

EDUCATION SCRUTINY COMMITTEE - 16 APRIL 2015

BRIEFING ON OVERVIEW OF SYSTEM DIVERSITY & DRAFT PROTOCOL ON RELATIONSHIP WITH ACADEMIES

ANNEX 2: DRAFT PROTOCOL FOR POSITIVE WORKING PRACTICES BETWEEN OXFORDSHIRE COUNTY COUNCIL AND ACADEMIES IN THE COUNTY

Introduction

1. As provision in the publicly funded education sector becomes more diverse it offers a unique chance to improve outcomes and opportunities for all young people in Oxfordshire through a common vision and collaborative working practices. All parties have not only a legal duty to comply with their obligations, but a moral imperative to work together to secure the best futures we can for those young people.
2. The council is committed to continuing to work positively with **all** academies (the term 'academies' includes converter schools, Free Schools, University Technical Colleges (UTCs) and Studio Schools), sponsors and new providers, most particularly to ensure that the vulnerable students can access their local school and receive the support they need to make good progress. The council retains its statutory responsibilities (see Section 2) and a requirement to promote excellence and address underperformance across all settings and providers. Academies have various duties set out as part of their funding agreement with the Secretary of State for education. Both academies and the council have made a commitment to the aspirations set out in the Education Transformation Strategy 2012-2015.
3. This protocol sets out the responsibilities for academies and the council so that both parties share the same understanding of their respective roles in enabling the children and young people in Oxfordshire schools to achieve their potential.

4. National policy clearly indicates that local authorities (LAs) are expected to raise concerns about the conduct or performance of Academies with the Regional Schools Commissioner, Ofsted, Education Funding Agency (EFA) and/or Secretary of State as appropriate. It is our shared intention that concerns and issues should always be dealt with at a local level, but the council will exercise its right to direct formal concerns to the higher level where the concern is either persistent or of a scale that cannot be resolved locally.
5. We wish to encourage a continuous and open dialogue with academies so that concerns about performance or inclusion issues are raised at the earliest opportunity and within the context of a positive and open relationship. This will build on the working ethos encapsulated in the Education Transformation Strategy agreed with all publicly maintained schools in Oxfordshire.
6. The Education Transformation Strategy is available online at: <http://schools.oxfordshire.gov.uk/cms/sites/schools/files/folders/folders/documents/educationstrategy/EducationStrategy.pdf>.
7. The principles and roles set out below will apply to all academies unless they formally communicate that they do not wish to work within this Protocol, in which case any concerns will be dealt with directly through the Regional Commissioner or EFA.

Principles for Future Relations

8. Both parties recognise their joint responsibilities to ensure the best provision possible for all children and young people living in Oxfordshire and/or attending publicly funded schools in Oxfordshire (for the avoidance of doubt this includes all LA maintained schools and academies). This particularly applies to vulnerable groups.
9. To support this both parties agree to:

- Work in partnership on all matters relating to the education and welfare of young people;
- Raise issues and concerns about any aspect of academy performance in an open and transparent manner;
- Act fairly and with impartiality at all times and show mutual respect;
- Actively participate in local partnerships and other representative groups (which will include new and existing providers) related to developing local provision;
- Agree to share data in line with the agreed protocol and not use information or data publicly in a negative manner;
- Give the highest priority to securing robust safeguarding procedures.

10. The South East Sector Led Improvement Programme, of which Oxfordshire is a member, (full details at www.seslip.co.uk) has commissioned an overarching Local Authority – Academy Trust Protocol as a response to the need for children’s services to work in cooperation with academy chains, multi-academy trusts and standalone academies in an increasingly diverse educational landscape. This Oxfordshire specific protocol sits alongside that document.

STATUTORY ROLES AND RESPONSIBILITIES

This section summarises the key responsibilities of each party.

1. Academies

Academy Trust Boards have the following key responsibilities:

- Ensure a high quality of education provision;
- Ensure the academy is fully inclusive, especially for the most vulnerable students;
- Challenge and monitor the performance of the academy;
- Comply with charity and company law;
- Manage and comply with the obligations in the funding agreement which include compliance with arrangements for pupils with Special Educational Needs (SEN); provision of free school meals; ensuring a broad and balanced curriculum that includes English, Maths, Science and RE; age range and number of pupil places to be offered; manage the academy trust's finances and property and approve the academy formal budget plan each financial year;
- Determine their own Admissions Policy and arrangements in line with the School Admissions Code and associated legislation, and participation in the LA co-ordinated schemes including participation in Fair Access Panels/ compliance with the Fair Access Protocol;
- Administer School Admissions Appeals in line with the Schools Admissions Appeals Code, which is available at:
<https://www.gov.uk/government/publications/school-admissions-code--2>
- Promote and ensure the welfare and safeguarding of all children (as set out in 'Safeguarding Children & Safer Recruitment' Statutory Guidance 2007);
- Set out arrangements to take into account procedures and practice adopted as part of inter-agency safeguarding procedures set up by Oxfordshire Safeguarding Children Board (OSCB);
- Comply with requirements of the Early Years Foundation Stage Statutory Framework, and moderation of statutory assessment in the foundation stage.

2. Local Authority Retained Responsibilities

The Council retains the following responsibilities:

2.a. Attendance

- To ensure academies are complying with their responsibilities in relation to the attendance registers, as set out in the Pupil Registration regulations, through an annual Registration Audit.

2.b. Co-ordination of Admissions

- To consult on and set co-ordinated admissions schemes;
- To consult on and set admissions arrangements for maintained schools in line with the School Admissions Code and associated legislation;
- To manage requests for admission 'in-year' where requested and ensure in year admissions information is received in a timely fashion from academies;
- To champion the rights of children to access schools of preference, particularly vulnerable children;
- To undertake destination tracking of all students aged 16-18 and 16-25 with Special Educational Needs.

Contact details:

E-mail: admissions.schools@oxfordshire.gov.uk

Tel: **01865 815175**

2.c. Early education sufficiency and childcare provision

- To ensure sufficiency of early education and childcare provision. Delivery is through a mixed market of private, voluntary, independent providers, along with maintained schools and, more recently, academies;
- All providers must promote equality of opportunity for disabled children;
- Further details are set out in Appendix 1;
- To secure sufficient childcare, so far as reasonably practicable, for working parents or parents who are studying or training for employment, for children aged 0 -14 (or up to 18 for disabled children);

- Enabling measures in the Children and Families Act 2014 support wider reforms to substantially increase the supply of high quality, affordable and available childcare and include introducing childminder agencies to help more childminders into the market and offer greater support and quality assurance and removing bureaucracy so that it is easier for schools to offer wrap-around care.

Web: www.oxfordshire.gov.uk/workinginearlyyears
www.facebook.com/OxonEarlyYears

Contact:

Telephone: For schools: 01865 815830
For settings: 0845 604 2346

2.e. Home-to-School Transport (including Special Educational Needs)

- To consult on and determine an Oxfordshire Transport Policy which will:
 - Assess eligibility for transport in line with that policy and current legislation;
 - Make appropriate transport provision for eligible pupils, including those with SEN;
 - Manage a transport appeals process and deal with complaints;
 - Discharge statutory duty around transport for Post-16 students;
 - Ensure best value in transport provision.

Contact:

E-mail: SchoolandSocialCareTransport@Oxfordshire.gov.uk

2.f. Looked After Children (FIRST DRAFT NEW SECTION)

The Virtual School for Looked After Children and Care Leavers, 0-25 is a partner to all schools in being the most ambitious and aspirational corporate parents we can be. The headteacher and her team ensure that schools, social workers, carers and other professionals understand statutory responsibilities and are aware of the best practice. Like all good parents, we ensure that communication about our children is regular and constructive and that we are all working together successfully to help them thrive. The Virtual School works to overcome barriers to success by ensuring:

- Students are in the right educational provision;
- Challenges resulting from changes of care placement or school are reduced;
- Barriers to engagement and good attendance are removed;
- School staff, social workers, and carers have access to high quality training so they can help learners make progress;
- Planning for success now and in the future is effective, based on a secure understanding of students' needs;
- Students have one-to-one support for their learning where this will help;
- There is access to an inspiring range of extended learning opportunities;
- The pupil premium and other resources are used effectively and impact on progress;
- Personal Education Plans are timely and of good quality;
- All children in care and care leavers receive early, appropriate, and effective advice, information, and guidance;
- Care leavers from 16 - 25 years are in employment, education, and training, and make good progress.

The Virtual School is, with Radcliffe Academy and The Oxfordshire Hospital School, a member of the Vulnerable Intervention Partnership (VIP).

2.g. Parent Partnership

- To provide a service that offers impartial information, support, advice and training to parents to enable them to make informed decisions about their child's special educational needs;
- To comply with this duty the council provides a free, impartial and confidential service called Parent Partnership Oxfordshire (PPO).

Web: <https://www.oxfordshire.gov.uk/cms/public-site/support-parents-children-special-educational-needs>

2.h. Provision of Pupil Referral Places or Educational Provision for a pupil who is no longer registered at an Academy

- To comply with Section 3 of the Children, Schools and Families Act 2010, which extends the duty in Section 19 of the Education Act 1966, local

authorities must ensure that all children who fall within the scope of Section 19 receive suitable full-time education unless reasons that relate to their medical condition mean that this would not be in their best interests.

2.i. Place Planning

- To ensure that, if demanded, every child resident in Oxfordshire has a school place in a publicly funded school. Also to act as commissioner of school places to ensure overall supply from publicly funded academies and maintained schools. This links with the statutory duty at 2 d. to provide sufficient early education places.

The Council will fulfil this duty through:

- Effective liaison with individual schools/academies and local partnerships and will require accurate information on the number of places academies have agreed to provide to the Secretary of State on an annual basis;
- Provision of an annual statement of the supply and forecast need for school places in the county to Secretary of State for the calculation of basic need funding for all publicly funded schools; and
- Identification of the need for, preferred provider and funding to provide new schools to meet population growth. New schools will usually be academies.

Further details are set out in Appendix 2.

2.j. Prosecution of parents for non-attendance

- To take action, when appropriate, where parents have failed in their duty to ensure their child receives an education (Section 437 and 444 Education Act 1996, S103 Education & Inspections Act 2006 and The Education (Penalty Notices, England) Regulations 2003).

2.k. Pupils with Special Educational Needs and disabilities

The statutory responsibilities for academies and the council are set out in the Special Educational Needs and Disabilities (SEND) Code of Practice, available at

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>.

The local offer for Special Educational Needs and Disabilities brings together information about education, health and care services for children and young people from 0 to 25 with SEND in Oxfordshire and links to neighbouring authorities. Further information is available online at: <https://www.oxfordshire.gov.uk/SENDlocaloffer>.

It includes information about the arrangements for funding children and young people with Special Educational Needs, including any agreements about how providers will use any budget that has been delegated to them.

Further details are set out in Appendix 3.

2.1. Safeguarding

- To ensure all schools and academies are aware of their responsibilities for safeguarding children;
- To monitor their safeguarding performance, through annual audit.

Web:

<http://schools.oxfordshire.gov.uk/cms/sites/schools/files/folders/folders/documents/safeguarding/safeguardingaudittoolMay2014.pdf>

- To bring any deficiencies to the immediate attention of the Governing Body/ Trustees of the school and advise them of the action needed to remedy them;
- To make available appropriate training, model policies and procedures;
- Involvement in dealing with allegations against staff and volunteers; and ensuring arrangements are in place to prevent unsuitable staff and volunteers from working with children;
- To ensure all children who either go missing from education or who are electively home educated are safeguarded;
- To issue work permits and performance licences for individual students.

Further details are set out in Appendix 4. Details of a data sharing agreement issued to all academies at the point of conversion, particularly to support safeguarding requirements, is set out at Appendix 5.

Web: <http://schools.oxfordshire.gov.uk/cms/content/safeguarding>

2.m. School Improvement

- To promote high standards and fulfilment of potential in maintained schools and other education and training providers, so that all children and young people benefit from a good education as set out in section 13a of the 1996 Education Act;
- General monitoring processes are set out in the 'Framework for School Improvement', available at <http://schools.oxfordshire.gov.uk/cms/content/school-improvement-framework>;
- For the Early Years Foundation Stage in Academies this is set out in the [Early Years Quality Improvement Strategy](#).

A protocol for the interaction with academies causing concern is set out in Appendix 6.

APPENDIX 1

EARLY EDUCATION

1. The Assessment and Reporting Arrangements (ARA) for Early Years Foundation Stage (EYFS) [ARA for the EYFS](#) (2014) linked to the [EYFS profile handbook](#) spells out the council's statutory duties regarding academies and assessment in the Foundation Stage.
2. We anticipate the requirements for the statutory baseline assessment from September 2015 will apply to academies as well as maintained schools.
3. The ARA states on page 5:

Academies must implement the requirements of the EYFS as set out in section 40 of the Childcare Act 2006 and comply with local authority moderation requirements.

All registered early years providers are required to complete the EYFS assessment for any children in the final year of the EYFS and to participate in moderation. This includes an academy providing for children in the final year of the EYFS.

Funding for EYFS moderation activities for all schools rests within local authority budgets.

4. The EYFS profile had to be completed by 4 July in 2014. This date applied to all EYFS providers, including maintained schools, non-maintained schools, independent schools, children's centres, academies and childcare providers registered by Ofsted on the early years register. The EYFS profile had to be completed by the provider at the setting where the child spends the majority of their time between 8am and 6pm.

5. The ARA states on page 7:

Local authorities must:

- *ensure that schools and other EYFS providers understand and follow the requirements set out in the ARA;*
- *provide schools and other EYFS providers with training (including agreement trialling2);*
- *provide advice on all aspects of assessment at EYFS;*
- *ensure the accuracy and consistency of the assessments made by early years providers in their geographical area by ensuring moderation of the EYFS profile is carried out in all schools, academies and other settings, as specified in the ARA and section 6.4 of the 'EYFS profile handbook';*
- *ensure schools have a secure electronic system to submit EYFS profile data.*

6. The council allocated advisory resource to providers, including academies, through the [Early Years QIPs strategy](#). The strategy outlines the overall approach and page six lays out the current entitlement for all schools.

7. Academies taking funded children sign provider funding agreements with quality as well as quantitative criteria setting out number of places to be provided and the Ofsted standard required.

8. Details on how to apply for funding are in OCC [Nursery Education Funding Agreement](#).

9. The Children and Families Act 2014 has paved the way to implementing a range of proposals, including making it easier for all schools to offer out of school care, either directly themselves or through third parties.

APPENDIX 2

PLACE PLANNING

1. The council has a statutory duty to secure sufficient school places and as a consequence where an academy needs to expand as a result of population growth (whether due to housing growth or other pressures) the council is responsible for securing funding to enable this to happen.

General population pressures

2. If the growth is from general population pressures, the council is expected to use its Basic Need funding from the Department for Education (DfE), which is calculated each year based on the difference between existing school capacity and forecast pupil numbers. The data on which this is based must be submitted by the council to the DfE in the Annual School Capacity Collection (SCAP). The DfE requires that all academies assist local authorities with this data by providing up-to-date information about their capacity. It is therefore important that any changes in academy capacity are reported promptly to the council. The council will write to academies on an annual basis and ask for confirmation that the capacity held on record is correct. Evidence of appropriate EFA approvals will be required for verification purposes.

Housing developments

3. In the case of housing development, the Council is responsible for negotiating financial contributions from developers (sometimes called Section 106 contributions) to fund the need for pupil places caused by individual developments. This funding can only be spent on expanding school capacity in response to housing-related population growth, i.e. on projects which enable a school to take the additional pupils from new housing. The funding needs to be spent on services serving the area of the development, but is not always tied to a specific establishment. When Section 106 funding is received, if there is not at that time a qualifying project, it will be retained by the council until it is needed.

New Academies

4. All new schools are currently intended to be academies. The council has adopted formal procedures to follow to identify a preferred sponsor for the academy which is then submitted to the Secretary of State (SoS) for approval. The process is published at <https://www.oxfordshire.gov.uk/cms/content/new-schools-oxfordshire>.
5. In some cases external education providers will seek approval for schemes from the SoS direct. The council would be consulted on its views related to any such proposal. If approved the council **may** then adopt this proposal as part of the strategic plan to provide pupil places in the county.

Additional ad hoc funding opportunities

6. The Council also seeks additional funding towards school capacity as appropriate and available. Academies are able to bid for alternative sources of funding, and it is often the case that better outcomes can be achieved through joining up the different funding sources. Any academy considering expansion is therefore advised to discuss their plans with the council at an early stage, to make best use of resources.
7. With the power to seek SoS consent to change the academy, for example to alter an age range or expand, there is a clear expectation that part of the process will involve consultation with the Council and that consideration is given to its views. Evidence of this will need to be provided as part of the academy business case for change submitted to the EFA. Further guidance is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275456/Making_Significant_Changes_to_an_Existing_Academy_Guidance_2014.pdf
8. The Pupil Place Plan 2013-18 is available on the council's public website and sets out its strategy for meeting the need for pupil places in the county (<https://www.oxfordshire.gov.uk/cms/content/pupil-place-plan>).

APPENDIX 3

PUPILS WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES

1. The council has produced guidance for [early years providers and primary schools \(pdf format, 1.7Mb\)](#) and [secondary schools \(pdf format, 1.1Mb\)](#) on identifying and supporting children and young people with special educational needs.

2. These documents set out:
 - a clear and consistent approach to identifying when a child or young person has special educational needs and how to support them to achieve good outcomes;
 - how parents, children and young people should be involved and how they can contribute to decision making; and
 - expectations of what schools and settings will put in place for the funding that they receive.

3. Full details of the local offer can be found on the council's public website: <https://www.oxfordshire.gov.uk/cms/public-site/special-educational-needs-and-disability-send>.

4. An extract from the guidance is set out below:
 - Schools and academies are expected to deliver high quality provision that is good value for money.
 - Learners with Special Educational Needs may require support at universal, targeted and/or specialist levels; the level and combinations of provision may change over time.
 - At the universal level, funding is provided on a per-learner basis for all those attending the educating institution. This is also known as element 1 funding. Good quality universal provision will reduce the need for deployment of more expensive resources.

- At the targeted level, mainstream providers (schools and academies) are expected to contribute the first £6,000 of the additional educational support provision for learners with Special Educational Needs from their notional Special Educational Needs budget. This is also known as element 2 funding.
- At the specialist or personalised level top-up funding above £10,000 (elements 1 and 2) is provided on a per-learner basis by the commissioner placing the pupil.
- Each school's budget statement includes a notional budget for Special Educational Needs. The notional budget is calculated by a funding formula that reflects the incidence of Special Educational Needs measured in various ways, including deprivation and prior attainment. A notional budget should not limit the amount schools spend on Special Educational Needs. Additional Special Educational Needs provision should be costed by the school in relation to identified interventions and expected outcomes for each child or young person, avoiding the use of a currency of teaching assistant hours.
- For primary schools, top-ups for individual pupils requiring additional support in excess of £10,000, (element 1 and 2), will be paid by the local authority.
- For secondary schools, the budget for support above £10,000 is delegated to schools using a formula approach, this means that schools do not need to apply for top-ups.

5. Relevant web links:

<https://www.oxfordshire.gov.uk/SENDlocaloffer>

<http://schools.oxfordshire.gov.uk/cms/content/special-educational-needs>.

6. For queries relating to Special Educational Needs, please email:

sen@oxfordshire.gov.uk.

APPENDIX 4

SAFEGUARDING

1. Each academy should have a designated safeguarding lead who will provide support to staff members to carry out their safeguarding duties and who will liaise closely with other services such as children's social care
2. All academy staff have a responsibility to provide a safe environment in which children can learn.
3. All academy staff have a responsibility to identify children who may be in need of extra help or who are suffering, or are likely to suffer, significant harm. All staff then have a responsibility to take appropriate action, working with other services as needed.
4. All staff members should be aware of systems within their academy which support safeguarding and these should be explained to them as part of staff induction. This includes: the academy's child protection policy; the academy's staff behaviour policy (sometimes called a code of conduct); and the designated safeguarding lead.
5. All staff members should also receive appropriate child protection training which is regularly updated (in Oxfordshire this is every 3 years).
6. Academy staff members should follow the academy's procedures for dealing with children who go missing from education, particularly on repeat occasions. These procedures should follow the guidance from Oxfordshire Safeguarding Children Board (OSCB).
7. If staff members have concerns about a child, they should raise these with the academy's designated safeguarding lead.
8. Governing bodies and proprietors must ensure that they comply with their duties under legislation. They must also have regard to this guidance to ensure that the

policies, procedures and training in their academies are effective and comply with the law at all times.

9. Governing bodies and proprietors should ensure that the academy contributes to inter-agency working in line with statutory guidance Working Together to Safeguard Children 2013.

10. All academies should allow access for children's social care from the host local authority and, where appropriate, from a placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or a section 47 assessment.

11. Governing bodies and proprietors of all academies should ensure that their safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the Oxfordshire Safeguarding Children Board (OSCB). Section 10 of the Children Act 2004 requires a local authority to make arrangements to promote co-operation between itself and its relevant partners and other organisations who are engaged in activities relating to children. Under section 14B of the Children Act 2004 the Local Safeguarding Children Board (LSCB) can require a school or college to supply information in order to perform its functions; this must be complied with. In Oxfordshire this expectation translates into a requirement for the return of an annual safeguarding report from the governing body.

12. Governing bodies and proprietors should ensure a member of the governing body, usually the chair, is nominated to liaise with the local authority and/or partner agencies on issues of child protection and in the event of allegations of abuse made against the headteacher, the principal of an academy or proprietor or member of governing body of an independent school. In the event of allegations of abuse being made against the headteacher and/or where the headteacher is also the sole proprietor of an independent school, allegations should be reported directly to the local authority.

13. Governing bodies and proprietors should ensure there is an effective child protection policy in place together with a staff behaviour policy (code of conduct).

Both should be provided to all staff – including temporary staff and volunteers – on induction. The child protection policy should describe procedures which are in accordance with government guidance and refer to locally agreed inter-agency procedures put in place by the OSCB, be updated annually, and be available publicly either via the academy website or by other means.

14. Headteachers and principals should ensure that the policies and procedures adopted by governing bodies and proprietors, particularly concerning referrals of cases of suspected abuse and neglect, are followed by all staff.

Governing bodies and proprietors should appoint a member of staff of the academy's leadership team to the role of designated safeguarding lead. This should be explicit in the role-holder's job description. This person should have the appropriate authority and be given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters, to take part in strategy discussions and inter-agency meetings – and/or to support other staff to do so – and to contribute to the assessment of children.

15. The designated safeguarding lead should undergo updated child protection training every two years. The headteacher and all staff members should undergo child protection training which is updated regularly, in line with advice from the Oxfordshire Safeguarding Children Board (every 3 years).

16. Governing bodies and proprietors should consider how children may be taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum. This may include covering relevant issues through personal, social health and economic education (PSHE), and/or – for maintained schools and colleges – through sex and relationship education (SRE).

17. Governing bodies and proprietors should prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required; and ensuring volunteers are appropriately supervised. The

academy should have written recruitment and selection policies and procedures in place.

18. The school staffing regulations require governing bodies of schools and academies to ensure that at least one person on any appointment panel has undertaken safer recruitment training.

19. In line with guidance, governing bodies and proprietors should ensure there are procedures in place to handle allegations against members of staff and volunteers. Such allegations should be referred to the Local Authority Designated Officer (Barry Armstrong – Local Authority Designated Officer).

20. There must also be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned. This is a legal duty and failure to refer when the criteria are met is a criminal offence.

21. Governing bodies, proprietors and academy leaders should ensure the child's wishes or feelings are taken into account when determining what action to take and what services to provide to protect individual children through ensuring there are systems in place for children to express their views and give feedback. Governing bodies and proprietors should ensure that staff members do not agree confidentiality and always act in the interests of the child.

21. Governing bodies and proprietors should ensure that they have procedures in place to issues child employment licenses and that these licences are issued in line with guidance and legislation and the impact of any employment accessed in terms of the impact of learning and safeguarding.

22. Academies should ensure that any pupil removed for the purposes of home education is reported to the local authority as soon as possible.

23. Contact details:

Email: barry.armstrong@oxfordshire.gov.uk

Tel: 01865 815956

24. Additional information and advice can be found on the public website for the Oxfordshire Safeguarding Children Board: www.oscb.org.uk.

APPENDIX 5

DATA SHARING AGREEMENT

Oxfordshire County Council Data Sharing Agreement with Academies

1. Purpose

1.1 This Data Sharing Agreement between academies and Oxfordshire County Council is in relation to the sharing of data relating to individual children and data transfers that enable the LA to fulfil its statutory duties for all children and schools in Oxfordshire. Paramount amongst these duties is the need to meet the Council's safeguarding requirements, and to enhance the ability of partner organisations to support the learning and welfare of Children and Young People through the exchange of data and the use of information. This exchange of information will also enable the Council to fulfil its statutory duties to ensure that there are sufficient school places in the county, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also promote diversity and increase parental choice. A data sharing agreement will be required for each individual Academy.

1.2 In addition this agreement provides the consent that the Department of Education (DfE) requires in order for them to share academy data e.g. attainment data with Oxfordshire County Council.

2. Benefits of the agreement:

This agreement will:

- Enable the LA to carry out and conduct its core services for all children and all schools
- Reduce administrative burden on academies – data will only be input once but used many times for the benefit of improving outcomes for children
- Ensuring appropriate access to information to provide better services to children

- Provide complete county wide key stage outcome data for comparison purposes
- Maintain demographically relevant benchmarking information

3. Specific Requirements

This agreement covers the following:

3.1 B2B (business to business) Data Transfer.

This is the secure transfer of child level information, including attendance and exclusion marks from the academy's management information system to the LA's system. Where the Academy uses SIMS, secure transfer to the LA's Capita ONE system is part of an automated schedule from the SIMS system and information is transferred via a secure internet connection. Alternative secure methods of transfer of data may be agreed between the Academy and the LA.

The academy agrees to:

- Continue to transfer scheduled updates of child level personal data (including exclusions and attendance marks) via B2B

3.2 Copies of statutory School Census and School Workforce Census.

The school census is a statutory return completed by all state sector schools and academies within England. Data is collected on the third Thursday in January and May and the first Thursday in October. The School Workforce Census takes place annually during the autumn term. Data items collected vary according to each census but all four census returns include child and staffing level personal data.

The academy agrees to:

- Provide the Council with a copy of the final version of the school census data file and the school workforce census data file to the LA after each census return in a timely and secure manner once a return has been made to the DfE via Collect.

3.3 Statutory attainment data collections:

3.3.1 The academy will continue to:

- Submit the statutory Early Years Foundation Stage Profile (EYFSP), Year 1 phonics and Key Stage 1 teacher assessments (as applicable) to the LA for onward submission to the DfE in line with statutory requirements.

3.3.2 Electronic records of attainment data for Key Stages 2, 3, 4 and 5 are provided to the academy by the national data collection agencies and subsequently to LAs by the DfE.

The academy agrees that:

- The DfE can provide electronic copies of these attainment data files to the LA

3.3.3 There is a separate agreement in the form of a permission letter to ensure that academy data is included in the LA's EPAS (NCER) and FFT data. These will be forwarded when due to be renewed.

4. Handling protocol

The LA will commit to use the data only for purposes commensurate with its statutory duties and will not pass on any individual's data to a third party without obtaining specific agreement from the Academy. All handling of data will be carried out under the guiding principles of the Data Protection Act.

5. Consent

The academy and the LA agree that they will make reasonable efforts to notify parents, or other persons with parental responsibility of a child, of their intentions to the sharing of information.

- The academy must issue Privacy Notices to students/ parents making them aware of such data collections. Suggested text for Privacy Notices can be found on the website:
- <http://schools.oxfordshire.gov.uk/cms/content/privacy-notice>

6. Review

This agreement will be reviewed annually by the LA and reissued each September at the start of the school year to reflect any changes in legislation or practice.

7. Signatories

This agreement is signed on behalf of the partner organisations as follows:

Academy Name

Oxfordshire County Council

Name of signatory

Name of signatory

Alison Wallis

Title

Title

Signature

Signature

Alison Wallis

Date

Date

31/09/12

8. Returning this form

Please return this form to: Alison Wallis, Performance & Information Manager,
Oxfordshire County Council, New Road, Oxford, OX1 1ND.

Email: alison.wallis@oxfordshire.gov.uk

Existing academies should return this form as soon as possible.

New academies should return the form at the point of conversion to an academy.

APPENDIX 6

SCHOOL IMPROVEMENT

1. Introduction

- 1.1 Building on the statutory duty as set out in section 13a of the 1996 Education Act “to *promote high standards and fulfilment of potential in maintained schools and other education and training providers, so that all children and young people benefit from a good education.*” The Education White Paper – Importance of Teaching states that:

‘As champions for excellence, Local Authorities will be expected to take action if there are concerns about the performance of any school in the area, and use their intervention powers to act early and effectively to secure improvement in maintained schools. While Local Authorities have no direct intervention powers in Academies and Free Schools, where they have concerns, their role would be to raise them directly with the school for informal resolution. However, where a Local Authority has significant concerns about an Academy or Free School and feels that these are not being adequately addressed by local action, it will be able to ask Ofsted to inspect the school. Ofsted would then make a judgement about whether or not an inspection was necessary. As a last resort, Local Authorities will, as now, be able to escalate concerns to the Secretary of State, so that appropriate action can be taken to address issues.’ (Para 5.38)

- 1.2 A separate policy (School Improvement Framework) sets out the overview of school quality and impact across Oxfordshire (in Academies, Maintained and Foundation Schools).

<http://schools.oxfordshire.gov.uk/cms/content/school-improvement-framework>

This appendix sets out a process and protocol for exercising the local authority’s role specifically in relation to Academies (including Free Schools, UTCs and studio schools).

2. Principles

The Local Authority, in exercising its role in relation to Academies will:

- 2.1 Always seek to work in partnership with academies to resolve any issues that arise.
- 2.2 Not refer matters of concern to Ofsted or the Secretary of State until this process has been exhausted.
- 2.3 Provide opportunity for the Headteacher and Governing Body/ Directors of the academy concerned to respond to concerns and make representations to the Director of Children's Services for consideration prior to any referral being made.

3. Scope of the Protocol

- 3.1 This Protocol applies specifically to the Local Authority role in relation to championing educational excellence although it could be extended to cover other aspects of the LA role, i.e. SEN, Champion for parents and families, Champion for vulnerable pupils and fair admissions.
- 3.2 This Protocol will be applied where:
 - 3.2.1 Results at KS2 or KS4 are below the nationally prescribed Floor Standard or are below two of the three measures of the Floor Standard
 - 3.2.2 The academy is judged as Inadequate following an Ofsted inspection
 - 3.2.3 An analysis of data shows that the performance of the academy is declining based on an analysis of previous years data

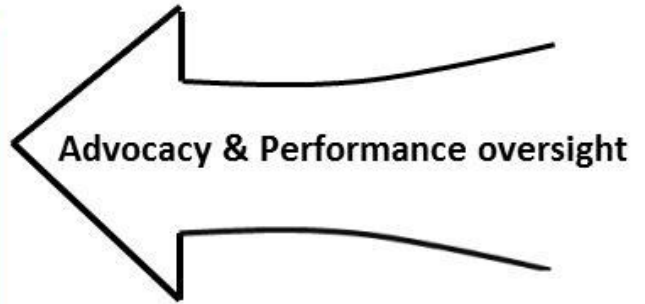
4. Process

See flowchart below.

Academy Performance Flowchart

Performance Alerts

1. LA annual desk top monitoring. Data collected through data sharing protocol
2. School self-evaluation resulting in approach to LA for traded support
3. Advocacy for pupils / LA oversight
4. Field work activity (traded or core) flags concern e.g. safeguarding.



Internal Processes

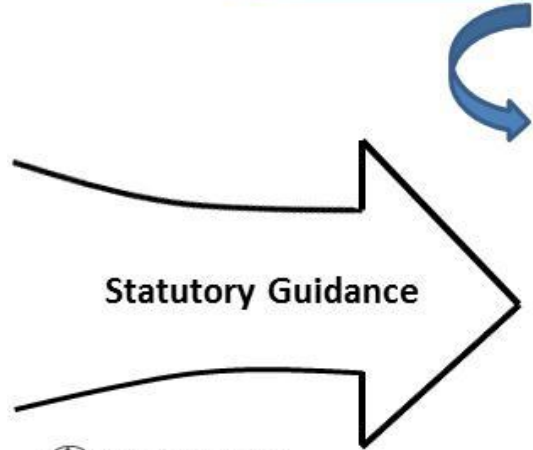
Step 1 (within 1 week of alert):
Concerns aggregated into a letter (from Head of Schools and Learning) to Principal or Executive Headteacher (HT) checking their perception of school and requesting written feedback on actions in hand within 2 weeks.

Step 2 (within 3 weeks):
If no response or response requests assistance or raises further concerns. Letter 2 requesting a meeting and suggesting 2 dates to take place within 2-3 weeks. cc Chair of Governing Body.

Step 3 (no later than 2 months after first alert):
Meeting with Principal/ Executive HT and Chair of Governing Body

3a Satisfactory:
Actions Agreed: LA monitors outcomes. No further direct action.

3b Unsatisfactory:
No actions agreed or meeting refused:
Referred to Deputy Director of Education and Learning, for Regional Schools Commissioner (RSC)
(cc Director Childrens' Services and Chair of Academy Trust)



External Alerts

Formal email notification to :
RSC and/or Ofsted and/or Audit.

To note either :

School has issues and is taking appropriate positive action to address them

Or :

School has issues and is in denial or unwilling to share action plans.

Also discussed at LA termly meeting with RSC.