

# Nottingham City Council – School Improvement Service

## Schools Causing Concern and Statutory Intervention Policy Guidance

### Introduction and Context

Nottingham City Council recently published the 'Education Improvement Strategy - September 2014 – August 2017'. At the heart of the strategy is a commitment to raise ambition and achievement so that all Nottingham Children are educated in a school, which is judged by Ofsted to be good or outstanding. Alongside new senior appointments there has also been a focus on clearly aligning the Local Authority (LA) school improvement resource to meet the challenges facing schools across all phases.

Underpinning the new strategy is a review of the LA functions which support schools and academies in delivering the vision. An essential LA responsibility (and a retained statutory duty) is to address issues when schools fall in to the Department for Education category of "Schools Causing Concern".

The Statutory Guidance for Schools Causing Concern and recent Education Acts inform the LA's work with schools identified as causing concern:

"Where schools are failing or seriously underperforming, it is vital that there is rapid intervention to address the problems as quickly as possible, so that children's education is affected as little as possible."

This document specifically addresses the LA's role in support and challenge for Schools Causing Concern (SCC). At the heart of our approach is a three tiered model of:

- Identification
- Prevention
- Intervention

It is our intention, that by working collaboratively and through early identification of problems or concerns, we can provide, broker or facilitate the support necessary to ensure either the prevention of a problem occurring or to resolve difficulties with the minimum of intervention.

This document articulates the different kinds of support that will be provided by the LA as an entitlement to our schools. We believe that schools have the skills, expertise and ability to meet many of their own challenges and we will work in partnership with them to maximise their potential to develop and improve. This policy guidance provides a framework to enable all schools and the LA to work in such a partnership to raise standards of achievement and to provide for the delivery of outcomes which result in the highest quality of learning for all learners.

Our strategy recognises that rigorous and honest self-evaluation is central to school improvement and that schools are autonomous and self-governing, working with a range of partners to develop their capacity to continually improve. The LA will challenge schools to set and achieve aspirational targets by encouraging head teachers and school leadership teams to evaluate and improve practice, and by providing a high quality service to schools to promote school effectiveness.

Our aspiration and intention is that standards of attainment will compare favourably with that of our statistical neighbours by August 2017 when compared to the outcomes of our statistical neighbour LAs at each Key Stage, and that progress measures should be in line with national medians. This document has been developed for head teacher and governing bodies, and explains Nottingham's strategy for working with all schools and academies for which there are concerns over performance.

Schools are self-managing and autonomous and therefore responsible for their own performance and improvement. Every school should make an accurate self-evaluation of its performance and provision, and take clear and decisive action to improve any weaknesses this identifies. We recognise that effective self-evaluation is the most important process of school improvement, enabling continued autonomy, self-management and excellence.

We are determined that every school should be at least a 'good school' and that no schools should be in an Ofsted or LA category of concern. The great majority of schools will be able to identify what is working well and what they need to do to improve, brokering their own support, but for others some additional support or intervention may be needed, from the LA or external partners. It is necessary for the LA, as champions of children and parents/carers, to broker support where required and, when necessary, to use its powers of intervention in promoting high standards should the provision and quality for children and young people be compromised. There is a legal obligation upon the LA to take action where there are concerns about the performance of any school in the city, using our powers of intervention to act early and effectively to secure improvement in maintained schools.

The Education and Inspections Act 2006, together with subsequent legislation, places a duty on local authorities to act decisively in respect of schools causing concern. This document describes how Nottingham City Council's School Improvement Service will promote school improvement in schools causing concern. It is about eradicating underachievement and driving up educational standards, so that children and young people are able to learn and achieve irrespective of the school that they attend or the neighbourhood in which they live. It describes the procedures the LA will adopt in schools, which it maintains. Given the growth in the number of academies in the city and the first free school being established, it also sets out how the LA will maintain a dialogue with the responsible bodies of academies and "free" schools.

School improvement relies on partnerships between a range of professionals, both within and beyond the school, with families and – critically – with children and young people. It is shaped by circumstances that are unique to each school. Crucially, its success is measured by its impact on children and young people and expressed through evidence such as increasing pupil achievement, better attendance and higher levels of pupil and parent satisfaction. It is also reflected in favourable Ofsted inspection outcomes.

Effective schools are characterised by determined leadership and strong governance and have well developed self-improvement procedures. They are reflective, evaluative and forward thinking and take the initiative when building on their strengths and addressing their weaknesses. They form strategic alliances with partners and seek support through collaborative arrangements based on hubs and networks. Their effectiveness is endorsed by positive inspection outcomes and by the high levels of achievement of the children and young people who attend them.

Some schools, however, cause concern because the children and young people they serve have lower achievement than their peers locally and nationally and such schools appear unable to address low performance in an effective and timely manner. Some schools do not ensure that vulnerable groups perform well enough and that any gaps in performance in

relation to peer groups are reduced through targeted interventions and good teaching. Some of these schools are unable to sustain incremental improvement meaning their performance remains insecure over time. Where schools cause concern, the LA in its role as champion of children and parents/carers will take action to ensure that the school system works for every family.

### **Key Principles Underpinning the Local Authority and Schools Roles**

Nottingham City Council aims to provide strategic leadership and to support all schools to raise standards and to continually improve, thus ensuring the achievement and well-being of all of our children. We will work in partnership with schools to ensure that our joint actions and activities promote this key objective.

To this end, our work will be based on the following principles:

- Successful schools and effective school improvement depend on high quality leadership and management, and the continuing development of teaching and learning which has a positive impact on pupil outcomes;
- Relationships between schools and the LA are based upon mutual respect, understanding and transparency with secure processes for collaboration and consultation;
- Each school is unique;
- Professional knowledge and relationships are highly valued and are central to the process of school improvement.

The School Improvement Service (SIS) will:

- Ensure that the deployment of the SIS to support schools provides flexibility to respond to any unexpected and urgent issues arising in schools
- Have a clear understanding of the diverse roles of the SIS within schools
- Establish a unified and collaborative approach to school improvement
- Promote the identification, dissemination and celebration of best practice within and across our schools
- Achieve best value in deploying resources to support school improvement and to enable schools to engage with the evolving local and national agendas.

Schools are expected to:

- Have central responsibility for the achievement and well-being of children
- Ensure that effective, rigorous and honest self-evaluation drives continuous improvement
- Be aware of and use their autonomy to improve and promote success from within
- Work in partnership at all levels (e.g. school, clusters, LA, regional, national) in the best interests of sustaining educational improvement across Nottingham
- Understand the importance of the sharing of data and other information such as the Self Evaluation Summary (SES) and the School Improvement Plan.

Our strategy is underpinned by a number of key factors:

- That the City Council's criteria for school categorisation are clear and understood by maintained schools, academies and free schools;
- That the prime responsibility for school improvement is that of the head teacher and the Governing Body;

- That when a concern is triggered, the LA will communicate the precise nature of the concern to the head teacher and Chair of Governors at the earliest opportunity and that advice/guidance and support will be made available;
- That the LA strategy will be flexible in reflecting future curriculum reform and changes to legislation;
- That school-to-school support and partnership working is central to the LA's approach to
- Providing effective support to all schools, but particularly those causing concern;

The key roles for Nottingham City Council as a Local Authority for education are to:

1. Support parents and families through promoting a good supply of strong schools – encouraging the development of academies and free schools which reflect the local community and ensuring outstanding maintained schools
2. Ensure fair access to all schools for every child through providing sufficient school places and a range of different schools to support the community
3. Use its democratic mandate to champion the interests of parents and children
4. Monitor the achievement of and support vulnerable pupils including Looked After Children, those with Special Educational Needs and those outside of mainstream education
5. Support maintained schools performing below the government's floor standards to improve quickly, and to support all other schools which wish to collaborate with them to improve educational performance. Likewise, work with academy governors to ensure all academies exceed the government floor targets on standards and progress
6. Support schools to develop their own school improvement strategies and activities between themselves within the city and traded with those schools outside of the area via brokered and quality-assured services from external partners.

### **Department for Education (DfE) definitions of “schools causing concern” and “eligible for intervention”**

This guidance makes a distinction between schools deemed to ‘cause concern’ and those that are ‘eligible for intervention’. Schools ‘eligible for intervention’ are those which are causing concern and are subject to a DfE Performance, Standards and Safety Warning Notice as detailed in the statutory guidance. The Local Authority wishes to work in partnership with all schools considered to ‘cause concern’, regardless of whether they are Local Authority maintained, academy or free schools.

Moving beyond the definition of “causing concern”, where a Local Authority maintained school is *eligible for intervention*, the Local Authority will exercise one or more of its statutory powers, as required.

Part 4 of, and Schedule 6 to, the 2006 Education and Inspections Act (‘the Act’) defines schools as ‘causing concern’ when:

- The standards of performance of pupils at the school are unacceptably low and are likely to remain so unless the Local Authority exercises its powers under Part 4 of the Act, or
- There has been a serious breakdown in the way the school has been managed or governed, which is prejudicing, or is likely to prejudice, such standards of performance, or
- The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).

The definition of what constitutes low standards of performance is set out in section 60 (3) of the Act.

Any one, or more, of the following are key indicators of low performance if they are below:

- The standards that pupils might, in all the circumstances, be reasonably expected to attain
- Where relevant, the standards previously attained by them, or
- The standards attained by pupils at comparable schools.

Where governors, head teachers and school staff are unsuccessful in addressing underperformance, the Local Authority is required to intervene by exercising the full range of its statutory powers. These are set out in the following legislation:

- School Standards and Framework Act 1998
- Education and Inspections Act 2006
- Apprenticeships, Skills, Children and Learning Act 2009
- The School Governance (Transition from an Interim Executive Board) (England Regulations 2010)
- Academies Act 2010
- Education Act 2011

### **Information gathering, analysis and risk assessment**

To enable the Local Authority (LA) to support and challenge all schools, and to tailor its actions to suit particular circumstances and status, it needs to hold and analyse information about contextual factors and relative performance. A wide range of information, related to pupil performance, attendance, governance, the performance of Looked After Children, SEN provision, HR casework, financial position and Ofsted outcomes, is collated as part of the Local Authority's Risk Assessment. This enables the Local Authority to categorise schools in relation to an analysis of their most recent achievement data and with reference to their inspection history.

A risk assessment is undertaken annually, from the end of the summer term and into the autumn term as test and examination results become available. A panel of LA officers working across the full range of schools support services meet to share information and populate the risk assessment framework. There is a mix of published performance data, inspection judgments and qualitative professional judgements based upon direct professional contacts with the schools/academies. The data upon which the risk assessment is made in relation to a particular school is available to the Chair of Governors and the head teacher. Schools are informed of the outcome of the risk assessment and the Local Authority category in which the school has been placed. The risk assessment enables the School Improvement Service to identify both concerns with specific schools and also wider patterns of concern or risk across the city. Ultimately it enables the LA to identify the schools to be invited for a 'challenge discussion' at the commencement of the next academic year.

As the basis upon which the risk assessment is made includes qualitative judgements as well as published data, the challenge discussion is an important opportunity for the school to respond to the concerns that have warranted the LA invitation. This may include providing specific evidence to counter the judgements within the LA Risk Assessment or sharing plans that have been developed to mitigate the risks. It will give an opportunity for the LA to gain a better understanding of the school's performance and those steps being taken to secure

higher standards. It is also important for the LA to understand what it can do to support schools to secure improvement.

While the risk assessment process enables the LA to maintain an overview of the performance of all of its schools and to identify overall trends as well as specific strengths and weaknesses, its particular value is in the early identification of potential underperformance. It also recognises those schools that, by virtue of their success, might act as a resource to support others.

The LA holds a termly Schools Causing Concern meeting at which the risk assessment is reviewed alongside an action log of those schools that have been identified. At the termly review meeting a decision is made as to the ongoing status of each school causing concern. Schools are notified of any changes to the school classification.

### **Local Authority Categories**

The following categorisation provides a clear criterion-referenced hierarchy to school classification as determined by the risk assessment. It is designed to promote early identification and to enable the LA to broker or commission support before formal intervention becomes necessary.

The most recent Ofsted judgement is used as the starting point for categorisation, However, the LA may also take account of more recent evidence gathered locally. For example, pupil attainment and achievement at the end of each Key Stage, along with trends over time, will be particularly significant in determining a school's category.

Consequently, a school's category could change if the LA is aware of significant factors likely to affect the ongoing outcomes for pupils at the school, either positively or negatively. In such cases the LA judgement will stand along with the evidence to support that judgement. A school's Ofsted judgement, therefore, may not always be aligned with local categorisation as this may take into account more recent information.

### **School Categories**

<b>Definition</b>	<b>Evidence base</b>
<p><b>Category 1</b> (Outstanding) Outstanding school with the capacity to provide system leadership</p>	<p>These schools will have received an outstanding judgement for overall effectiveness from Ofsted and/or the LA. The school provides a high standard of education with strong self-evaluation processes. These schools have the capacity to provide school-to-school support directly or via a commission e.g. National Leader of Education (NLE), Local Leader of Education (LLE), and are doing so with demonstrable impact.</p>
<p><b>Category 2a</b> (Securely Good)</p>	<p>These schools have been judged to have a good Overall Effectiveness and provide a good standard of education. The leadership of the school is good and the school is able to manage its own improvement and may also be providing school-to school support. Achievement is close to or above national figures or where it is lower, it is improving rapidly and securely over time.</p>

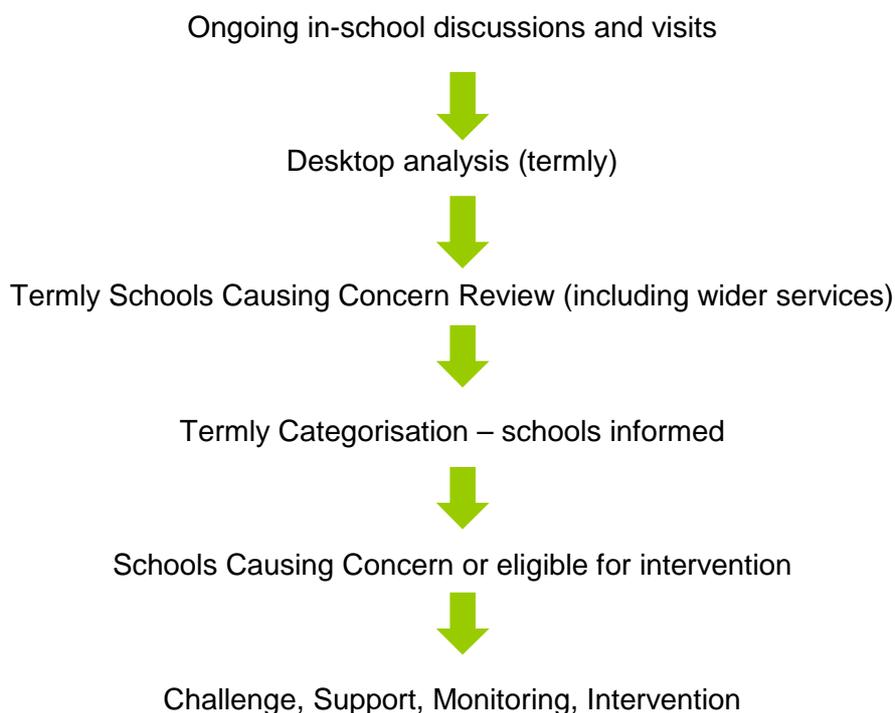
**Category 1 and 2a** schools are demonstrably successful schools requiring only ‘light touch’ monitoring and support from the LA. Most schools will fall into this group.

Definition	Evidence base
<b>Category 2b</b> (Good with weaknesses)	These schools have previously been judged to be ‘good’ but are in decline or judged to require improvement, but are believed to be close to being judged as ‘good’ by Ofsted. These schools are aware of the specific issues which require improvement and have demonstrated some capacity in tackling their weaknesses from within their own resources.
<b>Category 3</b> (Require Improvement)	These schools ‘Require Improvement’ and may be vulnerable to or on the cusp of being judged as Inadequate, or have recently improved from being ‘Inadequate’. These schools have greater challenges to overcome and may require targeted support or intervention, possibly brokered from external sources. These schools are vulnerable to negative inspection outcomes.
<b>Category 4</b> (Inadequate)	These schools are judged to be inadequate overall and are failing to provide an acceptable quality of education for their children. These schools are already in an Ofsted category or highly likely to enter an Ofsted category. These schools are subject to LA intervention and the Department for Education is likely to seek a sponsored academy solution or potentially a change of academy sponsor.

**Category 2b and 3** schools will be targeted for improvement support to either help them to sustain an existing good Ofsted judgement, to become ‘Good’ or to prevent them from becoming ‘Inadequate’ before moving to ‘Good’. Category 3 schools may be deemed to be Schools Causing Concern by the LA.

**Category 4** schools are highly likely to be encouraged by the Department for Education to seek a sponsored academy solution. There may be particular circumstances where it is appropriate for the LA to provide substantial support and intervention to prevent this from happening if it is deemed by all parties to be the best way forward for the children of the school. These schools will be deemed to be Schools Causing Concern by the LA.

## **Categorisation Flow Chart**



### **Schools Causing Concern Process**

Following the annual risk assessment process detailed above those schools deemed to be causing concern will be invited to a challenge discussion in the autumn term. This will be an invitation to the head teacher and Chair of Governors (or Trust representative) to meet with the Director of Education and a representative of the School Improvement Service to discuss the issues that have been identified in the letter of invitation.

This initial informal procedure emphasises that schools are ultimately responsible for their own improvement. However, following the meeting there will be a written response from the LA identifying if further intervention is to be pursued by the LA. This may include an offer of support to broker solutions or potentially the invoking of statutory powers (for maintained schools) or by formal referral to the Department for Education (through the LA acting in its role as champions for children and families) in the case of academies or Free Schools.

Designation by the LA of a school as ‘causing concern’ is an acknowledgement of potential failure to provide an adequate standard of education.

Where a Local Authority-maintained school is designated as causing concern, it will be assigned a named school improvement adviser from the School Improvement Service. The adviser will be responsible for supporting the school to identify key areas of concern and potential solutions for remedy. The role of the improvement adviser will be to support the school but also advise the Director of Education and Corporate Director of Children and Adults in any decision they may take over invoking a formal notice.

Academies and Free Schools that have been identified and notified by the LA as causing concern will be encouraged to procure similar advice and guidance – either from the LA or from a suitable provider.

## **Formal Action for Maintained Schools**

When a decision is taken to move to formal action it is likely that the school will either be in an Ofsted category of concern or, in the judgement of the School Improvement Service, are very likely to be placed into an Ofsted category at the next inspection unless there is rapid improvement. Discussions will take place with these schools about structural solutions which may include the recommendation that the school should seek sponsored-academy status. These schools will have a formal Warning Notice or Letter of Concern written to the Chair of Governors. A full partnership offer of support and challenge is made to these schools where they are not already sponsored academy schools. This includes School Improvement Adviser support and focus visits in addition to brokered or commissioned external support.

Formal warning notice can be triggered by any of the following circumstances:

- The standards of performance, which should be understood to include the progress pupils are making, at the school are unacceptably low, and are likely to remain so unless the local authority exercises its statutory intervention powers;
- There has been a serious breakdown in management or governance which is prejudicing, or likely to prejudice, standards of performance;
- The safety of pupils or staff at the school is threatened (whether by a breakdown in discipline or otherwise).

We require assurances and evidence from the governing body that the current leadership and governance of the school has the capacity to bring about and sustain rapid improvement to the outcomes detailed above, or that changes will be made to secure such improvement.

If we do not consider that the governing body has satisfactorily complied with the required actions by this date, the Local Authority will consider using its intervention powers under the Act to take one or more of the following actions:

- Appoint additional governors;
- Apply to the Secretary of State to disband the governing body and form an Interim Executive Board;
- Suspend the delegated budget;
- Request an early Ofsted inspection of the school or
- Consider a structural solution to raise standards which may include seeking sponsored academy status.

The action which may be taken will be proportionate to the outstanding issues at that time.

## **Formal Action for Academies and Free Schools**

The Local Authority does not have legal powers to intervene directly in relation to educational issues in academies and free schools. However if the LA believes that an academy or free school is failing or seriously underperforming then whilst the LA will seek to continue to work collaboratively with head teachers, Governors or Trust representative it will, if appropriate, alert the Department of Education and Ofsted to voice concerns.