chair of the governing body and with the link SIA and a senior SIA. The meetings were chaired by the AD Standards. Over several months from 2001 to 2002, the school's leadership were challenged on the matter of standards and the degree to which they were able or willing to tackle weaknesses in the school's middle management. Senior staff of the Northall SIS were particularly anxious because HMI were due to carry out a thematic review in the school at the end of May 2002 and it was feared that this visit could lead to a full inspection that would find the school designated as having serious weaknesses. This anxiety was not allayed by initial reluctance on the part of the headteacher and governor to recognise that there was any cause for concern. Agreement was reached for specific support for the management of the under-performing science department through both advisory visits and through establishing a link with a very successful department in another Northall school. A monitoring process was put in place to try to address the issue of weakness in middle management.
Two advisers from the SIS spent two days in the school reviewing teaching and providing advice and support to school staff. The two advisers also held discussions with the headteacher regarding the effectiveness of particular development strategies within the school and how these might be enhanced. A particular concern that arose from the two days of visits was the standard of pupil behaviour in the school, described as “chaotic” in the subsequent notes of the visits. The SIAs noted also “This poor behaviour is exacerbated by the lack of staff presence at the change of lessons and in the playground” (ref. 8/17).

As a result of the challenges provided by Northall’s SIS, the headteacher took action on the issues causing concern and provided training and guidance for members of staff in preparation for the HMI visit. Specific instructions were issued regarding documentation and planning of lessons as well as very practical advice on managing pupil behaviour (ref. 8/18).

The outcome of the HMI visit was largely positive, and did not trigger a full inspection of the school, as SIS staff had feared it would when they had considered the situation some weeks earlier. Nevertheless, there were some issues to be addressed, including the lack of differentiation in teaching, which HMI described as “a glaring weakness”. HMI commented also that “a whole school rescue strategy is needed for the quality of teaching, especially in science”. This had been the department of concern to SIS and future strategy meetings were to focus on support for this area of the curriculum as well as the wider issues of teaching and learning mentioned by HMI (ref. 8/19).

The strategy meeting following the HMI visit took place on 26 June 2002. The notes of the meeting show that the AD Standards highlighted the sections of the HMI’s comments that addressed the quality of teaching and the related issues that would take the school into serious weaknesses if they remained unchanged before a future full inspection. The headteacher responded by referring to the draft teaching and learning plan that had been prepared. It was proposed that senior management should review the quality of pupils’ work through monitoring all exercise books. Support for lesson quality in
science would be given through the issuing of guidance in a science action plan. Advanced Skills Teachers were to be appointed to raise standards of teaching. In the case of one member of middle management, competency procedures had been commenced with a view to bringing about improvement in performance or eventual dismissal. The AD Standards paid tribute to the efforts that had been made and the progress of the previous eighteen months. It was recognised, however, that more work needed to be done if the standards of teaching and learning throughout the school were to continue to improve. A number of actions were agreed by the meeting, including further activity by advisory teachers and visits by key members of the school’s staff to observe good practice in other schools. The next strategy meeting was arranged for 24 September 2002 (ref. 8/20).

Whilst the case of St. Isabella CE Primary School illustrates the actions taken by an LEA in conjunction with the DfES and others to address issues where a school is in deep trouble, the example of School B demonstrates the ability of an LEA to provide support and challenge to a school in order to avoid the crisis occurring in the first place. In both cases, and in relation to the other schools featured in the report to Education Scrutiny of 9 April 2002 (ref. 8/02), actions were taken in accordance with Northall’s policy on support for schools causing concern (ref. 8/01). The LEA was able, in both cases, to apply local knowledge and to use its relationship with relevant partners to provide a mixture of support and challenge to the schools in order to bring about the desired improvements, albeit through very different kinds of activity. It should be noted that is precisely the role outlined by the OFSTED/Audit Commission report quoted at the beginning of this chapter.

To conclude this chapter, it may be worth referring back to the words of Saville, the DES official responsible for the implementation of the grant maintained schools policy. As the policy developed and it became clear that some of its more enthusiastic supporters saw it as a means of abolishing LEAs altogether, Saville noted that the implications of this possibility began to become apparent to DES officials.
If you force everyone to be free (of LEAs), you’ll find half the schools in the country are on their knees by Christmas (Saville, interview 3 July 2001).

The earlier chapter contained reference to Saville’s recognition that the GM experiment had started with a “naïve and rudimentary idea” that schools could and should be “set free” from their local authorities and that they would flourish as a result of the consequent lack of bureaucratic restriction. Yet the history of schools causing concern and the means of support and intervention that central government has provided both for itself and for LEAs suggests that there is now a clear understanding that schools cannot be left to exist without a framework of challenge and support and without reference to the local education network of which they have to be part, if local young people are to receive an education of consistent and good quality.

The publications considered at the beginning of this chapter reinforce the view that central government has now recognised that a local framework of support is both desirable and necessary. Whilst it is surely right that such a framework itself should be subjected to challenge and quality control, the unique position of the LEA as a locally democratically accountable embodiment of the education service in the local area, together with its network of relationships and local knowledge, now seems to be recognised as providing the appropriate vehicle for the sustenance and development of the framework.
CHAPTER NINE

INTERVIEWS WITH KEY PLAYERS

The earlier chapters of this study have explored the relationship between central and local government in the administration of education through consideration of aspects of policy or activity. Reference has been made to the views of key personnel involved in these activities and policy areas in order to attempt to clarify what were the perceptions of those involved at the time. Observer participation, semi-structured interviews and documentation have been used to gain some understanding of the developing relationship between central and local government. This research has been supplemented by further semi-structured interviews in which education officers, civil servants, councillors and headteachers have been asked a series of questions relating to the role and future of local education authorities and their relationship with central government. The interviews with the Head of OFSTED's LEA Inspection Team, with the civil servant responsible for implementing the grant maintained school policy and with four headteachers of schools have been referred to in earlier chapters where the interview was conducted specifically in order to explore the issues relating to the topic under discussion. For this chapter, the views of the interviewees were sought on more general issues in order to gain further understanding of the relationship between central and local government and to provide the 'triangulation' described by Flick (1992) and referred to in the opening chapter of this thesis.

The interviewees have all had first hand experience of the interface between central and local government and were selected in order to provide a cross section of responsibilities and levels of seniority. Given that primary sources for this study have been observer participation experiences gained within Centralshire and documentation from that county, a number of the interviewees are drawn from that LEA. Equally, however, opinions formed and held within one authority could be the result of particular experiences or
cultural circumstances peculiar to that location. In order to avoid drawing on too narrow a base, therefore, interviewees have been selected also from within several other LEAs.

The result is a set of views and opinions that offer a body of evidence drawn from a wide operational arena in which the relationship between central and local government is actualised and in which it develops.

The Interviewees

The following persons were interviewed, although in all cases, names and locations have been changed:

1. Simon Shaper, County Councillor, Labour Education Spokesperson, Centralshire.
4. Kate Hawkes, Regional Co-ordinator, North East.
5. David North, Assistant Director of Education (School and College Support) Centralshire.
6. Steven Baldock, County Councillor, Liberal Democrat Lead Member for Lifelong Learning, Centralshire.
7. Mary Heston, Former Deputy General Secretary, National Union of Teachers, now Education Officer (Policy and Planning) Centralshire.
10. Stephen Saville, Senior Officer, DfEE
11. Stuart Hausmann, DfEE Officer seconded from permanent post as Assistant Director of Education (School and College Support) Centralshire.


13. David Oldham, Assistant Director of Education, Yorktown

14. Ian Young, County Councillor, Conservative Lead Member for Lifelong Learning, Centralshire

15. Roy Welsh, Assistant Director of Education (Policy and Planning), Centralshire


18. Jill Warbler, Director of Education, Centralshire

19. Vanessa Rivers, Former Assistant Director of Education (Pupil and Student Support), Centralshire


The list therefore includes three Chief Education Officers, four second tier officers, a third tier education officer with a former role as Deputy General Secretary of England's largest teachers' union, an area co-ordinator for SEN, the Head of an Education Action Zone, five headteachers and three councillors. The interviewees work within seven local education authorities. Two civil servants from the Department for Education and Skills and the Head of the OFSTED LEA Inspections Team provided views from the perspective of central government.

The set of questions was deliberately simple. The purpose of the questions was to provide a consistent framework for the expression of opinions that could then be compared with each other. Given the qualitative nature of this study there was no desire to circulate a questionnaire and count replies. To have discovered, for example, that 63% of Chief Education Officers in England believe the DfES to be over-prescriptive in its work with LEAs might
have been interesting but it would have been part of a different study. The concern here was simply to obtain the considered views of a number of interviewees.

The interviewees do not form a homogeneous group and whilst some of them are acquainted with each other professionally, they have not met together. Neither is there a claim that they constitute a representative sample on any statistical basis whatsoever. Their contribution to this study is to offer opinions from a particular professional or political perspective that can be considered alongside the other evidence set out in earlier chapters and that can be drawn on to provide the 'triangulation' mentioned in the first chapter. No more than that is claimed for what follows.

The Questions

1. To what extent has the relationship between central and local government in education shifted in the years since the Education Reform Act?
2. What do you consider to have been the key issues that have brought about that change?
3. Do recent publications such as the Code of Practice for LEA/school relations and the DFEE paper of last October on the role of the LEA in school education describe a satisfactory resolution of the matter as far as you are concerned?
4. If not, what tensions remain, what is unsatisfactory?
5. Where does the balance of power currently lie?
6. Is it inevitable that it lies with central government?
7. What about the role of elected members?
8. Do elected members have a future in the governance of education?
9. The term stakeholder is often used to identify the various interest groups affected by the education service. How are their interests best represented?
10. EYP, SOC, Parent reps on Education Committee – all have been attempts to include stakeholders - but are these satisfactory?

11. Role of Chief Officer/Officers

12. Intervention in schools by the LEA:

The replies to each of these questions are now considered in turn.

1. To what extent has the relationship between central and local government in education shifted in the years since the Education Reform Act?

All the interviewees agreed that there had been an enormous shift in the relationship between central and local government in the administration of education in the years following the ERA. Several of the officers traced the changes that had taken place during their own careers. Reference was made to the fact that the “real” decisions used to be made locally – a situation that meant there was “immense diversity” between LEAs, with local Chief Education Officers and councillors emerging to give leadership and vision. The role of Her Majesty’s Inspectors (HMI) was mentioned in terms of their influence and their capacity to spend time listening. For one officer, looking back, it was visiting HMIs who once had seemed to be the arbiters of right and wrong in LEA activity, and not the DfEE (as it was at the time of the interview). Without prompting, one Director of Education went straight to the question that is central to this study and stated that there is now: “an expectation from central government that local government has become their agent” (Interview with Warbler, 1.5.01)

The Conservative County Councillor identified three particular ways in which the relationship has changed:

Firstly, schools are no longer under the patronage of Chief Education Officers. They are funded under an agreed formula. They have an independence that they did not have before.
This threatens the role of the LEA as an intervening layer between the government and schools (Interview with Young, 29.11.99).

He referred to the call by one headteachers’ association for all funds to be devolved to schools and for the LEA effectively to be abolished, but he noted that in Centralshire remnants of the old regime remained because schools had benefited financially from the LEA funding them above the base figure expected by central government. He then went on to his second and third ways in which the relationship had changed:

Second, changes to the way the curriculum is managed. Starting before the 1988 Act with Callaghan and leading to the development of the National Curriculum. The centrally applied curriculum is the big sea change in the management of schools.

Third, the introduction of a national system of inspection – replacing the inspectorial role of the LEA (Interview with Young, 29.11.99).

His Labour and Liberal Democrat colleagues agreed with this view. The Labour councillor recognised furthermore that,

No new Labour government was going to reverse the changes made by the Tories. The whole thing has become much more centralised – and will become more so. An example is ring fenced funding.

I have no problem with the changing relationship – because it is not unusual. Life changes (Interview with Shaper, 24.11.99).

One of the Chief Officers referred to Local Management of Schools, the National Curriculum and the “testing regime” as examples of a national context where nothing had existed before. She believed that the Labour government elected in 1997 had gone further than any government before them, particularly in attempts to direct and control the curriculum. (Interview with Smalley, 4.6.01)
The views of the DfES officials echoed those of their local government colleagues in reference to some of the significant changes such as the National Curriculum. In contrast to the local government officers they took the view that in the past LEAs had lacked a clear role in the administration of education, with the implication that this had now been clarified.

A reflective note was struck by the senior manager from OFSTED:

> Very much more is now with central government. It is more central, but more is devolved to schools. Authority over the curriculum is much more centralised. There is a question as to whether these two thrusts are coherent with each other (Interview with Doubleday, 2.7.02).

He believes that a key example of this contradiction is to be found in the area of ethnic integration where LEAs lack the powers to address the issue, given the ability of parents effectively to segregate schools through the exercise of parental preference in choosing school places, “Local government has to try and address this but has not the powers to deal with it” (Interview with Doubleday, 2.7.02).

All therefore were agreed that there had been a considerable change in the relationship, although there clear differences in the interpretation of that change and the extent to which it was benign in terms of administration or the effects on society as a whole.

2. What do you consider to have been the key issues that have brought about that change?

The chief officers of LEAs identified a number of different key issues. For one the major factor leading to the change was, “The failure to raise standards as fast as the government wanted” (Interview with Warbler, 1.5.01). This view was echoed by another CEO who commented that there had been a
"relentless" series of public pronouncements to the effect that LEAs were not doing as well for children as were the providers of education in other countries. One of the second tier officers complained that whilst it was wholly appropriate to regulate LEAs in cases where they had failed, the many in local government were now suffering "for the sins of the few" (Interview with Oldham 10.4.01).

The CEO of Midshire saw a distinction between the approach of the post 1997 Labour government and its Conservative predecessor. Whereas the Conservatives had been driven by ideology and had focused on structures as an expression of their concern to reduce the powers of local government, Labour was wholly pragmatic. Labour's attention was focused on standards and on the curriculum. There were local exceptions to the national descriptors, however, since the Midshire Conservative councillors had been very critical of what they perceived as their government's attack on local authorities (Interview with Smalley, 4.6.01).

Taking up the theme of the critical importance of the introduction of LEA inspection identified by one County Councillor, a central government interviewee suggested four key contributory issues:

Dissatisfaction with the performance of LEAs.
Some Ministers had an ideological commitment to the market to drive up standards – a proposition for which there has never been any evidence.
There has been too much of a wish (by Ministers) to be seen to take an initiative. Reliance on categorical funding has removed power from LEAs – this has made it difficult to form strategies. It is confusing for schools.
And there has been declining interest in local government by the electorate (Interview with Doubleday, 2.7.02).

He agreed that this last point might well be a "chicken and egg" situation. Rather than low turnouts in local elections reflecting apathy on the part of the
electorate, by taking the powers away from local government, central
government could have created a situation in which people saw little point in
voting for a local body that was not perceived as effective. As a result of all
this, however, it is clear that LEAs have had to “re-position” themselves in
terms of their role.

Another local government officer described the move towards more
prescription, "From the mid-eighties, people you used to do things to, you had
to start consulting them. Some officers became quite challenged" (Interview
with Hawkes, 10.4.01). This comment recognised the impact on LEA decision
making of the strand of government policy identified by an Assistant Director
in Centralshire with responsibility for early years and childcare. The inclusion
of parents and community based providers in decision making on childcare
issues through the Early Years Development and Childcare Partnership
(EYDCP) had caused real difficulties for some councillors and officers,
particularly in the process of drawing up the EYDCP Development Plan: "It
has been very difficult for councillors to accept people from the community
having enough status to contribute to the Plan" (Interview with Rivers,
22.2.00).

This officer was mildly amused by the obvious conceptual difficulties
experienced by some councillors and by some of her colleagues, who had
found there was no way in which they could finesse the retention of continuing
hegemony over decision making in this area of policy, although at the time of
the interview it was not entirely clear just how much power the then DfEE was
prepared to give to the EYDCP.

3. Do recent publications such as the Code of Practice for LEA/school
relations and the DFEE paper of last October on the role of the LEA in
school education describe a satisfactory resolution of the matter as far
as you are concerned?
One Chief Officer believed that the Code of Practice was too imprecise in its conception and wording and that it was too capable of being read in different ways by different people. Smalley believes, moreover, that there remains an "overall reluctance to recognise the need for an intermediary body". (Interview with Smalley 4.6.01). For Butcher, the balance "has to be struck between school autonomy and allowing schools to concentrate on what they do best, i.e. teaching" (Interview with Butcher 1.5.01). He has "no argument" about the Code of Practice, and he recognises that schools need "a degree of autonomy to allow them to apply resources in the most effective way for them", but he believes also that the balance has gone too far in terms of what is needed for monitoring. The number of visits that the LEA should be making to a school is a continuing issue for debate.

Butcher expressed the thoughts of every LEA officer interviewed for this study and of those with whom it has been discussed when he said: "There is the assumption that you can monitor successful schools from a computer screen, but you can't pick up the signs of deterioration from a computer screen" (Interview with Butcher, 1.5.01). He then added:

The sources of problems in a school are often related to relationships in that school. A school can go for quite a while with that sort of problem before test results suffer. They will suffer in the end, as staff leave and so on. You don't pick that up from a computer screen and if you wait until results deteriorate, the school is usually pretty desperate by then (Interview with Butcher, 1.5.01).

Warbler pointed out that the Code of Practice assumes the putative relationship upon which it is based to be acceptable, whereas for her it is not. Even if this assumption were to be accepted, she does not believe the Code is a sufficient expression of the relationships that have to exist in the real world. By attempting to identify an account of the operational interface between schools, LEAs and central government, the Code does not take sufficient account of the need for flexibility (Interview with Warbler, 1.5.01). A second tier officer from another authority shares this view. For Oldham of
Yorktown, the limited role of the LEA envisaged by the Code in relation to successful schools is inconsistent with the expectation that the LEA will identify good practice and promote its sharing.

Hawkes suggested that the Code of Practice represents a belated recognition by the DfEE that LEAs do indeed have a role. She believes that there had been previously an intention to abolish LEAs altogether but that there was no clear idea as to what to put in their place. On this view, the Code represents “As clear a view as the government feels it is able to achieve” (Interview with Hawkes, 10.4.01).

A headteacher of a school in Centralshire was uncertain of the value of the Code of Practice and suggested that it is too inflexible, in terms similar to the criticism expressed by the Director of Education for Centralshire. This headteacher pointed out that the relationship between each school and the local LEA is an individual matter, since each school is unique, and she believes the Code should have recognised this (Interview with Turner, 9.11.01).

A DfEE official stated that the Code of Practice was a critical document, giving a clear direction for the LEA and containing the warning that if the LEA failed to deliver, another way would be found of achieving higher standards. Whilst he believed the Audit Commission’s publications on the role of the LEA were probably more helpful than those of the DfEE, he believed there was sufficient clarity that there was a leadership role for the LEA, but that this leadership had to be such that it did not seek to retain power or control (Interview with Hausmann, 8.9.00).

Doubleday suggested that the Code needs further development and that its concentration on attainment serves to institutionalise the weakness of LEAs by separating connected issues. For example, he believes that the promotion of inclusion and the raising of standards must go together. Standards depend on a range of issues surrounding the school, but the corporate centre (of the
local Council) has yet to demonstrate its capacity to address these. "The silo is a creature of statute" (Interview with Doubleday, 2.7.02).

4. If not, what tensions remain, what is unsatisfactory?

The experience of conducting the interviews was that this question was almost always answered during the response to the previous one. Of the interviewees, only one Chief Officer added further comments. She argued that the tensions that remain arise from the fact that "central government cannot manage without an intermediary authority" and pointed out that the initiatives on literacy and numeracy depended upon LEAs delivering them. Whilst there is no real power at local government level, the LEA is needed as a local delivery system for central initiatives, in the "absence of any imaginative thinking about alternative modes of delivery" (Interview with Smalley, 4.6.01).

Again, in practice, the next two questions were taken as one since it proved inevitable that the interviewees' answers to question five moved on to the subject of question six.

5. Where does the balance of power currently lie?

And

6. Is it inevitable that it lies with central government?

No one argued that the current balance of power lies anywhere other than with central government. Warbler of Centralshire made a subversive suggestion when she stated that local government could assert itself by simply refusing to co-operate with the central government. The fact that it would not do so stemmed more from concern for the well being of students in schools than from any inherent desire to assist the centre: "If we wanted to, we could bugger up the whole system by not filling in their forms" (Interview with Warbler, 1.5.01).
Somewhat more reflectively, she argued that within an acceptable framework, with clear roles identified, there could be a lot of power remaining with LEAs in terms of delivery but some potential power is taken from the LEA “because the DfEE by-passes LEAs” (Interview with Warbler, 1.5.01).

Butcher saw the LEA as lying in a clear third place in the order of influence. He stated that the balance of power lies “First and foremost with government and secondly with schools and governing bodies” (Interview with Butcher, 1.5.01). This was similar to the view of Oldham who argued that power was shared between central government and schools – with the LEA caught in the middle. He suggested, however, that the traditional strength of the LEA lay in its ability to provide professional solutions to contradictions. Like his colleagues elsewhere, he believed that the government needs an agency at local level and that although the form of this agency might change with time, the requirement for such a role will continue (Interview with Oldham, 10.4.01).

Interestingly, the Director of an Education Action Zone in central London, went somewhat further than her local government colleagues in arguing that it was not inevitable that the balance of power should lie with central government and that the current and growing imbalance in favour of the centre is undesirable and dangerous for democracy. She claimed, “It is dangerous because it is moving towards a centrally regulated and directed service. It is not helpful to try and run everything from Whitehall” (Interview with Willesden, 16.5.01). A primary concern informing Willesden’s view of the matter was her belief that there is only limited understanding within Whitehall of the needs of mixed communities.

Support for this view came from someone at the centre itself. In response to the question about the inevitability of central government control, Doubleday pointed out that it was demonstrably not inevitable because historically it had not been the case:

The current stress on the centre is relatively recent – since 1988...In general you cannot run the country from Whitehall. There is no
immediate chance of a change back to LEAs because of the third player, schools. Schools have been given freedom and it would be difficult to remove it (Interview with Doubleday, 2.7.02)

7. What about the role of elected members?

According to one of the Chief Officers there are "important and valid roles for elected members" but she was not sure that the members themselves had recognised or understood them. The aspiration of central government for locally elected members to take on a community leadership role was unrealistic insofar as councillors were not equipped for such a function (Interview with Smalley, 4.6.01). Another Director of Education believes councillors are increasingly by-passed by central government and now form only part of the process in which they once had a key role. Her conclusion was, like that of government, that if councillors want to exercise power and influence they will need to get out into the community.

The third Chief Officer was less sanguine about any sort of future for local councillors in education. He commented, "In the last few years, for the first time in my career, I am beginning to wonder if they have a role in education. Their strategic role has almost completely disappeared" (Interview with Butcher, 1.5.01). Whilst he believed that members could move towards a monitoring role, he did not think there was any significant decision-making left for them.

This perception of the demise of the role of the locally elected councillor in the administration of education was not limited to the Chief Officers. An Assistant Director in Centralshire recalled the shock experienced by County Councillors on joining a partnership board and finding that it was not like a council committee. One of the Centralshire headteachers commented on the way in which:
The shift annually since I have been a head has been away from any influence for local councillors. More and more money comes directly from the government, although there is a role for the LEA as a post box with influence (Interview with Mirren, 26.5.01).

As an example of councillors’ diminishing significance she added, “In my school the local councillors have had no say in the school becoming a specialist technology college” (Interview with Mirren, 26.5.01).

At the time of the interviews, the modernisation agenda was working its way through local government in England and councillors were slowly absorbing the implications. Robbed—as some of them saw it—of a role in education, for many “backbenchers” there was now no perceivable role in decision making of any kind. Unable or unwilling to take on the community leadership and forum role sketched out for them by central government and their councillor colleagues who formed the local government Cabinets around the country, a number of councillors were resolving to leave local government altogether. A Liberal Democrat County Councillor attempted to identify a positive contribution:

The role is certainly less than it was ten years ago, but you can still contribute at a strategic level in terms of plans and policies—but always subject to approval by the government (Interview with Baldock, 7.12.99).

His Conservative colleague seemed almost resigned to working on casework, even as the Lead Member of the largest party on the Council:

I have moved from backbencher to spokesman. In both roles I have been able to raise issues with officers at an informal level. If that doesn’t work there is the possibility of a letter or if all else fails, then a petition in Council. Any member can raise any issue about schools in their area. You can have a big impact, but you can be especially
effective if you have a good relationship with the officers. You can
effect change and help people (Interview with Young, 29.11.99).

The Labour Councillor saw future influence on education lying in his
membership of a governing body, rather than as a councillor in his own right,
although he could recall a significant local contribution. In answer to the
question of the extent of his influence he replied, "None. Except as a member
of a governing body, affecting local issues. As a local member I did ease the
way for a local SEN unit" (Interview with Shaper, 24.11.99).

Another education officer recognised the way in which the role of elected
members had diminished over time but thought they could still be a useful
source of knowledge about the community. It was important, however, that
the roles and boundaries of councillor activity were clear since, in a number of
LEAs, councillors had transgressed onto officers' areas of responsibility
(Interview with Willesden, 16.5.01).

8. Do elected members have a future in the governance of education?

One of the Northall headteachers, not noted for her reticence, responded to
this question very succinctly by saying, "I bloody well hope not!" (Interview
with Tavistock, 5.9.01). This was the headteacher who earlier was noted to
have expressed her disappointment at having to return to a relationship with
the LEA following the abolition of GMS (see chapter 6). She developed her
answer by claiming that elected members do not understand enough about
education and that they are politically motivated, with warped ideas. Where
there is success, councillors take advantage of it, even though it is nothing to
do with them. According to this headteacher, school improvement comes
about solely through the hard work of school management (Interview with
Tavistock, 5.9.01). This robust and rather negative view of the role and value
of councillors was not shared completely by the other headteachers
interviewed, although all the headteachers saw councillors' roles as fairly
peripheral to the business of managing schools.
A Centralshire headteacher thought there was a role for members in monitoring the work of education officers and suggested that within the modernisation of local government the scrutiny role would prove to be essential. She believed also that councillors could represent the views of the various stakeholders, although she recognised that one result of government policy has been a shift in power away from councillors and towards parents (Interview with Turner, 9.11.01).

Another Centralshire head concurred with the Labour councillor in identifying the governing body as the arena in which councillors could continue to express their interest in education. This headteacher referred to the establishment of the Learning and Skills Councils and speculated that these might in turn lead to some form of regional representation, taking local councillors further out of the decision making process if, indeed, county councils survive in their present form (Interview with Mirren, 26.5.01).

The councillors were pessimistic about their future and added little to their earlier comments but one of the education officers wanted a continuing role for locally elected representatives, in the interests of moderation and democracy.

I firmly want them to have a checking role. Whether they will be allowed to is another matter. If the government is acting in the interests of kids, then OK, but what if an extremist government emerged? (Interview with Hawkes, 10.4.01).

For one of the Chief Officers this question was "much more tricky" than the one that preceded it. She stated that there should be a role, "The answer should be, Yes", but the role would be significantly different from what it had been in the past. The future role of the councillor would not involve setting policies or enforcing them, rather the role would entail scrutiny, advice and partnership with schools. She believes the potential is there for a role but that councillors have grasped neither the new role nor recognised the fact that the
role they thought they had actually disappeared some years ago: “They have not seen the potential within the new agenda and they are therefore still crying for powers that in truth they haven't had for years” (Interview with Smalley, 4.6.01). Smalley noted that one portfolio holder who was struggling to grasp the breadth of the brief had replaced the twenty-five members of the Midshire Education Committee.

Further scepticism towards the modernising agenda came from Doubleday, who stated his belief that the changes in local government would lead to difficulties for political parties in finding candidates to stand for election. He saw the “professionalising” of some councillors as a regrettable process in which they would “cease to be representatives through becoming experts” (Interview with Doubleday, 2.7.02). Yet the exclusion of locally elected members from the standards and school improvement agenda was an example of their removal from influence over education. He added:

I have always been struck with the distrust of LEAs that exists in the DfES. It is more marked in the DfES than in other government departments. There is a reluctance to let go (Interview with Doubleday, 2.7.02).

One Director of Education raised the democratic accountability argument in terms of fiduciary responsibility and argued that only democratically elected representatives could or should be the “custodians of the public purse” (Interview with Warbler, 1.5.01).

9. The term stakeholder is often used to identify the various interest groups affected by the education service. How are their interests best represented?

One Chief Officer thought that stakeholders were not, in fact, represented at all. The inclusion of “parents' representatives” on the education committee did not really meet the point and, subsequent to the implementation of the
modernisation agenda, their inclusion on scrutiny committees gives no opportunity to influence matters before decisions are taken (Interview with Smalley, 4.6.01).

The view that the real stakeholders are left unrepresented was shared by the Head of the OFSTED LEA Inspections Team who commented that it was headteachers’ voices that are heard the most because they take the most interest and are best organised. The real stakeholders are not represented at all. Doubleday referred to a discussion with the OFSTED administrative team who had asked “What do they (LEAs) do to take on the views of young people”. For Doubleday and his colleagues the stakeholders in education are children and their parents, yet their voices are seldom heard (Interview with Doubleday, 2.7.02).

A headteacher considered that the government was trying to give greater power to parents through their role on governing bodies, but she did not consider this was very effective in terms of influencing the direction of education policy (Interview with Mirren, 26.5.01). A Centralshire colleague disagreed and argued that more power now lay with parents. According to Turner, parents are much more challenging at school level and schools are much more accountable to parents than they have been previously. This localised approach brings its own problems, however, and Turner referred to difficulties for parent governors in distinguishing between their personal agenda as a parent of a particular child and their role as a governor with the interests of the school as a whole to consider (Interview with Turner, 9.11.01).

One of the education officers was sceptical about the role of so-called stakeholder representatives and questioned the processes by which they are selected. She argued that they do not represent interest groups and their inclusion on representative bodies amounts to no more than tokenism (Interview with Hawkes, 10.4.01).

An Assistant Director thought it important that local councils should take account of what stakeholders are saying and he echoed the views of the
Action Zone Director in arguing that stakeholder presence on partnership bodies was an important source of information for LEAs to consider (Interview with Oldham, 10.4.01; Interview with Willesden, 16.5.01).

10. EYP, SOC, Parent reps on Education Committee – all have been attempts to include stakeholders - but are these satisfactory?

There was not much to add to the answers to the previous question. There was general agreement that there had been some attempts at the inclusion of stakeholders, but the view of most interviewees was that the attempts had yet to reach a satisfactory expression that constituted real inclusion.

11. Role of Chief Officer/Officers

One Chief Officer argued that whilst the role had changed dramatically in many ways, it had gone through several phases. A key part of the role remained as it had always been: to provide strategic vision and leadership. This Director of Education believed that for some time after the 1988 ERA Chief Education Officers had tended to withdraw from the leadership aspects of their role, but schools were now looking for this from Chief Officers (Interview with Butcher, 1.5.01).

Another Chief Officer did not think the issue was a clear cut as Butcher suggested. She believed there is considerable ambiguity surrounding the role of the CEO, particularly with the advent of the modernising of local government. For Smalley, the balance between the role of the CEO and that of the Lead Member for Education had still to be worked out at the time of the interview. A key issue for her is the ownership of the school improvement agenda and she firmly believes this should lie with the Director of Education, rather than elected members (Interview with Smalley, 4.6.01).
The third CEO among the interviewees identified the loss of a creative element in the job as the major change since the ERA. Warbler of Centralshire felt that the dictates of central government had curtailed the scope for creativity on the part of Chief Officers at the local level, “Strategic management has lost some of the creative element because of the dictats from central government” (Interview with Warbler, 1.5.01). Warbler referred also to the tension between the role of elected members and CEOs, but in a different way from Smalley. Warbler commented that the DfEE often expected decisions from Chief Officers without allowing time for reference to elected members. Warbler believed it was important that CEOs referred to the expectations of elected members as far as possible.

One of the Assistant Directors disagrees with this interpretation of the current situation. He thought that much depends on the particular person in the post of CEO and their approach to the job. He cited an example of a CEO in Eastshire who had continued, post ERA, to enjoy a strong strategic and political role (Interview with Oldham, 10.4.01).

The EAZ Director agreed that much depended on the person in the post but thought that, in general, CEOs had a role and respect that was far beyond what they deserved. She did not consider the CEO to be more important than the headteacher of a school. According to Willesden it would be “easily possible to have a business manager managing services to schools” (Interview with Willesden, 16.5.01).

The headteachers interviewed wanted someone who would be much more than this. For the headteachers, the Chief Officer should be the person in the LEA “who has the educational vision and view for the local area that he or she serves” (Interview with Mirren, 26.5.01). The same headteacher argued that the CEO should be the inspiration for good educational practice locally. Much depended on the individual in post:

The current Centralshire CEO lacks vision. She seems to have no view about the interpretation of central government policies in a local
context. She appears impotent in the face of change and development (Interview with Mirren, 26.5.01).

Mirren went on to argue that there is a role for the CEO in terms of leadership, challenge, direction and interpretation of legislation. The Chief Officer should identify what education in the local authority is about and how it should serve the local community. She contrasted this ideal visionary and enabling approach with the reality of a Centralshire LEA that had assumed it could still command and control and that lacked flexibility and responsiveness to the changing reality in schools. For Mirren the current LEA leadership “Does not utilise opportunities and make them work for Centralshire schools” (Interview with Mirren, 26.5.01). This sense of lost opportunity was reflected in the comments of another Centralshire headteacher who described the current CEO as “irrelevant”. For this headteacher the “Director should be aware of the schools and active in every possible way” (Interview with Turner, 9.11.01). The interviewer was left in no doubt that this headteacher believed the current Director was neither of these things.

The failings of individual CEOs and LEAs aside, there was a clear expectation here that the Chief Officer should be exercising visionary leadership and ensuring the sharing of good practice, as well as acting as a guide and interpreter for schools.

The Head of OFSTED’s LEA Inspection Team agreed. For him the nature of the role had not changed at all:

> It hasn’t changed. It is still to provide moral and professional leadership for the service as a whole; set the vision and exemplify the vision. The fact that LEAs do not control schools does not change this. The relationship with schools has changed, the CEO now exerts influence thorough his or her capacity to persuade. It depends upon the kind of person they are and their intrinsic leadership qualities (Interview with Doubleday, 2.7.02).
According to Doubleday, in any successful LEA, the role of the CEO is pivotal, particularly in setting high professional standards:

If an education service is to be successful, the CEO has above all to be able to instil a sense of self-critical professionalism and a commitment to learn. Put it all together and it is still a very important job (Interview with Doubleday, 2.7.02).

12. Intervention in Schools by the LEA

Each of the interviewees was asked their views as to how far and in what circumstances it was right for an LEA to intervene in schools. This was more sharply focused than the earlier question as to how far the Code of Practice represented a satisfactory resolution of roles since it prompted consideration of a very active, school-specific exercise of power by the LEA that would run counter to schools’ autonomy.

Perhaps unsurprisingly, the Chief Education Officers believe there is "definitely a role for the LEA" (Interview with Smalley, 4.6.01), particularly in assisting failing schools to improve. Once a school is designated by OFSTED as being in need of special measures or as having serious weaknesses, it is expected that it will be improved within twelve to fourteen months, and two years at the outside. It was not clear to any of the Chief Officers that this could be achieved without the intervention and assistance of a properly equipped outside agency – and there are few alternative organisations qualified to undertake the role. This is particularly true of support for school leadership, which is where the majority of school failures have to be addressed:

It is often poor leadership and management by the headteacher – and often personal issues. You can sort out poor teaching standards fairly quickly and gain a significant improvement in teaching quality but
sorting out personal issues takes time – and the LEA is the only organisation that can do that (Interview with Butcher, 1.5.01).

Butcher thought it would be helpful for the LEA to have increased powers that would enable it to intervene at an earlier stage. This view is shared by Warbler who asserted that there is a role for the LEA in taking a firm line where it is clear that pupils' education is suffering. She believes it is right that the LEA should intervene decisively but sensitively and she mentioned the fact that pupils have only one chance at schooling; therefore it is important that their interests are protected. She would "like to be able to intervene at an earlier stage but the way things are set up prevents this." (Interview with Warbler, 1.5.01). Again, however, it is officers and school improvement advisers who carry out the interventions and provide the support, in the view of these interviewees there is no role for elected members (Interview with Smalley, 4.6.01).

One of the Chief Officers identified himself as from "An Authority that has had more schools in special measures than many – and experienced a lot of success in getting them out" (Interview with Butcher, 1.5.01). He believes this is something that "only the LEA can do" and that schools are generally willing to accept intervention from the LEA, provided a relationship of trust has been developed. Butcher thinks there is often a substantial period in which the school is in a critical condition before it will accept criticism and the LEA has to work with the school to help it move from denial to action.

Unlike the Chief Officers who clearly wished for more powers to act decisively at an early stage when they perceived the need, officers at lower tiers of management considered the current powers to be sufficient but under-used:

The powers are sufficient but there is a reluctance to use them. Legislation provides enough powers, but difficulties arise when you start to use them. There is need for care with intervention (Interview with Oldham, 10.4.01).
This comment is more than an expression of frustration with what might be perceived as indecisiveness by the leadership, it is a recognition that for an LEA to intervene in the running of a school is a high-risk process requiring high levels of expertise and knowledge. For Oldham, one of the difficulties facing LEAs in carrying out this role is their inability to recruit sufficiently high calibre staff to do it. He believes that one answer may be for the LEA to coordinate and lead intervention teams drawn from a number of successful schools (Interview with Oldham, 10.4.01).

It is interesting, perhaps, that the headteachers favoured an interventionist role for the LEA, but one based on clearly defined guidelines and criteria and upon a close knowledge of the schools:

> It would be nice to think that the LEA knows schools well enough to recognise the danger signals. One visit each term is inadequate. If there were a real link between the LEA and its schools, there would be a big role for the LEA in knowing what support schools need and ensuring they get it (Interview with Turner, 9.11.01).

Her colleague found herself in agreement with the Centralshire CEO in arguing that the LEA must have the right and the power to intervene on behalf of the pupils' education:

> There needs to be intervention where there is clear mismanagement in schools, to address anything that obstructs the progress of learners (Interview with Mirren, 26.5.01).

The focus on improving the quality of teaching and learning provides common ground for all the interviewees, and it is the stated priority of central government and of local education authorities, whilst for the headteachers, it is the very essence of the purpose of their jobs. One might hope, therefore, that such clear common purpose would result in agreed collaboration and a combining of resolve and resources. For such an aspiration to become
reality, however, requires an appropriate balance of authority and a high level of trust, professionalism and integrity from all concerned.

From the answers given to the questions in each of the interviews, some degree of consensus has emerged on a number of issues that bear directly on the central considerations of this thesis. There was general agreement that the LEA has become the agent of central government, a point made explicit by Warbler. The idea was generally accepted that on some occasions the DfES simple ‘by-passes’ the LEA, to use the term mentioned by Warbler. Most decision making power is now shared between the DfES and schools with LEAs “caught in the middle” according to Oldham, who could find support for this viewpoint amongst the others interviewed. Key factors that have brought this situation into being include the introduction of LMS, the National Curriculum and increased central government direction of strategies to improve educational standards in schools. Here, however, there is consensus also on an aspect of the LEA’s continuing role, since the interviewees were agreed that the successful delivery of the national strategies required a local organisation that could work with schools. This role extends to the promotion of good practice (Oldham) and should bring together attention to standards and inclusion, although the LEA lacks sufficient powers to enable it to act decisively on this issue (Doubleday). The LEA is needed to ensure fairness and to monitor schools’ performance and well-being. It is not possible to carry out this role from a distance, simply by looking at data. According to some interviewees, there is need for the LEA to possess powers of intervention in schools in order to bring about improvement. Consensus appears to exist between education officers and headteachers concerning the role of the LEA in relation to leadership and school improvement, with the headteachers recognising a role for the LEA, led by the Chief Officer.

According to the interviewees, there is far less of a role for elected members and even the councillors were pessimistic about their future in the LEA. The loss of elected member influence was not mourned by the headteachers. The Chief Education Officer or Director of Education emerges from the interviews as the holder of a pivotal role, reflecting the final comments in the chapter on
OFSTED inspections of LEAs. What is required is a leader with vision regarding the future of the local education service, who can offer direction and promote the sharing of good practice. For most of the interviewees, it is a role that embodies in the leading local official the future role of the LEA, albeit within a context in which central government is the dominant authority.
CHAPTER TEN

CONCLUSIONS

The intention of this study has been to explore some issues in the changing relationship between central and local government in the administration of education in England through examining several areas of policy and activity. Particular attention has been given to developments in Centralshire and Northall, where use has been made of detailed information on the history of policy implementation in the areas examined. Observer participation based on personal experiences within Centralshire and Northall has been augmented by interviews with staff from other authorities and from government departments, as well as by the use of available documents and publications.

The evidence considered indicates that the LEA, as exemplified in Centralshire and Northall, has indeed become an agent of central government although the issues are not clear-cut. At the beginning of this thesis reference was made to the definition of an agent as "one who does the actual work" with the sense of acting "on behalf of another". Yet within some of the activities described, the LEA's role as agent of central government becomes merged with that of a partner, although it has been shown that the term "partnership" itself can carry differing senses in the context of central and local government relations. What is described, overall, is a complex relationship that contains many variables and in which the dynamics change according to the particular issues under consideration. There is now limited scope for the exercise of initiative at the local level, yet, nevertheless, it has been shown also, through the examination of policy implementation and the references to reports of LEA inspections and in school improvement work, that it is precisely within that 'limited scope' that the essence of local leadership can and must flourish and that it is there that the individual actor can be influential.
The survey of previous studies in this field found every writer describing a redistribution of power and a re-ordering of political priorities (Flude and Hammer, 1990) and whilst the influences driving this redistribution are not at all in agreement over philosophy or policy, the effect has been an increasing centralisation of decision making and direction for the education service in England. As noted in the review of literature and in the consideration of GM status, the ERA itself represents a ‘messy compromise’ (Lawton, 1989) between rival strands of thinking within the Conservative Party; a rivalry that was later to be reflected within the Department of Education itself as civil servants sought to implement the grant maintained schools policy (Interview with Saville, 4.7.01).

Although the newly elected Labour Government in 1997 brought the grant maintained policy to an end and with it heralded the opening of a new era of alleged ‘partnership’ with LEAs, the general trend of what Rogers calls “a significant level of centralist coercion” (Rogers, 1998) has continued, notwithstanding Sexton’s lament for the lost forces of the market place (Sexton, 1999). Note was taken of Bichard’s insistence on a carefully defined role for LEAs in which they are the agents of government policy (Bichard 1998a), a view given expression in the Draft Code of Practice on LEA-School Relations (DfEE 1998) and re-affirmed in revised versions of the Code (DfEE 1999, 2001).

The considerations of areas of policy implementation that form the core of this thesis explored what could be learned of the balance of power between central and local government and examined what influence the individual actors involved might, or might not, have on the way in which policy is implemented, and on its impact.

The first area considered was the Labour government’s policy of ensuring that no Key Stage One class should have more than thirty children in it. The chapter relates the history of a struggle between the reluctant officers charged with implementing the policy in Centralshire and the DfEE civil servants who had been given the task of meeting the government’s declared policy aim. It is
clear that the government's overall aims of improving children's learning experiences in the classroom were shared at the local level, but it is equally clear that through ignoring local opinion on the implications of its particular approach to this shared concern, the government found itself committed to a policy that proved far more expensive than it had at first intended or expected would be the case. A significant contributor to the additional cost was the fact that in a largely rural county, there were no easily accessible alternative schools for children to attend, once the thirty limit was reached in the local Key Stage One class. To implement the policy as conceived, the government had to fund additional teachers - often triggered by only one or two extra children. Whilst schools welcomed more staff, not a few headteachers and local officers in Centralshire and elsewhere believed that far more useful contributions could have been made to the improvement of children's learning through alternative uses of the funding committed to what they regarded as a flawed policy. A significant implication of the way in which the class size policy was imposed was the requirement that local government officers should implement a central government policy in a manner over which the employers of those officers, that is the locally elected councillors, had no influence whatsoever, and with which many headteachers, parents, councillors and officers disagreed profoundly.

The second chapter considered two examples of the Labour government's attempts to open up education decision making to a wider constituency and force local councillors and officers to share power with representatives of the providers of early years settings and of school education. The setting up of the Early Years and Childcare Development Partnership and of the Schools Organisation Committee in Centralshire were described, along with the political developments within County Hall that accompanied the formation of these new bodies. The reports of interviews with local councillors indicate that these developments were seen to be seriously diminishing their powers and influence, although it was suggested that in the case of the Schools Organisation Committee, the concern exceeded the reality of the extent of the threat. The narrative relates how councillors in Centralshire, denied the ability to take the Chairs of the newly created partnership bodies, contrived to install
education officers as the Chairs in order not to surrender power completely to persons from outwith County Hall. Although this situation has now been regularised in the case of both bodies, there is little indication that councillors have been reconciled to their new status. Officers, on the other hand, are working constructively with all members of both bodies.

The third narrative traced the history of the local distribution of funding for the educational support of members of minority ethnic groups within Centralshire. The positive impact of the organisation of grant-funded support for minorities in Centralshire was largely due to close co-operation between education officers, service managers and headteachers, working together to target support effectively on the basis of agreed criteria informed by performance data. The history of this activity in Centralshire is intertwined with the relationship between the lead government department and the local lead officer and successive service managers. After some lively dialogue in the early days following the publication of the Scrutiny Review of Section 11 in 1990 (Home Office 1990), there was general agreement amongst headteachers, local authority officers and service managers that they shared a common understanding with Home Office colleagues over the most effective ways to manage and use the available funds. The transfer of the funding to the Department for Education brought with it the application of centrally imposed rules and a disregard for the contribution of local opinion and expertise that had been welcomed by the Home Office. The result has been a loss of flexibility and an inability on the part of local officers to respond to changing needs, to the detriment of the very pupils that the funding is intended to assist. The study reports how continued co-operation, based on strong local relationships between officers and headteachers, has gone some way to ameliorating the worst effects of the new regime. The fact that such action depends on individual relationships, however, is at once a strength and a weakness; whilst, in practice, the quality of pupil's educational experience is affected by the commonsense and wisdom of local managers, in a way that government officials could never have intended.
The fourth narrative, considering the inspection of local education authorities is, perhaps, the most complex. The study considered the political impetus and the rationale for LEA inspections, traced their introduction and followed the preparations for the first inspection of Centralshire. Reference was made to pilot inspections elsewhere and to the development of the inspection regime. Memoranda contained in Centralshire management files of the time indicate the level of anxiety that was being experienced by the Director of Education as she led preparations for the arrival of the inspection team. What is clear from the evidence is that there was a deep suspicion on the part of the Director towards the whole process and that this was shared by a number of her colleagues in Centralshire and in other LEAs. Although the evidence shows that relations with the lead inspector in Centralshire were cordial enough, the Director remained deeply suspicious of the presence on the team of the Head of LEA Inspections at OFSTED. These suspicions were fuelled by the credence she had attached to the reported experiences of colleagues elsewhere. For his part, the Head of the OFSTED LEA Inspections Team clearly remains wounded by the treatment he received in some of the early inspections and by the alleged character attack on his wife during the particularly fraught inspection of North City mentioned in the chapter. Reference was made also to the effect on the attitudes of LEA officers towards inspections of the way in which the then Chief HMI and Head of OFSTED conducted himself, and to the contrasting tone adopted by his successor, with the latter's immediate and positive effects on attitudes.

All this serves to support and reinforce the contention that an individual’s personality and the way in which leading office holders conduct themselves can and does affect how policy is implemented, to the point of affecting the effectiveness of the policy itself. It demonstrates also the truth of the assertion in the introduction to this study that without taking account of the role of individuals and their experiences, it is impossible to understand fully the application and impact of policies.

In relation to inspections of LEAs and the development of a more cordial relationship between LEAs and OFSTED, it is a moot point as to how far the
early suspicions and conflicts were a necessary part of an emotional and dialectical struggle that finally enabled the emergence of an inspection process that is now more acceptable to everyone concerned. Some of Doubleday's comments during the interview could be thus interpreted (Interview with Doubleday, 2.4.02). What is clear is that there now exists within the LEA Inspection Team at OFSTED a willingness to accept significant differences between LEAs and the way they carry out their duties. Reference was made to several examples of inspection reports to illustrate this point. It appears to be the case that, whilst holding LEAs accountable for their activities and for local standards of education, OFSTED is willing in principle to judge the effectiveness of LEAs against what it is the LEA is trying to do in its local circumstances, rather than impose a uniform regime. This contrasts with the approach to LEAs of the DfES, a fact referred to by Doubleday (Interview with Doubleday, 2.4.02). Even with OFSTED, however, the emphasis is upon the work of the LEA in fulfilment of its statutory duties and there is little obvious role for locally elected members, a point made explicit by Doubleday.

The fifth narrative was largely concerned with the introduction of grant maintained schools and with the initiatives by which the Conservative government sought to by-pass LEAs altogether and manage schools directly from the centre in the years following the 1988 Education Reform Act. The chapter identifies the conflicting strands of thinking within the Conservative Party as market ideologues such as Sexton pushed for the extension of the grant maintained policy to all schools - to the consternation of many Conservative councillors around the country. Not all councillors disagreed with the policy and the case study relates evidence from Northall of the encouragement given by one LEA to its schools becoming grant maintained. This was exceptional, however, and more typical were the divisions that found expression even inside the DES and were described by a senior civil servant who had responsibility for implementing the policy (Interview with Saville, 4.7.01). The policy was unsuccessful in that the vast majority of schools did not opt out of their local education authority, preferring instead to enjoy the benefits of local management under the 'umbrella' of the LEA. Mention has
been made of the fact that several proponents of GM status believed the idea was so good in principle that schools should have had no choice in the matter. As noted, Sexton (1999) for example, continues to hope that a future Conservative government will “set schools free” as indeed that party’s election manifesto promised to do if the Conservatives had won in 2001. The comment of Saville is worth recalling on this point to the effect that if all schools had been compelled to go grant maintained, then “half of them would have been on their knees by Christmas” (Interview with Saville, 4.7.01), to which Doubleday adds his view that there has “never been a shred of evidence” that market forces bring about an improvement in standards (Interview with Doubleday, 2.7.02).

What is clear is that when they were given a choice (and the Conservative government gave them a choice), most parents and most school governors and headteachers preferred to remain affiliated to a local organisation that was able to offer some kind of support to schools and which was both local and accountable. The results of the GM experiment can be interpreted to mean that there is a large majority body of opinion amongst headteachers, school governors and parents that sees a continuing role for the local education authority in some form and rejects the idea that schools should be free-standing institutions competing in an attempted educational imitation of a market place.

The following chapter of this study considered the nature of the LEA’s role and the relationship of the LEA with central government in the light of the DfEE publication that sought to define the role (DfEE, 2000). Reference was made to the several conferences and debates that followed the issuing of that document. Consideration of publications and the reported comments and speeches of leading DfEE/DfES officials and ministers makes it clear that whilst they talk the language of partnership, it is very much in the sense that the relationship between a master and servant is a partnership. Much as the need for local education authorities is acknowledged, what seems actually to be meant is that the government recognises the need for an intermediary organisation between the DfES and schools. Furthermore, according to the
government thinking reported in this study, it is a purely pragmatic matter as to whether that intermediary organisation is a local education authority, or a private organisation contracted to carry out the role and provide support to largely self-governing schools. It seems that either body may form an equally satisfactory part of the 'middle tier', a term introduced when the true meaning of 'partnership' in the language of the DfES was made explicit in the report of a conference held in May 2002 (DfES, 2002). The report refers repeatedly to 'the middle tier' of administration and there appeared to be little role for any local initiatives or significant decision making in this view of the world of education management in which the LEA was simply regarded as one provider of services to schools alongside others, including private sector companies commissioned by the DfES.

Some balance to this view is provided in chapter eight where the role of the LEA was examined in supporting and challenging schools causing concern through their failure to offer an adequate education to their pupils in one or more respects. Note was taken of the means that central government has made available to itself and to LEAs for intervention in such schools. The narrative consists of a description of the work of Northall's School Improvement Service in dealing with two particular schools. In the case of St. Isabella CE Primary School, matters were brought to a head through the DfES convening a meeting to determine what action should be taken, following considerable efforts by the LEA and the diocesan authority. The meeting was called by the DfES, but there was on this occasion no criticism of the LEA. On the contrary, its work was acknowledged very positively. Furthermore, when the decision was made to remove the headteacher, it was the LEA that took the leading role. Whilst there is no doubt that the DfES was the senior partner in this whole episode, Northall's Assistant Director of Education and the School Improvement Advisers had central and vital roles in bringing matters to a conclusion that enabled the school to move forward and improve. Similarly, the work described in School B was undertaken without reference to the DfES and ensured that the school did not become designated by OFSTED as having serious weaknesses.
Yet the majority of the interviews recorded in chapter nine acknowledge the increased control over LEAs exercised by central government. There is a broad consensus among the interviewees, reflected in their comments and responses to questions, about the role of the LEA and its relationship to central government. Whilst opinions differ in detail and degrees of optimism, there is general agreement that power has shifted to the centre and certainly they share a common belief that there is little constructive role for locally elected members of councils in the administration of education. Headteachers in particular saw no role for elected members and, significantly perhaps, the councillors themselves could describe their contribution only in terms of local casework or as members of governing bodies. This contrasted with the considerable importance attached by all respondents to the role of the Chief Education Officer and his or her staff, an importance that was shown also to have been recognised in OFSTED reports of LEA inspections. There was some disagreement as to the nature of the role itself but, with few exceptions, there was general support for the view that there is a key strategic and leadership role for the CEO and it matters very much what kind of person is in the post. In Doubleday's words again, "It depends upon the kind of person they are and their intrinsic leadership qualities" (Interview with Doubleday, 2.7.02).

Part of the leadership to be exercised by the CEO using his or her 'intrinsic leadership qualities' concerns intervention in schools that are failing to perform adequately. Amongst all the interviewees seen in relation to this study there is a consensus that the LEA has a role here, and that it is a vital one. Where disagreement occurs is over the extent of the LEA's powers and the question of how close the routine relationship with all schools needs to be in order to identify the early signs of school failure. For all concerned the focus is on, and must remain on, the quality of the educational experience of learners and on the need to address anything that obstructs this.

This focus is critically important for the future of individual pupils and for the success of the government's agenda for raising educational standards. Yet success is more likely to be achieved and human and financial contributions
most effectively used if the good will and high sense of moral purpose that exists within local education authorities is seen by central government as a resource. To enlist LEAs as allies in a shared project in which their local knowledge and considerable expertise can be used to adapt and direct policy and resources to where they can be most effective, is much more likely to yield positive results, than the seemingly habitual DfES regime of speaking about partnerships whilst dragooning LEAs into a 'one size fits all' approach to policy implementation.

Uncertainty continues to surround the future of the role of elected members at the local level in the administration of education. There is no doubt that their role has become peripheral compared to what it used to be and it is not at all clear that the 'modernisation' of local government is going to make it any less so. It is not helpful to anyone for the present situation of uncertainty and ambivalence to continue indefinitely and the preference of the present writer would be to see an elected regional body with a strategic planning role and general oversight of local educational administration whilst officers would be given accountable authority to work with schools in a supportive role.

This, however, is to digress into the realm of another possible study. Whether or not such further reform of local government takes place, for central government in the form of the DfES to give real recognition to the democratic legitimacy of local government and to begin to trust local government would be a radical and welcome move. The foundation for such a relationship exists. The framework of accountability that has been created and over which OFSTED presides is a safeguard against mismanagement. What has been missing is a willingness on the part of government to enter into dialogue with LEAs about policy objectives and the most effective ways and means of achieving them at the local level. The narratives in this work have shown that there is much to be gained through allowing local officers some discretion, and much to be lost through denying them flexibility. More recently, and beyond the period considered in this thesis, there has been renewed talk of "partnerships" and "compacts" with local government by the current Secretary of State for Education and Skills (ref. 10/01). It remains to be seen how far
this will be reflected in the approach of DfES officials to their colleagues in LEAs.

For local government there remains the need to ensure that its house is fully in order with a robustly self-critical professionalism informing a rigorous attention to the needs of learners. Local initiatives and local styles must be allowed to flourish, and ‘personalities’ should be encouraged to place their own style and interpretation upon policy implementation, always providing they can show an evidence base that justifies the particular approach. What is key in any local education authority is that everyone concerned in that authority should share a common vision and philosophy about the style and direction of the LEA.

In this regard the quality of the Chief Officer’s leadership matters very much. If the first task of the leader is the custodianship of the vision (and the present writer believes it is) then it is incumbent upon that leader to make a priority of the task of winning support for that vision from all those involved in the local educational enterprise. In the first chapter of this thesis it was claimed that,

The narratives of this thesis demonstrate that it is in the space created between the parameters of interpretation that local initiative can flourish. National policy requires local interpretation to a greater or lesser extent, and unless account is taken of this fact, a full understanding of the effects and impact of government policy cannot be achieved, nor will a practical knowledge of the role of local government and its relation to central government be gained (page13, above).

This thesis has demonstrated some of the extent to which local government is now the agent of central government in the administration of education. Yet it has demonstrated also that it is in the interpretation of policy and its application at the local level that local initiative can and must flourish. It is here, if anywhere, that a distinctive role remains and where local leadership can most tellingly make its contribution.
LIST OF INTERVIEWS

The following persons were interviewed, although in all cases, names and locations have been changed. The posts are those the interviewees occupied at the time of the interviews.

1. Simon Shaper, County Councillor, Labour Education Spokesperson, Centralshire.
4. Kate Hawkes, Regional Co-ordinator, North East.
5. David North, Assistant Director of Education (School and College Support) Centralshire.
6. Steven Baldock, County Councillor, Liberal Democrat Lead Member for Lifelong Learning, Centralshire.
7. Mary Heston, Former Deputy General Secretary, National Union Of Teachers, now Education Officer (Policy and Planning) Centralshire.
10. Stephen Saville, Senior Officer, DfEE.
11. Stuart Hausmann, DfEE Officer seconded from permanent post as Assistant Director of Education (School and College Support) Centralshire.
14. Ian Young, County Councillor, Conservative Lead Member for Lifelong Learning, Centralshire.
15. Roy Welsh, Assistant Director of Education (Policy and Planning), Centralshire.
16. Michael Doubleday, Head of OFSTED LEA Inspections Division.
19. Vanessa Rivers, Former Assistant Director of Education (Pupil and Student Support), Centralshire.
REFERENCES

This list contains all documents, letters, memoranda, reports, speeches and conversations cited in the thesis that are not listed in the bibliography. Where relevant, the source of the reference is listed, e.g. Centralshire files, RJG notes, *Times Educational Supplement*, etc.


2/01 Memorandum from DJS to DLN, October 1997, (Centralshire files).

2/02 Letter from DLN to DT, 12 February 1998, (Centralshire files).


2/04 Notes of working party, March 1998, (Centralshire files).

2/05 Officer's working papers, 1998, (Centralshire files).

2/06 Letter to headteachers of all Centralshire schools from RJG, March 1998, (Centralshire files).


2/09 Letter to headteachers of all Centralshire primary schools, September 1998, (Centralshire files).


2/16 Letter from EF (DfEE official) to Centralshire officers, 26 November 1998, (Centralshire files).
2/18 Letter from DG (DfEE official) to Centralshire officers, January 1998, (Centralshire files).
2/19 Letter from DJS to DG (DfEE official), 13 January 1999, (Centralshire files).
2/20 Letter from DG (DfEE official) to Centralshire officers, 12 January 1998, (Centralshire files).
2/21 Letter from DJS to DG (DfEE official) 14 January 1999, (Centralshire files).
2/22 Letter from DG (DfEE official) to RJG, 2 February 1999, (Centralshire files).
2/23 DfEE letter to all LEAs, 4 March 1999, (Centralshire files).
2/25 Memorandum from AD to EM, 4 March 1999, (Centralshire files).
2/26 Letter from DfEE to Co-ordinators of Traveller Education, April 1999, (Centralshire files).
2/27 Fax from DG (DfEE official) to RJG, 6 August 1999, (Centralshire files).
3/02 Letter to DfEE from Centralshire Director of Education 15 January 1999, (Centralshire files).
3/04 Meeting of Southtown district council Multicultural Sub-Committee, 29 September 1999, RJG notes.
3/05 Report to Centralshire Education Services Sub-Committee, 2 February 1999, (Centralshire files).
3/06 IY conversation with RJG, 23 December 1999.
4/02  RH conversation with RJG, 1986.

4/03  RJG notes of meeting, November 1988.

4/04  Letter from Home Office to all LEAs, October 1990, (Centralshire files).

4/05  AK, headteacher of Burntwood School, Centralshire, in conversation with RJG, 1992.

4/06  Letter from Home Office to all LEAs, 25 August 1992, (Centralshire files).

4/07  Letter from Home Office to all LEAs, 26 November 1992, (Centralshire files).


4/09  Letter from MP to the Minister of State at the Home Office, December 1993, (Centralshire files).

4/10  Letter from Minister of State at the Home Office to MP, 22 December 1993, (Centralshire files).


4/12  Report to Policy and Resources Sub-Committee, Centralshire, 15 June 1994, (Centralshire files).

4/13  Letter to all Centralshire headteachers from RJG, June 1994, (Centralshire files).

4/14  Letter from Home Office to all LEAs, 16 April 1993, (Centralshire Files).


4/16  MacAvoy, D., speech to conference on 14 July 1997 (RJG notes).


4/18  du Quesnay, H., speech to conference on 14 July 1997 (RJG notes).

5/01  Brighouse, T., Chief Education Officer of Birmingham, in conversation with RJG, 14 January 1998.

5/02  Letter from Doubleday to all Chief Education Officers, 17 September 1997, (Centralshire files).
5/03 JW, paper for Centralshire Education Department Management Team, June 1997, (Centralshire files).

5/04 Memorandum from DN to Centralshire Education Department Management Team, 27 June 1997, (Centralshire files).

5/05 Memorandum from SA to DN, 22 October 1997, (Centralshire files).

5/06 Memorandum from Centralshire SEO representative to Director of Education, 6 October 1997, (Centralshire files).


5/11 Letter from Lead Inspector to Centralshire primary headteachers' representative, 7 April 1998, (Centralshire files).

5/12 Letter from Lead Inspector to Centralshire Director of Education, 7 April 1998, (Centralshire files).

5/13 Memorandum from Centralshire Director of Education to Departmental Management Team, 20 March 1998, (Centralshire files).

5/14 Memorandum from Centralshire Director of Education to Departmental Management Team, 29 June 1998, (Centralshire files).


6/01 Speech by Labour Party candidate to meeting in Malvern, South Worcestershire Constituency, General Election campaign, 1987, RJG speech notes.

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