

Leicester
City Council

WARDS AFFECTED

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS: Cabinet

9 April 2001

SCHOOLS CAUSING CONCERN: IMPROVING PERFORMANCE IN SCHOOLS

Report of the Director of Education

1. Purpose of the Report

1.1. The LEA is required by the DfEE to produce a policy on the identification of, and support for, schools causing concern. The policy has been developed as part of the revised Education Development Plan. It forms the basis for priority 7 within the Plan, which describes, within 4 activity areas, the work that needs to be undertaken by the LEA. These activities are:

- Undertake a systematic review of school performance.
- Provide additional targeted support for schools requiring special measures/serious weaknesses/underachieving.
- Manage and run a cross department process for monitoring the progress of schools in special measures, with serious weaknesses or causing concern.
- Provide a network for schools in special measures, with serious weaknesses or causing concern enabling them to work together with schools that do well in their area of difficulty.

1.1. As school under-performance impacts on the communities which the schools serve it is important for the Cabinet to have an understanding of the processes used to identify and support such schools. Decisions made by other Directorates can impact directly on the performance of schools; for example, decisions regarding the housing of asylum seekers.

2. Summary

2.1 The Schools Causing Concern Policy describes the criteria and processes that the Education Department will go through in terms of identifying and describing the performance of schools in the City.

2.2 The approach described in the policy is designed to create an accurate, secure and first-hand evidence-base about all schools. Based on that knowledge good practice can be identified and disseminated, key areas for future support can be planned and information on school performance can inform LEA policies as well as Education Development Plan priorities.

2.3 The policy furthers the LEA's intention of working in partnership with schools and their governing bodies. The policy describes the range of criteria that can be used to judge school performance and which form the basis for dialogue between Standards Inspectors and school. Through the application of these criteria the level of support required by schools can be defined.

2.4 The intention to construct such a policy, together with the basic features of the policy was discussed with Headteachers and Chairs of Governors at Director's briefings in September and February. Subsequent to this consultation meetings were held with Headteachers across the City during October and November.

2.5 The policy has been disseminated to all schools as part of the newly revised Education Development Plan. The outcomes from consultations will be considered with outcomes from the Ofsted Report, and incorporated in any subsequent action plan.

3. Recommendations

3.1 The Cabinet is recommended to:

receive the report and note the potential implications of decisions across the Council on school performance.

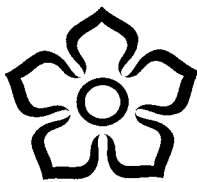
4. Financial and legal Implications

4.1 The implementation of the Schools Causing Concern Policy will often lead to additional financial requirements. These are usually met from the Standards Fund. In exceptional circumstances additional resources would need to be identified.

4.2 The legal implications of this report are dealt with at paragraph 4 b) of the Supporting Information.

5. Report Author/Officer to contact:

5.1 Jim Muncey – Head of Standards and Effectiveness



Leicester
City Council

**WARDS AFFECTED:
ALL WARDS (CORPORATE ISSUE)**

Cabinet

9 April 2001

SCHOOLS CAUSING CONCERN POLICY

Report of the Director of Education

SUPPORTING INFORMATION

1. Report

The LEA's policy is to work in partnership with schools and their governing bodies, providing clear, abundant but accessible data as a basis for encouraging open discussion of strengths and weaknesses. It aims to support governing bodies to develop and take responsibility for their own action plans, and support schools in their own processes of self-evaluation. However, central to this partnership is the authority's alertness to the strengths and weaknesses of individual schools. This enables the LEA to praise improvement and success and to respond swiftly and effectively where there is cause for concern. Measurable success criteria will also enable schools, with the help of the LEA where necessary, to monitor and evaluate their own progress.

AIMS

- To identify the roles and responsibilities of the LEA in supporting schools;
- To set out how, through an early warning system, the LEA will identify and address weaknesses in schools as early as possible.

PRINCIPLES

1. The most important priority for schools and the LEA is raising the educational standards of all children and young people;
2. Schools are moving towards becoming self-monitoring, self-evaluating and continuously improving organisations. Over time it is the LEA's aspiration that all its schools will have effective processes of self-review that will be validated by the LEA, or another external agency;
3. All data and monitoring information held on a school will be shared and/or negotiated with schools in order to ensure the process is transparent and accountable;
4. Effective early warning systems will provide timely support and
5. focused intervention strategies, leading to rapid improvement;
6. Regular visits to schools/colleges by members of the Standards and

Effectiveness Division and other officers are part of the core work of the LEA in supporting school improvement and raising standards;

7. The extent of intervention in schools by the LEA will generally be in inverse proportion to the success of the school in raising its standards. However, the authority operates an inclusivity policy so that all schools have entitlement to the support and advice of the LEA. Monitoring will reveal the extent to which that advice and support is required. No school should experience deprivation in respect of support, which enables its pupils to achieve to the best of their ability.

It is also the LEA's intention to use its interaction with schools to identify best practice and work to share that across the authority.

THE CRITERIA FOR IDENTIFICATION OF SCHOOL PERFORMANCE

The Schools' Standard and Framework Act of 1988 and subsequent additions empower registered inspectors to identify the following categories of schools causing concern:

Level of Support

- | | | | |
|------|-----------------------------------|---|------|
| i) | schools in special measures; | } | |
| ii) | schools with serious weaknesses; | } | High |
| iii) | schools which are underachieving. | } | |

In addition, the LEA identifies the following categories of schools

- | | |
|--|--------|
| performing well below expected levels; | High |
| performing at expected levels; | Medium |
| performing above expected levels | Low |

Central to the authority's strategy is alertness to signs of weakness in schools. Criteria that will alert the authority to a school as an actual, or potential, cause for concern are:

- **Pupils' achievements**, that is, their progress in relation to prior attainment, or the school's performance in comparison to schools with a similar proportion of pupils entitled to free school meals. Low achievement or low standards in comparison to similar schools will be cause for concern and lead to further investigation. High standards will receive recognition and further encouragement to excel.
- **Progress in standards over time**. Poor improvement is a cause for concern, good improvement will be acknowledged and further encouraged. Such comment will be evident through Standards Inspectors' notes of visit;
- **Achievement by specific groups**. Indication of trends towards, or actual, significant underachievement by specific minority ethnic pupils, by pupils with EAL or SEN, or by gender, will initiate investigation and remedial action. By contrast good practice will be acknowledged and disseminated.

- **Quality of teaching and learning.** Where this falls below 90 per cent satisfactory or better in the school or LEA review procedures, the school and, where appropriate, the LEA will take appropriate action to remedy the situation. The LEA has a commitment to recruiting teachers of high quality and expects the performance management procedures to acknowledge good practice. Equally, where necessary, it will support schools pursuing capability procedures where improvement is not evident in the recommended period. The authority encourages its schools to work towards 100% good or better teaching.
- **Quality of leadership and governance.** Significant weaknesses in leadership and governance evidenced by:
 - unsatisfactory or poor inspection report judgements on the quality of leadership and management and/or value for money;
 - failure to give strategic direction through school improvement plans with clear financial implications;
 - failure to monitor standards and the quality of teaching;
 - parental complaints of a serious nature which are found to be justified;
 - high staff turnover and high level of absence;
 - ineffective Performance Management Policy and procedures;
 - ineffective NQT induction and management;
 - serious breakdown in the way the school is managed or governed or the safety of pupils or staff is threatened.

By contrast, effective leadership and management will result in clear evidence of schools achieving their aims, for example, through good pupil progress, year-on-year improvement in external examination results, high staff morale, well run performance management programmes, etc. This will result in written acknowledgement through Standards Inspectors' notes of visit.

- **Rates of exclusion.** High rates of exclusion can be an expression of dissatisfaction and will in any event require investigation and support as necessary. The rate of exclusion will be judged regularly against OFSTED national averages and the averages for similar schools. The impact of Excellence in Cities funding, in resourcing appropriate measures to reduce exclusions, will also be monitored.
- **Levels of attendance.** Poor levels of attendance will require investigation and support as necessary. These will be judged regularly against OFSTED national averages and the averages for similar schools.
- **Behaviour.** Regular visits from Standards Inspectors and other LEA personnel will normally result in a comment concerning the behaviour and attitudes of pupils in the notes of visit. Adverse comment will be discussed with the headteacher and result, in the first instance, in school action. The LEA will work vigorously with schools, drawing on appropriate LEA personnel, to combat poor behaviour. Where it is possible, such judgements will be based on measurable data. Measures of behaviour will sometimes not be entirely objective but may be based on the professional judgement of the inspector(s) concerned, which will be shared with the school.

THE CATEGORIES AND LEVELS OF SUPPORT

The level of support warranted by a school is dependant on the circumstances of the individual school. For the first four categories an action plan has to be produced (see appendices). This defines the level of support. On a three-point scale of high, medium and low support these schools would require support in the high category. The final two categories are allocated support following discussion, between the headteacher and the Schools Standards Inspector, who makes a recommendation to the Standards and Effectiveness Senior Management Team regarding the level of support warranted.

LEA support for schools will be at different levels. All schools will receive three visits, in line with the Code of Practice of LEA Relationships. Support for schools, which will qualify for high level of support, will be co-ordinated by the LEA Senior Managers' Review Group. This cross-departmental group will ensure well co-ordinated, coherent and consistent support for each school. In addition to the basic entitlement of three visits, each school in this category will receive additional literacy, numeracy and Standards Inspectors' support. The extent of the weakness initially identified by OFSTED inspection and LEA monitoring visits will determine the intensity and level of the support and the intervention adjusted according to the progress made by the school and reviewed by the School Improvement Review group.

Evaluation of the impact of such support. This will be carried out by the Standards Inspectors and sometimes, depending on the nature and level of support and the problems of the individual school, by an external agent approved by the LEA. Normally, evaluation of the impact will take place at intervals agreed by the headteacher and/or governors of the school. In no circumstances will this be less frequent than at the end of the academic year in which support began.

LEA MONITORING PROCESSES

The Standards Inspectors will carry out systematic monitoring supported by the curriculum advisors and school officers. The extent of monitoring of schools will be based on inverse proportion to their success.

For example, a termly Strategic Review of all schools causing problems in the first five categories will be carried out by the LEA Departmental Management Team (DMT) chaired by the Director.

However, monitoring of all schools will include:

- conducting an annual joint review, with the headteacher, of the schools performance in meeting its targets and overall aims. It will include a review of:
 - *standards*
 - *quality of education*
 - *leadership and management*

This will normally comprise:

Analysis of statutory and non-statutory tests and examination data using prior

attainment data where available¹, comparing results and progress with data from other schools and statistical neighbours, and identifying potential issues;

Agreeing annual target setting and strategies for raising attainment;

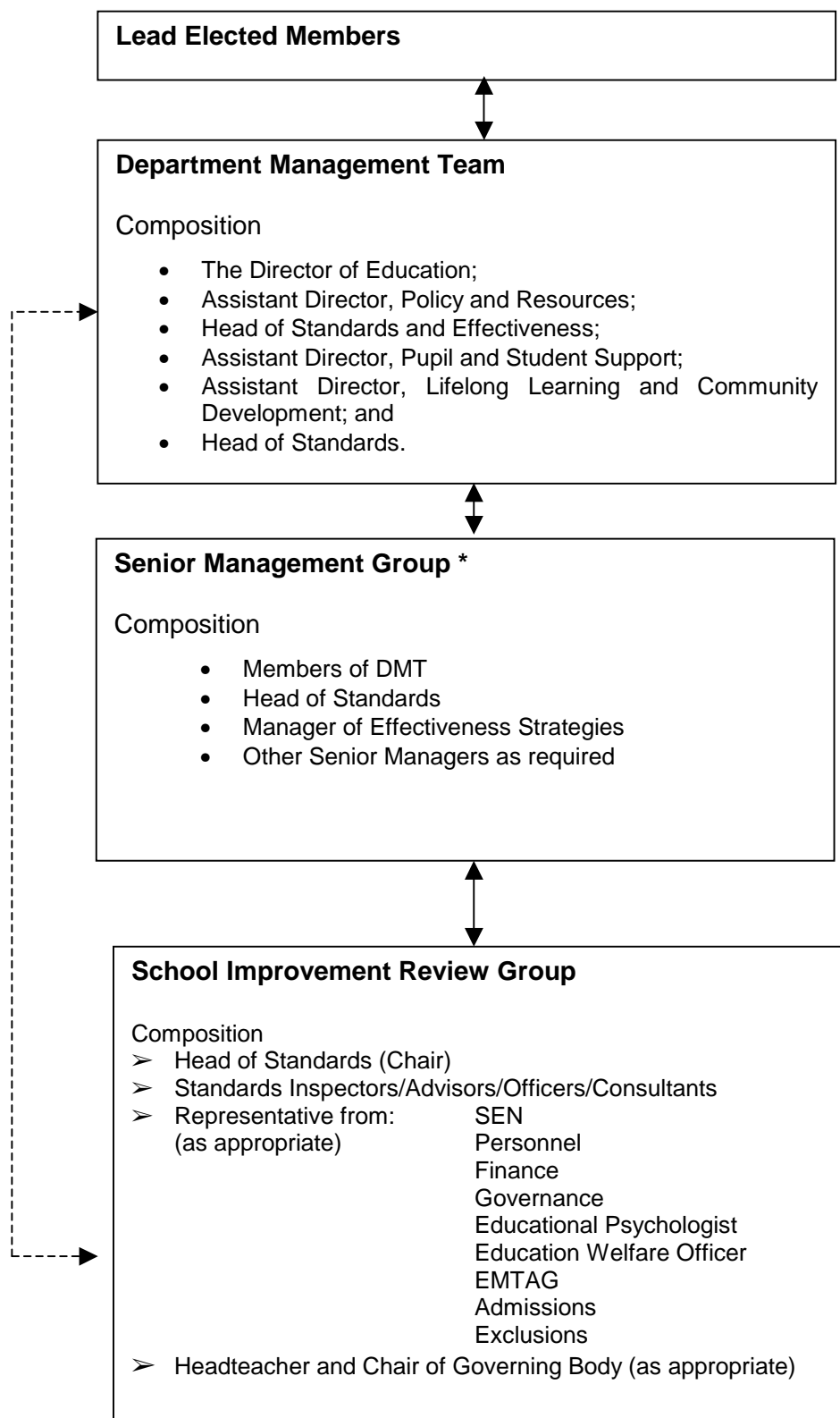
Reviewing 'school improvement plans' and assessing jointly with the headteacher, staff and governing bodies, progress made against stated criteria;

Gathering evidence of the quality of teaching and learning, particularly in relation to literacy and numeracy;

Reports, or notes of visits, will keep the schools informed about the areas of strengths and further areas of development and support necessary. These reports will be provided, where appropriate, to chairs of governors, after discussion with the headteachers;

¹ The expectation is that all schools will have this data. However, currently some pupils arrive in school without prior attainment data.

Tracking Progress



Education Department's procedures for tracking progress of schools causing concern

There are three stages:

- The Department Management Team carries out the strategic review.
- The Senior Managers' Group tracks progress of all schools and co-ordinates cross-departmental support.
- The School Improvement Review Group monitors and co-ordinates individual school support.

Formal warning by the LEA

1. Where the LEA has cause for concern the headteacher will be informed of the concern. Normally the link Standards Inspector will visit the school to inform the headteacher and will discuss the evidence. The link inspector and headteacher together will identify the additional support required.
2. The evidence giving rise to the concerns about the school will be presented by the Head of Standards and Effectiveness Division to the Department Management Team.
3. If the school does not accept the evidence (which must comply with the Code of Practice on LEA – School Relations, Part 2: Specific powers and duties) or is unable to act, the LEA may invoke its powers to 'engage directly in making decisions about the school's conduct and operation in areas which are normally reserved for schools to decide'. The LEA powers are to appoint additional governors and/or suspend a school's delegated budget.
4. The Head of Standards and Effectiveness Division/Head of Standards will ensure that the headteacher understands the cause for concern and the implications of these matters not being remedied within the stated time. If agreement on school improvement planning is reached the plan will be implemented and monitored in the usual way.
5. If agreement on the causes for concern, and/or the support and timescale for improvement is not reached, the LEA will 'issue a Formal Warning Notice in writing setting out:
 - a) the matters (causing concern) leading to the warning;
 - b) the action which the LEA requires the governing body to take in order to remedy those matters;
 - c) the period within which that action is to be taken by the governing body (the 'compliance period') requiring the school to take specific action'.
6. The decision to issue a Formal Warning Notice will be taken by the Department Management Team. Key elected members will be informed that the school is to be issued with a Formal Warning Notice.
7. The Formal Warning Notice will be issued in writing by the Director of Education at a meeting with the headteacher and chair of governors (unless this is impossible as one or other or both are absent from their role). 'The Secretary of State will be sent a copy of the warning notice at the same time as the headteacher and governing body'.

8. The Head of Standards and Effectiveness or the Head of Standards will continue to oversee support for the school. The LEA may: 'appoint additional governors within two months following the end of the compliance period; and/or suspend the right to delegated budget'.

8.1 In certain circumstances it may be in the interest of the school for the LEA to withdraw financial delegation from the school. In cases where the LEA has significant concerns over the leadership and management of the school, the LEA may, as a temporary strategy, withdraw financial delegation.

8.2 Establishing Joint Management between the LEA and the School

In cases where delegation has been withdrawn the LEA will normally establish formal management arrangements for the period of the withdrawal of powers.

Prior to establishing joint management, the Director of Education will submit a report to the authority's Cabinet explaining the circumstances of the school and requesting approval to withdraw delegated powers from the school, explaining the reasons for this action. If the Cabinet approves the report, the legal procedures will be followed. Where the case for urgent action is required the Director, in consultation with the Cabinet lead member, can withdraw delegation.

The LEA will then establish a Joint Management Group (JMG) which takes over the responsibility of the governing body.

The membership of the JMG will consist of a Standards Inspector, the headteacher of the school, other LEA officers drawn from across the Department (e.g. Personnel, Governance, and Finance) and where appropriate a governor from the school. The membership will be determined by the LEA usually in consultation with the governing body/head teacher of the school.

The JMG will be chaired by an LEA officer, usually a Standards Inspector or an officer nominated by the Head of Standards and Effectiveness. The frequency of the JMG meetings will be determined depending on the individual circumstances.

The JMG will usually assume the role of the governing body for those responsibilities removed from the governing body and the headteacher will report to the JMG. Usually all significant decisions, again depending upon the circumstances, will be taken in consultation with the governing body. The meetings of the JMG will be minuted and copied to the governing body.

8.3 Return of Delegated Powers to the School

In accordance with the principles set out by the Secretary of State, withdrawal of delegation will only be a transitional measure undertaken in the interests of the school, with a view to improving standards at the school.

In establishing a JMG, the clear criteria for return of delegation will be proposed by the JMG, within 3 months of withdrawing delegation, and jointly submitted to the Head of Standards and Effectiveness and the Head of Education Finance for approval.

The position will be monitored regularly by the JMG, at least annually, as to whether the criteria is being fulfilled, and the JMG will report jointly to the Head of Standards and Effectiveness and Head of Finance on the progress being made.

It may be appropriate to develop more detailed criteria for returning delegation as circumstances change and develop.

The JMG, following joint approval by the Head of Standards and Effectiveness and Head of Finance, will set a target date in the future for returning delegation. Subject to the criteria being met, the Director of Education will submit a report to the Cabinet outlining the position and seeking approval to return financial delegation. If approval is given by the Cabinet, the governing body will be notified, and where appropriate other parties will be informed.

9. Fresh Start

A school approved for a 'fresh start' will continue to be treated as a school causing concern and will be treated similarly to a school formally categorised as in serious weakness.

10. Where a school has been identified as in need of a 'fresh start' a Joint Management Group (JMG) consisting of the Head Teacher/Chair of Governors and the relevant LEA personnel will be established to oversee that the agreed action plan is implemented and monitored.

11. Removal of delegated budget. Where the elected members have agreed to remove the delegated budget of a school a Joint Management Group (JMG), consisting of the headteacher/chair of governors and the relevant LEA personnel, will oversee the implementation and monitoring of the agreed action plan.

12. Exit Strategy

The LEA will work with each school to ensure that there is a planned phased transition for a school to be removed from the schools causing concern category. A Transition Plan will be produced describing the action necessary to ensure that school improvement is maintained.

2. Research

3. Consultation

3.1 The policy forms part of the Education Development Plan, which was subject to extensive consultation when initially produced in 1999. The revised EDP is now being subjected to further consultation.

4. Financial Legal And Other Implications

a) Financial Implications

The financial commitments of the Schools Causing Concern are planned into the Education Development Plan, which is formally reviewed and revised on an annual basis.

b) Legal Implications

The Secretary of State has powers under sections 497, 497A and 497B of the Education Act 1996 to take steps to secure proper performance of their functions by a LEA. This policy derives from the use of those

powers. In addition, the LEA is obliged to have in place an Education Development Plan which sets out priorities for school improvement (section 6 of the School Standards and Framework Act 1998 and regulation 11 of the Education Development Plans (England) Regulations 1999). Such a Plan is required to have been in place from 1st April 1999 and ends at the conclusion of the school year beginning in 2001. The Plan is subject to sanction by the Secretary of State. The Plan is susceptible to review during its life at the instigation of the Secretary of State or the LEA. There is, therefore, a secure legal basis for the development of this policy.

The LEA's powers of intervention in schools causing concern are prescribed in section 14,15,16, and 17 of the 1998 Act. These powers only apply where a maintained school is either subject to a formal warning, or has serious weaknesses, or requires special measures. In these circumstances, the Act provides that the LEA may appoint additional governors or suspend the school's delegated budget. The Act sets out the conditions under which these powers may be used. In exercising these powers the LEA is required to follow the guidance set out by the Secretary of State in the Code of Practice for Securing Effective Relationships Between LEAs and Maintained Schools issued under section 127 of the 1998 Act. In each individual case where the LEA wishes to take action it will be necessary to ensure that the correct legal criteria for intervention are established, upon a sound factual basis, with due regard having been given to the Code of Practice.

- Guy Goodman, Assistant Head of Legal Services, Ext 7054

c) Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References within this report
School Improvement	Yes	All paragraphs in Sections 1, 2 and 3.
Equal Opportunities	No	
Policy	Yes	See paragraph 1.1
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	

5. Recommendations

5.1 These are set out in paragraphs 3.1 and 3.2 of the covering report.

6. Background Papers – Local Government Act 1972

7. Reasons for Treating the Report as Not for Publication

