

Open Report on behalf of Debbie Barnes, Executive Director of Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	10 March 2017
Subject:	The Local Authority Process regarding Schools graded as Inadequate

Summary:

This report seeks to inform councillors of the role of the Local Authority in schools graded as Inadequate by Ofsted.

Actions Required:

The Children and Young People Scrutiny Committee is invited to consider and comment on the Local Authority's role in schools graded as Inadequate by Ofsted, and the number and status of schools in this position.

1. Background

Ofsted Inspection and Classification of Schools

Ofsted inspects schools to provide information to parents, to promote improvement and to hold schools to account for the public money they receive. School inspections are required by law. They provide an independent assessment of the quality and standards of education in schools, and check whether pupils are achieving as much as they can.

Schools are inspected by Her Majesty's Inspectors (HMI) and Ofsted Inspectors (who in most cases are serving school leaders who inspect for Ofsted for an agreed number of days each year) carry out the inspections. All inspectors have been trained to, and assessed against, Ofsted's standards.

A school that was judged to be outstanding at its last inspection is exempt from routine inspection. Ofsted will not normally inspect exempt schools unless they have a concern about their performance. Ofsted will also carry out an annual assessment of an exempt school's performance (from the third year after the school's last inspection) to determine whether an inspection might be necessary. Exempt schools continue to be inspected as part of Ofsted's programme of surveys of curriculum subjects and aspects of the curriculum. Exemption from inspection does not apply to maintained nursery schools, special schools or pupil referral units.

A school judged to be good at its last inspection normally receives a short one day inspection.

A school judged as requires improvement at its last inspection will be subject to monitoring from inspectors to check its progress and is inspected within a period of around two years. If at that inspection it is still judged as requires improvement, there will be further monitoring, and another inspection will take place within a further two years. If at this inspection it is still not good, it is highly likely that it will be judged inadequate and deemed to require special measures.

A standard inspection usually lasts two days and the number of inspectors on the inspection team will vary according to the size and nature of the school.

Inspectors will make graded judgements on the following areas using the four-point scale:

- Effectiveness of leadership and management
- Quality of teaching, learning and assessment
- Personal development, behaviour and welfare
- Outcomes for children and learners.

Where applicable, inspectors will also make a graded judgement on the effectiveness of the early years or sixth form provision in the school.

They give schools an overall grade from 1 to 4:

- grade 1 (outstanding)
- grade 2 (good)
- grade 3 (requires improvement)
- grade 4 (inadequate)

If inspectors judge a school to be inadequate, it will be placed in one of the following two categories of concern:

- **Special measures** – This means the school is failing to provide its pupils with an acceptable standard of education, and is not showing the capacity to make the improvements needed.
- **Serious weaknesses** – This means that one or more of the key areas of the school's performance require significant improvement, but leaders and managers have demonstrated the capacity to improve.

A maintained school judged as inadequate and placed in a category of concern will be issued with an academy order by the Secretary of State for Education to require it to become a new sponsored academy. Inspectors will not normally monitor the school unless there are concerns or there is a delay in the school becoming a sponsored academy.

Local Authority Role

If a school is deemed by Ofsted as inadequate and therefore is required to become a sponsored academy, the Local Authority (LA) has a statutory role as outlined in the Department for Education (DFE) Schools Causing Concern Guidance March 2016.

"If a maintained school is the subject of an academy order made under section 4(A1) or (1)(b) of the Academies Act 2010, the governing body and the local authority will be under a duty to facilitate the maintained school's conversion into an academy by taking all reasonable steps towards that end. RSCs can also use the Secretary of State's power to give the governing body or local authority a direction, or directions, to take. If the RSC has identified a sponsor to run that maintained school once it becomes an academy, and has notified the maintained school of this, then the governing body and the local authority must take all reasonable steps to facilitate that sponsor taking responsibility for that school."

The guidance also then goes onto note that:

"When a local authority has been notified that the RSC intends to exercise the Secretary of State's intervention powers in a maintained school, the local authority may not use its intervention powers in relation to that maintained school until the RSC notifies the local authority that it may do so."

"To minimise any delays to the academy conversion process, when an academy order has been made under section 4(A1) or (1)(b) of the Academies Act 2010, the governing body and local authority are under a duty to take all reasonable steps to facilitate the conversion of the school into an academy. Further advice will be given to the governing body and the local authority about what steps they will be expected to take, and to what timescales, to facilitate the conversion."

As noted above, the Local Authority role in schools deemed inadequate is at the discretion of the Regional School Commissioner (RSC). This can often leave maintained schools awaiting a sponsored conversion in a period of time where they are not supported by the Local Authority but solely by the RSC. However, the RSC's support tends to focus predominantly on finding a suitable sponsor leaving the school without any monitoring or challenge around school improvement. This is also compounded by the fact that HMI no longer monitor schools in this stage between the Grade 4 judgement and sponsored academy conversion. The process of who supports the school and to what degree following a Special Measures judgement is inconsistent at best.

Lincolnshire LA has taken the decision to draft a protocol to clarify the relationships between the Local Authority and RSC during this interim period and the expected timelines of the necessary support/monitoring. This draft has been shared with regional colleagues who face similar difficulties and once agreed will be shared with the RSC with a view to improving the provision for our most vulnerable schools.

Where we have seen some notable delays in finding suitable sponsors the Local Authority has maintained constant dialogue and offered support to the RSC to find suitable local matches. However, this is not always successful and where we have serious concerns around the drift and delay in securing a solution for a school the Executive Director of Children's Services and the Executive Councillor responsible for Children's Services have raised these at senior levels with both the RSC, the National Schools Commissioner and the Secretary of State for Education.

Current Lincolnshire Schools graded as Inadequate

DfE Number	School Name	Academy Sponsor	Status	Date of Grade 4 Judgement	Number on Roll
9255416	Spalding Academy	CfBT Schools Trust	Inadequate	18-10-16	906
9256908	The Gainsborough Academy	The Lincoln College Academy Trust	Inadequate	6-12-16	725
9251105	The Lincolnshire Teaching and Learning Centre	Wellspring	Inadequate	04-02-15	174
9254062	Cherry Willingham Community School	TBC	Inadequate	23-06-15	192
9255417	Louth Monks Dyke Tennyson College	TBC	Inadequate	20-09-16	568
					2565

Spalding Academy (formerly Sir John Gleed School) was rebrokered from CfBT Schools Trust to the South Lincolnshire Academy Trust on 1 September 2016.

The Gainsborough Academy was Graded as Inadequate and deemed to be in need of Special Measures during its inspection on 6-7 December 2016.

The Lincolnshire Teaching and Learning Centre is due for Academy conversion on 1 April 2017.

Cherry Willingham Community School was graded as inadequate and deemed in need of Special Measures on 23 June 2016. The DfE continue to seek a sponsor.

Louth Monks Dyke Tennyson College was graded as inadequate and deemed in need of Special Measures on 20-21 September 2016. The DfE continue to seek a sponsor.

Schools graded as Inadequate

Phase	As of 31/01/2017	As of 31/12/2016
Primary Schools		
Secondary Schools	8.0%	8.0%
All Schools	1.4%	1.4%

Pupils in Inadequate Schools

Phase	As of 31/01/2017	As of 31/12/2016
Primary Schools		
Secondary Schools	5.4%	5.4%
All Schools	2.5%	2.5%

2. Conclusion

The Local Authority continues to work with schools graded as Inadequate to facilitate their conversion to sponsored academy status and is challenging any delay in this process due to the detrimental effect it can have on pupils, their families, school staff and the wider community. Where the Local Authority is granted permission to intervene the provision for pupils is closely monitored and leaders challenged to continue to improve in the interim period prior to conversion.

The draft protocol awaits approval by regional colleagues before being shared with the RSC and hopefully this will enable all parties to adhere to agreed timelines. The protocol will enable the Local Authority to take some remedial action in grade

4 schools and signpost other schools that could support around specific issues in line with our policy of Sector-Led improvement.

The Education Team continue to risk assess schools and broker support for our vulnerable and high risk schools in order to try and mitigate the possibility of schools receiving a Grade 4 judgement in line with our School Improvement Strategy. However, we hope that through our relationship with the Lincolnshire Learning Partnership we will see a move towards collective accountability for the performance of Lincolnshire Schools and that schools themselves will support each other in order to maintain the best provision for children and young people.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

No

b) Risks and Impact Analysis

Not Applicable.

4. Background Papers

Document title	Where the document can be viewed
Lincolnshire School Improvement Strategy	http://microsites.lincolnshire.gov.uk/children/schools/services-and-support-for-lincolnshire-schools/policies-and-guidance/130159.article
Schools Causing Concern: Intervening in failing, underperforming or coasting schools.	www.gov.uk/government/publications/schools-causing-concern--2
Ofsted Inspection Handbook	https://www.gov.uk/government/publications/school-inspection-handbook-from-september-2015

This report was written by Gavin Booth, who can be contacted on 01522 552262 or gavin.booth@lincolnshire.gov.uk.

This page is intentionally left blank