

14th October 2019

Agenda Item: 4

REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND SKILLS

REDUCTION IN POWERS OF THE REGIONAL SCHOOLS COMMISSIONER (RSC) TO INTERVENE IN UNDERPERFORMING SCHOOLS – RESPONSE FROM THE RSC

Purpose of the Report

1. This report provides Committee with the response of the Regional Schools Commissioner (RSC) to a letter sent by the Councillor Owen, Chairman of the Children and Young People's Committee, which expressed concern that the statutory guidance (Department for Education, November 2018) reduced the powers of the RSC to intervene in underperforming schools previously deemed to be coasting. Committee is invited to consider whether there are any further actions it requires following the response of the RSC.

Information

2. At the meeting of the Children and Young People's Committee on 15th July 2019, Members were advised in the report "Nottinghamshire County Council's School Improvement Strategy for Schools Causing Concern" that a key change to the statutory guidance on schools causing concern was the removal of the intervention powers of RSCs in underperforming schools previously deemed to be coasting. Whilst the RSC would continue to intervene in schools and academies deemed to be Inadequate or Requires Improvement, it would no longer be the case that intervention would be made in relation to coasting schools.
3. During the discussion of the report at Committee, the Chairman agreed to write to the RSC outlining the concerns regarding this reduction of the RSC's remit. This letter was sent on 23rd July 2019 (attached as **Appendix 1**) and a response was received by Councillor Owen on 2nd August 2019 (attached as **Appendix 2**).
4. The RSC's response advised Councillor Owen that in the view of the Secretary of State, the move to a "new single, transparent method for identifying schools eligible for improvement support" would be an Ofsted judgment of Requires Improvement. The response also stated that the DfE does have a "high level of accountability and transparency of trusts and has robust processes for monitoring trusts' performance". The letter also advised that the

communication of the Permanent Secretary to the Public Accounts Committee on the matter of oversight of academy trusts also confirmed the DfE's actions to hold trusts to account (letter available as a background paper).

Other Options Considered

5. No other options have been considered. The DfE Schools Causing Concern guidance is statutory and therefore the reduction in the legal role of the RSC in schools causing concern cannot be changed.

Reason/s for Recommendation/s

6. This report provides the opportunity for Committee to consider whether there are any further actions it requires.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

8. Some additional funding will be provided by the DfE for maintained schools judged to Require Improvement for the second time by Ofsted up to a maximum of £16,000. The Local Authority is also in receipt of a School Improvement Grant which will be used to provide the required support and challenge to Nottinghamshire's maintained schools causing concern.

RECOMMENDATION/S

- 1) That Committee considers whether there are any further actions it requires following receipt of the response from the Regional Schools Commissioner (RSC) regarding the reduced powers of the RSC to intervene in underperforming schools previously deemed to be coasting.

Marion Clay

Service Director for Education, Learning and Skills

For any enquiries about this report please contact:

Diane Ward

Team Manager, Education Improvement Service

T: 0115 8040646

E: diane.ward@nottscc.gov.uk

Constitutional Comments (EP 19/09/19)

9. The Children and Young People's Committee is the appropriate body to consider the content of the report. If Committee resolves that any actions are required, it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments (SAS 20/09/19)

10. Some additional funding will be provided by the DfE for maintained schools judged to Require Improvement for the second time by Ofsted up to a maximum of £16,000. The Local Authority is also in receipt of a School Improvement Monitoring & Brokering Grant which will be used to provide the required support and challenge to Nottinghamshire's maintained schools causing concern. The grant was £734,000 for 2018-19 and although the full allocation for 2019-20 has not been confirmed yet it is expected to be a similar amount.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Schools causing concern: Guidance for local authorities and Regional Schools Commissioners on how to work with schools to support improvements to educational performance, and on using their intervention powers (Department for Education, November 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754974/Schools_causing_concern_guidance-November_2018.pdf

[Nottinghamshire County Council's School Improvement Strategy for Schools Causing Concern](#) – report to Children and Young People's Committee on 15th July 2019

Letter from the Permanent Secretary to the Public Accounts Committee – 7 November 2018

Electoral Division(s) and Member(s) Affected

All.

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