

**21 November 2016****Agenda Item: 05****REPORT OF THE ACTING SERVICE DIRECTOR, EDUCATION STANDARDS  
AND INCLUSION****NOTTINGHAMSHIRE COUNTY COUNCIL'S SCHOOL IMPROVEMENT  
STRATEGY FOR SCHOOLS CAUSING CONCERN****Purpose of the Report**

1. The purpose of this report is to update Members on the changes to the Schools Causing Concern statutory guidance for local authorities and RSCs (Department for Education, March 2016). This report also informs Members of the subsequent review of Nottinghamshire County Council's Schools Causing Concern Strategy and guidance and requests that the revised strategy and guidance be noted.

**Information and Advice**

2. This new statutory guidance is for local authorities (LAs) and Regional Schools Commissioners (RSCs) on schools causing concern and intervening in failing, underperforming and coasting schools. This became effective from April 2016. The new guidance reflects changes under the Education and Adoption Act 2016, giving new intervention powers to the Secretary of State and extending the types of maintained schools eligible for intervention to now include coasting schools. The new intervention powers of the Secretary of State will be exercised by RSCs who will be expected to follow the new guidance. This means that the RSC now has the power to issue formal warning notices in maintained schools.
3. As a result, the RSC will also now have the power to intervene in maintained schools who do not comply with warning notices. The RSC has a duty to make an academy order in respect of any maintained school that has been judged inadequate by Ofsted (serious weaknesses or special measures). If a maintained school is the subject of an academy order, the governing body and local authority will be under a duty to facilitate the school's conversion into an academy by taking all reasonable steps to achieve this. LAs and governing bodies are also under a duty to facilitate a sponsor as identified by the RSC.
4. Whilst the statutory guidance acknowledges the role played by LAs regarding coasting schools, the powers of the RSC will take precedence. The DfE expects, therefore, LAs to work closely with RSCs about any arrangements for coasting schools.

5. This Act also introduces new provisions for action to be taken in academies causing concern (coasting or failing) and the guidance now describes how RSCs will make decisions and take action in such cases.
6. There are two types of warning notices that can be issued to maintained schools:
  - a) Performance, standards and safety warning notice: The LA or Secretary of State (RSC) may issue such a warning notice
  - b) Teachers' pay and conditions notice: The LA may issue such a warning notice in maintained schools only.
7. There is a clear expectation that LAs will use their statutory powers in schools with low standards of performance or where there is a breakdown in the way in which a maintained school is managed or governed or the safety of pupils or staff at a maintained school is threatened.
8. Nottinghamshire County Council's Education Improvement Service (EIS) is underpinned by a School Causing Concern Strategy which has been fully consulted upon with all Nottinghamshire maintained schools and Teaching School Alliances. Nottinghamshire's updated Schools Causing Concern Strategy and guidance has been revised to respond to these new requirements which are outlined in the School Improvement Strategy for Schools Causing Concern, attached as **Appendix 1**.
9. The Education Services Grant was formerly paid to the Local Authority to undertake a range of education activities including school improvement. As a result of interim changes to national funding streams, the retained duties element of this grant has essentially been added to the Dedicated Schools Grant for 2017-18. The Schools Forum agreed to continue to allocate £761,000 of this funding to enable the EIS to continue to support maintained schools causing concern or at risk, during this time of transition. This will enable the EIS to deliver the updated Schools Causing Concern Strategy as outlined in **Appendix 1**.
10. A consultation with maintained schools' headteachers and chairs of governors, as well as with Teaching School Alliances, was undertaken from 30<sup>th</sup> September to 30<sup>th</sup> October 2016. A summary of the responses to the key consultation questions is attached as **Appendix 2**.

### **Other Options Considered**

11. The report is for information only.

### **Reason/s for Recommendation/s**

12. The report is for information only as it is a statutory requirement for the Local Authority to have a Schools Causing Concern strategy.

### **Statutory and Policy Implications**

13. 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.

## **RECOMMENDATION/S**

That:

- 1) the changes to the Schools Causing Concern statutory guidance for local authorities and Regional Schools Commissioners are noted
- 2) the revised School Improvement Strategy for Schools Causing Concern and accompanying Guidance is noted.

**Marion Clay**

**Acting Service Director, Education Standards and Inclusion**

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## **Constitutional Comments**

14. As this report is for noting only, no Constitutional Comments are required.

## **Financial Comments (TMR 3/11/16)**

15. The financial implications are set out in the report.

## **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: Intervening in failing, underperforming and coasting schools - Guidance for local authorities and RSCs (Department for Education, March 2016)

<https://www.gov.uk/government/publications/schools-causing-concern--2>

## **Electoral Division(s) and Member(s) Affected**

All.

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