

**15 July 2019****Agenda Item: 8****REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND  
SKILLS****NOTTINGHAMSHIRE COUNTY COUNCIL'S SCHOOL IMPROVEMENT  
STRATEGY FOR SCHOOLS CAUSING CONCERN****Purpose of the Report**

1. The report updates Committee on the changes to the Schools Causing Concern statutory guidance for local authorities and Regional Schools Commissioners (RSCs) (Department for Education, November 2018). This report also informs the Committee of the subsequent review of Nottinghamshire County Council's Schools Causing Concern Strategy and guidance and requests that Committee considers whether there are any actions that it requires in relation to the revised strategy, attached as **Appendix 1**.
2. The report requests approval for the Chairman of the Children and Young People's Committee to write to the Regional Schools Commissioner expressing concern around any reduction in powers of intervention in underperforming academies in Nottinghamshire and to request the continued challenge and support for academies who fail to deliver a good education to Nottinghamshire's children and young people.

**Information**

3. This new statutory guidance is for local authorities (LAs) and RSCs on schools causing concern and intervening in failing and underperforming schools. This became effective from November 2018. The main change is a reduction in scope for intervention by RSCs in underperforming schools, previously deemed to be coasting, which will no longer be subject to formal intervention by RSCs. It should be noted that the changes to the strategy are as required by legislation and that there is no discretion to be exercised by the Council; it is for this reason that the revised strategy is referred to the Children and Young People's Committee.
4. Whilst the RSC's powers of intervention in relation to schools deemed to be underperforming is reduced, Members are assured that the Council's Education Improvement Service continues to deploy Education Advisers to any maintained school deemed to Require Improvement or in an adverse Ofsted category.

5. However, the RSC continues to 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.
6. Whilst the statutory guidance acknowledges the role played by LAs regarding under performing schools, the powers of the RSC will take precedence. The DfE expects, therefore, LAs to work closely with RSCs about any arrangements for under performing schools that have been judged to require improvement by Ofsted. All schools judged as Requires Improvement by Ofsted will be eligible for support. Schools judged as requiring improvement for the first time will receive up to three days support from either a multi-academy trust, an accredited system leader, such as a Teaching School or from a school improvement provider using evidence-based programmes. In addition, the small number of schools judged as Requires Improvement in their last two Ofsted inspections will have access to up to £16,000 to support school improvement. The Ofsted judgement of Requires Improvement is now the single measure used by the DfE to judge school performance and replaces the Coasting Schools measure. The updated LA Schools Causing Concern Strategy incorporates this change.
7. There are now four types of warning notices that can be issued to maintained schools:
  - The standards and performance of pupils at the school are unacceptably low and are likely to remain so.
  - There has been a serious breakdown in the way the school is managed or governed which is prejudicing or likely to prejudice, such standards of performance.
  - The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise)
  - The governing body has failed to comply with a provision of an order under section 122 of the Education Act 2002 (teachers' pay and conditions) that applies to a teacher in the school; or the governing body has failed to secure that the headteacher at the school complies with such a provision.
8. The updated schools causing concern strategy outlines the circumstances that would lead the LA to consider issuing a warning notice in respect of leadership and management concerns. These are as follows:
  - a school's overall effectiveness and leadership have been judged by Ofsted as Requiring Improvement for the second consecutive time under the leadership of the same head teacher
  - leaders or governors are judged by HMI, during monitoring inspections, to be failing to take sufficiently effective action towards securing an Ofsted judgement of Good at the school's next inspection

- leaders or governors are failing to engage with, or respond to, external advice, support and challenge which is designed to bring about school improvement
  - the governing body's arrangements for the head teacher's performance management are not securing the necessary scale and/or pace of improvement
  - leaders or governors are not making a sufficiently robust response to safeguarding concerns or failing to take appropriate steps to keep children safe.
9. 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.
10. 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**.
11. The updated Schools Causing Concern Strategy will be shared with head teachers and governing bodies in the Autumn term 2019.

### **Other Options Considered**

12. No other options have been considered. The DfE Schools Causing Concern guidance for local authorities and RSCs is statutory and the LA must have regard for it in exercising its functions.

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

13. Members are committed to all children and young people in Nottinghamshire attending a good or better school, as outlined in Nottinghamshire's Schools Policy and in Your Nottinghamshire, Your Future. This strategy provides a framework and information about the actions available to the Local Authority in response to schools causing concern.

### **Statutory and Policy Implications**

14. 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**

15. 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.

16. The LA 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**

That the Committee:

- 1) considers whether there are any actions that it requires in relation to the revised Schools Causing Concern Strategy, attached as **Appendix 1**.
- 2) requests that the Chairman of the Children and Young People's Committee should write to the Regional Schools Commissioner expressing concern around any reduction in powers of intervention in underperforming academies in Nottinghamshire and requesting the continued challenge and support for academies who fail to deliver a good education to Nottinghamshire's children and young people.

**Marion Clay**  
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**For any enquiries about this report please contact:**

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### **Constitutional Comments (SLB 02/07/19)**

17. Children and Young People's Committee is the appropriate body to consider the content of this report.

### **Financial Comments (SH 25/06/19)**

18. Additional funding will be provided by the DfE to maintained schools judged to Require Improvement for the second time by Ofsted up to a maximum of £16,000.
19. The LA 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. The School Improvement 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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754974/Schools_causing_concern_guidance-November_2018.pdf)

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

All.

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