



Halton's Learning and Achievement Strategy

April 2014 to March 2016

DRAFT

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INTRODUCTION AND STRATEGIC VISION

Halton Borough Council and partner agencies have a commitment to excellence in Education and believe that all children and young people deserve to be educated in successful schools. By supporting and enabling strong school leadership and management and early intervention when necessary, we aim to work in partnership with schools, and Dioceses, to bring about the best possible educational outcomes for our children and young people.

Our strategy for Learning and Achievement is aligned to the priorities that have been agreed through Halton Children's Children Trust within the Halton Children & Young People's Plan (2011-14). This Plan is the key strategic document that shapes the work of all agencies working to improve outcomes for children, young people and families in Halton, who collectively come together to form the Halton Children's Trust partnership. These strategic priorities have been agreed as:

- Improve outcomes for children and young people through embedding integrated processes to deliver early intervention
- Improve outcomes for children and young people through effective integrated commissioning
- Improve outcomes for our most vulnerable children and young people by targeting services effectively

The agreed priorities of the Trust are described in detail within the Halton Children & Young People's Plan.

This Learning and Achievement Strategy is set within the context of achieving the Trust's priorities. This Strategy brings together all relevant partners within Halton Children's Trust to work in collaboration to meet the agreed aims and objectives.

EARLY HELP AND SUPPORT

A local model for early help and support has been developed known as Team Around the Family (TAF). This builds on national reviews undertaken by Professor Eileen Munro (2010), Graham Allen (January and June 2011), Dame Clare Tickell (2010) and the Rt Honourable Frank Field (2010) all highlight the importance of early help and support. A number of key issues emerged from these:

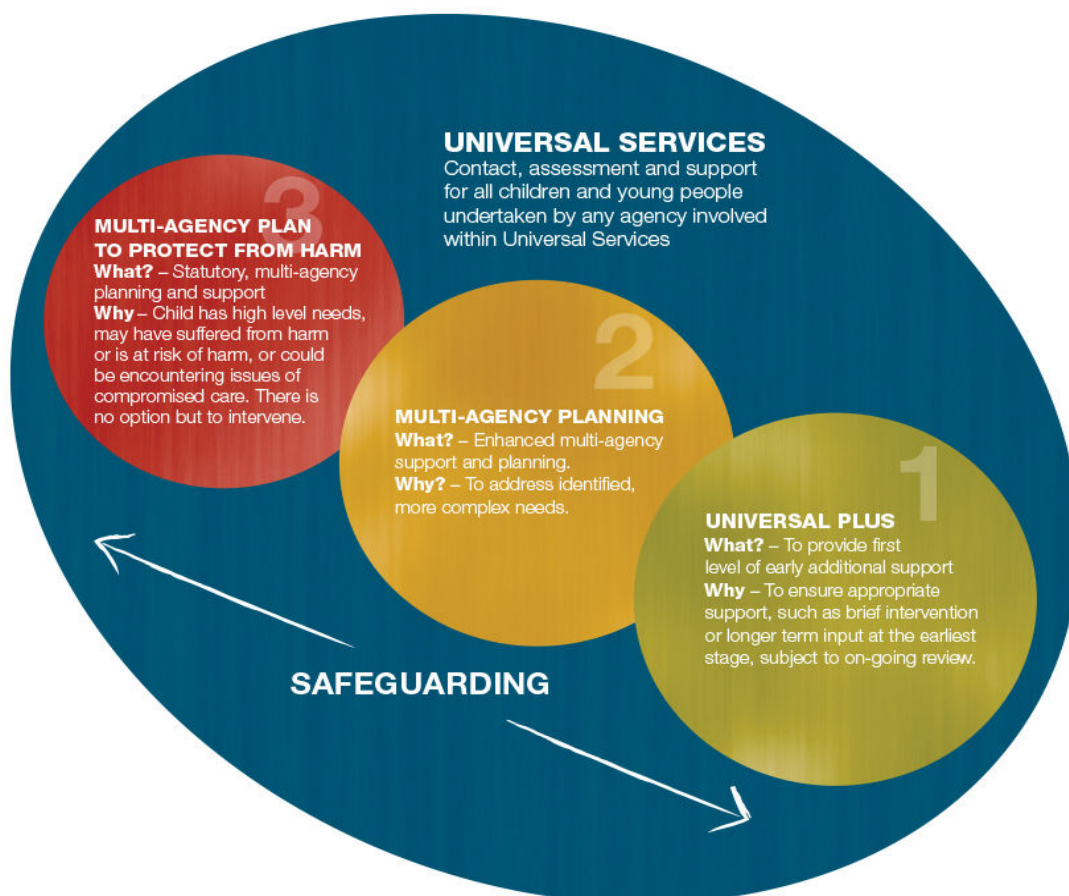
- (i) That strong early help services can help prevent needs escalating within families
- (ii) That success within early help depends significantly on needs being identified and help deployed within the first five years of a child's life
- (iii) That early help services need to be integrated and coordinated at both strategic and operational level
- (iv) That families benefit more from preventative, rather than reactive services, which is cost effective both for families and partners.

The TAF model in Halton has been fully embraced and endorsed by all partners within Halton Safeguarding Children Board and Halton Children’s Trust and Early Help & Support is a key strategic priority for both. There is a clear recognition from all partners that early identification of need and effective, well-coordinated services will help those families with additional needs in the Borough.

Halton’s Early Help & Support offer is inclusive – it is for all children, all parents and carers and all families, covering the full 0 – 19 and 0 – 25 age range as appropriate. The framework developed in Halton facilitates the integration of services and strategies for all partner agencies to form a combined early help offer for Halton.

This Learning & Achievement Strategy will play a crucial role in the continued development of TAF in Halton.

We recognise that in order to be able to intervene early, services need to be available to identify needs and support families across Halton. This is in line with the locally agreed Halton Levels of Need Framework on behalf of all agencies in Halton. The Framework aims to assist practitioners and managers in assessing and identifying a child’s level of additional needs and how best to respond in order to meet those needs as early as possible to prevent needs escalating further. The diagram below illustrates this Framework:



The broad nature of the work undertaken by colleagues in the Learning and Achievement Department to meet this Strategy means that all levels of the Framework will need to be considered within different areas of work.

LEARNING AND ACHIEVEMENT DEPARTMENT SERVICES

Halton Borough Council's Learning and Achievement Department sits within the Council's Children & Enterprise Directorate. The Department works in partnership with schools and early years settings to raise standards of attainment and achievement. Our overall aim is that no school or setting should fall into a category of concern. This work is undertaken by a team of specialists who focus on for example the curriculum, attendance, inclusion and behaviour within the different phases of education. We work together with the other departments of Children and Enterprise to achieve the best possible outcomes for all young people and to close the gap in outcomes for Halton's most vulnerable children and young people. The Department's main areas of responsibility are summarised in the boxes below:

0-19 Learning

- Early Years Foundation Stage (EYFS) and Key Stages 1 – 4 and School Sixth Form standards of achievement and attainment
- Monitoring and evaluation of the effectiveness of all schools and settings - categorisation
- Targeted support and intervention for satisfactory / requiring improvement and inadequate schools and settings
- Statutory assessment and moderation – EYFS, KS1 & K2
- Newly Qualified Teacher (NQT) registration, monitoring, quality assurance and induction programme
- Standing Advisory Council for Religious Education – statutory role around locally agreed syllabus
- Support for Head Teacher recruitment
- Head Teacher induction, leadership and succession planning
- Virtual head teacher for CiC and Vulnerable Pupils
- Education Safeguarding in schools
- Portage service
- Support for development of Music, school games and disability sports in schools

0-25 Inclusion

- Statutory assessments for pupils with Special Educational Needs (SEN)
- Statutory duties covering all areas of SEN for young people to the age of 0-19
- Provision of Additional resources and support for higher needs band of pupils including Action Plus Enhanced Provision
- Presentation of the LA case at SENDIST Appeals
- Statutory provision of Parent Partnership support to parents of children & young people with Special Education Needs
- Behaviour and attendance and Exclusions with the statutory duty to provide SEN Expert support for pupils at Exclusion Appeals
- Transition 0-19
- SEN service delivery for schools covering areas such as cognition and learning, visually impaired and hearing impaired Autism Speech Language and Communication
- Monitoring of provision and outcomes of provision for children and young people in the higher needs band of provision. This is including Special School provision, resource bases in borough, including those with academy status.
- Monitoring of provision and outcomes for pupils placed out of borough in all provision.

LEARNING & ACHIEVEMENT STRATEGIC OBJECTIVES

This Strategy is framed around the following three objectives:

- Increase the percentage of schools and Early Years settings where Ofsted judge overall effectiveness to be good or better.
- Increase the GCSE attainment for 5 or more A*-C including English and Maths
- Close the gap in attainment between vulnerable groups and their peers through early identification of need

Work in order to meet these objectives will be monitored and reported on a quarterly basis within Halton Children's Trust. The detail of how we are working to meet these objectives is contained within the appendices to this document.

Appendix A - Halton's Approach to School and Setting Support and Intervention

Introduction

It is our belief that every child has the right to succeed. At the heart of our vision is the ambition that all schools will be good or better, so that life chances for all children are improved. We value collaborative working with schools to deliver these aims. Schools have a responsibility for their own improvement and for making the best use of resources available to them. We believe that the strong partnership that exists between schools and the Local Authority, and between Local Authorities, is a valuable factor in Halton's history of successful outcomes for children and young people. This is reflected in our end of key stage outcomes, and Ofsted's judgement of school effectiveness. Standards are high and are continuing to improve. Our ambition is that all schools will be judged as good or better, and, by working collaboratively to eliminate inconsistencies in performance, we will ensure that no schools are vulnerable to falling below floor standards in the future. Our successful schools are key players in realising this ambition.

Our school improvement priorities are:

- That every school will be encouraged and supported to drive its own improvement resulting in strengthened accountability
- To ensure that no school remains below floor standards and that vulnerable schools in danger of falling below are identified in a timely manner and supported to ensure that they remain on an upward trajectory and above floor standards
- To ensure that there is sufficient leadership capacity to develop the overall effectiveness of schools to become good or outstanding

We are committed to working effectively with all schools to build capacity for school improvement through the effective deployment of the resources that are available to us, including the support of successful schools.

Collaboration

School to school collaboration is a strength in Halton and a variety of formal and informal networks exist. The Dioceses also have strong networks. Historically informal collaboration has been brokered by the LA including the identification of mentor heads, identifying and signposting good practice through the SIP role and, as appropriate, formal collaboration as part of an intervention strategy for schools causing concern. Schools will continue to be encouraged to develop their individual strengths, with system leadership development and sustainability being a key driver for capacity building and school improvement. The LA will continue to broker school to school links and will support successful schools to become a key player in school improvement. Choice and diversity will be increased through formal collaboration.

Teaching Schools

Teaching schools have a key role in school improvement. As well as offering training and support for their alliance themselves, teaching schools will identify and co-ordinate expertise from their alliance, using the best leaders and teachers to:

1. play a greater role in training new entrants to the profession
2. lead peer-to-peer professional and leadership development
3. identify and develop leadership potential
4. provide support for other schools
5. designate and broker specialist leaders of education (SLEs)
6. Research and development

The LA will work in partnership with Teaching Schools at a strategic level to increase and secure school improvement capacity across the local area. The LA will work with Teaching Schools in the following areas:

- developing school leadership and succession planning
- school to school support
- professional development for teachers and leaders

Working with the Teaching Schools we are recruiting a number of very experienced professionals to undertake the role of School Evaluation Partners (SEPs). The SEPs role will be to provide professional challenge and support to schools in Halton commissioned / brokered by Halton Teaching Schools and the LA. The SEP will act as a critical professional friend to schools to help build their capacity to improve pupils' achievement and provide challenge and support for the senior leadership team and provide an accurate and robust health check on the school's overall performance and development to governing bodies.

Improving Underperforming Schools

Despite successes, there continues to be variation in performance and quality across Halton schools. At some time or other, schools may need additional support. This support will be tailored to the school's specific circumstances and may involve a range of Local Authority Officers, and external support. The Local Authority may also act as a broker for school to school support. The level of support is determined by the School Categorisation process. The LA will offer advice to schools, based upon school categorisation, regarding the required level of support.

Halton has retained a core team of School Improvement Professionals to fulfil the strategic responsibilities for school improvement, ensuring accurate and timely identification of need and early intervention as appropriate. Whilst there will be some support provided by the central school improvement team, support will predominantly be provided through the commissioning of a range of expertise including through Teaching Schools, school to school support including National and Local Leaders of Education (NLEs /LLEs) and also through schools' access to traded school improvement services. This will enable schools to continue to access a wide range of quality assured support as required.

We will continue to learn from and extend existing models within Halton where a more creative collaborative school to school approach has been taken and has been successful.

Schools continue to have responsibility for their own improvement and for making the best use of resources available to them, including purchase of school improvement support from the market place. However, when schools fail to bring about the required improvement the LA will exercise its powers of intervention.

Categorisation of schools

Halton has always made effective use of data to categorise its schools. This approach will continue to inform levels of support, challenge and intervention (inverse proportion model). We continue to target support and challenge to address school to school variation. A range of data, including 'soft intelligence', is used to identify and monitor schools that we consider to be underperforming. This is recorded and shared with schools through our school categorisation systems.

This data includes:

- Ofsted outcomes
- analyses of Alerts and Triggers indicators
- Cross service sharing of information – Cross Service Monitoring Group (CSMG)
- DfE determined floor standards

Whilst we focus primarily upon those schools that are in an LA or Ofsted category of concern, we consider all of our satisfactory / requires improvement schools to be vulnerable. The vulnerability of satisfactory schools has been reinforced through changes to the Ofsted inspection framework, outlined by HMCI in his consultation – A Good Education for All (February 2012):

'Just over two million pupils are educated in schools judged to be 'satisfactory'. For around half of these children, that may cover the whole of their primary or secondary schooling. Children need and deserve better. Our expectation is that the quality of education for all children should be at least good. This proposal will mean that any school not providing a 'good' or better education will be deemed to be a school causing concern.' Sir Michael Wilshaw HMCI.

As a result we will continue to monitor, challenge and target support for our schools causing concern and satisfactory / requires improvement schools. Where considered necessary the LA will continue to exercise its intervention powers including the issuing of Warning Notices, provision of additional capacity on Governing Bodies, withdrawal of delegated powers and the establishment of Interim Executive Boards (IEB).

Our expectation is that schools will:

- continue to raise standards, particularly those schools that fall below floor standards
- ensure that the attainment gap is closed for vulnerable pupils
- have rigorous tracking and monitoring systems in place where assessment practice is contributing to identification, intervention and accelerated progress
- build effective system leadership through collaboration

And that our most successful schools will provide support for vulnerable schools and schools causing concern as an integral part of the LA's collective capacity for school improvement.

What school improvement services do we offer?

The 0 – 19 Division, through its school standards and effectiveness team, continues to provide a **universal** school improvement service for **all schools**. This includes:

- Link officer for all schools, time allocation based upon category
- Monitoring of all schools and settings – categorisation (gathering local intelligence to get a holistic picture of the overall effectiveness of schools)
- Statutory assessment and moderation – EYFS, KS1 and K2
- NQT registration, monitoring, quality assurance and induction programme
- Headteacher induction, leadership and succession planning
- Support for Head Teacher recruitment
- Virtual Head Teacher for Children in Care and vulnerable groups
- Education Safeguarding in schools
- Portage service
- EYFS Consultant Teacher team (including area SENCO role for private and voluntary settings)
- Music service offered through a Hub arrangement with Warrington (Accent)
- School Games Organisation, competition opportunities
- Promotion of Disability Sports
- Standing Advisory Council for Religious Education

Schools can also purchase support for data tracking through a service level agreement.

Preventative – as universal offer +

- Support and intervention for satisfactory / requiring improvement schools and settings, including brokering of school to school support
- Half-termly single school update meetings
- Additional capacity for Governing Bodies as appropriate
- Partnership reviews

Targeted – as universal and preventative offer +

- Support and intervention for schools and settings in LA or Ofsted categories of concern, serious weaknesses and special measures, including deployment of LLE / NLE as appropriate
- Additional capacity for Governing Bodies and / or establishment of an Interim Executive Board (IEB)

Approach to Support and Intervention for Schools in Halton

Introduction

The Local Authority (LA) approach is in line with the Department for Education (DfE) Revised Statutory Guidance for Schools Causing Concern. It takes account of the guidance in relation to those schools that are failing to provide an acceptable level of education to pupils and are a cause of concern.

This strategy will:

- Explain what a school can expect from the Local Authority in terms of procedures in relation to schools causing concern.
- Explain what the Local Authority can expect from a school in terms of procedures relating to schools causing concern.

The aims are:

- to show a relentless commitment to raising standards through high quality learning, teaching and leadership based on self-evaluation and self-improvement;
- to identify and disseminate best practice and challenge all schools to build upon this exemplification through collaboration
- to intervene early and establish constructive dialogue seeking self-remediation with advice but to use powers to warn schools where improvement is not sufficient;
- to use clear criteria where identifying schools causing concern, with particular emphasis on schools that are under-performing in relation to their pupil intake and general context;
- to provide a co-ordinated support from appropriate sections of the Children and Enterprise Directorate, targeted at those issues which bring about speedy improvement;
- to build the capacity of school leadership and management so that it is secure enough to generate self-improvement;
- to work in constructive partnership with Diocesan Authorities and other appropriate partners;
- to ensure that, where a school is causing concern, account is taken of the Children's Organisation and Provision data to arrive at a judgement regarding continued viability;
- to be decisive in using the full range of intervention powers if schools are not making adequate progress;
- to enable failing schools to be quickly removed from Special Measures / Serious Weaknesses and those schools requiring improvement to address issues promptly;

Academy Solutions

In May 2013 Lord Nash, Parliamentary Under Secretary of State for Schools, wrote to all Directors of Children Services stating the Department's position on schools in an Ofsted inadequate category:

As you will be aware this government has been very clear that underperformance in any school is unacceptable. We strongly believe underperformance needs to be tackled quickly and that matching a failing school with a strong Academy sponsor is the best way to bring about rapid and sustainable improvements.

As outlined in the Schools Causing Concern Guidance for Local Authorities there is a clear expectation that in cases where a school has been judged by Ofsted to have 'serious weaknesses' or require 'special measures' conversion to an Academy with a strong sponsor will be the normal route to secure improvement.

In the context of the DfE's position the LA will work with the DfE (and Diocese as appropriate) to support the identification of a suitable sponsor.

LA defined Categories of support

Halton uses an A - E categorisation system to indicate the level of support that a school may need. The categorisation of schools results from the analyses of a range of information, including standards data and Ofsted inspection findings.

There are 5 categories of support to schools:

A - High performing / outstanding schools - Universal offer and may also be providing the capacity to support other schools.

B - Good and Improving Schools Universal offer

C - Satisfactory / requiring improvement support – preventative offer, without which a school might become a cause for concern. It is essential that schools are drawn into support at an early stage and that their own evidence of performance, and the context within which they operate, is taken account of. **Schools in this category will be expected to show at least satisfactory improvement within 6 – 12 months.** As a result of reviews, or following support work in a vulnerable school, the LA reserves the right to issue a warning notice to the school, which acts as a Notice to Improve; the issue of a Notice to Improve is most likely where the response to support is showing that issues for improvement are inadequately addressed. **A Notice to Improve will directly put a school into the next category and it will be designated as a School Causing Concern (SCC).**

D - Schools Causing Concern (SCC) – designated by LA as having serious weaknesses (warning notice issued) – targeted support.

E - Formal Intervention – Ofsted designated special measures / serious weaknesses – targeted intervention in place

Where a school is in category D or E it is judged that it does not currently have the capacity to improve without support. The LA can designate a school as failing its pupils and a cause for concern equivalent to Special Measures / Serious Weaknesses without waiting for an Ofsted inspection where LA monitoring shows this to be warranted. It is the responsibility of the Operational Director for Learning and Achievement, acting on information and advice provided by school improvement officer, to place a school in a school causing concern category or to remove it from that category. Evidence that removal is justified is likely to be based on clear improvement against the criteria listed in the improvement plan and judgements will take into account the school's capacity to improve.

For schools that are either vulnerable or a cause for concern, the quality of information available is an important element in determining categorisation and the type of support required. In addition, a clear process is needed to enable support to have impact. The aim will be to share the evidence with Headteacher, governors and, as appropriate, others in the school community. Problems can arise in schools gradually or very rapidly when a number of complex problems occur simultaneously.

Information that will define vulnerability or trigger a cause for concern

Achievement

Pupil data showing attainment, progress and performance over time, including in relation to DfE determined floor standards. Critically, it will be used to check if the school is in the bottom percentile on one or more key performance indicators. It will be scrutinised to see if the school is in a declining trend for the second or subsequent years on a number of indicators. Significant underachievement by a large proportion of pupils or particular groups of pupils will be taken into account, especially in the core subjects and in relation to value added. There will also be consideration given to the school's effectiveness in closing the gap for vulnerable groups and the effectiveness of the school's use of pupil premium.

Inclusion and pupil behaviour and safety

- Poor attendance and behaviour not dealt with adequately by the school
- Significant shortcomings in provision for pupils with Learning Difficulties and Disabilities (LDD)
- Concerns regarding the safeguarding of pupils
- Matters of health and safety which place individuals at serious risk of harm
- Significant concerns regarding inclusive practice.

Leadership and Management

- The effectiveness of leadership and management as judged against Ofsted criteria and taking account of the capacity to improve
- The quality of school self-evaluation and improvement planning
- The quality of performance management and continuous professional development
- The quality of internal relationships which might be poor where there is a breakdown in communications, morale or a sense of coherent direction
- Financial information including evidence of financial misconduct or neglect
- Levels of sickness absence and staff turnover

- Consistent failure to discharge statutory duties.

Quality of Teaching

- The quality of teaching particularly where there are significant amounts of inadequate teaching – normally 10% or more
- How well learners acquire new knowledge and skills and make progress in lessons and over time
- The quality of assessment including the effective use of information to track pupil progress, set targets and improve learning
- The quality of the curriculum including its relevance, breadth and balance, taking account of the aptitude and abilities of the pupils
- The equality of opportunity provided for all pupils to learn and make progress in relation to their capabilities.

Other Evidence

- Significant levels of harassment or racial tension
- Gross misconduct resulting in quantifiable incapacity to effectively deliver the curriculum which prejudices the future viability of the school
- A less than satisfactory response to previous support and insufficient progress in addressing areas for which this support was given
- A high level of concern / complaints raised by parents / carers in the local community

Schools will be classed as a cause for concern when there are significant weaknesses in a combination of the above key factors. Information is drawn from a number of sources including:

- Standards data
- Ofsted information
- Cross Service Monitoring Group
- Partnership reviews including direct observation

Partnership Review

The nature of a partnership review will vary according to the issues at the school. Not all reviews will include observation of teaching and learning as the evidence on this might be clear and this might not be the area that requires improvement. Overall the process is:

Audit and review to gather evidence and establish priorities for support

This will comprise of a joint LA / School review where a team of school improvement and other officers where appropriate, establish with the school an evidence base of the key issues faced and, consequently the support required. This will comprise:

- Pre-review commentary shared with school setting out evidence and key questions
- A review in the school to gather first hand evidence
- A post-review report to the Headteacher and governors

This review will draw on: the schools use of self-review tools, SEF, Ofsted and other appropriate documentation. Evaluations will be shared with the school and school self-review information will form an important part of this process as it indicates the school's capacity to

improve, Review will be co-ordinated by a LA adviser and in consultation with the SIP and school leadership.

Planned improvement support

A Raising Achievement Plan (RAP) will be agreed between the school and the LA. This should complement the School Development Plan (SDP). It will set out the key objectives to be achieved, actions to be undertaken, success measures, professional development needs, timescales and resources to be allocated. The Senior School Effectiveness Officers and Strategy Managers will ensure that any support provided following the review is coherent and co-ordinated.

Monitoring and evaluation of agreed success against the RAP with progress reported to governors at least once each term. The School Adviser will monitor and assess the impact of any support, taking into account the RAP and the success criteria within it. The likely areas to be **reviewed** and **supported** are set out below but reviews will vary according to school needs and circumstances and will depend on progress against action plan objectives:

a. Achievement

Account will be taken of performance over time, in relation to targets and contextual value added indicators. Particular consideration will be given to pupils at risk of underachieving, vulnerable pupils (including Children in Care) and those with LDD. Attendance will be taken as a key indicator.

b. Leadership and Management

The evidence to evaluate leadership and management will come from SIP notes of visit, the school self-review, Ofsted reports or from Joint LA / School review. Where a Joint LA / School review evaluates leadership, it will be based on Ofsted criteria. The criteria for leadership apply to all of those with leadership responsibilities: Headteacher, Governing Body, Senior Management and others as appropriate. A key task will be to support the capacity-building for improvement. This will be especially important where there has been significant change in leadership or where there is a long-term absence of key staff or workforce pressures such as recruitment and retention.

c. Learning and Teaching

The aim of this support will be to improve the quality of learning and teaching, throughout a school, at a Key Stage or in particular subjects or year groups. Evidence to evaluate the quality of learning and teaching will come from school self-review, SIP reports (where commissioned), Learning and Achievement department notes of visits (NOVIS) Ofsted reports and Joint LA / School review. In judging the quality of learning and teaching, Joint LA / School review will take account of Ofsted criteria. Teaching will be evaluated in terms of the impact it has on learning.

d. Behaviour and Safety

Evidence that might generate support would come from analysis of attendance and exclusion data. The support will be provided by the Attendance and Behaviour service.

Cross Service Monitoring Group (CSMG)

The remit of the group is to ensure that timely intervention and support results in a reduction in the number of schools in (or approaching) a category of concern. The role of the CSMG is:

- To provide a cross-service forum for the sharing of intelligence in relation to schools, including good practice and areas of concern, in order to ensure an holistic view of the school's overall effectiveness.
- To encourage and facilitate productive networking across and beyond teams
- To develop, implement and monitor a system of alerts and triggers to support the categorisation of schools in line with the Halton Strategy for Support and Intervention
- To provide support for schools that have been identified as vulnerable or causing concern - to work collaboratively as a 'team around the school'
- To provide an update on developments in schools and where relevant to monitor progress towards removal from a category of concern

The LA Cross-Service Monitoring Group (CSMG) checks the progress of all vulnerable schools and SCC to enable decisions to be made which schools move in and out of these categories, taking account of the triggers and information listed above.

- The CSMG meets each term; it consists of senior officers and service leads
- The CSMG will give particular consideration to Vulnerable Schools and SCC but will also review provision of other schools at the recommendation of the Operational Director (Learning and Achievement Service)
- Prior to CSMG meetings, the LA will gather evidence of the type set out above and this will form the basis of information taken to the CSMG
- Following meetings of the CSMG, schools will be informed of categorisation changes by the Operational Director (Learning and Achievement)
- The progress of SCC will be discussed on a regular basis at Children and Enterprise SMT meetings
- Progress of SCC will be reported to the Members Policy and Performance Board
- It is anticipated that open exchanges of information and on-going dialogue should ensure that situations rarely occur where the school does not agree with the category of concern in which it is placed. However, where the Headteacher and / or the Governing Body do not agree that there are concerns at the level indicated, the Operational Director (Learning and Achievement) will visit the school and clarify the nature and degree of concern.
- The aim will always be to seek early and constructive dialogue with the Headteacher, Chair of Governors and, as appropriate, the full Governing Body or Sub-Committee.

Where a school is a cause for concern, it will receive a commensurate amount of support, challenge and monitoring, including Joint LA / School review as appropriate, which will be reported to the Governing Body.

Formal Warning Notice

The move to formal warning / intervention will apply in rare circumstances. It is relevant only to those schools with significant concerns that fail to address their responsibilities, despite extensive support having been provided by the LA. The decision to move to this level will be taken after full consultation with the school and other appropriate authorities. In making the decision, the LA will seek to establish whether the situation at the school is at least comparable in seriousness to a finding by Ofsted of Special Measures.

The LA is committed to working with schools to secure improvement, but will comply with its duty to undertake formal intervention, including, where appropriate, the appointment of additional governors, suspension of the delegated budget, federation and closure.

A school becomes '*eligible for intervention*' – the term used in the Education and Inspection Act 2006 to denote schools subject to the spectrum of intervention powers – if the governing body has received a formal warning and has failed to comply with it to the Local Authority's satisfaction.

The Local Authority must have provided reasonable written notice to the governing body that intervention is being contemplated. When a notice is issued, it must inform them of their right to appeal to Ofsted within the initial period of 15 working days. The school can avoid intervention if Her Majesty's Chief Inspector (HMCI) decides not to confirm the warning notice following representations from the governing body.

The governing body has a further period of 15 working days to respond appropriately to the warning notice starting immediately after the initial period or when HMCI confirms the notice if an appeal has been made.

Warning notices will only be used where there is evidence to justify both the LA's concerns and the school's reluctance to address these concerns through a professional dialogue with the Local Authority within a reasonable timeframe.

Issuing a warning notice

Once the grounds for issuing a warning notice have been established, the Local Authority will set out their concerns in writing to the governing body. This written notice must include:

- a. The reasons for issuing the warning notice, including references to the quantitative and qualitative evidence the authority has used in deciding to issue the notice
- b. The action the Governing Body needs to take in order to address the concerns raised
- c. The action the Local Authority is considering if the Governing Body do not comply satisfactorily with the warning
- d. The date when the 15 working-day compliance period will come to an end
- e. A reminder to the Governing Body that they may appeal to Ofsted within 15 working days if they feel that the grounds for issuing the warning notice are not valid or that the action proposed if the school fails to comply is disproportionate

The Local Authority must send the warning notice to the Governing Body of the school and copy the notice to the Headteacher, HMCI at Ofsted, and the appropriate appointing authority for church, foundation or voluntary schools.

Appealing against the warning notice

The Governing Body of a school that has received a warning notice can appeal to Ofsted under section 60(7) of the Act, if it believes that the Local Authority has:

- issued the warning notice without sufficient objective evidence, or;
- proposed action that is disproportionate to the scale of the issues facing the school.

The appeal must be made in writing within 15 working days of receipt of the warning notice. It should be sent to the Regional Divisional Manager at Ofsted, and copied to the LA.

The written appeal may contain, as appropriate:

- why the governors disagree with the grounds for the warning notice; or
- why the governors consider the action proposed by the authority is disproportionate to the scale of the issues facing the school; or
- a combination of both the above

Role of Ofsted

- Ofsted will send an e-mail to the school, copied to the Local Authority, acknowledging receipt of the appeal.
- Ofsted may request additional documentary evidence; if such evidence is requested, it should be supplied within 5 working days.
- Ofsted will scrutinise the evidence provided, and may also examine other relevant documents (e.g. the school's Ofsted report, RAISE online data, and the Local Authority's Joint Area Review report).
- Ofsted may make its judgment based on written evidence alone, if the documentation is sufficiently comprehensive. In some circumstances, for example if there is insufficient written evidence to reach a decision, Ofsted may inspect the school.
- Ofsted will decide either to uphold or reject the appeal, and will communicate this decision in writing to the school and the LA.

Supporting Information

Context and legislation

Schools Causing Concern Guidance for Local Authorities

Part 4 of, and Schedule 6 to, the 2006 Act set out that a school causing concern is one which is “eligible for intervention”. This is where:

- performance standards and safety warning notice has been given (section 60) and the school has failed to comply;
- teachers' pay and conditions warning notice has been given (section 60A)¹ and the school has failed to comply;
- a school requires significant improvement (section 61);
- a school requires special measures (section 62).

Where a school is eligible for intervention there are a number of powers the local authority or the Secretary of State may use to drive school improvement. These interventions are set out in sections 63-66 of the 2006 Act in respect of local authorities and sections 67 to 69 in respect of the Secretary of State. Local authorities must give reasonable notice in writing to the governing body that they propose to exercise their powers under any one or more of sections 63 to 66.

<http://www.education.gov.uk/aboutdfe/statutory/g00192418/scc>

This is statutory guidance given by the Department for Education, on behalf of the Secretary of State, relating to schools causing concern.

Section 72 of the Education and Inspections Act 2006 places a statutory duty on all local authorities in England, in exercising their functions in respect to schools causing concern as set out in Part 4 of the 2006 Act, to have regard to any guidance given from time to time by the Secretary of State. Local authorities must have regard to this guidance.

What legislation does this guidance relate to?

- School Standards and Framework Act 1998
- Education and Inspections Act 2006 (“the 2006 Act”)
- Apprenticeships, Skills, Children and Learning Act, 2009 (ASCL Act)
- The School Governance (Transition from an Interim Executive Board)(England) Regulations 2010 (Transition Regulations)
- Academies Act 2010
- Education Act 2011

Key points

- This guidance provides information, on the legislative requirements for intervening in schools causing concern. All those using this guidance, particularly local authorities, who must have regard to it, should also be familiar with the actual wording of the legislation to which this guidance relates, in particular Part 4 of, and Schedule 6 to, the 2006 Act. This legislation has been amended by several, subsequent Acts, including recently changes made by the Education Act 2011.

- For the purposes of this guidance “schools causing concern” are not just those schools “eligible for intervention” within the meaning of Part 4 of the 2006 Act but are also those about which the local authority has other serious concerns, such as those consistently below the floor standards where the local authority may want to consider using their intervention powers and give those schools a warning notice.

A local authority may be directed “to consider” giving a performance standards and safety **warning notice** in the terms specified in the direction, if the Secretary of State thinks there are reasonable grounds for the local authority to do so and:

- the local authority have not given a warning notice to the governing body; or
- the local authority have done so, but in inadequate terms; or
- the local authority have given a warning notice to the governing body but Ofsted have failed or declined to confirm it; or
- the school has become eligible for intervention, but the period of two months following the end of the compliance period has ended.

A school will be “eligible for intervention” if they have not complied with a warning notice or where they require significant improvement or require special measures.

Where schools are eligible for intervention local authorities may exercise their powers to:

- require the governing body to enter into arrangements;
- to appoint additional governors;
- to suspend the delegated authority for the school’s budget;
- to appoint an Interim Executive Board

A. Local Authority Powers of Intervention

i. To require the governing body to enter into arrangements

Section 63 enables a local authority to require a school which is eligible for intervention to enter into arrangements with a view to improving the performance of the school. The local authority may give the governing body a notice requiring them:

1. to enter into a contract or other arrangement for specified services of an advisory nature with a specified person (who may be the governing body of another school)
2. to make arrangements to collaborate with the governing body of another school
3. to make arrangements to collaborate with a further education body or
4. to take specified steps for the purpose of creating or joining a federation.

ii. The appointment of additional governors

Section 64 enables a local authority to appoint additional governors where a school is eligible for intervention. The local authority is likely to appoint additional governors when they would like a school to be provided with additional expertise and may appoint as many additional governors as they think fit. In the case of a voluntary aided school where the local authority have exercised the power to appoint additional governors, the appropriate appointing authority in relation to that school may appoint an equal number of governors to those appointed by the local authority.

iii. The appointment of an Interim Executive Board (IEB)

Section 65 of the 2006 Act enables the local authority to apply to the Secretary of State for consent to constitute the governing body as an IEB in accordance with Schedule 6 to the 2006 Act. An IEB can be used to accelerate improvement in standards and attainment and provide challenge to the leadership of the school to secure rapid improvement or where there has been a serious breakdown of working relationships within the governing body of the school.

iv. The suspension of delegated authority for the governing body to manage a school's budget.

Section 66 of the 2006 Act enables a local authority, by giving the governing body of the school notice in writing, to suspend the governing body's right to a delegated budget. This applies where a maintained school is eligible for intervention and the school has a delegated budget within the meaning of Part 2 of School Standards and Framework Act 1998. A copy of the notice to suspend the right to a delegated budget must be given to the headteacher of the school and the governing body. If the local authority has appointed an Interim Executive Board (IEB), it cannot suspend the school's right to a delegated budget.

B. Secretary of State Powers of Intervention

Where schools are eligible for intervention the Secretary of State has the power to:

1. appoint additional governors;
2. appoint an Interim Executive Board,
3. make an academy order
4. direct the local authority to close a school.

1. Power to appoint additional governors

Section 67 of the 2006 Act allows the Secretary of State to appoint additional governors at any time a maintained school is eligible for intervention; the Secretary of State may appoint any such number of additional governors as he sees fit. Before making any appointment, the Secretary of State must consult:

1. the local authority
2. the governing body of the school
3. in the case of a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority and
4. in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.

The Secretary of State may pay any governor appointed such remuneration and allowances as is considered appropriate. Where the Secretary of State has exercised this power, the local authority may not exercise their power to suspend the governing body's right to a delegated budget. In contrast to the local authority's power, the legislation provides that a voluntary aided school is not authorised to appoint foundation governors for the purpose of outnumbering the other governors appointed by the Secretary of State.

2. Power to provide for the governing body to consist of interim executive members

Under Section 69 of the 2006 Act the Secretary of State may require the governing body of a school to be constituted as an IEB in accordance with Schedule 6 to the 2006 Act where the school is eligible for intervention. Before this power can be exercised the Secretary of State must consult:

1. the local authority
2. the governing body of the school
3. in the case of a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority; and
4. in the case of any other foundation or voluntary school the person or persons by whom the foundation governors are appointed.

This requirement to consult does not apply if the local authority has already done so or if an academy order has effect in respect of the school.

3. Power to make an Academy Order

Section 4 of the Academies Act 2010 permits the Secretary of State to make an academy order in two circumstances: firstly, on the application of a school's governing body under section 3; or secondly, if the school is eligible for intervention within the meaning of Part 4 of the 2006 Act .

If an academy order is made in respect of a school, the Secretary of State must give a copy of the order to:

- a) the governing body of the school;
- b) the head teacher; and
- c) the local authority.

Following the making of an academy order, the governing body must consult on whether the school should be converted into an academy before the school becomes an academy.

4. Power to direct the closure of a school

Section 68 enables the Secretary of State to direct a local authority to cease to maintain a school where that school is eligible for intervention by virtue of it requiring special measures only. This will usually be done where there is no prospect of the school making sufficient improvements. Before this power can be exercised the Secretary of State must consult:

1. the local authority and the governing body of the school
2. in the case of a Church of England school or a Roman Catholic Church school the appropriate diocesan authority
3. in the case of any other foundation or voluntary school the person or persons by whom the foundation governors are appointed and
4. such other persons as the Secretary of State considers appropriate.

If the direction to close a school has been given, the local authority will be expected to meet any costs of terminating staff contracts and make appropriate arrangements for the pupils continuing education, whether in a replacement school, or through transition to an alternative school.

Associated resources

- **Academies Act 2010**
- **Apprenticeships, Skills, Children and Learning Act 2009 (amended the 2006 Act)**
- An Act to make provision for apprenticeships, education, training and children's services.
- **Education and Inspections Act 2006**
- **Education Act 2011 (amended the 2006 Act)**
- **School Governance (Transition from an Interim Executive Board) (England) Regulations 2010**
- Download the School Governance Regulations 2010 from the Opsi website.
- **School Standards and Framework Act 1998**
- The 1998 School Standards and Framework Act contains provisions for schools and nursery education. This covers further education for young people at school, and in FE institutions across the UK.

Appendix B – Halton’s Approach to the Inclusion of Children and Young People with Special Educational Needs 0-25

INTRODUCTION

The purpose of this document is to describe progress in establishing an ethos of inclusive learning for children and young people with additional learning needs in Halton. It will describe what work has been undertaken in shaping service provision within the borough. It will also highlight the areas which require further development in ensuring Halton establishes Early Help, Support and intervention through a graduated approach and where Special Educational Need (SEN) provision is no longer seen as an ‘add on’ but as part of an overall strategy to facilitate and promote the learning opportunities and improved outcomes of all children and young people in Halton.

Halton Children and Young People Plan (2011-2014) highlights the Trust’s overall vision to build stronger safer communities which are able to support the development and learning of children and young people so they grow up feeling safe, secure happy and healthy and ready to be the future of Halton. The approach will continue to maintain a focus and strong emphasis upon “narrowing the gap” in attainment and achievement for those most at risk to achieving poor learning outcomes. Provision to meet needs will be delivered across a continuum that supports Inclusion as an acknowledged right for all children and young people in Halton within the spirit of Presence Participation Achievement and Attainment (PPAA.) The support to PPAA lies within the structure of the Inclusion Division 0-25. The delivery of support is outlined within a series of Service Planning encompassing the following:

- Attendance and exclusion Behaviour support and alternative provision
- Educational Child Psychology
- Statutory Assessment
- Enhanced Provision
- Cognition and Learning
- Progression and outcomes
- Social Communication and Autism
- Hearing Impairment
- Visual Impairment
- Medical & Physical needs

PRESENCE:

Is concerned with where learners are educated and whether they attend regularly and arrive punctually. In line with Government policy, we believe wherever possible, all learners should be enabled to receive their education in a mainstream setting

PARTICIPATION

Is concerned with the equality of educational experiences of all learners. It includes their feelings of involvement and value. It also concerns listening to their views of the quality of the services they receive

ACHIEVEMENT and ATTAINMENT

Is concerned with the learning outcomes across the whole curriculum, including activities inside and outside of the classroom and therefore judgements should be made on holistic attainment and progress of pupils but not solely on the basis of test and examination results.

The Children and Enterprise Directorate, with partner agencies, has endeavoured to establish structures and relationships with a range of professionals, agencies, organisations including schools and settings through regular consultation. The existence of a Strategic Trust Board has provided solid foundations upon which to further develop inclusive learning and improved outcomes for children and young people with additional needs in Halton. Halton's approach to the Inclusion of Pupils with Special Educational Needs and disabilities is embedded within the aims and priorities of The Children and Young People Plan. This graduated approach aligns closely to **The Early Help Strategy and Halton's Levels of Need Approach to early intervention** (see page 3 of this Strategy).

The Early Help Strategy

This strategy embodies the principle that all agencies work together with children and families to deliver early help and support through a think family approach to ensure a positive impact upon all individuals within the family.

NATIONAL CONTEXT

- The SEND Green Paper 2011
- The Children & Families Bill 2013
- The new Code of Practice

The SEN Review 2010 and subsequent Reforms encased within the Children and Families Bill 2013, recommends wholesale change in the delivery of support to children and young people with SEN and additional needs 0-25. Implementation is required by September 2014. It is acknowledged that this is a complex task, and will require continued commitment from all partners over the coming months and years in developing: Education Health and Care Plans (EHC Plans) Personalised Budgets and a local offer that demonstrates a range of provision, responsive to the continuum of need experienced by children and young people within the borough and which can strengthen conditions for further "narrowing the gap" in attainment and achievement.

Therefore this document must be viewed as an enabling approach, where agencies work together with children and families to ensure positive outcomes upon individual children and young people within the family

The goals of the GREEN PAPER

- replacing SEN statements and Learning Difficulty Assessments (for 16- to 25-year-olds) with a single, simpler 0-25 assessment process and Education, Health and Care Plan from 2014
- providing statutory protections comparable to those currently associated with a statement of SEN to up to 25 in further education – instead of it being cut off at 16
- requiring local authorities to publish a local offer showing the support available to disabled children and young people and those with SEN, and their families
- giving parents or young people with Education, Health and Care Plans the right to a personal budget for their support
- introducing mediation for disputes and trialing giving children the right to appeal if they are unhappy with their support.

The legislation would draw on evidence from 20 local pathfinders set up in September 2011. The

HALTON CONTEXT

It is essential that factors combine to ensure that retained services and outreach support should be supportive of the family, and settings, staffing and systems as well as providing direct support to children and young people. Only then can Halton deliver a programme of personalised learning that embodies the flexible curriculum so outcomes for children and young people with LDD are improved.

Halton has embraced the key objectives in

- *Early intervention through improved early years provision and through reduced reliance on statements in mainstream schools, through the Introduction of Enhanced Provision Support*
- *The develop of specialist provision and services*
- *Ensuring a continuum of provision embracing both special and mainstream schools*
- *Improved monitoring accountability and self-evaluation by schools.*

In attempting to deliver this programme Halton has:

- **Built increased confidence in schools** to use the totality of resources open to them when managing the diversity of learning needs within their school community. In doing this we have **seen a reduction in the number of requests of statutory assessments in the borough and a reduction in the overall percentage of pupils with statements.** As a result of this reduction in statutory assessments we have been able **to re-invest the savings in earlier intervention such as School Action Plus Enhanced and the further development of Specialist Provision, responding to identified need within the Borough and supporting the local offer.** This has supported children in all settings, including pre-school
- **Monitored the learning outcomes of the most vulnerable learners and succeeded in narrowing the gap. The gap is continues to narrow and therefore it is clear that reduced statements in the borough has not had a detrimental effect on pupil achievement**
- **In Halton, we have developed a focus on services to ensure that all children in Halton are able to access inclusive, high quality provision across all key stages.**
- **All settings are supported and developed to ensure good excellent opportunities that lead to improved outcomes for children and young people. Children and families are supported through a graduated approach by universal as well as targeted services**

- **Advice and support can be offered on a preventative basis**, this includes outreach support from special school settings, and specialist resourced bases thereby making the best use of specialist provision including special schools and delivering outreach support on a locality footprint.
- **Within Halton, systems are embedded to support young children with additional and exceptional need in private and voluntary settings**, using Early Intervention Grant funding. This ensures equality of support across all learning provision and settings within Halton.
- We maintain the capacity building and training that has resulted in the reinvestment of funding. This has seen a **significant reduction in the number of pupils with ASC educated in special schools outside the borough.**
- We ensure that all **savings are reinvested and recycled to meet the needs of pupils with additional needs earlier**
- **We maintain a structure that requires the views of the child** to be obtained through increased practice of Person Centred planning and reviewing with significant emphasis upon the voice of the child. This is accessed through a range of strategies, including advocacy and photo voice.
- **We strive to embed the practice of early help and intervention and align Inclusion Learning Practices with The Early Help Strategy in Halton.**
- **We remain committed to the Every Disabled Child Matters Pledge**
- **Acknowledged that we need to continue to focus under provision** to ensure the implementation Section 3 of the Children and Families Bill 2013 to ensure that we deliver a good local offer that facilitates the inclusion of children and young people with a wide range of Special Educational Needs 0-25 wherever possible within borough provision.
- **Recognised we must, wherever possible, take the resource to the child to meet identified learning needs.**
- **Closing the gap is seen as a priority** within Halton and therefore is embedded within Halton's Children and Enterprise Directorate Plan and The Early Help Strategy.
- Recognise that the labels of SEN and LDD can become barriers to achievement as they look at concerns and problems, which prevent or alter learning. **Good practice in SEN and LDD should be good practice for all children.**

EDCM pledge for Local Authorities is:

Families with disabled children to have ordinary lives

Disabled children to matter as much as all other children

Disabled children and their families to be fully included in society

All disabled children and their families to get the right

Primary and Secondary Resource Bases are

centres of expertise that will be sufficiently resourced and staffed to support children young people and schools both in the base. These bases can

Halton still needs to

- **progress the development of an integrated approach** to services for children with LDD specialist activities across agencies.
- **Implement the recommendations outlined in section 3 Children and Families Bill 2013 and ensure readiness to undertake the duties of the intended Act**
- **Keep the practice and delivery of support from resource bases under annual review to ensure that they are flexible in their approach to outreach as well as** to provide a small number of children and young people with full time education and **develop awareness of purpose and the expertise of resource bases** and the cohort of children and young people these bases are able to support, specifically low incidence needs.
- **Continue to build partnerships** with schools which are based on trust and respect for the expertise and knowledge of all partners engaged in delivering the Green paper agenda
- Continue to support and **develop cross agency training.**
- **Develop the strategic coordination of all existing outreach support services** to avoid duplication
- **Promote the use of Halton's Integrated Commissioning Framework within all educational settings** to aid transparency and the continued provision of good quality services that provide value for money.
- **Continue the development of systems and process that encourage evidence based needs assessment.** Thus enabling a transparent process for the application of additional support and resources to facilitate earlier intervention. This will be based on an inclusive model of managing the needs of all children.

WHAT WE WANT TO ACHIEVE

We recognise that the relationship between all agencies and organisations working with children and young people with additional needs is key to implementing the recommendations of the Children and Families Bill 2014 enforcing outcomes focussed planning and “closing the gap”. No single agency can manage in isolation as each aspect has something unique and valuable to offer.

Collective objectives are:

- **To ensure the Implementation of the recommendations of Section 3 of Children Families Bill 2013**
- **Education, Health and Care Plans** to replace statements and extended from 0-25
- LAs to produce a **Local Offer** giving information on what services are available locally
- Parents to be offered **Personal Budgets**
- Parents to be offered **Mediation** before going to Tribunal
- **School Action and School Action Plus** to be reduced to a single category
- Improve the levels of educational achievement and attainment for pupils with additional need who may be at risk of underachievement.
- Maximise opportunities for all pupils to be educated in mainstream schools alongside their peers and to recognise this as their entitlement
- Provide Specialist provision to facilitate and promote inclusive practice, in particular develop processes that ensure the voice of the child is represented in the design, delivery and planning for inclusive learning in Halton.
- Ensure pupil needs are met early and effectively in line with a graduated approach and that there is an integrated approach to services for children with additional needs and their families
- Monitor SEN resources including those held by the Local Authority and those delegated to schools to ensure that they are allocated consistently and efficiently
- Work in Partnership with parents and carers and other agencies to deliver the Early Help and Support Model and the undertake the duties identified in the Children & Families Bill 2013 and Act 2014
- Promote and maintain partnership with all agencies to ensure pupils with the most complex needs have access to Education Health and Care plans that are personalised, outcomes focussed and have the voice of the child/young person at the centre.