

## **Bradford School Improvement: Schools causing concerns**

### **Monitoring, Support, Challenge and Intervention**

Bradford has well established processes for identifying schools causing concern and therefore requiring additional external support. Where concerns are raised, contact is made with the school by an Achievement Officer or school improvement professional employed by the Local Authority (LA) to discuss and identify any support required.

The LA's responsibility for school improvement recognises as a cause for concern, schools where some of the following applies:

- Performance below the floor standard
- A declining trend in pupil attainment and progress
- Progress rates well below average
- Little or no improvement in standards of attainment that are below average
- Wide gaps in progress and outcomes that are well below average for disadvantaged and vulnerable groups
- Analyse School Performance (ASP) data which is significantly below what is expected
- High rates of pupil absence, and /or persistent absence and exclusion
- More than one inspection where the school has been rated no better than requires improvement
- Poor quality teacher assessment and weak tracking and monitoring of individual pupil progress
- Weak governance
- High number of parental concerns and complaints
- Inadequate progress in HMI monitoring visits
- Sudden or significant reductions in pupil numbers
- Financial deficit, forecasted deficit or financial mismanagement
- Reluctance by leaders to acknowledge concerns and address weaknesses
- Reported incidents that lead the LA to consider whether there is a breakdown of leadership or governance.
- Notes of Visit from LA Officers which report poor progress and continued weak performance.

Increased support, (including provision brokered from another school, through the Bradford Opportunity Area offer and/or through the Teaching School Alliances), is evaluated at Governing Body or LA led Scrutiny meetings. Typically they take place every six weeks and include the Headteacher, Chair of Governors, relevant LA officers and, when appropriate, the Diocese. At these meetings plans are made for further actions to bring about the required improvement.

Where there are concerns about the performance of an academy or free school, the Strategic Manager (Education and Learning) and the Deputy Director Education and Learning raise them with the Headteacher and Academy Trust. If these concerns are not able to be resolved rapidly, the LA discusses the issues and risks that have been identified with the Regional Schools Commissioner (RSC)

There are three identified types of "schools causing concern and eligible for intervention by either the LA or the Secretary of State" as described below:

1. Schools inspected and graded "inadequate".

These are schools which have been judged inadequate by Ofsted, either as having serious weakness or requiring special measures. These categories relate to schools where educational performance is below an acceptable level - mainly defined by the floor standards. An Academy order will be issued for all maintained schools that have been judged inadequate by Ofsted, requiring them to become sponsored academies.

2. Schools that are “coasting” (Currently under review by the Government)  
Coasting schools are those that consistently fail to ensure pupils achieve their potential. This is measured over three consecutive years using published performance data and reflects the same measures that underpin the floor standards. The first coasting schools were identified in 2016.
3. Schools that have failed to comply with a warning notice.  
LAs and RSCs may give warning notices to maintained schools where they have concerns about unacceptable performance (including results below floor standards); a breakdown in leadership and governance; or the safety of pupils or staff. Where a maintained school does not comply with a warning notice, it will become eligible for intervention. Arrangements for academies are contained within their funding agreement.

In practice the third type is rare so the real vulnerability is a school falling below floor standards or dropping into the new “coasting” definition.

The main mitigating factor is the school’s internal capacity to improve.

## The stages of escalation: The Local Authority Powers of Intervention

The aim is to enable a school to become self-improving and self-sustaining. It is an expectation therefore that the leadership of the school is able to operate independently of support within a reasonable time.

<b>Stage 1</b>
<ul style="list-style-type: none"><li>• LA Prioritisation/risk assessment undertaken</li><li>• Concerns shared with school if risk assessed as P3 or P4</li><li>• Allocation of an Achievement Officer to P3 and P4 schools.</li><li>• Achievement Officer checks, advises and comments on the rigour and suitability of the school's plan for improvement and whether leadership, including governance, has the capability to deliver against the plan – joint exercise with school leaders</li><li>• The Headteacher and Chair of Governors of schools identified as requiring significant additional support are invited to a meeting with the LA to discuss and agree the support needed to promote more rapid improvement. Agreed actions are confirmed in writing.</li><li>• School to school support is sought through the Bradford Opportunity Area offer, from a TSA or through a Service Level Agreement (SLA) between the receiving and supporting schools</li><li>• A focused review of leadership, governance or the use of pupil premium is recommended. This could be carried out by a strong school or a National Leader of Education(NLE)/Local Leader of Education(LLE) or a National Leader of Governance (NLG)</li><li>• It is recommended that the school considers entering into particular arrangements such as a school to school partnership to access support from system leaders, Local/ National/ Specialist leaders of Education from Teaching Schools Alliances and Executive Headteachers. This can be facilitated through the Bradford Opportunity Area offer or through the Strategic School Improvement Fund (SSIF) bids put forward by the TSAs working in partnership with the LA.</li><li>• Support for governing bodies which may include: skills and training needs analysis, a review of the effectiveness of the Governing Body, bespoke training, coaching or support from governors with particular expertise, training on the skills required to evaluate the effectiveness of the school and Governing Body over time.</li><li>• Governing Body scrutiny meetings set up for P4 schools</li></ul>
<b>Stage 2</b>
<ul style="list-style-type: none"><li>• LA pre-warning notice issued to the Governing Body</li><li>• Increased Achievement Officer time and focused school to school support</li><li>• Action plan from Governing Body is required by the LA within 15 days</li></ul>
<b>Stage 3</b>
<ul style="list-style-type: none"><li>• Formal Warning Notice issued by LA to the Governing Body under section 60 of the Education and Inspections Act 2006 (copied to Headteacher, Diocese, Ofsted and RSC)</li></ul>

- Action plan from the Governing Body is required by the LA within 15 days

**Stage 4**

- In the event of non-compliance with the agreed recommendations / warning notice then a school becomes 'eligible for intervention' (Section 60B of the Education and Inspection Act 2006) as set out in sections 63-66 of the 2006 Act. This means that the Local Authority has the powers to:
  - Section 63 – require the governing body to enter into arrangements
  - Section 64 – appoint additional governors
  - Section 65 – appoint an interim executive board (IEB)
  - Section 66 – suspend the delegated budget

At all stages the LA maintains a close dialogue with schools, evaluating progress achieved and communicating any continuing concerns. Scrutiny meetings are time limited. If sufficient progress is made, the Headteacher and Chair of Governors are informed in writing; however if progress is not evidenced and rapid improvement not achieved, the LA's response is escalated to a formal warning notice which is copied to Ofsted, the RSC and DfE.

## **Statutory interventions**

There are two types of warning notice that can be issued by LAs or RSCs to maintained schools:

- a performance standards and safety warning notice (Section 60 of 2006 Act)
- a Teachers' Pay and Conditions warning notice (Section 60A of 2006 Act)

Following the issue of a valid Warning Notice the LA will strengthen the school with any or all of the following:

- the appointment of additional governors to the Governing Body or the appointment of an Interim Executive Board (IEB)
- suspend the delegated budget
- direct specific actions where discipline has broken down
- require the school to enter into arrangements with another person (who may be the Governing Body of another school); collaboration between schools, or Further Education body, or join a Multi Academy Trust (MAT).

When a maintained school becomes an academy then the intervention role falls solely to the RSC.

## **Warning Notices**

Section 60 of the Education and Inspections Act 2006 (as amended) gives Local Authorities in England the power to issue a Warning Notice to the Governing Body of a maintained school where the LA is satisfied that the standards of performance of pupils at the school are "unacceptably low" and are likely to remain so unless the LA exercises its statutory powers under the Act.

If a maintained school is unable to address concerns rapidly and successfully, a Warning Notice may be issued after ensuring that the school has received significant support for improvement and every opportunity has been provided to review the effectiveness of that support and the progress achieved as a result.

## **Roles of local authorities and RSCs**

Local authorities and RSCs work together analysing where performance standards and safety warning notices may be necessary. Local authorities are expected to continue to use warning notices to challenge maintained schools to improve.

Using the same powers RSCs will be able to issue a warning notice. The Secretary of State's power to issue a warning notice takes precedence over a local authority's. Examples could be where the local authority has failed to act swiftly enough in a specific case; has generally not acted swiftly or robustly enough in the past; or lacks capacity to act. A copy of any warning notice issued by a local authority will be given to the relevant RSC and vice versa.

## **A Warning Notice may be issued where:**

- the standards of performance of pupils at the school are unacceptably low and are likely to remain so
- there has been a serious breakdown in management or governance, which is prejudicing, or is likely to prejudice, standards of performance; or the safety of staff or pupils is at risk (by a breakdown of discipline or otherwise).

The detail of what constitutes "low standards of performance" includes reference to any one or more of the following:

- standards below the floor, on either attainment (including the 16-19 minimum standards) or progress by pupils

- the standards that the pupils might in all the circumstances reasonably be expected to attain; or where relevant, the standards previously attained by them; or the standards attained by pupils at comparable schools
- an Ofsted judgement that the school requires improvement, where there are also additional factors to indicate that a warning notice is appropriate, including in types of schools where the coasting definition does not apply
- in a school with a sixth form, an Ofsted judgement that the sixth form is inadequate, even though the school overall may not have been judged inadequate
- performance data which show sustained historical underperformance, including where the coasting definition may not apply in particular circumstances, for example because two schools have recently merged to become one new school, but there is concern about persistent poor performance.

Local authorities and RSCs will consider the school in totality; take account of its context; and consider data and other evidence of the school's performance and capacity to improve.

The following additional factors will also be considered by local authorities and RSCs in deciding whether or not to issue a warning notice:

- performance trends, such as a sudden drop in performance or conversely signs that a school is on a sharp upward trajectory. It should be noted with respect to this factor that, in 2016 only, if a school's performance at Key Stage 2 dropped below the floor standard based on performance in writing alone and in the absence of any other factors, the LA or RSC will not issue a warning notice except where the extent of the change in performance cannot be explained by the impact of the changes to primary assessment arrangements in this transitional year
- recent Ofsted judgements, or assessments of aspects of a school's performance and its capacity to improve, particularly judgements of Leadership and Management
- variations in performance data between pupils of different characteristics (including pupils of low, middle and high abilities) and/or low standards achieved by disadvantaged pupils, including where the school's pupil premium spending is not used effectively.

### **Breakdown in the way a maintained school is managed or governed**

Another ground for issuing a performance standards and safety warning notice is that there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or is likely to prejudice, the pupils' standards of performance.

Local authorities (or RSCs) can identify additional support or consider issuing a warning notice, depending on the severity of the case, to maintained schools where the governing body is failing to deliver one or more of its three core strategic roles resulting in a serious breakdown in the way the school is managed or governed, that will, or is likely to, adversely affect standards' of pupils performance.

Evidence that governors may be failing to deliver on one or more of their strategic roles could include, but is not restricted to:

- high governor turnover
- a significant, unexplained change to their constitution
- the governing body having an excessive involvement in the day to day running of the school.

These situations could all indicate a serious breakdown of management or governance that may prejudice standards. In such circumstances, the LA (or RSC) may want to investigate and where appropriate take action early by issuing a warning notice.

### **When formal intervention is used**

The LA will consider issuing a warning notice to schools that have not responded robustly or rapidly enough to a recommendation by Ofsted to commission an external review of the use and impact of the Pupil Premium and governance. Such recommendations are normally made as part of Section 5 inspections in schools 'requiring improvement' where the standard of performance of disadvantaged pupils is unacceptably low or where governance is judged to be weak.

Since it is a core function of Governing Bodies to create robust accountability for the educational performance of the school, failure to address such recommendations by Ofsted is seen as an indication that the school is causing sufficient concern for the LA to issue a Warning Notice. This must set out:

- the matters on which the LA's concerns are based
- the action which the Governing Body is required to take in order to address the concerns raised (e.g. specific actions if discipline has broken down)
- the initial compliance period, beginning with the day when the warning notice is given and ending 15 working days following that day, during which time the Governing Body is to address the concerns set out in the warning notice and send their action plan to the LA
- the action the LA is minded to take using its statutory powers, if the Governing Body does not take the required action.

When a school is judged by Ofsted to require Special Measures the LA can apply for an Interim Executive Board (IEB) in all cases. This has to be approved by the Secretary of State for Education. Withdrawal of delegation may also be considered unless the LA has already intervened and has facilitated leadership change.

If an IEB is established, it is given full delegated powers to take the necessary action to improve the school.

As a consequence of the removal of delegation, a senior LA Officer would attend governing body meetings where financial and personnel decisions need to be made such as the appointment of staff, promotions, and the use of the budget and Headteacher capability.

If a school is judged by Ofsted to be inadequate (i.e. requiring special measures, or judged to have serious weaknesses) the immediate action taken by the LA is to prepare a statement of action, and support the school to prepare its action plan.

## **Support available from the Local Authority for Headteachers:**

Depending on supported packages which schools may have purchased with the LA, there is immediate support and advice for Legal support, Finance and Buildings. For all Headteachers, support is only ever a phone call away. There are strong relationships between schools and key staff in Children's Services and wider Local Authority services. Most services allocate named officers to liaise with schools in the district.

The LA promotes and supports partnership working to ensure schools benefit from school to school support and the sharing of best practice. Documentation shows that all Bradford schools are in a partnership, federation and/or collaborative arrangements with other schools, which provide strong support for improvement. This work is supported by the established early years, primary, special and secondary partnerships.

The LA has supported the development opportunities for Executive Headship and System Leadership, with which many very able and experienced Headteachers are keen to engage. Many Headteachers or Heads of Schools have now participated in Executive Leadership or Aspiring Headteacher programmes. However, we recognise that undertaking the role of Executive Headship and System Leadership places more demands on some individuals.

Where Heads are taking responsibility for more than one school the LA carries out a risk assessment to ensure there is capacity in the "home" school of the Executive Head and to ensure the on-going development and management of all schools concerned in the arrangements.

### **Examples of Headteacher support**

- Induction for new Headteachers including the identification of a mentor or a coach
- Termly LA briefings led by the Directorate
- Support from the school finance team
- Timely support from Legal, Safeguarding and SEND Services in the event of a critical incident affecting the school. This would normally include providing support by working directly with the Headteacher and Senior Leadership Team.
- Support from the Virtual School
- Support from the Early Years team
- Immediate press support for any Head managing enquiries from the media
- Support from the School Governor Service
- Safeguarding support and guidance from the MEST / Safeguarding hub school
- Support for managing complaints including parental complaints
- The provision of data to support school improvement
- Access to a Local/National leader of Education for support through the Teaching School Alliances (TSAs)
- Regular communications and updates on local and national strategies and policies that inform the work of schools.

### **References**

- **Schools Causing Concern – Guidance for local authorities and Regional Schools Commissioners on how to work with school to support improvements to educational performance, and on using their intervention powers, February 2018.**
- **Education and Inspection Act 2006**
- **Education and Adoption Act 2016**

## **Glossary**

AO	Achievement Officer
ASP	RAISE Online/Analyse School Performance – data analysis programme
HMI	Her Majesty's Inspectorate
IEB	Interim Executive Board
LA	Local Authority
LLE	Local Leader of Education
MAT	Multi-Academy Trust
NLE	National Leader of Education
NLG	National Leader of Governance
RSC	Regional Schools' Commissioner
SEND	Special Educational Needs and Disabilities
SLA	Service Level Agreement
SLE	Specialist Leader of Education
SSIF	Strategic School Improvement Fund
TSA	Teaching School Alliance