

# Excellence in Essex Primary Schools



## Context

Essex County Council has outlined its ambitions for schools and children within the Lifelong Learning Strategy and in the strategic aims in the Education Business Plan 2017-21.

The key outcomes we want to achieve are:

- All schools to be securely good or outstanding with an increase in the number of outstanding schools in the county
- End of key stage outcomes to be securely in the top quartile nationally
- Progress outcomes for vulnerable\* children and young people to be in line with their peers
- Visionary and agile school leadership at the heart of the system
- A coherent and inclusive education system driven by a collective moral purpose and underpinned by mature and formalised school to school support
- A school-led improvement system driven by schools working in tight collaboration that is continuously improving and externally challenged.

\*Children in Care, the disadvantaged and pupils with special educational needs and/or disabilities.

Essex schools are responsible for their own improvement. The expectation is that all schools will monitor and evaluate the quality of education they provide and the standards they achieve for all children. Our aim is to work in partnership with all Essex schools in the essential task of raising standards and diminishing the difference in the achievement between different groups and individuals.

Essex is organised into four quadrants and for each there is an Assistant Director of Education and two specialised teams, SEND and School Effectiveness. There is a Head of Education and Early Years and a team of School Effectiveness Partners who support, monitor and challenge the schools within the quadrant. During the Summer of 2018, the Early Years and Attendance Advisers have joined the School Effectiveness Team. For the past 3 years we have been establishing a school-led improvement system across Essex that is underpinned by a model of school to school support. A significant proportion of the School Effectiveness Team's work will focus on supporting the development of the growing maturity of the school-led improvement partnerships.

There have been marked successes over the past years, particularly in respect of the increased number of schools that are now recognised as being good or outstanding. However, significant challenges remain in respect of those schools who have received a second judgement of 'requires improvement,' those at risk of meeting the 'coasting school' criteria and those which have dropped from good.

We recognise that the colleagues who lead and manage our schools face many challenges. The quality of leadership is a key factor in securing school improvement, therefore high quality leadership and management is essential at all levels in every school.

Where governors, headteachers and teachers are unsuccessful in addressing underperformance or potential failure, the Local Authority (LA) is required to challenge and intervene, as set out in accordance with the DfE Schools Causing Concern Statutory Guidance (SCC) - *Guidance for local authorities and Regional Schools Commissioners on how to work with schools to support improvements to educational performance, and on using their intervention powers (February 2018)*. This includes information on how the RSC may intervene in academies and maintained schools eligible for intervention.

This Excellence in Essex document, along with the DfE SCC guidance, is provided to give clarity to schools about the processes that the School Effectiveness team through School Effectiveness Partners (SEP) will apply to support schools and settings in challenging circumstances to make rapid improvement and secure high standards for all Essex pupils.

Every school will have a named School Effectiveness Partner (SEP), who will be a first point of contact for headteachers and chairs of governors as the need arises. New headteachers will be contacted early in the first term by their SEP, additional support will be provided through the resources allocated to the SLIS partnerships, In their first term, for headteachers new to the school, a collaborative review of their school as a baseline for their future improvement planning will be strongly encouraged. As the vast majority of schools in Essex are now in school led improvement partnerships, the majority of the SEP work plan will be working with each partnership in addition to that time which is allocated to each school depending on its circumstances.

The time allocated to each partnership will be used for the following in discussion with the link SEP.

- Analyse partnership data including a focus on the outcomes for Disadvantaged pupils and those pupils with SEND.
- Use of the Partnership Evaluation Development Tool /Self Evaluation of the partnership
- Support for new heads in the partnership
- Transition including early years
- Support for partnership governance
- Support for schools due Ofsted
- Work with governors across the partnership
- Agree a notional number of days for 'green' school visits should intelligence confirm there are some concerns
- Termly meeting with SEP to discuss the 'health' and maturity of the partnership

### RAG rating

To underpin the ambitions stated on Page 1, the comparative strengths of all schools will be tracked by the SEP, working in collaboration with school-led partnerships. The LA has a statutory duty to all Essex pupils including those in free schools and academies. All LA maintained schools will be rated red, amber or green (RAG) to determine the level of support and challenge which will be undertaken by the LA. The review of the school's RAG will take place at the end of each term on the basis of the analysis of the school's performance and outcomes along with any other intelligence that is viewed as integral to the RAG rating. Schools will be notified at the start of the academic year of their RAG, if there is a change during the year, the school will be notified and the rationale for change clearly explained. Where academies are causing concern the RSC will be notified and a joint strategy agreed.

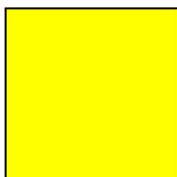
### Primary Improvement Board

The Primary Improvement Board meets at least termly to review the performance of Essex schools. As a result of additional information raising concern about a school's performance or capacity to make the required improvements, a school may receive a letter of concern which will set out the concern. School leaders and a representative school's will be invited to attend a meeting to discuss these concerns and then any proposed action which could lead to a performance, standards and safety warning notice.

**Schools do not necessarily move up or down incrementally between the RAG rating colours.**

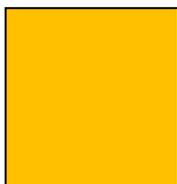


**Green** Schools that are ragged green are likely to maintain an Ofsted judgement of at least good for overall effectiveness if inspected within the next 12 months.



#### Yellow

Schools that are ragged yellow include schools which were judged 'requiring improvement', previously Grade 4 or schools that have converted to academy and do not have a previous Ofsted grade .A school ragged yellow is expected to be judged at least good for overall effectiveness at their next Ofsted inspection.



#### Amber

Schools that are ragged amber are likely to meet one or more of the following criteria:

- The percentage of pupils achieving at least the 'expected standard' in Reading, Writing or Mathematics at the end of Key Stage 1 places the school in the lowest 6% of Essex schools (see table on Page 5)
- The percentage of pupils achieving at least the 'expected standard' in Reading, Writing and Mathematics combined at the end of Key Stage 2 places the school in

the lowest 6% of Essex schools (see table on Page 5)

- The 2017 criteria for a coasting school has been met and the school could be at risk of meeting the criteria in 2018 (see Page 4).
- There is a 3 year downward trend in reading, writing and maths combined at KS2 and the school is below national in 2018.
- There is a 3 year downward trend in phonics in Year 1 and the school is below national in 2018.
- There is a 3 year downward trend in GLD and the school is below national in 2018.
- Schools which remained good under Section 8 and received an indication their next inspection will be a Section 5, because there were identified priorities for improvement.
- According to additional evidence gathered, including Early Years outcomes, the school may not be judged at least good if inspected in the next 12 months but there is evidence of an improving trend.
- Schools which receive a judgement of “requires improvement” in which leadership is also judged to be “good”.
- Schools which receive a judgement of “requires improvement” and leadership is also requiring improvement where monitoring evidence indicates that adequate progress is being made but the school is not yet in a position to be judged good.
- Governance may be supportive but not holding the school to account or monitoring the work of the school effectively.
- Where a school is going through a structural change or recently amalgamated, federated or is in its first year of operation
- The school is experiencing temporary adversity affecting leadership, governance, staffing, its budget, or an uncharacteristic drop in performance.

### Red

Schools that are ragged red are likely to meet one or more of the following criteria:

- Below the National Floor Standard in Key Stage 2 (see table on Page 5)
- The percentage of pupils achieving at least the ‘expected standard’ in Reading, Writing, Mathematics at the end of Key Stage 1 places the school in the lowest 6% of Essex schools in at least two out of the three measures (see table on Page 6)
- The percentage of pupils achieving at least the ‘expected standard’ in Reading, Writing and Mathematics combined at the end of Key Stage 2 places the school in the lowest 4% of Essex schools (see table on Page 5)
- The gap between disadvantaged and other pupils is greater than national and differences in achievement are not diminishing.
- According to additional evidence gathered, including Early Years outcomes, the school is unlikely to be at least good if inspected in the next 12 months.
- Governance does not hold the school to account or monitor the work of the school.
- Schools which have received a judgement of ‘requires improvement’ in which leadership is also judged to be requiring improvement where monitoring evidence indicates insufficient progress is being made.
- A combination of concerns relating to parental complaints, safeguarding, attendance, exclusions, significant staff turnover etc.
- Schools that are judged inadequate by Ofsted are initially red RAG rated.

**Schools with a Red RAG trigger a series of actions to support and challenge and, where necessary, the LA will use intervention powers**

### Primary KS2 National Floor Standard 2018

**Primary School Accountability in 2018 - A technical guide for primary maintained schools, academies and free schools** was published in September 2018. The guidance confirmed:

- *the re-introduction of three-year averages for attainment measures for primary schools;*
- *refinement to the methodology to reduce the disproportionate effect that a small number of extremely negative scores can have on a school’s average progress; and*
- *a summary of the new statutory framework for teacher assessment.*

## Schools that may require support

The Secretary of State announced on 4 May 2018 that there will be a consultation this autumn on a new way to identify schools that might benefit from an offer of support, which will be in place from September 2019. Until then, the existing floor and coasting standards will remain unchanged from previous years.

Where a school is below the floor or coasting standards, but is not judged inadequate, the RSC will not use the Secretary of State's powers to issue an academy order or a warning notice. Instead, the floor and coasting standards will be calculated in 2018 solely for the Department for Education to identify schools that might benefit from support.

The floor standard is the minimum standard for pupil attainment and / or progress that the government expects schools to meet. All schools at risk of being below the floor will initially be ragged Red. **No school will be confirmed as being below the floor until December 2018 when schools' performance tables are published.**

*The attainment element is a combined measure. This means an individual pupil needs to meet the 'expected standard' in English reading, English writing and mathematics, in order to be counted towards the attainment element. To meet the progress element a school needs to have sufficient progress scores in English reading, and English writing, and mathematics.*

**Thus to be below the floor in 2018 a school has to be below 65% in RWM combined and below in any one of the three progress measures: -5 in English reading, -5 in mathematics and -7 in English writing.**

## KS2 Coasting Standard in 2018

The Education and Adoption Bill of April 2016 introduced the criteria by which a primary school will be defined as coasting. The government set out the regulations around 'coasting' in January 2017, so that schools not making enough progress get the focus and support that they need to improve.

The coasting definition is based on three years of data, using the same performance measures that underpin the floor standards. In 2018 a primary school will fall within the coasting definition if, based on revised data for all of 2016, 2017 and 2018:

- fewer than 85% of pupils achieved the expected standard at the end of primary school; and
- average progress made by pupils was less than -2.5 in English reading, -2.5 in mathematics or -3.5 in English writing.

### School types and particular circumstances (coasting)

A school will have to be below the relevant coasting threshold in all three years to fall within the overall coasting definition. Schools will be excluded from the coasting measure if:

- they have fewer than 11 pupils at the end of Key Stage 2; or
- fewer than 50% of pupils had Key Stage 1 assessments that can be used to establish which prior attainment grouping the pupil should be allocated to; or
- there is insufficient Key Stage 2 attainment information to produce progress scores, because there are fewer than six pupils with Key Stage 2 results for a particular subject; or
- the school closes within the academic year.

Any school that is excluded from the coasting measure in a particular year cannot be defined as coasting until it has three consecutive years of data that meets the coasting.

**For schools which met the criteria for a coasting school in 2017 or at risk of meeting it in 2018 the school will receive a RAG rating of Amber as a minimum to enable the school to receive frequent visits from the SEP to help and support the schools to move forward in a positive direction (see Appendix B).**

## Key Stage 2: All Pupils (Provisional data – source: 2018 NCER: Nexus)

↑ = improvement on 2017 ↓ = decline since 2017 ↔ = same as 2107 outcome **yellow** = 2017 outcomes

2018 Provisional Measures	Reading at least Expected	Progress Reading	Writing at least Expected	Progress Writing	Mathematics at least Expected	Progress Maths	RWM at least Expected
England – NCER State schools, Special and Academies	75% ↑	0.0	78% ↑	0.0	76% ↑	0.0	64% ↑
Essex Average	77% ↑	-0.2	79% ↑	0	76% ↓	-0.3 ↓	65% ↑
Coasting	N/A	-2.5	N/A	-3.5	N/A	-2.5	85%
Below Floor	N/A	-5	N/A	-7	N/A	-5	65%
Lowest 6%	<58%		<61%		<50%		<38%
Lowest 4%	<55%		<58%		<46%		<35%

## Key Stage 2 - Disadvantaged (provisional data – source: 2018 NCER- Nexus)

2018 Provisional Measures	Reading at least Expected	Progress Reading	Writing at least Expected	Progress Writing	Mathematics at least Expected	Progress Maths	RWM at least Expected
England NCER– State schools, Spec, Academies	63% ↑	-0.7 ↔	67% ↑	-0.5 ↓	63% ↔	-0.6 ↔	49% ↑
England Others	80% ↑	0.2 ↓	83% ↑	0.2 ↔	80% ↔	0.2 ↑	70% ↑
National Gap	17%		16%		17%		21%
Essex Disad.	64% ↑	-0.9 ↑	66% ↔	-0.8 ↓	62% ↓	-0.6 ↑	49% ↑
Essex Others	81% ↑	0.1 ↑	84% ↑	0.3 ↑	80% ↔	0 ↑	70% ↑
Essex Gap	17% ↑		18% ↓		18% ↓		21% ↓
Essex Disad compared with England Other	16% ↑		17% ↓		19% ↓		21% ↓

## Key Stage 2 – SEND outcomes (provisional data – source: 2018 NCER- Nexus)

2018 Provisional Measures	Reading at least Expected	Progress Reading	Writing at least Expected	Progress Writing	Mathematics at least Expected	Progress Maths	RWM at least Expected
England NCER– State schools, Spec, Academies	38%	-1.5	33%	-2.3	37%	-1.5	21%
England non SEND	83%	0.3	88%	0.5	84%	0.3	73%
National Gap	45%		55%		47%		53%
Essex SEND	36%	-1.8	31%	-2.7	34%	-1.8	19%
Essex non SEND	84%	0.1	89%	0.5	83%	0	74%
Essex Gap	48%		57%		49%		53%

## Key Stage 1 – All Pupils provisional data source: 2018 NCER: Nexus)

2018 Provisional Measures	Reading at least Expected	Writing at least Expected	Mathematics at least Expected	Combined RWM at least expected
England – NCER State schools, Special and Academies	76% ↓	70% ↑	76% ↑	65% ↑
Essex Average	77% ↓	71% ↑	77% ↑	67% ↑
Lowest 6%	<63%	<57%	<63%	<48%
Lowest 4%	<59%	<53%	<61%	<43%

### Key Stage 1 – Disadvantaged (provisional data source: 2018 NCER/Nexus)

↑ = improvement on 2017 ↓ = decline since 2017 ↔ = same as 2017 outcome **yellow = 2017 outcomes**

2018 Measures	Reading at least Expected	Writing at least Expected	Mathematics at least Expected	RWM at least Expected
England – NCER State schools, Special and Academies	61%	54%	62%	49%
England Others	79%	74%	80%	69%
Gap	17%	19%	18%	19%
Essex Disad.	62% ↓	55% ↔	63% ↔	49% ↔
Essex Others	80%	75%	80%	70%
Essex Gap	18%	20%	17%	21%
Essex Disad compared with England Others	17% ↓	19% ↓	17% ↔	20% ↑

### Key Stage 1 – SEND outcomes (provisional data source: 2018 NCER/Nexus)

2018 Measures	Reading at least Expected	Writing at least Expected	Mathematics at least Expected	RWM at least Expected
England – NCER State schools, Special and Academies	30%	22%	33%	19%
England non SEND	84%	79%	84%	74%
Gap	54%	57%	51%	55%
Essex SEND	30%	22%	33%	19%
Essex non SEND	84%	79%	84%	74%
Gap	54%	58%	51%	55%

### Phonics Year 1 (provisional data source: 2018 NCER/Nexus)

Measures	2016	APS	2017	APS	2018	APS
England – NCER State schools, Special and Academies= ALL	81%	33.9	81%	33.7	82%	33.9
Eng Disadvantaged/Others					71/85	31.0/34.4
England SEND/Non SEND					44/89	24.4/35.3
England Gaps - Dis/SEND					14/45	
Essex –ALL	81%	34.2	82%	33.9	84%	34.1
Essex Disadvantaged/Others					72/86	31.2/34.7
Essex SEND/Non SEND					46/89	24.9/35.3
Essex Gaps - Dis/SEND					14/43	

### EYFS Good Level of Development – (provisional data source: 2018 NCER/Nexus)

Measures	2016 GLD	APS	2017 GLD	APS	2018 GLD	APS
England – NCER State schools, Special and Academies- ALL	69%	34.4	71%	34.5	72%	34.6
England Disadvantaged					56%	31.5
England SEND					24%	25.4
Eng Gaps – Dis/SEND						
Essex –ALL	73%	35.3	73%	35.2	74%	35.2
Essex Disadvantaged					56%	31.8
Essex SEND					27%	26.4
Essex Gaps – Dis/SEND						

## Performance Standards and Safety Warning Notices

Where the LA has serious concerns in respect of the standards of performance of pupils at the school or there is a serious breakdown in the way the school is managed or governed or the safety of pupils or staff is threatened a Warning Notice is likely to be issued. The guidance can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/640916/SCC\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/640916/SCC_guidance.pdf)

The school will be notified in advance where this is proposed through a letter of concern. Further information can be found in Appendix A of this document.

## Expectations of schools and the pattern of visits by the School Effectiveness Partner and required meetings are determined by the RAG rating as follows:-

### **As a result of being RAG rated green:**

There will be an allocated SEP for each school, but there are no core visits to the school. If there is a new headteacher, the SEP will make contact early in the term to support the headteacher, In addition there will be support for new headteachers included in the core offer from the SEP to each partnership. There is an expectation that green rated schools are developing the capacity to take an increasing role in strategic partnerships between schools, particularly in support of those schools currently judged to be 'requires improvement' or inadequate.

### **As a result of being RAG rated yellow:**

The SEP visits twice during the year, monitoring the progress and Ofsted-readiness of the school, brokering additional support from the partnership and the local Teaching School Alliance as required.

If financial delegation had previously been removed from the Governing Body this would be returned. However, there is a clear expectation these schools will direct an appropriate amount of their funding to underpin those improvements necessary and to buy in school improvement aligned to the priorities as set out in the improvement plans.

Where a school does not make the necessary progress, the RAG rating will change to a minimum of Amber and the level of LA intervention and support will increase.

### **As a result of being RAG rated amber:**

The SEP will visit each half term during the year, he/she will work intensively with leaders and governors to specify termly improvement targets linked to the school priorities and to monitor the school's progress towards them. Where the issue relates to school or pupil performance the SEP will examine the effectiveness of external support currently commissioned by the school. Where concerns are raised in relation to the accuracy or effectiveness of support and challenge provided, the SEP will broker alternative support.

For schools new to an Amber RAG, the SEP will arrange to visit the school in the autumn term to meet with the headteacher and chair of governors to explain the pattern of visits and review the school's improvement plan. The Head of Education and Early Years and SEP will consider the time in post of the headteacher, strength of governance as well as school performance data in deciding whether an Improvement Board (IB) should be set up to help accelerate improvement.

Minutes of an IB meeting will be sent to the headteacher, chair of governors, LA and Head of Education and Early Years for the quadrant by the SEP. The governing body will be notified with the expectation that the key points summarising the outcomes of the meeting are shared with all governors and the discussion minuted at the next full governing body meeting.

There is a clear expectation that these schools will direct an appropriate amount of their resources to underpin the improvement initiatives contained within the termly plans and buy in appropriate school improvement support.

The SEP (and IB where established) will monitor and review the school's progress termly. Each school will be expected to provide evidence of its ability and capacity to bring about the necessary improvements and address concerns.

Schools in a process towards federation and/or amalgamation will be ragged Amber to support the school with additional visits from the SEP with to ensure a smooth transition.

Amber schools will have an end of year evaluation with the SEP. If the school does not make the required progress the SEP will recommend that the school RAG is moved to Red.

***Red RAG rated schools not judged by Ofsted to be inadequate but requiring further intervention:***

A letter of concern is issued to the headteacher and chair of governors outlining the concerns and requiring them to attend a meeting at County Hall with the Head of Education and Early Years and SEP to discuss concerns, examine the capacity for improvement of the school and to agree solutions and an action plan for improvement. Minutes of the meeting will be sent to the headteacher and chair of governors with the expectation that the outcomes of the meeting are shared with all governors and recorded at the next full governing body meeting. Minutes of this meeting will be sent to the Head of Education and Early Years by the Chair of the Governing Body.

Where evidence presented indicates that the school has the capacity to make rapid progress towards being judged amber, the RAG rating of the school will be confirmed and the SEP will continue to monitor progress against agreed milestones through a schedule of visits (see Appendix B). The SEP will review progress half-termly.

Where evidence indicates concerns in the governing body's ability to hold the school to account for performance, there will be an expectation that an IB will be established and/or an additional governor appointed. Where appropriate, the LA governor for the school should be part of the IB. The SEP will monitor the school's progress regularly towards its improvement targets through school based meetings.

Brokered support will be aligned to priorities and the expected impact of the commissioned resource will be clearly expressed.

Where it is judged that a school does not have the capacity to improve or that there is evidence that the school is reluctant to address the concerns of the LA within a negotiated time-frame a recommendation will be made to the Director of Education to issue a Performance, Standards and Safety Warning Notice. (See Appendix A)

Red RAG rated schools will be expected to direct an appropriate amount of their funding to underpin these essential improvements.

## **LA maintained Schools judged to be inadequate by Ofsted**

### **At the point of being judged inadequate these schools are automatically RAG rated red.**

In accordance with Section 66 of the 2006 Education Act the LA will immediately withdraw delegation from the governing body and establish a Strategic Intervention Board (SIB). They may also under Section 65 of the 2006 Education Act consult with the governing body to appoint an Interim Executive Board (IEB)

The SEP will draft a Statement of Action clarifying the commissioned support. At a meeting with the governing body to convene the SIB, prior to the consultation to establish an IEB, the SEP will share the drafted Statement of Action and the expected impact of the commissioned resource.

Schools will be expected to direct an appropriate amount of their funding to underpin these essential improvements.

Schools will be expected to convert to a sponsored academy. The RSC is under a duty to make an academy order in respect of a maintained school that has been judged inadequate by Ofsted. The academy order enables the maintained school to convert to academy status with the support of a sponsor, ensuring the school is supported to turn its performance around.

If any school RAG rated red is Voluntary Controlled or Aided, the relevant Church Authority/Diocesan Board will be included in all consultation and within the decision making process.

### Exceptional Circumstances for maintained schools

Issues affecting each school are unique to its situation, so the assignment of a RAG rating, with the possible exception of those judged to be inadequate by Ofsted, is a matter of professional judgement. The descriptors provided tend to be typical of most situations, but are not absolute. It is clearly possible that a school which has a red RAG rating may be well led and improving rapidly from a low base. Similarly, temporary factors that adversely affect leadership, management, governance and overall provision may trigger intervention in a school that would not otherwise meet the threshold criteria.

As made clear throughout this document, schools are responsible for their own improvement and the LA is only required to intervene where evidence shows that this is not happening. At that point, the LA will determine, in consultation with the school, the range and extent of intervention that will re-establish the school's capacity for independent improvement. It goes without saying that the ultimate arbiter of success – and the goal of Essex County Council is that all Essex schools are at least good and have the necessary capacity to sustain their success without external intervention.

## APPENDIX A

It is expected that local authorities will use their powers to issue warning notices in the schools they maintain. When a maintained school becomes an academy then the intervention role will fall solely to the RSC (as described below and elsewhere in this guidance).

There are two types of warning notice that can be issued to maintained schools:

- Section 60 of the Education and Inspections Act 2006 sets out the provisions relating to a **performance standards and safety warning notice**.
- Section 60A of the 2006 Act sets out the provisions relating to **teachers' pay and conditions warning notice**.

### Performance, Standards and Safety Warning Notices

There may be schools which have not been judged by Ofsted to be inadequate or that have not met the coasting definition, but otherwise give cause for concern – for example, where the school's performance data are below floor standards, or where leadership and governance has broken down or safety is threatened. Where local authorities and RSCs are concerned in these circumstances, they can issue warning notices to schools. Both LAs and Regional Schools Commissioners (acting on behalf of the Secretary of State) have powers to issue warning notices to maintained schools where there are concerns about performance standards and safety.

Such a warning notice may be given by a LA or an RSC in one of three circumstances:

1. *The standards of performance of pupils at the school are unacceptably low and likely to remain so;*
2. *There has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance; or,*
3. *The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).*

### **The definition of low standards of performance**

The detail of what constitutes “low standards of performance” is set out in section 60(3) of the 2006 Act, specifying that this is by reference to any one or more of the following:

- I. The standards that the pupils might in all the circumstances reasonably be expected to attain; or
- II. Where relevant, the standards previously attained by them; or
- III. The standards attained by pupils at comparable schools.

In considering whether a warning notice should be issued to a maintained school, local authorities and RSCs should take into account the following objective indicators, any of which may suggest that the maintained school shows sufficiently “low standards of performance”:

- Performance data which shows that standards are below the floor (including standards below the minimum standards) – this in itself could demonstrate that a warning notice is necessary;
- An Ofsted judgement that the school requires improvement, where there are also additional factors to indicate that a warning notice is appropriate, including in types of schools where the coasting definition does not apply;
- Performance data which shows sustained historical underperformance, including where the coasting definition may not apply in particular circumstances, for example because two schools have recently merged to become one new school, but there is concern about persistent poor performance.

LAs and RSCs will consider the school in the round, take account of its context, and consider data and other evidence of the school's performance and capacity to improve. The following additional factors will further help LA and RSCs to decide in these circumstances whether to issue a warning notice or not:

- Performance trends, such as a sudden drop in performance or conversely signs that a school is on a sharp upward trajectory.
- Recent Ofsted judgements or assessments of aspects of a school's performance and its capacity to improve, particularly judgements of Leadership and Management;
- Variations in performance data between pupils of different characteristics (including pupils of low, middle and high abilities); and/or
- Low standards achieved by disadvantaged pupils, including where the school's Pupil Premium spending is not used effectively.

### **Breakdown in the way a maintained school is managed or governed**

Another ground for issuing a performance standards and safety warning notice is that there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, the pupils' standards of performance.

Local Authorities (or RSCs where, for example, a Local Authority has failed to act swiftly or robustly enough, either in a particular case or generally in the past, or lacks the capacity) should identify additional support or consider issuing a warning notice, depending on the severity of the case, to maintained schools where the governing body is failing to deliver one or more of its three core strategic roles resulting in a serious breakdown in the way the school is managed or governed, that will or is likely to adversely affect standards' of pupils performance.

The core strategic roles of a governing body are to:

1. *Ensure clarity of vision, ethos and strategic direction;*
2. *Hold the headteacher to account for the educational performance of the school and its pupils, and the performance management of staff; and*
3. *Oversee the financial performance of the school and make sure its money is well spent.*

Evidence that governors may be failing to deliver on one or more of these strategic roles could include, but is not restricted to:

- *high governor turnover;*

- *a significant, unexplained change to their constitution; and/or*
- *the governing body having an excessive involvement in the day to day running of the school*
- *lack of appropriate engagement with data. This might include, but is not limited to, data on pupil learning and progress or staff recruitment;*
- *not sufficiently managing risks associated with strategic priorities and school improvement plans; and/or*
- *evidence of poor financial management and oversight, such as through consistent overspending the school's budget beyond agreed thresholds.*

These situations could all indicate a serious breakdown of management or governance that may prejudice standards. In such circumstances, the local authority (or RSC where, for example, a LA has failed to act swiftly or robustly or lacks the capacity) may want to investigate and where appropriate take action early by issuing a warning notice.

In the case of a school with a religious designation, the LA or RSC should raise concerns about governance with the appropriate religious body at the earliest opportunity.

Local Authorities (or RSCs where, for example, a LA has failed to act or lacks the capacity) should also consider issuing warning notices to maintained schools that have not responded robustly or rapidly enough to a recommendation by Ofsted to commission a robust and objective external review of their governance arrangements. Such recommendations are normally made in the Ofsted report of an inspection, if a school is judged as requiring improvement where governance is judged to be weak.

Schools do not need to wait for an Ofsted inspection recommendation to seek an external review of their governance arrangements. Local Authorities (or RSCs where, for example, a LA has failed to act swiftly or robustly or lacks the capacity) may consider issuing such a recommendation where they have concerns about the quality of a maintained school's governance, before considering more formal intervention.

Guidance is available on commissioning and conducting such external reviews. The Governance Handbook provides further information about requirements and expectations of governors, and provides links to additional guidance, support and best practice.

### **The safety of pupils or staff at a maintained school is threatened (whether by a breakdown of discipline or otherwise)**

Where local authorities or RSCs are concerned that the safety of pupils or staff at a maintained school is threatened, whether by a breakdown of discipline or otherwise, they should issue a warning notice. We would expect local authorities to issue warning notices in these circumstances for schools they maintain, but RSCs can act where local authorities fail to act swiftly or robustly or lack the capacity.

Local Authorities and RSCs should have regard to the statutory guidance on roles and responsibilities for safeguarding: 'Keeping Children Safe in Education' and 'Working Together to Safeguard Children'. The guidance makes clear what all education institutions (including academies and free schools) should do to safeguard children in their care.

### **Issuing a warning notice to a maintained school**

Local Authorities should work with RSCs to discuss where they judge that a warning notice is necessary. Once it has been determined that a LA or RSC will issue a warning notice to a maintained school, they must give the notice in writing to the governing body of the school.

### **The Performance, Standards and Safety Warning Notice must set out:**

1. The matters on which the Local Authority's concerns are based. *These should be set out in some detail and explain the facts that exist in that particular school and the circumstances which are giving the LA cause for concern;*
2. The action which the governing body is required to take in order to address the concerns raised;
3. The period within which the governing body must comply or secure compliance with that action –*this begins with the day when the warning notice is given and ending 10 working days following that day,*

during which time the governing body is to address the concerns set out in the warning notice, or make representations to Ofsted against the warning notice; **and**,

4. The action which the LA or RSC is minded to take (under one or more of sections 63 to 69 of the Education and Inspections Act 2006 or otherwise) if the governing body does not take the required action.

The warning notice will be copied to the headteacher, chair of governors and Ofsted. In the case of a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority will be sent a copy, and in the case of a Foundation or Voluntary Aided school, the person who appoints the Foundation governors.

The LA is required to enact its statutory powers within two months of the 10 day compliance period.

Local authorities are expected to work with RSCs to discuss where they judge that a warning notice is necessary. At the time that any warning notice is given to the governing body, a copy must also be given to the relevant RSC, when it is a local authority making it, or a copy must be given to the local authority, when it is the RSC making it.

If a LA is notified that the RSC has given a performance standards and safety warning notice, the LA may not give such a warning notice to the same maintained school unless or until the RSC informs them that they may. If the RSC gives a warning notice, any earlier performance standards and safety warning notice given to the same maintained school by the local authority will cease to have effect. Whichever has given a warning notice should subsequently keep the other informed about what action the maintained school has taken to address the concern, whether they consider the maintained school to have complied with the warning notice, and what if any interventions will be made as a result.

All warning notices must be copied to Ofsted at the time of issuing using the email address: [warningnotices@ofsted.gov.uk](mailto:warningnotices@ofsted.gov.uk) Warning notices issued to maintained schools by RSCs will be published online, in addition to being copied to Ofsted.

### **Pay and Conditions Warning Notice**

Under section 60A of the Education and Inspections Act 2006, LAs have a power to issue a teachers' pay and conditions warning notice to their maintained schools. Failure to comply or secure compliance with the notice within the specified period will mean that the school becomes eligible for intervention.

It should be noted that when a maintained school becomes eligible for intervention due to non-compliance with a teachers' pay and conditions warning notice, the LA may use its intervention powers in sections 64-66 of the Education and Inspections Act 2006. The powers under sections 64 and 66 of that Act must be used within a period of two months following the end of the compliance period specified in the teachers' pay and conditions warning notice. If the local authority fails to exercise these powers within this time, these powers can no longer be exercised and a new teachers' pay and conditions warning notice must be given in order to do so.

The Secretary of State does not have the power to (and therefore RSCs may not) issue teachers' pay and conditions warning notices.

### **LA powers of statutory intervention**

Where a maintained school is eligible for intervention (i.e. when it has been judged inadequate by Ofsted, has been notified that it is coasting, or has failed to comply with a warning notice) there are a number of statutory powers the LA and the Secretary of State may use to drive school improvement. The intervention powers are set out in sections 63-66 of the 2006 Act in respect of **local authorities**:

- Section 63 – power to require the governing body to enter into arrangements;
- Section 64 – power to appoint additional governors;
- Section 65 – power to appoint an interim executive board (IEB);
- Section 66 – power to suspend the delegated budget.

The intervention powers are set out in sections 66A-69 and 70C of the 2006 Act and section 4 of the Academies Act 2010 in respect of the **Secretary of State**:

- Section 66A – power to require governing body to enter into arrangements;
- Section 67 – power to appoint additional governors;
- Section 68 – power to direct closure of a school;
- Section 69 – power to appoint an interim executive board (IEB);
- Section 70C – power to take over responsibility for an IEB;
- Section 4 Academies Act – power to make an academy order.

The Secretary of State's powers will generally be exercised by RSCs, acting on behalf of the Secretary of State. Where appropriate, the Diocesan Director of Education or in the case of a Foundation or Voluntary school, the person who appoints the Foundation governors, will also be advised. Where the school is an academy the LA will inform the RSC for the East of England of their concerns.

## APPENDIX B: Commissioned support and pattern of visits as a result of a school's RAG rating to LA maintained schools.

	Universal – All schools	Red	Amber	Yellow -	Green – Grade 1 and 2
<b>SEP visits – Core offer</b>	Initial contact to new headteachers and brokering peer mentor Headteacher recruitment (2 days) Support for Ofsted - includes attending feedback. Investigating safeguarding concerns/complaints	6 days plus Improvement Board/SIB/IEB (as appropriate)	3 days with a minimum visit each half term plus Improvement Board (as appropriate)	1 day over the year to include a discussion about standards, teaching quality, learning and assessment.	No core visit  Schools due inspection can request a visit through the allocation for SLIS partnerships.
<b>Commissioned support as a consequence of RAG</b>					
<b>Statutory Assessment</b> - EY, Y1 - KS1, KS2	Moderation visits to 25% of Essex schools	Additional visit to moderate teacher assessments (if required)	Additional visit to moderate teacher assessments (if required)		
<b>Commissioned Reviews, Diagnosis</b>					
<b>Commissioned Reviews, Diagnosis</b> Ofsted Ready/Tailored reviews Grade 4 schools, termly review of progress		Good schools – Ofsted Ready or Tailored Review RI schools – 4 <sup>th</sup> term after inspection – Ofsted Ready	RI schools – 4 <sup>th</sup> term after inspection – Ofsted Ready	RI schools – 4 <sup>th</sup> term after inspection – Ofsted Ready	School reviews can be commissioned from the School Effectiveness Team to provide an external review of school performance.
<b>Governance review</b>		If identified as a priority for improvement from Ofsted or an LA Review (School funded)	If identified as a priority for improvement from Ofsted or an LA Review (School funded)	If identified as a priority for improvement from Ofsted or an LA Review (School funded)	

A new headteacher benchmarking, Ofsted Ready, or Pupil Premium review may be commissioned by the SEP, the school will be required to pay for these reviews. Additional school improvement days can be purchased by any school or partnership as the School Effectiveness Team has capacity for trading this additional work with schools.

The vast majority of schools in Essex are now in formal partnerships. To support further development of the system we have allocated SEP time for each partnership in addition to that allocated for each individual school. Letters outlining the allocations to each partnership has been sent to the lead headteacher of each partnership.