



Walsall Council

PROUD OF OUR PAST OUR PRESENT AND FOR OUR FUTURE

# Schools Causing Concern

Protocol for Monitoring, Challenge, Support & Intervention in Schools, and Settings.

**WALSALL COUNCIL**

Reviewed November 2023

2023-2026

# Contents

1. INTRODUCTION
2. SECTION 1: STATUTORY CONTEXT
3. SECTION 2: MONITORING, CHALLENGE, SUPPORT AND INTERVENTION IN SCHOOLS AND SETTINGS IN WALSALL
4. SECTION 3: PROTOCOLS FOR IDENTIFYING, MONITORING, CHALLENGING, SUPPORTING AND INTERVENING IN MAINTAINED SCHOOLS CAUSING CONCERN
5. CONCLUSION
6. APPENDIX 1: LOCAL AUTHORITY CATEGORISATION
7. APPENDIX 2: CATEGORISATION LETTER
8. APPENDIX 3: SAMPLE LOCAL AUTHORITY NOTICE OF CONCERN LETTER
9. APPENDIX 4: SAMPLE PERFORMANCE STANDARDS AND SAFETY WARNING NOTICE

## INTRODUCTION

The Government's 2019 Manifesto sets out the intention to intervene in schools where there is entrenched underperformance. The vast majority of schools in England are judged Good or Outstanding by Ofsted.

The Secretary of State has chosen to update the existing coasting schools regulations so that schools judged less than Good in their two most recent Ofsted inspections will now be covered by the coasting definition. Schools that meet this definition are referred to in this guidance as schools that are not making necessary improvements.

In order to promote high standards in schools and support the government's levelling up agenda, the Secretary of State has introduced a new intervention measure from 1<sup>st</sup> September 2022.

The new measure applies to a school if:

- The school's overall effectiveness at its most recent Ofsted inspection under section 5 of the Education Act 2005 was 'Requires Improvement' (RI), **and**
- The school's overall effectiveness was also below Good at the inspection under section 5 of the Education Act 2005 immediately before the most recent inspection.

This document outlines Walsall Council's protocols and procedures for all its school settings in relation to Monitoring, Challenge, Support and Intervention.

The Local Authority adheres to the statutory guidance for local authorities given by the Department for Education, on behalf of the Secretary of State. 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 of maintained schools causing concern, to have regard to any guidance given from time to time by the Secretary of State.

This guidance covers:

- maintained "schools causing concern" (within the meaning of section 44 of the Education Act 2005);
- maintained schools that are "eligible for intervention" (within the meaning of Part 4 of the Education Act 2006);
- other maintained schools about which the local authority and/or Secretary of State have serious concerns which need to be addressed; and
- academies causing concern.

## SECTION 1: STATUTORY CONTEXT

Part 4 of the Education and Inspections Act 2006 (2006 Act) provides LAs with specific school improvement functions, including powers to warn and intervene in schools causing concern, through issuing a warning notice setting out actions the governing body are to make – with powers to require the governing body to enter into arrangements, to appoint additional governors, to provide for the governing body to consist of interim executive members, or to suspend the right to a delegated budget, if the governing body fails to take the required action.

In exercising these statutory functions, LAs are under a duty to have regard to Section 13A of the Education Act 1996 which places a general statutory duty on LAs to exercise their relevant education functions with a view to promoting high standards, and to our statutory Schools Causing Concern (SCC) guidance, which is given by the Secretary of State under Section 72 of the 2006 Act. This guidance sets expectations that LAs should:

- Understand the performance of maintained schools in their area, using data as a starting point to identify any that are underperforming, while working with them to explore ways to support progress;
- Work closely with the relevant RD, diocese and other local partners to ensure schools receive the support they need to improve;
- Where underperformance has been recognised in a maintained school, proactively work with the relevant RD, combining local and regional expertise to ensure the right approach, including sending warning notices and using intervention powers where this will improve leadership and standards;
- Encourage good and outstanding maintained schools to take responsibility for their own improvement; support other schools; and enable other schools to access the support they need to improve.

### Safeguarding Statutory Duties:

Local authorities have a responsibility for safeguarding and promoting the welfare of all children and young people in their area, regardless of the types of educational settings they attend. We have a number of statutory duties under the 1989 and 2004 Children Acts, which make this clear. In order to fulfil these duties effectively, we will seek to work in partnership with all schools (maintained schools, Academy trusts, religious bodies (where appropriate), independent schools) and further education and sixth form colleges Walsall.

Additionally, there are two other statutory documents that provide guidance on the roles and responsibilities for safeguarding: 'Keeping Children Safe in Education'<sup>1</sup> and 'Working Together to Safeguard Children'<sup>2</sup>. The guidance makes clear what all education

---

<sup>1</sup> Keeping Children Safe in Education: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

<sup>2</sup> Working Together to Safeguard Children: <https://www.gov.uk/government/publications/working-together-to-safeguard-children>

institutions (including academies and free schools) should do to safeguard children in their care.

Where we have concerns about an Academy or Free school's safeguarding arrangements or procedures (arising as a result of investigations about individual children or otherwise), we will raise these concerns with the Education and Skills Funding Agency (ESFA) who have responsibility for ensuring that Academy trusts comply with their Funding Agreements.

Where we have a concern about an independent school's safeguarding arrangements or procedures (arising as a result of investigations about individual children or otherwise), we will report these to the Independent Education Division at the DfE, who have responsibility for enforcing the independent school standards and taking regulatory action where necessary.

Where we have concern about safeguarding at a maintained school, we may use our intervention powers as set out in this guidance.

Schools' governing bodies and proprietors should ensure that the school or college contributes to inter-agency working in line with statutory guidance Working Together to Safeguard Children (2015). Schools and colleges should work with local safeguarding arrangements, social care, the police, health services and other services to promote the welfare of children and protect them from harm.

## **Role of the Regional Directors:**

Regional Directors (RDs) will have discretion to decide which schools will need additional support and challenge in order to improve, and in which schools intervention by the DfE will be required.

These include:

1. **Schools that have failed to comply with a warning notice** – Local authorities may give warning notices to their maintained schools where they have concerns about unacceptable educational performance, a breakdown in leadership and governance, or where the safety of pupils or staff may be being threatened.
2. RDs may give a warning notice to a maintained school where they have concerns about a breakdown in leadership and governance, or where the safety of pupils or staff may be being threatened. Where a maintained school does not comply with a warning notice, it will become eligible for formal intervention.
3. **Schools that have been judged Inadequate by Ofsted** – An academy order must, in line with statutory requirements, be issued for all maintained schools that have been judged Inadequate by Ofsted, requiring them to become sponsored academies. When an academy is judged Inadequate by Ofsted, the RD is able to terminate the

funding agreement with the existing academy trust and move the academy to a new academy trust.

4. **Schools that are not making necessary improvements** – RDs may intervene in a school that has met the following criteria:

- the school's overall effectiveness at its most recent Ofsted inspection under section 5 of the Education Act 2005 was Requires Improvement (RI), **and**
- the school's overall effectiveness was also below Good at the inspection under Section 5 immediately prior to the most recent such inspection

The power to intervene in schools not making necessary improvements is discretionary and so once eligible, the relevant RD will assess each school on a case-by-case basis before deciding whether intervention and further support are necessary. RDs will only consider taking action in schools with 2, 3 or 4 consecutive less than Good judgments if they have received their most recent full Ofsted inspection since 1 May 2021.

Schools where there is a long-term history of underperformance (5 or more consecutive below 'Good' judgements) may be considered for intervention regardless of the date of their last Ofsted inspection.

## SECTION 2: MONITORING, CHALLENGE, SUPPORT AND INTERVENTION IN SCHOOLS AND SETTINGS IN WALSALL

### Roles and Responsibilities:

Schools and settings are responsible for their own performance and the achievement and inclusion of all their pupils.

- They should regularly review their performance and plan for continuous improvement with maximum freedom to make decisions and manage resources.
- The Governing Body should set the broad strategy for the school's development through the cycle of performance assessment, target setting, action planning and review.
- The most effective schools are open in sharing their own good practice and look for best practice elsewhere locally, nationally and internationally.

Warning notices can be given to schools that are causing concern but are not currently eligible for intervention. Both RDs and local authorities may issue warning notices but there are differences in the circumstances under which they may be issued.

Local authorities may issue warning notices to their maintained schools under the following circumstances:

1. the standards of performance of pupils at the school are unacceptably low and are 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.
3. The safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).
4. The governing body have failed to comply with a provision of an order under section 122 of the Education Act 2002 (teachers' pay and conditions) that applies to a teacher at the school; or have failed to secure that the head teacher of the school complies with such a provision.

Local authorities should use warning notices to hold their schools to account and should work together with RDs where they judge that a warning notice is necessary. Walsall Local Authority aims to establish the best possible working relationship with schools based on the principles of partnership, mutual trust and respect. We hold fast to the principle that intervention should always be in inverse proportion to success.

### **SECTION 3: PROTOCOLS FOR IDENTIFYING, MONITORING, CHALLENGING, SUPPORTING AND INTERVENING IN MAINTAINED SCHOOLS CAUSING CONCERN**

These protocols recognise that schools are autonomous, that most schools and settings are successful and that the majority offer good or outstanding provision for children and young people. Nevertheless, there may be occasions when the Local Authority is obliged to intervene in the best interests of children, young people and their families.

#### **The identification of Schools and Settings:**

The Local Authority maintains a list of Schools Causing Concern (SCC).

There are **two potential Ofsted judgements that are less than good (requires improvement and inadequate)**. Schools that are less than good will automatically be placed on the SCC register at the appropriate level.

However, there will be other occasions where schools may be placed on the SCC register; for example, when the Local Authority has strong grounds to believe a school is no longer providing a good education for pupils or there are specific issues e.g., safeguarding, concerns about the attainment or progress of vulnerable groups.

Schools may be placed on the SCC register for reasons other than an Ofsted inspection judgement of less than good, or the standards of performance of pupils at the school being unacceptably low and likely to remain so. A school's inclusion on the Local Authority's SCC register remains confidential to the schools involved, unless that school is issued with a Formal Warning Notice.

In maintained schools where a school has failed to make satisfactory progress, or the Local Authority has serious concerns in line with the statutory guidance it can issue a Formal Warning Notice.

The Local authority will work with the RD where they judge that a warning notice is necessary. Once it has been determined we will issue a warning notice to a maintained school, we will give the notice in writing to the governing body of the school. A Warning Notice will normally only be issued after the concerns had been fully discussed with the Governing Body, Head Teacher and, if appropriate the diocesan or foundation authorities and the concerns had not been addressed.



## The notice will set out:

- the matters on which their concerns are based
- the action the governing body is required to take in order to address the concerns raised
- the period within which the governing body must comply or secure compliance with that action (the compliance period)
- the action the local authority or RD 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

When a governing body has failed to comply with a warning notice to the satisfaction of the RD or local authority within the compliance period, and the issuing local authority or RD has given reasonable written notice that they propose to intervene, a school is eligible for intervention and further action may be taken.

## Categorisation:

All schools and settings across Walsall will be categorised according to their level of concern to the Local Authority.

For 2022-23 we are using 3 categories for our schools:

- **GREEN = no concern at this time.** This may well be due to a recent (within 3-4 yrs) Ofsted grading of Good or Outstanding. Schools in this category will be encouraged to be part of the delivery/sharing of good practice, support and challenge to other Local Authority schools.
- **AMBER = of low concern to the Local Authority.** This may be due to a high turnover of staff or dips in standards. It may be due to low attendance, high persistent absence and/or exclusions. Some vulnerable Good and RI schools will be automatically regarded as AMBER schools unless they are close to inspection and are high concern – where this is the case these will be categorised as RED schools.
- **RED = of high concern to the Local Authority.** These schools may have had significant changes of staff including senior leadership. The schools data may have declined rapidly or be historically below national. Governance at these schools may well be a concern. These schools may have significant problems with poor attendance, high persistent absence and/or exclusions. All Special Measures /Inadequate schools will be automatically be categorized as RED schools.

**Criteria for rating:** Please note that schools are regularly assessed using the information available to the Local Authority and the RAG will be amended to reflect the schools' circumstances at a specific time.

## **Progress and Impact Visit:**

If a school or setting is in Special Measures/Inadequate, Requires Improvement or has a Warning Notice it is automatically designated a School Causing Concern or Priority School and will therefore be eligible for a Progress and Impact visit and potentially a Team Around the School approach, which will be coordinated and quality assured by the Quality Assurance Team Manager.

The number of Progress and Impact visits will be dependent on each individual school or setting basis and need.

## **LA Maintained School Visits for 2023 onwards;**

- All Green schools to receive a 'keeping in touch' Challenge and Support Visit
- Amber school receive a targeted 'Challenge and Support' visit relating to their area(s) of concern.
- Red schools have up to 6 'Challenge and Support' visits per year and may also have team around the school meetings as required.

Priority Schools or settings are regularly reviewed and changed as circumstances change. A written record is made of all Progress and Impact visits and shared with the school or setting. The purpose of these meetings is to check on the progress the school is making, carry out monitoring, broker further support and interventions, lead key performance meetings and for schools to evidence the progress they are making and the impact on standards within the school.

Priority schools and settings are responsible for **leading and driving their own school improvement**.

## **Priority School/Settings Head Teachers are responsible for:**

- Leading and driving their school's improvement in the identified areas
- Providing the allocated associate with the information needed to secure a high-quality visit within agreed timeframes and before the meeting takes place.
- Ensuring that, where appropriate, other members of the leadership team and or Governing Body are available to provide an input into the visit.
- Agreeing the definitive report, with the allocated associate and sharing the report with the Chair of Governors, within agreed timeframes.

## **Timelines for submission of notes of visits:**

The visit report is an important record of improvement priorities which have been agreed between the allocated associate and the Head teacher and will usually contain recommendations for actions/support to move the school forward. Therefore, it is important that all key stakeholders are made aware of the outcomes of the visit as soon as possible.

- Report sent to Head teacher by the allocated associate to agree factual accuracy.
- Head teacher to return agreed report within 5 working days.
- Report sent to the Quality Assurance Team Manager electronically to upon receipt from school.
- Final report is retained in the school file by the Local Authority. All school visit forms will be subject to a quality assurance process by the school improvement team.
- School visit records may be used to provide evidence to Ofsted of school improvement activity.

## **Local Authority Schools Causing Concern Meetings:**

The Local Authority holds termly SCC meetings. During these meetings the group, which includes managers from across the education service and is chaired by the Head of Inclusion or the Schools Quality assurance Manager; focus on all aspects of a school's performance. Concern group and sharing the findings/reports from the Progress and Impact visits.

The group may consider *some* of the following where they apply to a particular school or setting:

- Little or no improvement in standards of attainment that are below average
- Wide gaps in progress and outcomes that are well below average for disadvantage and vulnerable groups (including SEND).
- High rates of pupil absence, persistent absence, fixed-term and permanent exclusions
- Safeguarding concerns
- Less than 80% good and outstanding teaching
- Weak governance
- High levels of parental concerns and complaints including those made to Ofsted
- Inadequate progress arising from HMI monitoring visits
- Rapid or significant reductions in pupil numbers
- Significant changes in staffing
- Financial deficit or financial mismanagement
- Reluctance to acknowledge concerns and address weaknesses
- Reported incidents to suggest there is a breakdown of leadership or governance.
- Notes of Progress and Impact visits which report poor progress and continued weak performance with little or no impact.

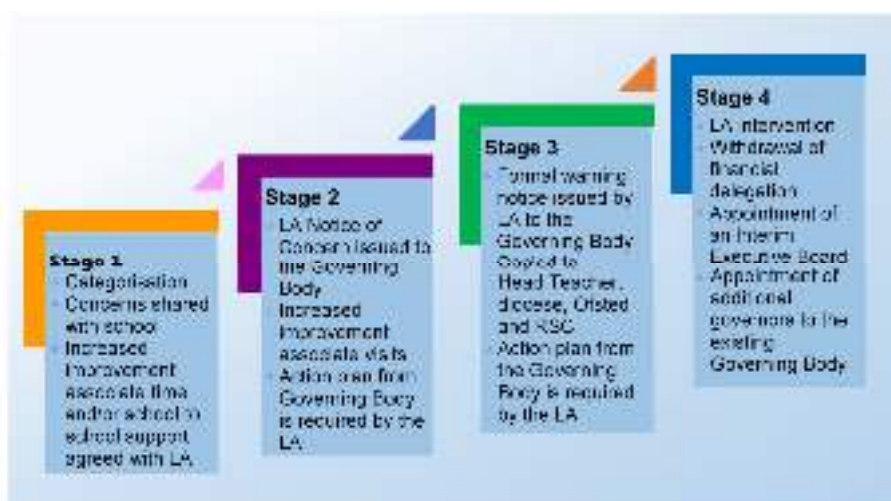
## Escalation and Intervention:

The Schools Causing Concern group will be the responsible body for the escalation and intervention process in relation to maintained schools.

The Local Authority will issue Local Notices of Concern (LNoC) or Performance Standards, Safety Warning Notices (PSSWN) to maintain schools if:

1. they do not engage in the quality assurance and challenge process
2. they engage in the quality assurance and challenge process but are not proven to be taking effective action in securing rapid and sustained progress
3. where there are safeguarding issues which may result in a PSSWN notice being issued in the first instance

### The Stages of Escalation: Action available to the Local Authority



At all stages the aim is to enable the school or setting to become self-improving and self-sustaining. It is an expectation therefore that the leadership of the school, within a reasonable time, is able to operate independently of support.

The Local Authority will maintain dialogue with schools and settings to evaluate progress achieved and communicate any continuing concerns.

Progress and Impact meetings are time sensitive. If sufficient progress is made, the Head Teacher and Chair of Governors is informed in writing. If progress is not evident and rapid improvement achieved, the Local Authority's response will be escalated to a more formal warning notice which is copied to the RD.

#### Stage 1

- a) Where a school has been identified as causing significant concern, the Head Teacher and Chair of Governors are invited to a meeting with the Local Authority to discuss and agree the schools plan to promote more rapid improvement.

Agreed actions are confirmed in writing.

b) Specific actions **may** include:

- arranging for a formal review of school effectiveness, or identified aspects such as the impact of leadership, governance, use of pupil premium, provision, teaching, learning and assessment
- creating a Rapid Recovery Plan with identified activity, development, milestones and impact measures
- skills and training needs or bespoke training, coaching and mentoring

## **Stage 2**

If insufficient progress has been made and concerns about performance continue, the Local Authority may issue a Notice of Concern which requires the school's Governing Body to create a Rapid Recovery Plan which is time sensitive.

## **Stage 3**

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. This section provides that either the Local Authority or the Secretary of State (and therefore RDs on behalf of the Secretary of State) may issue such a warning notice.
- Section 60A of the 2006 Act sets out the provisions relating to teachers' pay and conditions warning notices. This section provides that the Local Authority may issue such a warning notice.

It is expected that local authorities will use their powers to issue warning notices in the schools they maintain.

Such a warning notice may be given by a Local Authority in one of four circumstances:

1. the standards of performance of pupils at the school are unacceptably low and are likely to remain so; or
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); or

4. The governing body have failed to comply with a provision of an order under section 122 of the Education Act 2002 (teachers' pay and conditions) that applies to a teacher at the school; or have failed to secure that the head teacher of the school complies with such a provision.

#### **Stage 4: Formal powers and statutory interventions**

Failure to comply with a warning notice will make a maintained school 'eligible for intervention' under Sections 60 and 60A of the 2006 Act. Local authorities and RDs will use their discretion to decide whether the use of formal powers is necessary.

RDs will issue a warning notice on grounds other than low standards of pupil performance where, in the RD's opinion, it is appropriate to act. Examples of this may include where the local authority has failed to act swiftly enough in a specific case, has generally not acted swiftly or robustly enough in the past, or lacks capacity to act.

The Secretary of State's power to issue a warning notice takes precedence over the local authority's, so the RD can also act where the local authority issues a warning notice that the RD does not consider to be robust enough, or where the RD does not consider that the action required by a local authority warning notice is robust enough.

When a governing body has failed to comply with a warning notice to the satisfaction of the RD or local authority within the compliance period, and the issuing local authority or RD has given reasonable written notice that they propose to intervene, a school is eligible for intervention and further action may be taken<sup>3</sup>.

The local authority or RD must have specified in the warning notice what action they were minded to take if the governing body failed to comply.

The powers in sections 63, 64, 66 and 66A of the 2006 Act must be exercised within a period of two months following the end of the compliance period. If the local authority or the RD fails to exercise these powers within this time, these powers can no longer be exercised and a new warning notice must be given in order to do so.

From 1<sup>st</sup> September 2022, the Secretary of State will have a discretionary power to intervene in maintained schools that are coasting (not making necessary improvements).

RDs will only notify maintained schools that they have met the definition of a school that is coasting (not making necessary improvements) and have 2,3 or 4 consecutive Ofsted

---

<sup>3</sup> Section 60(1)(d) and 60A(1)(d) of the Education and Inspections Act 2006 as amended by the Education and Adoption Act 2016. Chapter 3 of this guidance explains the intervention powers in more detail. <sup>28</sup> These powers are as follows: Section 63 contains the power to require the governing body to enter into arrangements; Section 64 contains the power to appoint additional governors; Section 66 contains the power to suspend the delegated budget and Section 66A contains the Secretary of States power to require governing body to enter into arrangements.

judgments of less than Good if they have received their most recent Ofsted inspection under Section 5 of the Education Act 2005 since 01 May 2021.

Schools where there is a long-term history of underperformance (5 or more consecutive less than Good Ofsted judgments) will be notified that they have met the definition of a school that is coasting (not making necessary improvements) regardless of the date of their last Ofsted inspection.

From the autumn term 2022 the RD (acting on behalf of the Secretary of State) will send a letter to the governing body of an eligible maintained school that is not making necessary improvements notifying them that the school has met the new coasting definition.

The effect of this letter is that the school becomes eligible for intervention. The RD will set out in the notification letter the likely timescales for further communication. Letters will be copied to the local authority and, where relevant, the religious body.

When a school becomes eligible for intervention, the RD will assess the capacity of the school to achieve rapid and sustained improvements and whether intervention should be recommended to support the school to improve. The RD will consider the school's specific circumstances, including but not limited to:

- Inspection evidence relating to the school and its predecessor institutions, in particular, evidence concerning the quality of leadership and management, including both graded inspections under section 5 of the Education Act 2005, and monitoring inspections under section 8 of the Education Act 2005;
- the trajectory of school inspection outcomes and whether the RD has confidence that any initial improvements will continue without intervention;
- Performance data and other quantitative information, where it is available;
- The local context and any additional information provided by the school and Local Authority on receipt of notification of the school's eligibility for intervention (and, where relevant, information provided by the relevant religious body).

The RD will also consult the relevant local authority and in the case of a foundation or voluntary school, the trustees of the school, the person or persons who appoint the foundation governors, and (in the case of a school that has a religious character) the appropriate religious body. When considering the use of intervention powers in Church schools, the RD will continue to have regard to the Church memoranda of understanding.

***It is the Secretary of State's policy that all schools should be able to benefit from being part of a strong multi-academy trust.*** Therefore, there will be a presumption in

favour of issuing the maintained school with an academy order so that it may join a strong multi academy trust unless exceptional circumstances apply. The best course of action will always be informed by an assessment of the particular circumstances of the school, and the needs of its pupils.

There may be cases where the RD does not consider it necessary to issue an academy order to a maintained school not making necessary improvements. In each case, the particular circumstances of the school, and the needs of its pupils, will be assessed in the round, in order to establish the best course of action.

### **Maintained schools judged inadequate:**

The Secretary of State has a duty to make an Academy Order in respect of any maintained school that has been judged inadequate by Ofsted, to enable it to become an Academy and receive additional support from a sponsor.

The RD, acting on behalf of the Secretary of State, will take responsibility for ensuring that the maintained school becomes a sponsored Academy as swiftly as possible, including identifying the most suitable Academy trust and brokering the new relationship between that trust and the maintained school. The Local Authority will work to support the RD in the identification of a suitable solution wherever possible.

### **IN CONCLUSION**

The Local Authority works with ALL schools and settings where there is a need for accelerated improvement.

In partnership with Walsall schools and settings the Local Authority:

- encourages schools and settings that are good or outstanding to support other schools and develop capacity to bring about system wide and sustainable improvement across the borough.
- promotes the Family of School strategy across all Walsall establishments, where schools and settings formally collaborate to form stronger partnerships.
- promotes school to school support, placing this at the heart of system wide arrangements to help ensure a good school for every child in every cluster and locality.
- supports and challenges schools and settings to remain good or outstanding, and improve from Ofsted 'Requires Improvement' and 'Inadequate' judgments in the shortest possible time; and supports schools in responding to national policy changes and government initiatives.



## APPENDIX 1: LOCAL AUTHORITY CATEGORISATION

### Rationale

- I. Walsall Council (the Local Authority) is committed to improving educational outcomes for all its pupils. The Local Authority has powers to intervene where there are concerns about standards in maintained schools (and liaise with the Regional Director (RD) where we have concerns about an Academy of Free school). This categorisation process sets out how, working together with all maintained schools, we aim to identify, support and challenge schools about which we have concerns.
- II. The categorisation of schools is a key element of the quality assurance process. The Local Authority follows DfE *schools of concern* guidance when intervening in an underperforming school. You can access this document using the link below:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1111085/FINAL\\_FOR\\_PUBLICATION-Schools\\_Causing\\_Concern\\_Guidance\\_Update\\_Representations\\_edit\\_2 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1111085/FINAL_FOR_PUBLICATION-Schools_Causing_Concern_Guidance_Update_Representations_edit_2.pdf)
- III. We use a range of performance and soft intelligence data to categorise each school or setting. We also consider the historical performance of the school to inform the process and the experience and strength of the leadership and management of the school (including Governance), stability of staffing, whether the school is due inspection or has recently been inspected.
- IV. Categorisation will be reviewed on at least an annual basis, but the Local Authority may review and amend a school or settings category at any point within the year, should additional information warrant this

### Assessment of school and settings safeguarding policies and procedures

The following intelligence will be also used to assess the resilience of each school's policies and procedures:

- the self-evaluation audit
- the outcome of any investigation(s) following complaints to Ofsted about safeguarding issues at a school; and
- any concerns raised by Walsall officers – for example, social workers, education welfare officers etc.

## SCHOOL IMPROVEMENT SUPPORT FOR MAINTAINED SCHOOLS

Category	Local Authority: Proposed Action	School: Proposed Action
<b>GREEN</b>	<ul style="list-style-type: none"> <li>- Participate in Ofsted Section 5 (graded) and section 8 (ungraded) inspections.</li> <li>- Broker support where appropriate.</li> <li>- Make recommendations for re-categorisation where appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>- Consider entering formal arrangements to support other schools. (Family of Schools Strategy)</li> <li>- Be able to provide rigorous and reliable evidence to support its self-evaluation.</li> <li>- Lead in school level work.</li> <li>- Lead in locality level work.</li> </ul>
<b>AMBER</b>	<ul style="list-style-type: none"> <li>- Participate in Ofsted Section 5 (graded) and section 8 (ungraded) inspections.</li> <li>- Broker support where appropriate.</li> <li>- Where required, look at Governance arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>- Respond to any areas of concern identified and gather evidence to demonstrate improvement.</li> <li>- Participate in school level work.</li> <li>- Participate in locality level work.</li> </ul>
<b>RED</b>	<ul style="list-style-type: none"> <li>- Participate in Ofsted Section 5 (graded) and section 8 (ungraded) inspections.</li> <li>- Broker support where appropriate.</li> <li>- Make recommendations for re-categorisation and /or escalation.</li> <li>- Where appropriate issue NoC or PSSWN.</li> <li>- Where required, look at Governance arrangements.</li> <li>- Make recommendations to the DfE or RD where relevant.</li> <li>- Work with the RD in regards to Direct Academy Orders and solutions.</li> <li>- Use formal powers of intervention where appropriate</li> </ul>	<ul style="list-style-type: none"> <li>- Produce, deliver and evaluate Rapid Recovery Plan in a timely manner.</li> <li>- Explore structural options to improve leadership.</li> <li>- Participate in school level work.</li> <li>- Participate in locality level work.</li> </ul>

## APPENDIX 2: CATEGORSATION LETTER

To the Chair of Governors and Headteacher/Principal

CC Chief Executive of the Trust/Diocesan Board/RD (where appropriate)

ADDRESS

DATE:

Dear **INSERT**

### School and Setting Categorisation Letter

Walsall Council is committed to improving educational outcomes for all children and young people across the borough. Our, 'Protocol for Monitoring, Challenge, Support & Intervention in Schools', sets out our ambition to secure excellence in all our schools.

Working together, we can enable all children and young people achieve their full potential in a climate of mutual trust and transparency. As such, we are setting out our arrangements for school challenge, support and intervention based on a professional dialogue. This will ensure that school improvement support and challenge is targeted to those schools that are most in need.

We have completed an annual analysis for each school, leading to a categorisation based on the level of concern regarding pupil outcomes, performance and standards. This letter notifies of your current categorisation for the start of the academic year.

We trust this will be helpful to inform both your discussions as a school leadership team and as a basis for our collaboration with you to deliver school improvement. Further details on the data and intelligence underpinning the categorisation are set out in our, 'Protocol for Monitoring, Challenge, Support & Intervention in Schools'.

Your schools is currently categorised for the academic year **xxxxxx** as (DELETE AS APPROPRIATE):

- **GREEN** – This means that your school will be supported by the school improvement team in good practice sharing. If a GREEN school is notified of inspection this term please contact the Quality Assurance Team Manager who will provide support during your inspection.
- **AMBER** – This means that a school improvement associate may contact you shortly to concerning the priority visit/s you will receive this year.
- **RED** – This means that a school improvement associate will contact you shortly to concerning the priority visit/s you will receive this year.

The headline reasons for this categorisation are:

### Development Areas: (SAMPLE)

- Ofsted XXX
- Attendance XXX
- Exclusions XXX

Categorisation allows the Local Authority to differentiate and target our engagement with schools and secure the biggest impact for the benefit of pupils.

Categorisation is reviewed on at least an annual basis and the Local Authority will amend a school's category at any point where there is sufficient evidence to do so or where the Local Authority is alerted to circumstances that have changed significantly enough to impact on pupils, particular in regard to safeguarding matters.

*Optional depending on RAG*

*Due to your school having not been graded as a green setting at this time, we would welcome your response to your current categorisation. Please contact Nick Perks [nick.perks@walsall.gov.uk](mailto:nick.perks@walsall.gov.uk) - Tel: 07944 279911 to discuss this mater in more depth or arrange a school visit.*

I very much look forward to working with you over the coming year and wish you continued success in your school's improvement.

Yours sincerely

Sharon Kelly

Director for Access & Inclusion

## APPENDIX 3: SAMPLE LOCAL AUTHORITY NOTICE OF CONCERN LETTER

Recorded Delivery

Private & Confidential

DETAILS

My ref: XXXXXXXX

Date: XXXXXXXX

Dear NAME

SCHOOL NAME

Notice of Local Authority Concern

As you will know, the Local Authority has statutory responsibilities to ensure that schools meet or exceed required standards, thereby providing good or outstanding education for all of our pupils.

As part of Walsall Local Authority's Schools Causing Concern Protocol, your school has been identified as currently causing concern. The reasons for this are:

- The inconsistency in performance information over time
- The outcome of the recent review commissioned by the school
- Vulnerability to an adverse Ofsted inspection outcome

As a result of the concern, I am issuing your school with a Notice of Local Authority Concern.

I would like to invite you, your Vice Chair of Governors and your headteacher to a meeting to discuss the implications of this Notice. During this meeting, actions to bring about rapid school improvement will be discussed. Should rapid improvement not be evident within the agreed timescale, I need to make you aware that escalation is to issue your school with a Performance Standards and Safety Warning Notice, as set out in Section 60 of the 2006 Education and Inspections Act.

Such an intervention enables the Local Authority to exercise powers, including a requirement for the Governing Body to enter into specified arrangements with a view to improving the performance of the school; appointment of additional governors; suspension of your delegated budget; appointment of an Interim Executive Board (IEB). The Warning Notice will also be

forwarded to Ofsted and is likely to trigger an inspection.

I hope that it will not be necessary to issue a Performance Standards and Safety Warning Notice and that improvements, can be made through this Local Notice of Concern. Please be assured that colleagues will continue to work with your school to help support the required school improvement action and we can discuss this more fully at our upcoming meeting.

The meeting has been arranged for, DATE where it is intended that expectations and timeframes for action will be agreed. The meeting will take place in my office at the above address, a map is attached.

Please contact a member of the school improvement administration team on XXXXXXXX email XXXXXXXXXXXXXXXX to confirm your attendance.

Yours sincerely

Sharon Kelly

Director for Access & Inclusion

**APPENDIX 4: SAMPLE PERFORMANCE STANDARDS AND SAFETY  
WARNING NOTICE**

Address

**WARNING NOTICE TO XXXXXXXXXXXXXXXX**

**DATE OF ISSUE – XXXXXXXXX**

**FOR THE ATTENTION OF THE CHAIR OF THE GOVERNING BODY**

Dear XXXXXXXXXXXXXXXX,

As I am sure you are aware, the Local Authority has statutory responsibility to ensure that schools meet or exceed required standards, thereby providing good or outstanding education for all of our pupils.

We have been monitoring the progress of XXXXXXXXXXXXXXXX for a number of months given the Ofsted judgement in XXXXXXXXX. It is our belief that the school needs to undertake more rapid strategic improvement to ensure that there is expected progress against the Post Ofsted Action Plan.

Therefore pursuant to section to Section 60 of the Education and Inspections Act 2006 and referred to in the document:-

‘Schools causing concern: guidance for local authorities and RDs’, published by the Department for Education, which can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1111085/FINAL FOR PUBLICATION-Schools Causing Concern Guidance Update Representations edit 2 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1111085/FINAL_FOR_PUBLICATION-Schools_Causing_Concern_Guidance_Update_Representations_edit_2_.pdf)

The Council, has decided to issue a Performance Standards and Safety Warning Notice (PSSWN) to your Governing Body.

**1. The matters on which the conclusion mentioned above is based, are as follows:-**

- the standards of performance of pupils at the school are unacceptably low and are likely to remain so<sup>4</sup>
- 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

---

<sup>4</sup> Low performance standards are explained in further detail in Section 60(3) of the Education and Inspections 2006 Act

- the safety of pupils or staff at the school is threatened (whether by a breakdown of discipline or otherwise).

## 2. The action which the Governing Body is required to take in order to remedy those matters

The action which the Governing Body is required to take is to ensure you have a sufficient plan and necessary capacity to bring about improvement.

We will need to see an action plan that clearly identifies your improvement strategies in order to address the concerns raised above.

- (i) Review the suitability, sufficiency appropriateness of support in order to agree a Service Level Agreement to act upon the issues raised above.
- (ii) In conjunction with the Headteacher identify the core entitlement of the Local Authority's support and Challenge Toolkit which the school must now fully utilise along with any additional options that are required for the following academic year.
- (iii) Provide a detailed and robust action plan with success criteria and impact milestones that is quality assured to be sufficient, rigorous and credible to bring about the necessary improvement of the school within an agreed timeframe.
- (iv) Provide evidence of how the Governing Body will robustly monitor and evaluate progress against the above action plan and any key issues highlighted in future reports including Ofsted inspection. The evidence should include an impact assessment of the actions taken by the Governing Board in response to sections 3 to 6 of the External Review of Governance carried out in XXXXXXXX.

## 3. Timescale for compliance with this Warning Notice

The period within which the Governing Body must comply or secure compliance with the above actions (the compliance period) is 15 working days from the date of the Warning Notice is given.

- The end date of compliance is **XXXXXXXXXXXX**

**Please send your response to:**

- Email: **XXXXXXXXXXXXXXXX**
- Post: **XXXXXXXXXXXXXXXX**

## 4. The action which the Council is minded to take if the Governing Body fail to take the required action

If the Governing Body fails to comply, or secure compliance, with this Warning Notice to the Council's satisfaction by the end of the compliance period, we will consider whether to use the intervention powers set out under sections 63-66 of the Education and inspections Act 2006, namely:

- Section 63 – power to require Governing Body to enter into arrangements
- Section 64 – power to appoint additional governors
- Section 65 – power to appoint an Interim Executive Board
- Section 66 – power to suspend right to a delegated budget.

If the Council, is satisfied with the information you provide and is reassured about the plans in place to achieve the required improvements, we will not take any further action (unless circumstances change) until it is has been possible to reflect on your school's performance based on 20XX results.



We are also sending a copy of the Notice to the Headteacher of the school and to Ofsted.

If you wish to discuss this please contact [XXXXXXXXXXXXXXXXXX](#).

Yours sincerely,

Sharon Kelly

Director for Access & Inclusion

