

EDUCATION SCRUTINY COMMITTEE – 25 APRIL 2016

SCHOOLS CAUSING CONCERN

Report by the Director for Children, Education and Families

I. Introduction

The Department for Education has issued new guidance for local authorities and Regional Schools Commissioners entitled: '**Schools causing concern. Intervening in failing, underperforming and coasting schools**'.

- This statutory guidance is effective from 18 April 2016 when the majority of provisions in the Education and Adoption Act 2016 commence.
- Powers of the Secretary of State will generally be exercised by the Regional Schools Commissioner.

Please note that the Regional Schools Commissioner can now intervene in maintained schools thus transferring responsibilities from local authorities.

II. Schools Causing Concern – Department for Education Guidance

The guidance describes the three groups of schools which are causing concern and eligible for formal action:

1. Schools that have been judged inadequate by Ofsted

- Secretary of State duty to issue an Academy Order for all maintained schools that have been judged inadequate by Ofsted (retrospective for judgements prior to 18.4.16)
- Regional Schools Commissioner to identify the most suitable sponsor and for brokering the relationship
- For Foundation & Voluntary schools the Regional Schools Commissioner must consult re: identity of the sponsor
- Religious character to be safeguarded
- Duty of Local Authorities and governing bodies to facilitate the conversion; Regional Schools Commissioner power to direct
- When an academy is judged inadequate by Ofsted the Regional Schools Commissioner has the power to terminate Funding Agreement and replace sponsor (trust); presumption that stand alone converters will join Multi-Academy Trusts
- Reference to outright closure of academies where not viable in the long term

2. Schools that have met the coasting definition (after publication of 2016 data)

- Regional Schools Commissioner and Local Authority given power to take action but general presumption in favour of the Regional Schools Commissioner
- Coasting definition the same for maintained schools and academies
- Regional Schools Commissioner to notify all schools when they fall within the coasting definition
- Regional Schools Commissioner to determine & advise what action, if any, needs to be taken and the timescale. This will be done through consultation with their Headteacher Board. The options could be:
No further action; additional support; formal arrangements; additional governors or IEB; sponsored academy
- Regional Schools Commissioner will take into account Local Authority's views of coasting maintained schools and those of Diocese in respect of faith schools; religious character to be safeguarded
- Governing body must advise parents that school has fallen within the coasting definition

3. Schools that have failed to comply with a warning notice

- Section 60 of the Education and Inspections Act 2006 sets out the provisions relating to a performance standards and safety warning notice i.e. poor standards; breakdown in management or governance; safety of pupils or staff at risk.
- It is expected that the Local Authority will issue warning notices where appropriate for its maintained schools in discussion with the Regional Schools Commissioner. For academies the intervention role will fall solely to the Regional Schools Commissioner.
- Regional Schools Commissioner can issue warning notices if the Local Authority is considered insufficiently swift or robust in doing so
- Copies of warning notices must be exchanged between the Local Authority and Regional Schools Commissioner
- Factors to be considered
 - Standards: 'in context' standards; floor standards; RI judgement; trends; performance of different groups;
 - Management & governance: governor turnover; excessive involvement in the day to day running of school;
 - Safety: failure to comply with safeguarding requirements
- Failure to comply with warning notice triggers intervention

Specific powers in respect of intervention in maintained schools

- Local Authority + Regional Schools Commissioner: Require governing bodies to "enter into arrangements" e.g. specified support; appoint additional governors; IEB; suspend delegated budget
- Regional Schools Commissioner: direct closure; take over responsibility for an IEB including who & how many; Academy Order

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- Consultation required with the Local Authority (by Regional Schools Commissioner); governing body; Diocese; foundation unless in respect of an Academy Order for a maintained school judged inadequate
- Sponsors required to communicate its plans to parents

Other Local Authority duties

- Champion of educational excellence: understand school performance; work with Regional Schools Commissioner to ensure swift action, including intervention; encourage good & outstanding schools to support others
- Special Educational Needs: identify 0 - 25 year olds with Special Educational Needs
- Safeguarding: investigation and reporting concerns about academies to Regional Schools Commissioner, Education Funding Agency (EFA) and to the DfE for independent schools
- Promote high standards of governance including through ensuring governors have necessary skills in respect of oversight of finance, safety and standards
- Provision of training
- Maintain records of governors of maintained schools
- Raise concerns about academy governance with Regional Schools Commissioner or the Education Funding Agency

III. The current picture in Oxfordshire

- The proportion of primary schools that are good / outstanding has remained at 87% (197 schools). The Oxfordshire figure is slightly above the national figure (86%) as at 29th February 2016.
- The percentage has remained stable as two schools have moved from a 'good' to 'requires improvement' and two schools have moved from 'requires improvement' to 'good'.
- The proportion of secondary schools judged as good / outstanding has remained at 83% (29 schools). Oxfordshire remains above the national figure of 76% as at 29 February 2016.
- The number of inadequate schools remains at 6:
 - Orchard Meadow (Blackbird Leys Academy Trust)
 - Windale (Blackbird Leys Academy Trust)
 - Abbey Wood (CFBT – Schools Trust (CST))
 - Chipping Norton (standalone academy)
 - Rose Hill (LA)
 - West Kidlington (LA)

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Meetings are held every six weeks with the member for Education and the strategic leads for Education Quality. At these meetings we consider the schools and Early Years settings in Oxfordshire that give us cause for concern and share the actions that are being taken. These schools will be on our radar for a variety of reasons e.g. they are judged 'inadequate' by Ofsted; data shows pupils are underperforming; intelligence has indicated personnel issues; there are financial management concerns.

A current summary of schools causing concern in Oxfordshire is below.

RAG rating	Type	Phase			Most recent Ofsted judgement			
		Primary	Secondary	Special	Inadequate	Requires Improvement	Good	No current judgement
RED	Academies	6	2		4	3		1
	LA maintained	4	0		2	1	1	
AMBER	Academies	7	7			9	5	
	LA maintained	15	3	1		16	3	

Meetings are held quarterly with the School's Regional Commissioner, Martin Post. At these meetings schools causing concern are tabled for discussion. There is an emphasis placed upon the need to convert schools to academies, but also challenge from the Local Authority regarding the underperformance of academies within Oxfordshire.

RECOMMENDATION

The Education Scrutiny Committee is RECOMMENDED to:

- (a) note the content of the report;
- (b) raise with the Regional Schools' Commissioner the concerns around the academies that have been judged as inadequate and the actions taken in relation to the underperformance of academies in Oxfordshire.

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